



**LAWS**  
**OF THE**  
**STATE OF DELAWARE**

**PASSED AT A**

**Special Session Of The**  
**One Hundred and Fourth**  
**General Assembly**

**COMMENCED AND HELD AT DOVER**

**On Tuesday, November 15, A. D.**

**1932**

**AND**

**IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES**  
**THE ONE HUNDRED AND FIFTY-SEVENTH**

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**VOLUME XXXVIII-PART I**

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**J. LAURANCE BANKS, INCORPORATED**  
**WILMINGTON, DELAWARE**

**1933**



# LAWS of DELAWARE

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## TITLE SIX

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### State Officers and Commissions

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#### CHAPTER 1

#### P A R T 1

**AN ACT to Relieve the People of the State from the Hardships and Suffering caused by Unemployment, creating and organizing for such purpose a Temporary Emergency Relief Commission, prescribing its powers and duties, making an appropriation for its work, supplying deficiencies in the General Fund of the State by directing the payment of the proceeds of Corporation Franchise Taxes into the General Fund, and authorizing the State Highway Department to perform work as an independent contractor for the purpose of providing relief hereby contemplated.**

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

**Section 1. Declaration of Emergency.** That the public health and safety of the state and of each county, city and town therein are imperilled by the existing and threatened deprivation of a considerable number of their inhabitants of the necessities of life, owing to the present economic depression and the long continued abnormal degree of unemployment resulting therefrom. Such condition is hereby declared to be a matter of public concern, state and local, and the correction thereof to be a state, county, city and town purpose, the consummation of which re-



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quires the furnishing of public aid to individuals. While the duty of providing aid for those in need, because of involuntary unemployment or for other reasons, is primarily an obligation of the local communities, nevertheless, it is the finding of the state that in the existing emergency the relief and assistance provided for by this act are vitally necessary to supplement the relief work accomplished or to be accomplished locally and to encourage and stimulate local effort in the same direction. This act, therefore, is declared to be a measure for the public health and safety and occasioned by an existing emergency. The provisions of any general, special or local law which are inconsistent with this act or which limit or forbid the furnishing of such assistance as is provided by this act to such persons as are permitted by this act to receive the same shall not apply to the relief authorized by this act.

**Section 2. Definitions.** That as used in this act the following words and phrases shall have the meanings respectively ascribed to them in this section, viz:

"Commission" means the temporary state agency created by this act, to be known as the temporary emergency relief commission:

"Relief director" means the respective members of the administration who are designated by the Commission at the time of their appointment as Relief Directors for the City of Wilmington, rural New Castle County, Kent County and Sussex County:

"County committee" means the committee provided by this act to be created in each county of the state to cooperate with the relief director of the county in the performance of his duties under the supervision of the commission:

"Work relief" means wages paid by or under the supervision of the commission to persons who are needy and involuntarily unemployed or whose employment is inadequate to provide the necessities of life for themselves and their dependents, from

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money appropriated by this act or contributed under the provisions of this act, for the performance of services or labor connected with work undertaken by or under the supervision of the commission:

"Direct relief" means food, shelter, clothing, fuel, light and other absolute necessities furnished under the provisions of this act, by or under the supervision of the commission, to needy persons or their dependents in their abode or habitation whenever possible:

"Emergency period" means the period between the first day of November, nineteen hundred thirty-two, and the thirty-first day of October, nineteen hundred thirty-three, or such extension of such period as may be made by the Governor under the authority of this act or by the General Assembly, or such shorter period as may be fixed by the Governor by his termination of the existence of the commission on thirty days' notice in accordance with the provisions of this act.

**Section 3. Administrative Authority.** The administration of the emergency relief provided by this act shall be vested in a temporary state agency, to be known as the Temporary Emergency Relief Commission, to consist of eight members to be appointed by the Governor from the citizens of the State of Delaware at large, each county of the state to be represented on said commission, and the members of said commission at all times to be equally divided between the two principal political parties in this state and to serve not beyond the thirty-first day of October, nineteen hundred thirty-three, unless specifically authorized by the Governor to serve for a specified longer period that shall not extend beyond the thirtieth day of April, nineteen hundred thirty-four. The said commission shall designate four of its members as Relief Directors, one of whom shall be a resident of and shall be designated as Relief Director in and for the City of Wilmington; one of whom shall be a resident of, and shall be designated as Relief Director in and for rural New Castle County; one of

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whom shall be a resident of, and shall be designated as Relief Director in and for Kent County; one of whom shall be a resident of, and shall be designated as Relief Director in and for Sussex County, but not more than two of whom shall be members of the same political party. Any vacancy occurring for any cause among any of the members of the commission shall be filled by appointment by the Governor upon the recommendation of the remaining members of the commission of the political party to which the member causing the vacancy belonged. The commission shall organize immediately upon the appointment of its full membership by the election from its members at large of a Chairman, a Vice-Chairman, and a Secretary-Treasurer who shall perform the ordinary duties of both a secretary and a treasurer. It shall, at its meeting for organization, select a place within the state for the establishment of its central office. If suitable space should be available in a building owned or controlled by the state in such place, the custodian of such building shall on request of the commission assign such space for the use of the commission for its central office. If no such space be available the commission may rent suitable space for its central office by a lease terminable on thirty days' notice. The commission may employ and at pleasure remove an assistant secretary and such other clerical assistance in the central office as it may deem necessary and may fix the compensation of all such employees. The total expenses of the central office for the emergency period, however, including the actual and necessary traveling and other expenses incurred by the members of the commission shall not exceed the sum of Twenty-five Thousand Dollars, unless such sum be hereafter increased by the General Assembly by reason of an extension by that body of the emergency period. Each member of the commission, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office and file the same in the office of the Secretary of State. The members of the commission shall receive no compensation for their services hereunder but shall be allowed their actual and necessary traveling and other expenses incurred by them in the performance of their duties. The commission shall continue to function only during the emergency period, except that it may complete projects for furnishing

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work relief begun prior to the expiration of such period and may complete the accounting of its administration of the emergency relief provided by this act.

**Section 4. Nature of Relief Provided.** The emergency relief provided by this act shall be confined to work relief and direct relief. No money shall be paid to any person for direct relief and no money shall be paid to any person for work relief except in the form of day's wages for day's work or hour's wages for hour's work. The payment of any money to any person in the form of a dole is hereby prohibited. All work relief payable under this act shall be inalienable by assignment or transfer and shall be exempt from levy and execution under the laws of this state.

**Section 5. Plans for Relief and Method of Providing Work Relief.** The commission shall study the report made to the Governor, under date of September thirtieth, nineteen hundred thirty-two, by the "Unemployment Relief Commission" and such other sources of information with respect to the needs for public relief within this state as may be available and shall as soon as possible after its organization, and from time to time thereafter, formulate plans for furnishing work relief and direct relief to meet the needs of the several counties of the state. To provide work relief where needed, the commission may undertake and complete any work of a public nature useful to be done either for the state, or any political sub-division or agency thereof, or any institution supported wholly or partly by the state, provided such work is not otherwise contemplated to be done, does not interfere or conflict with the duties of any other department, agency or political subdivision of the state, does not include the erection or reconstruction of, or any additions to any public buildings, and is consented to by the governing authority of any political subdivision of the state whose consent is necessary to be obtained. Any such work undertaken by the commission must be of a character that will require a high percentage of wage cost to total cost and will require exclusively hand labor so nearly as possible. To provide such work, the commission may become a sub-contract-

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tor or an assignee of a general highway contractor within this State, and, to perform such work, may act in either such capacity even though such sub-contract or assignment will result in a loss to the commission. All money received by the commission from any such sub-contract or assignment shall be deposited in the state treasury and shall be considered and disposed of as a part of the money appropriated by this act.

**Section 6. Duties of Relief Directors and County Committees.** The general direction and control of the furnishing of the emergency relief provided by this act in each of the counties of the state shall be confided to the relief director for the county, under the supervision of the commission. Each relief director shall receive from, or upon authorization of, the commission all state funds and funds otherwise contributed to the commission for the emergency relief provided by this act that are allocated by the commission to his county and shall disburse the same in his county for such work relief and direct relief as shall have been approved by the commission and in such manner as shall be in accordance with the provisions of this act and with such rules as shall be made by the commission under the authority of this act. Each relief director shall also establish necessary office facilities in his county for the administration therein of the emergency relief provided by this act and shall employ such assistants and purchase such office furniture and supplies as may be necessary to carry out the purposes of the act, all under the supervision of the commission. The expense of such office facilities, furniture, supplies and assistants in each county shall not exceed per month such amount as the commission shall from time to time determine. It shall be the duty of each relief director to establish an effective system of investigation and to employ a suitable number of investigators and checkers to detect imposters and to prevent furnishing work relief or direct relief to those not eligible to receive it under this act. But no relief director shall be held personally liable for impositions, or for the furnishing of work relief or direct relief to those not eligible to receive it, except such as may be due to his gross carelessness or wilful neglect in the per-

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formance of his duties. Each relief director shall organize in his county a county committee to be composed of the members of the citizens' relief committees now in existence in the several incorporated cities and towns of the county and such citizens' committees as may hereafter be appointed, in cities and towns in which no such committees now exist, by the chief executive officers of such cities and towns, respectively, at the request of such relief directors, and such county committee shall also contain such number of members, to be appointed by the relief director from the county outside of incorporated cities and towns, as the relief director may from time to time deem necessary. The functions and duties of the county committee in each county shall be to raise by subscription within the county the sum of money which is hereinafter required to be furnished by each county, or the people thereof, in order that the commission may be empowered to disburse for direct relief in the county any part of the money hereby appropriated for the emergency relief provided by this act; and also to cooperate and advise with the relief director of the county with respect to any matter or thing concerning which he may from time to time request their cooperation and advice in connection with the administration in the county of the emergency relief provided by this act. Neither the relief directors nor members of county committees shall receive any compensation for their services. The necessary expenses of relief directors shall be considered as expenses incurred by them as members of the commission. No expenses of county committees, or the members thereof, if any such expenses should be incurred, shall be paid out of any money appropriated by this act or out of any money contributed to the commission, under the provision of this act, from the counties respectively.

**Section 7. Eligibility for Relief.** In furnishing work relief and/or direct relief under this act no discrimination shall be made against any applicant on the grounds of race, color, religious belief, or political affiliation. No such relief shall be furnished except to persons who are in actual need and who are involuntarily out of employment yet capable and willing to work, or whose

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employment is not sufficiently remunerative to provide the necessities of life for themselves and their dependents, and who have been residents of the state for at least one year immediately prior to their applications for relief. The following classes of persons shall not be eligible for relief under this act, viz.,—those who receive old age pensions from the state; those who receive Mothers' Aid from the state; those who are listed in the State Tax Office as physically or mentally incapacitated from earning a living; those who are incapable of undertaking any regular work; those who have never been regularly employed and have been in whole or in part charges upon the community; those who are provided for by law, private charity or otherwise.

**Section 8. Rules.** The commission shall make and enforce rules, in accordance and consonance with the provisions of this act, which will best promote the efficiency and effectiveness of the relief which this act is intended to furnish. None of the money appropriated or provided for by this act shall be expended or allowed except in accordance with such rules. A certified copy of such rules shall be filed in the office of the Secretary of State, a copy thereof shall be sent to each member of the county committees of the several counties, a copy shall be posted in each of at least five public places in each county, and the rules shall be published three times in a daily newspaper published in and having a general circulation throughout the state. The rules so made, certified, filed, posted and published shall have the force and effect of law.

**Section 9. Relating to the Furnishing of Relief.** For the purpose of furnishing work relief where needed, the commission shall be empowered to purchase, or authorize the purchase, of all such tools, materials and/or supplies as may be necessary for the completion of the work undertaken by the commission and, whenever deemed necessary, to provide compensation insurance for persons employed. Upon the termination of the emergency period and the completion of all work undertaken by the commission for the purpose of furnishing work relief under the provisions of this

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act, the commission shall deliver all tools acquired hereunder and all unused materials and supplies to the Chief Engineer of the State Highway Department of the state for use by that department. In purchasing such tools, materials and/or supplies, as well as in purchasing or authorizing the purchase, by orders issued for that purpose or otherwise, of goods, wares, merchandise or other commodities or services for the purpose of furnishing direct relief, the commission shall, in so far as practicable, make purchases from merchants of this state and confine its purchases to products of this state. In furnishing work relief the wages paid shall be so nearly as possible at the full current rate, in the community in which they are paid, for similar tasks and such wages shall be paid weekly in cash or by check.

**Section 10. Contributions.** Contributions may be received or obtained by the Commission or by the Relief Directors from any source whatsoever and the same may be used in and credited to his district subject as above stated, to the supervision and control of the Commission, unless the donor thereof otherwise so express. None of the public money of the state appropriated by this act for the emergency relief provided by this act shall be furnished or used for direct relief in any county of the state unless the county committee of such county contributes to the commission in money each month an amount equal to twenty per centum of the whole amount of money furnished by the commission for direct relief in the county during such month; and none of such money of the state appropriated by this act shall be furnished for direct relief in any county during any month when the county committee for the county shall be in default in its obligation to contribute, as hereinabove provided, for the next preceding month. For the first month or fraction of a month of operation under this act, the commission may, if necessary, estimate the amount of the contribution to be made by each county committee, under the provisions of this act, and thereafter the contribution for such period shall be correctly adjusted. All contributions of money made to the commission by others than county committees shall be credited by the commission to the



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county committees, respectively, of the counties in which the respective donors reside or are located, for the purpose of determining whether the county committees have made the contributions hereby required as conditions precedent to the furnishing of direct relief under the provisions of this act in the counties respectively. All contributions of money made to the commission shall be deposited in the state treasury, shall be added to the money appropriated by this act and shall be paid out by the State Treasurer as is hereinafter provided with respect to the money of the state appropriated by this act. The commission shall be authorized at any time to use, for the purpose of furnishing direct relief in any county, money contributed to it from the county in which it is used, regardless of whether or not the amount so used exceeds for the month in which it is used the twenty per centum required by this act. Upon the termination of the emergency period all money contributed hereunder and remaining undistributed for relief hereunder shall be paid over by the State Treasurer upon the authorization of the commission to the county committees, respectively, of the counties from which such money was contributed. In addition to contributions of money, the commission shall be authorized to receive contributions of office space, office furniture, supplies, food, clothing, and all other goods, wares and merchandise and personal or other services useful in furnishing the emergency relief provided by this act and to make use of the same, in the commission's discretion, in carrying out the purposes of this act. Contributions of things, other than money, when accepted by direction and consent of the commission, may be credited to the twenty per centum hereinabove referred to at such amount as a majority of the whole commission shall determine based upon the current market price of the commodity or article offered and accepted. Upon the termination of the emergency period all contributions of other things than money, remaining undisposed of under the provisions of this act, shall be sold by the commission and the proceeds paid over to the county committees, respectively, of the counties from which the contributions sold were contributed.

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**Section 11. Records, Accounts and Reports.** The commission and the relief directors shall keep true and accurate accounts of all money, and of all contributions of other things than money, received and accepted under the provisions of this act, including money provided by the state hereunder and contributions of money received from others, and also of all expenditures made; and shall also keep faithful records of their acts and proceedings hereunder. Such accounts and records shall be audited at regular periods by a certified public accountant selected by the Governor, who shall report directly to him and shall also send a copy of his reports to the Auditor of Accounts of the state. The commission shall make interim reports to the Governor, from time to time, if called upon by the Governor so to do.

**Section 12. Blank Forms.** The commission shall prescribe and furnish such forms of records, accounts, reports, applications and other forms as it may deem advisable for the proper enforcement and administration of the provisions of this act.

**Section 13. General Powers of Administration.** In carrying out any of the provisions of this act, the commission, and any person duly authorized or designated by it, may conduct any investigation pertinent or material to the furtherance of its work. The commission and each person so authorized is hereby empowered to subpoena witnesses, administer oaths, take testimony and compel the production of such books, papers, records and documents as may be relevant to any such investigation. Subpoenas shall be served by the Sheriffs of the counties in which the witnesses reside. The commission shall have and may exercise such other powers as may be necessary to carry out the provisions of this act, including the power to call upon any Department of the state government for information deemed by the commission to be relevant to the performance of its duties hereunder, and every such Department is hereby authorized and directed to furnish such information to the commission, or its duly authorized representative, upon request.

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**Section 14. Dissolution of Commission on Completion of Work.** The commission shall be dissolved and cease to function upon the termination of the emergency period or so soon thereafter as it shall have completed all work previously undertaken for the purpose of furnishing work relief and settled its obligations and completed its records and accounts. Upon such dissolution all unexpended money of the State hereby appropriated for the purpose of furnishing the emergency relief provided by this act shall fall into and become a part of the general fund of the state and shall be so credited; and all other money then deposited in the State treasury under the provisions of this act shall be disposed of as elsewhere herein provided; likewise all tools, materials, supplies and other property remaining unconsumed and directly or indirectly in the physical possession and control of the commission shall be disposed of as elsewhere herein provided. The commission shall require such final reports from relief directors and county committees as it shall deem necessary and shall, after receipt and audit of such reports, make its own full and final report to the Governor of its administration of the emergency relief provided by this act and of its acts and doings hereunder, and shall at the same time deliver to the Secretary of State all its books, papers, files, records and documents, which shall be preserved in the office of the Secretary of State.

**Section 15. Liberal Construction.** This act shall be liberally construed to the end that the work of the commission shall be consummated as equitably and expeditiously as practicable.

**Section 16. Violations and Penalties.** A violation of any of the provisions of this act or of any rule of the commission, subsequent to the certification, filing, posting and publishing of such rule as provided herein, shall constitute a misdemeanor and shall be punishable by a fine of not less than one hundred dollars or more than one thousand dollars or by imprisonment for not more than one year or by both such fine and imprisonment. The penalties prescribed by this Section shall not be exclusive, and if a rule

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be not obeyed, the commission, by the exercise of any power conferred by this act, may carry out its provisions.

**Section 17. Inconsistent Statutory Powers or Duties.** If a statute, general or special, or any local law or ordinance confers a power, prescribes a duty, or imposes a restriction inconsistent with this act or with a rule of the commission made pursuant to this act, such power shall not be exercised or such duty or restriction enforced during the emergency period.

**Section 18. Appropriation for Emergency Relief.** The sum of Two Million Dollars (\$2,000,000.00), or so much thereof as may be needed, is hereby appropriated out of the general fund of the State for the purposes of this act, One Million Dollars thereof shall be available for use immediately upon the approval of this Act, and the remainder thereof, being One Million Dollars, shall be available for use on the first day of April, A. D. 1933, and the proceeds of the Franchise Tax, as established by Article 8, Chapter 6, of the Revised Code of Delaware, and assessed and collected thereunder for the use of the state, shall be paid by the State Tax Department to the State Treasurer to be by him deposited in the general fund of the state, until the aggregate of such payments shall amount to the sum of One Million Dollars (\$1,000,000.00), whereupon the State Treasurer shall certify the fact to the State Tax Department, and upon such certification, the State Tax Department shall pay said franchise tax to the State Treasurer to be used by the State Board of Education as is now provided by 105, Section 68, Chapter 6, Volume 36, Laws of Delaware. The provisions of 105, Section 68, Chapter 6, Volume 36, Laws of Delaware, and the provisions of paragraph numbered 4, Section 58, Article XIII, Chapter 160, Volume 32, Laws of Delaware and all other acts, insofar as they may relate to and are in conflict with the payment of the proceeds of the franchise tax by the State Tax Department to the State Treasurer to be by him deposited in the general fund as hereinbefore provided are declared to be and are hereby suspended until the State Treasurer shall have certified to the State Tax Department that the sum of one million dollars (\$1,000,000.00) has been deposited by him in the general fund as herein-

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above provided ; and, upon such certification, the said above mentioned provisions of said acts, so as aforesaid declared to be suspended, shall again be in full force, operation and effect.

**Section 19. Additional Work Relief.** For the purpose of furnishing work relief in addition to that hereinabove provided for, the State Highway Department of this state is hereby authorized and empowered to execute and perform as an independent contractor the work of clearing, grubbing, grading, planting trees and drainage incident to the acquisition, construction and improvement of State Highways, provided, however, that only such persons shall be employed on such work as are certified to the State Highway Department by the relief director of the City of Wilmington, or of rural New Castle County, or of Kent County, or of Sussex County, in whose jurisdiction such work is done and such persons shall be employed only for such periods of time as the said relief director shall certify, but this provision shall in no wise prevent the employment of private contractors for such work, provided, however, that the commission shall first approve the names of the persons to be employed either by said State Highway Department or said private contractors and shall determine the duration of time during which said employment shall continue. The powers hereby conferred shall be in addition to and not in limitation of the powers heretofore conferred by law upon the State Highway Department and the powers hereby conferred shall cease upon the termination of the emergency period.

**Section 20. Constitutionality.** If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 21. Time of Taking Effect.** This act shall take effect immediately.

Approved December 1, 1932.

# TITLE NINE

## Building and Loan Associations

### CHAPTER 2

**AN ACT to Amend an Act Entitled "An Act in Relation to Building and Loan Associations and Regulating the Business of such Associations", Being Chapter 107, Volume 32, Laws of Delaware, as Amended.**

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

Section 1. That Section 7 of Chapter 107, Volume 32 Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of the said Section 7, as amended, and inserting in lieu thereof the following:

Section 7. The funds of a Building and Loan Association existing under the laws of this State shall not be invested in any corporation stocks, provided that nothing herein contained shall prevent a Building and Loan Association from purchasing and acquiring stock in the Federal Home Loan Bank under the provisions of the Act of Congress known as the Federal Home Loan Bank Act; provided, further that nothing herein contained shall prevent a Building and Loan Association from acquiring any corporation stock to secure itself against loss of money owing to it by any borrower. Such stock so acquired under the last preceding clause shall be sold within sixty days after the State Bank Commissioner shall direct.

It shall be lawful for any Building and Loan Association heretofore or hereafter incorporated under the laws of this State to become a member of the Federal Home Loan Bank, organized or to be organized in the District in which such Building and Loan Association is located, under the provisions of the Act of Congress known as the Federal Home Loan Bank Act, approved July 22, A. D. One Thousand Nine Hundred and Thirty-Two, and such Building and Loan Association may subscribe for, purchase, hold and surrender, from time to time, such amounts of the

## BUILDING AND LOAN ASSOCIATIONS

capital stock of such Federal Home Loan Bank as such Building and Loan Association may deem advisable, or as may be required under said Federal Home Loan Bank Act, or any Amendment thereof, in order to obtain and continue such membership, and upon the purchase of such stock to assume the liabilities and become entitled to the benefits recited in said Federal Home Loan Bank Act.

Any Building and Loan Association doing business within the bounds of this State may borrow money and secure the same by the issuance of certificates of indebtedness or other corporate obligations, provided that the amount borrowed shall not at any time exceed, in the aggregate, thirty per cent of the dues actually paid in on the shares of the Association and shall not bear a higher rate of interest than Six Per Cent per annum.

Any Building and Loan Association doing business within the bounds of this State may secure advances from the Federal Home Loan Bank by the assignment or pledge of any mortgage, mortgages, or other assets, held by such Building and Loan Association and such Building and Loan Association is hereby authorized in securing said advances to comply with such regulations, restrictions and limitations as the Board of the Federal Home Loan Bank may prescribe.

No more than fifty per centum (50%) of the paid in dues of any Building and Loan Association doing business within the boundaries of this State shall be loaned on real estate security on other than first liens.

Approved November 22, 1932.

## CHAPTER 3

## RESOLUTIONS

WHEREAS, the members of the General Assembly of the State of Delaware have been informed by communication from the Governor of the State of Delaware that the situation in so far as direct relief is concerned in the Wilmington area is very tense and that the time has come for immediate action relating thereto, as the relief units of the Mayor's Committee have been forced to close operations because many merchants, in and about the City of Wilmington, are no longer able or willing to honor orders issued by the said Committee; therefor

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

That the sum of Seventy-five Thousand Dollars be and the same is hereby appropriated out of the General Fund of the State Treasury from funds not otherwise appropriated to be expended under the supervision and control of the Lieutenant Governor of the State of Delaware and the Speaker of the House of Representatives of the State of Delaware for the purpose of providing relief for those of our citizens who are in dire distress as a result of unemployment.

The State Treasurer is hereby authorized and directed to pay said sum on warrant signed by the said Lieutenant Governor and Speaker of the House and approved by the Auditor of Accounts.

The money hereby appropriated shall be refunded to the State Treasury from any funds that may be hereafter appropriated by the General Assembly for Emergency Relief.

Approved November 22, 1932.



## CHAPTER 4

## RESOLUTIONS

WHEREAS, the present Special Session will be the last Session of the General Assembly of the State of Delaware to be held in these Assembly Rooms and Legislative Chambers wherein the Senate and House of Representatives are now sitting; and

WHEREAS, the desks and chairs now used by the respective members of the Senate and House of Representatives will not be used in the new Legislative Building wherein the General Assembly will hereafter assemble and have its sessions; and

WHEREAS, the said desks and chairs are apparently of no further use to the State of Delaware and could not be disposed of at public or private sale at any price or prices worth considering; and

WHEREAS, each member of the General Assembly now in Special Session naturally has some sentiment or feeling of attachment for the particular desk and chair in the Senate or House of Representatives, as the case may be, which he has used and occupied at this last session in these Legislative Chambers; therefore

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

That, upon the adjournment sine die of the present Special Session of the General Assembly of the State of Delaware, each member of the Senate and House of Representatives shall be permitted, if he so desires, to take the particular desk and chair which he has used and occupied in the Senate or House of Representatives, as the case may be, at this Special Session of the General Assembly, and the person or persons having the custody or control or possession of the said desks and chairs at the final adjournment of this Special Session of this General Assembly is or are hereby authorized, empowered and directed to deliver to any member of the Senate or House of Representatives desiring the

## RESOLUTIONS

same, the desk and chair used and occupied by such member at this Special Session, provided, nevertheless that any such member, so desiring said desk and chair as aforesaid, shall remove the same within ten days after the final adjournment of this present session.

Approved December 1, 1932.

# PROCLAMATION OF THE GOVERNOR

## STATE OF DELAWARE EXECUTIVE DEPARTMENT

### PROCLAMATION

WHEREAS, Section 16 of Article III of the Constitution of the State of Delaware provides that

“He, (the Governor of the State of Delaware) may on extraordinary occasions convene the General Assembly by proclamation.”

AND WHEREAS, due to the financial and business depression throughout the Nation, widespread unemployment exists in the State of Delaware, and as a result thereof an extraordinary occasion within the meaning of said constitutional provision has arisen and now exists;

THEREFORE, by virtue of the authority vested in me by said Section 16 of Article III of the Constitution of the State of Delaware, I, C. D. Buck, 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 Capitol of the said State, on Tuesday, the fifteenth day of November, A. D. 1932, at 12:00 o'clock noon, to consider and act upon the following matters and subjects of legislative business for relief of the existing conditions resulting from said unemployment;

1—To consider ways and means whereby certain moneys may be secured and set aside for the purpose of providing relief for the people of this State from the hardships and suffering caused by unemployment, without the necessity of any additional taxation.

## PROCLAMATION

2—To consider an amendment to "An Act in relation to Building and Loan Associations and regulating the business of such associations" being Chapter 107, Volume 32, Laws of Delaware, to the end that the funds of such associations existing under the laws of this State may be invested in the Home Loan Bank created under the laws of the United States of America in accordance with the provisions of the Act of Congress creating said Home Loan Bank.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be affixed, at Dover, this fourth day of November, in the year of our Lord one thousand nine hundred and thirty-two and of the Independence of the United States the one hundred and fifty-seventh.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.



**LAWS**  
**OF THE**  
**STATE OF DELAWARE**

**PASSED AT THE**  
**One Hundred And Fourth**  
**Session of the General Assembly**

**COMMENCED AND HELD AT DOVER**  
**On Tuesday, January 3, A. D.**

**1933**

**AND**  
**IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES**  
**THE ONE HUNDRED AND FIFTY-SEVENTH**

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**VOLUME XXXVIII-PART II**

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# LAWS of DELAWARE

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## TITLE ONE

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### Construction of Statutes

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#### CHAPTER 1

#### PART II

#### AMENDMENT TO CONSTITUTION

**AN ACT proposing an Amendment to Section 28 of Article IV of the Constitution of the State of Delaware, relating to Writ of Error.**

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

Section 1. That Section 28 of Article IV of the Constitution of the State of Delaware be amended so as to read as follows :

"Section 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within six months after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, non compos mentis, or a prisoner, and then within six months exclusive of the time of such disability."

Approved April 20, 1933.



## CHAPTER 2

## AMENDMENT TO CONSTITUTION

**AN ACT proposing an Amendment to Section 17, of Article 2, of the Constitution of the State of Delaware, relating to the Sale of Lottery Tickets, Pool Selling and Other Forms of Gambling.**

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

Section 1. That Article 2 of the Constitution of the State of Delaware be and the same is hereby amended, by striking out all of section 17, of Article 2 thereof, and by inserting in lieu thereof a new Section 17, in the following language, viz:

Section 17. Lotteries. The sale of Lottery Tickets, Pool Selling and all other forms of gambling are prohibited in this State; except wagering or betting on races at race tracks by the use of pari-mutuel machines or totalizators in connection therewith. The General Assembly shall enforce this section by appropriate legislation.

## CHAPTER 3

## AMENDMENT TO CONSTITUTION

**AN ACT agreeing to the Proposed Amendment of Section 4, of Article 1 of the Constitution of the State of Delaware, relating to Trial by Jury.**

Whereas, an Amendment to the Constitution of the State of Delaware was proposed to the Senate in the One Hundred and Third Session of the General Assembly, as follows:

"An Act proposing an Amendment to Section 4 of Article 1 of the Constitution of the State of Delaware, relating to trial by jury.

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

Section 1. That Section 4 of Article 1 of the Constitution of the State of Delaware be amended by adding to the end thereof the following words:

"Provided, however, that Grand Juries in New Castle County shall consist of fifteen members, one of whom shall be selected from, and shall be a resident of, each representative district in said county, and the affirmative vote of nine of whom shall be necessary to find a true bill of indictment; and Grand Juries in Kent County and in Sussex County shall consist of ten members, one of whom shall be selected from, and shall be a resident of each representative district in the county in which he or she is selected, and the affirmative vote of seven of whom shall be necessary to find a true bill of indictment."

And Whereas, the said proposed amendment was agreed to by two-thirds of all the members elected to each House in the said One Hundred and Third Session of the General Assembly; and

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Whereas, the said proposed amendment was published by the Secretary of State three months before the then next general election, to wit: the general election of 1932, in three newspapers in each County in the State of Delaware, Now Therefore,

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

Section 1. That the said proposed Amendment be and it is hereby agreed to and adopted and that the same shall forthwith become and be a part of the Constitution.

Approved March 22, 1933.

## CHAPTER 4

### TRIAL BY JURY

**AN ACT to carry into effect the Amendment to Section 4 of Article 1 of the Constitution of the State of Delaware, relating to Trial by Jury.**

WHEREAS, Section 4 of Article 1 of the Constitution of the State of Delaware relating to trial by jury has been amended; and whereas, it is the purpose and intent of this Act to make effective this Amendment without uncertainty or delay.

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

Section 1. That the Grand Juries of the respective counties of this State as now constituted be and the same are hereby abolished, and the term of each and every Grand Juror is hereby terminated.

Section 2. The Jury Commissioners for each county shall forthwith draw from the boxes marked "Grand Jurors", to which said Commissioners may restore the names of the present Grand Jury, the names of fifteen persons for New Castle County, and the names of ten persons for Kent County and Sussex County respectively, one of whom shall be selected from, and shall be a resident of each representative district in the county in which he or she is selected.

A correct list of the names of the persons so drawn, with the date of the drawing endorsed thereon, shall be immediately delivered by the Jury Commissioners to the Sheriff of the county, and the Sheriff of each county respectively shall thereupon forthwith summons each of the said persons to serve as the standing Grand Jurors for the remainder of the year A. D. 1933. That the provisions of paragraphs 4256 and 4261 of the Revised Code of this State (1915) in relation as to the time of the drawing of said names and the service thereof by the Sheriff shall not apply to the Grand Jurors drawn for the year A. D. 1933.

## TRIAL BY JURY

Section 3. That paragraph 4254 of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by striking out in the fifth line thereof the words "one hundred", and inserting in lieu thereof the word "fifty".

Section 4. That paragraph 4256 of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by striking out all of papagraph 4256 and by inserting in lieu thereof the following:

4256. Sec. 5. Grand Jury; When and How Drawn; Number; Term of Service:—The said commissioners for each County, respectively, shall, within fifteen days before the commencement of the first term in each calendar year of the Court of General Sessions for the County for which said Commissioners were appointed, respectively, in the presence of such persons as may choose to be present, draw from the boxes marked "Grand Jurors" the names of fifteen persons for New Castle County, and the names of ten persons for Kent County and Sussex County respectively, one of whom shall be selected from, and shall be a resident of each representative district in the county in which he or she is selected, to serve for one year at the several courts, at which a Grand Jury is required, to be holden during said year in said County.

Approved March 29, 1933.

## CHAPTER 5

CONVENTION TO RATIFY FEDERAL CONSTITUTIONAL  
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**AN ACT to provide for Conventions in the State of Delaware to take action upon Amendments to the Constitution of the United States which may be proposed by the Congress for Ratification by Conventions in the Several States.**

WHEREAS, Article V of the Constitution of the United States provided as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One Thousand Eight Hundred and Eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

and

WHEREAS, there are no provisions in either the Constitution or the Laws of the State of Delaware for conventions in the State of Delaware to take action upon Amendments to the Constitution of the United States which may be proposed by the Congress for ratification by conventions in the several States; and

WHEREAS, it is apparent that action by such conventions should truly reflect the true state of public opinion throughout the State of Delaware;

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

Section 1. Whenever the Congress of the United States shall propose an Amendment to the Constitution of the United States and shall propose that the same shall be valid when ratified by conventions in three-fourths of the several States, the Governor of this State shall fix by proclamation the date of an election for the purpose of electing delegates to such convention of this State. Such election may be either at a special election or may be held at the same time as a general election, or special, but shall be held at least as soon as the next general election occurring more than three months after the Amendment has been proposed by the Congress.

Section 2. If such election be held at the same time as a general election, all persons qualified to vote at such general election for representatives to the General Assembly of this State, shall be entitled to vote.

If such election be held at a time other than at the same time as a general election, all persons qualified to vote for representatives to the General Assembly of this State at the last general election next preceding said special election, shall be entitled to vote. There shall be one or more registration days prior to such special election, as the Governor in his proclamation, fixing the date for the special election, may determine.

The Governor shall also, in said proclamation, fix the date or dates of such registration day or days, provided that no registration shall be held within ten days next prior to such special election. On said registration day or days persons whose names are not on the list of registered voters established by law for said last general election, may apply for registration, and on said registration day or days applications may be made to strike from the said registration list names of persons on said list who are not eligible to vote at such election.

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Section 3. Except as in this Act otherwise provided, such election shall be conducted and the results thereof ascertained and certified in the same manner as in the case of the election of Electors of President and Vice-President in this State and the Governor shall, without delay, examine the certificates and ascertain the delegates to such Convention chosen and make known the same by proclamation, and cause notice to be given to each delegate so elected of his election as a delegate. All provisions of the laws of this State relative to elections, except so far as inconsistent with the provisions of this Act, are hereby made applicable to such election.

Section 4. The number of delegates to be chosen to such convention shall be seventeen, to be elected from the State at large. Seven of such delegates shall be residents of New Castle County, five of such delegates shall be residents of Kent County, and five of such delegates shall be residents of Sussex County.

Section 5. Candidates for the office of delegate to the convention shall be citizens and qualified voters of this State. Nominations shall be by petition and not otherwise. A single petition may nominate any number of candidates not exceeding the total number of delegates to be elected from each county, and all candidates on any such petition shall be residents of the same County and shall reside in the County which said candidates propose to represent at such convention and every such petition shall be signed by not less than one hundred (100) persons who are qualified voters of the County wherein such candidate or candidates reside. Nominating petitions shall be filed with the Clerk of the Peace of the County which said candidates propose to represent. Nominations shall be without party or political designation, but the nominating petitions shall contain a statement as to each nominee to the effect that he favors ratification, or that he opposes ratification, or that he remains uncommitted to either ratification or rejection of the proposed amendment to the Constitution of the United States, and no nominating petition shall con-



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tain the name of any nominee whose position as stated therein is inconsistent with that of the position of any other nominee as stated therein.

Section 6. The sixteenth day before the day fixed for the holding of such election shall be the last day for the filing of nominating petitions with the respective Clerks of the Peace, or if said sixteenth day falls upon a Sunday or a legal holiday, the day following shall be the last day for the filing of said nominating petitions, and thereafter nominations for the office of delegate to such convention shall be closed. After the closing of such nominations, the respective Clerks of the Peace shall forthwith count and determine the number of signatures which each candidate for nomination as delegate to such convention, has obtained upon his or their respective nominating petition or petitions. In making such count and determination, the respective Clerks of the Peace shall only count the signatures of those persons who are qualified voters of the County which the candidates propose to represent at such convention. A signature to such nominating petition shall be prima facie evidence that the person purporting to sign the same did actually sign the same and that such person is a qualified voter of the same county as the county of residence of the Candidate or Candidates whose names appear in said nominating petition, and all signatures to such nominating petitions shall be counted by the respective Clerks of the Peace, unless within five days after the closing of nominations as aforesaid, evidence satisfactory to the Clerk of the Peace, shall have been produced before him that a person whose name purports to have been signed to a nominating petition is either a fictitious person or not a qualified voter of the County of residence of the candidate or candidates whose nominating petition he purports to have signed. After the closing of nominations all nominating petitions shall be open to the inspection of any qualified voter of the County in which such petitions have been filed.

Section 7. No nominations shall be effective except those of the seven candidates from New Castle County in favor of ratifica-

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tion, the seven candidates from New Castle County against ratification and the seven candidates from New Castle County not committed to either ratification or rejection of the proposed Amendment, the five candidates from Kent County in favor of ratification, the five candidates from Kent County against ratification and the five candidates from Kent County not committed to either ratification or rejection of the proposed Amendment, the five candidates from Sussex County in favor of ratification, the five candidates from Sussex County against ratification and the five candidates from Sussex County not committed to either ratification or rejection of the proposed Amendment, whose nominating petitions have respectively been signed by the largest number of qualified persons, ties to be decided by lot drawn by the respective Clerks of the Peace.

Section 8. After the nominees for delegates to such Convention shall have been determined by the Clerks of the Peace as aforesaid, it shall be the duty of each Clerk of the Peace to certify to the other Clerks of the Peace in this State the names of the nominees from their respective Counties to such convention and to further certify which nominees from their respective Counties were nominated as in favor of ratification, which nominees from their respective Counties were nominated as opposed to ratification and which nominees from their respective Counties were nominated as uncommitted either to ratification or rejection of the proposed Amendment.

Section 9. Candidates for nomination not nominated as aforesaid, shall be deemed to be alternates to the nominees in their respective groups in the order of the number of signatures which they have respectively received upon their nominating petitions, and in the event of the death, resignation or removal of any nominee, the first alternate shall take his place as nominee, and so on, ties to be decided by lot drawn by the respective Clerks of the Peace. In the event of such death, resignation or removal, it shall be the duty of the Clerk of the Peace of the County from which said nominee was nominated, to forthwith certify to the

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other Clerks of the Peace the fact of such death, resignation or removal, together with the name of the new nominee. In the event of the death, resignation or removal of any nominee after the printing of the ballots for such election, it shall be the duty of the Clerks of the Peace to provide the election officers of each election district with a number of pasters containing only the name of such nominee, at least equal to the number of ballots provided for each election district and it shall be the duty of the Clerks of election to put one of such pasters in a careful and proper manner in the proper place on each ballot before they shall deliver the same to voters.

Section 10. It shall be the duty of the Clerk of the Peace of each County to cause to be printed and distributed the ballots for said election in the quantity and in the manner provided by law for general elections; provided that such ballots as are required under the election laws to be delivered to the chairmen of the various political parties shall, in lieu thereof, be distributed to the various nominees as equally as possible, and provided further that the Clerk of the Peace in each County, in addition to the above mentioned ballots, shall cause to be printed such further number of ballots as shall be directed by any nominee in any County; provided, however, that the said Clerk of the Peace shall not have printed any ballots upon the order or request of any nominee, unless the said request shall have been made to him in writing at least ten days prior to the holding of the election at which the said ballots are to be used, nor unless a deposit sufficient to cover the cost of the ballots be made at the time they are ordered. The ballots so ordered by the said nominees shall be delivered to the said nominees or to their agents upon their request or order at least five days before the election at which the said ballots are to be used.

Section 11. The election shall be by ballot, separate from any ballot to be used at the same election. Such ballot, if used at a general election, shall be enclosed in the same envelope as the bal-

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lot for use at such general election, otherwise each ballot cast shall be enclosed in a separate envelope. Said ballot shall first state the substance of the proposed Amendment. This shall be followed by appropriate instructions to the voter. It shall then contain perpendicular columns of equal width headed respectively in plain type "For Ratification" "Against Ratification" and "Uncommitted". In the column headed "For Ratification" shall be placed the names of the nominees nominated from the entire State as in favor of ratification, in alphabetical order. In the column headed "Against Ratification" shall be placed the names of the nominees nominated from the entire State as against ratification, in alphabetical order. In the column headed "Uncommitted" shall be placed the names of the nominees nominated from the entire State, as uncommitted to either ratification or rejection in alphabetical order. The voter shall indicate his choice by making one or more cross marks in the appropriate spaces provided on the ballot. No ballot shall be held void because any such cross mark is irregular in character. The ballot shall be so arranged that the voter may by making a single cross mark, vote for the entire group of nominees whose names are comprised in any column. The ballot shall be as like as possible to the form of the official ballot now used in this State and substantially in the following form:

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**OFFICIAL BALLOT**

PROPOSED AMENDMENT TO THE  
CONSTITUTION OF  
UNITED STATES

Delegates to the Convention to Ratify the Proposed Amendment.

The Congress has proposed an amendment to the Constitution of the United States which provides (insert here the substance of the proposed amendment).

The Congress has also proposed that the said amendment shall be ratified by Conventions in the States.

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INSTRUCTIONS TO VOTERS

Do not vote for more than 17 candidates

To vote for all candidates in favor of Ratification of the proposed amendment, or for all candidates against Ratification of the proposed amendment, or for all candidates who intend to remain uncommitted to either Ratification or rejection of the proposed amendment, make a cross-mark in the Block at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate make a cross-mark in the Block at the left of the name.

FOR RATIFICATION		AGAINST RATIFICATION		UNCOMMITTED	
	For Delegates to the Conven- tion.		For Delegates to the Conven- tion.		For Delegates to the Conven- tion.
	JOHN DOE		JOHN DOE		JOHN DOE
	JOHN DOE		JOHN DOE		JOHN DOE
	JOHN DOE		JOHN DOE		JOHN DOE
	JOHN DOE		JOHN DOE		JOHN DOE

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All ballots used at elections for ratifying conventions shall be printed as outlined in the paragraph immediately above. However, if the Governor, in his proclamation, calling for election of Delegates to a ratifying convention, deems it expedient to further print on the ballots information that will be more informative to the electorate on the subject, which is being voted upon, this act will give the Governor the power to do so.

Section 12. The seventeen nominees who shall receive the highest number of votes shall be the Delegates to the Convention. If there shall be a vacancy in the Convention caused by the death or disability of any delegate or any other cause, the same shall be filled by appointment by the majority vote of the delegates comprising the group from which such delegates was elected and if the Convention contains no other delegate of that group, shall be filled by the Governor.

Section 13. The Delegates to the Convention shall meet in the Senate Chamber at the State House in Dover on the twenty-eighth day after their election at twelve o'clock noon, and shall thereupon constitute a Convention to pass upon the question of whether or not the proposed Amendment shall be ratified.

Section 14. The Convention shall have power to elect its president, secretary and other officers, and to adopt its own rules.

Section 15. The Convention shall keep a journal of its proceedings in which shall be recorded the vote of each Delegate on the question of ratification of the proposed Amendment.

Section 16. After the sense of the majority of the total number of Delegates composing the Convention is taken upon the question of the ratification of the proposed amendment to the Constitution of the United States, the Convention shall certify a resolution of its vote over the hand of the President, attested by the Secretary and signed by all of the members of the Conven-

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tion. Such resolution shall be so certified in duplicate originals. The duplicate originals shall then be delivered by the Convention to the Secretary of State together with the Journal and any other records of the Convention.

If it appears from the resolutions so certified to the Secretary of State that the proposed amendment to the Constitution of the United States has been ratified by the Convention, it shall be the duty of the Secretary of State to send to the Secretary of State of the United States one of the duplicate originals certified under his hand and the seal of the State of Delaware. The remaining duplicate original shall be proclaimed by publication and shall be deposited together with the journal and any other records of the Convention in the State Archives. If it appears from the resolutions so certified to the Secretary of State that the proposed amendment to the Constitution of the United States has not been ratified, the resolution shall be proclaimed by publication and the duplicate originals of the resolution together with the journal and any other record of the Convention shall be deposited in the State Archives.

Section 17. Every delegate to such convention shall receive Ten Dollars (\$10.00) for every day he is in attendance at such convention, not exceeding three, and in addition thereto, ten cents (10c) for each mile necessarily travelled by him in making one round trip from the place of his residence to Dover. The president, secretary and other officers shall receive such compensation as may be fixed by the convention not in excess of Twenty-five Dollars (\$25.00) for any such officer, in addition to his compensation as such delegate. Disbursements for the foregoing purposes and for other necessary expenses of the convention, when approved by the convention and signed by the President, shall be paid by the State Treasurer out of any monies not otherwise appropriated. The expenses of holding a special election shall be borne as now provided by law for the holding of a general election.

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Section 18. If at or about the time of submitting any such Amendment, Congress shall either in the resolution submitting the same or by a statute, prescribe the manner in which the conventions shall be constituted, and shall not except from the provisions of such statute or resolution such states as may theretofore have provided for constituting such conventions, the preceding provisions of this Act shall be inoperative, the convention shall be constituted and shall operate as the said resolution or Act of Congress shall direct, and all officers of the State who may by the said resolution or statute be authorized or directed to take any action to constitute such a convention for this State are hereby authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a statute of this State.

Approved April 11, 1933.



# TITLE TWO

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## Jurisdiction and Property of the State

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### CHAPTER 6

#### PUBLIC LANDS

**AN ACT granting the consent of the General Assembly of the State of Delaware to the acquisition by the United States of Lands at the mouth of the Mispillion River in Cedar Creek Hundred, Sussex County, State of Delaware.**

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

Section 1. That the consent of the General Assembly of the State of Delaware be, and the same is hereby, given pursuant to the Seventeenth clause of the Eighth Section of the First Article of the Constitution of the United States, to the purchase by the United States of one hundred sixty-two and one-hundred four thousandths (162.104) acres of land, now included in the Military Reservation of Fort Saulsbury, in the vicinity of the Mispillion River, in Cedar Creek Hundred, Sussex County, State of Delaware, for use as a site for fortifications, and to the acquisition by purchase or proceedings in condemnation of such additional land adjacent thereto as may be required by the Federal Government for the said purpose.

Section 2. Jurisdiction over the said lands, which have heretofore been acquired or which shall hereafter be acquired, is hereby granted and ceded to the United States; provided, that

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the sovereignty and jurisdiction of this State shall extend over the said lands so far as that all civil process and such criminal process as may issue under the authority of this State against any person or persons charged with crimes or other offenses committed within such lands may be executed thereon in the same way and manner as if this consent had not been given.

Approved April 6, 1933.

## CHAPTER 7

### JURISDICTIONS, LIMITS AND SOVEREIGNTY

#### **AN ACT to change the Boundary Lines of Broad Creek Hundred and Nanticoke Hundred.**

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

Section 16. That the Boundary Line between Broad Creek Hundred and Nanticoke Hundred shall be changed so that the new State Highway from Concord to Millsboro, and its courses and directions shall be and constitute the Boundary Line between said Hundreds.

Approved April 25, 1933.

# TITLE THREE

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## State Revenue and Supplies

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### CHAPTER 8

#### DELAWARE ESTATE TAX

**AN ACT to amend Chapter 6, of the Revised Code of the State of Delaware (1915) as amended with respect to Estate Tax.**

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

Section 1. That Chapter 6, of the Revised Code of the State of Delaware (1915) as amended 152-a Sec. 115-a be and the same is hereby amended by striking out and repealing the second paragraph of 152 (a) Sec. 115 (a) and substituting in lieu thereof the following:

The said Delaware Estate Tax upon the estate of every decedent as aforesaid shall be computed as follows: The aggregate amount of the taxes due to the State of Delaware under the provisions of Section 109 of this Chapter in respect to any property, or estate, or interest therein, belonging to the decedent at the time of his death shall first be ascertained. To such amount there shall be added the aggregate amount of all estate, inheritance, legacy, and succession taxes actually paid to any other state or territory of the United States or to the District of Columbia in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with his estate. The sum resulting from such addition shall then be deducted from an amount equal to the amount of the maximum credit allowable to the estate of the decedent by the Federal Estate Tax law or laws for estate, inheritance, legacy or succession taxes

## DELAWARE STATE TAX

paid to any State or territory or the District of Columbia. The remainder shall constitute and be the Delaware Estate Tax upon the estate of the decedent. In case of any estate where the amount to be deducted as aforesaid is equal to or greater than the aforesaid credit, allowed by Federal Estate Tax law or laws, then the said estate shall be exempt from the Delaware Estate Tax prescribed by this section.

Section 2. That Chapter 6, of the Revised Code of the State of Delaware (1915) as amended be and the same is hereby amended by adding the following paragraph to 152 (a) Sec. 115 (a) :

When any amount has been erroneously paid as Delaware Estate Tax it shall be lawful for the State Treasurer, on satisfactory proof rendered to him of said erroneous payment, and upon the recommendation of the Register of Wills of the County wherein such tax shall have been collected, to refund and pay to the executor, administrator or trustee, person or persons who have paid any such tax in error, the amount of such tax so paid, provided that all applications for the repayment of said tax shall be made within two years from the date of said payment.

Section 3. Nothing in this Act shall be deemed to remit or relieve from the Delaware Estate Tax the estate of any person dying before the approval of this Act. Except where the Delaware Estate Tax was paid and discharged prior to the approval of this Act the Delaware Estate Tax computed and ascertained under the provisions of 152-A, Section 115-A of Chapter 6, of the Revised Code of the State of Delaware (1915) as amended by this Act shall be deemed and held to be imposed upon and collectible out of the estate of every person dying after the twenty-sixth day of February, 1926, and who at the time of his death was a resident of the State of Delaware, provided such estate was subject to federal estate tax.

Approved June 1, 1933.

## CHAPTER 9

## STATE REVENUE

**AN ACT to transfer certain monies now in the Sinking Fund to the General Fund, and directing that all monies received immediately after the approval of this act and until June 30, 1935, from the Delaware Estate Tax shall be deposited to the credit of the General Fund of 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 sum of Seven Hundred Thousand Dollars of the monies now standing to the credit of the Sinking Fund of the State shall be immediately transferred by the State Treasurer to the credit of the General Fund of the State.

Section 2. That immediately after the approval of this Act and until June 30, 1935, all monies derived from the Delaware Estate Tax shall be deposited to the credit of the General Fund of the State.

Section 3. That, all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent of such inconsistency.

Approved May 22, 1933.

## CHAPTER 10

## STATE REVENUE

**AN ACT to amend Article 8, Chapter 6 of the Revised Code of the State of Delaware as amended by Chapter 6, Volume 36, Laws of Delaware.**

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

Section 1. That Article 8, Chapter 6 of the Revised Code of Delaware as amended by Chapter 6, Volume 36, Laws of Delaware be and the same is hereby amended by inserting a new paragraph as follows:

For the fiscal year beginning July 1, 1933, and ending June 30, 1934, the sum of Four Hundred and Sixty Thousand (\$460,000.00) Dollars shall be paid by the State Tax Department out of the proceeds of the franchise tax as established by Article 8, Chapter 6 of the Revised Code of Delaware and assessed and collected thereunder; and, for the fiscal year beginning July 1, 1934, and ending June 30, 1935, a further sum of Four Hundred and Fifty Nine Thousand (\$459,000.00) Dollars shall likewise be paid by the State Tax Department out of the proceeds of the Franchise Tax as established by Article 8, Chapter 6 of the Revised Code and assessed and collected thereunder, to the State Treasurer. The sums so paid as aforesaid to the State Treasurer shall be deposited by him and such sums shall be utilized as follows:

1. For the payments of the sums set forth and appropriated in the General Appropriation Act of the One Hundred Fourth General Assembly of the State of Delaware under item J "Education," and comprising sums appropriated for the University of Delaware, the State College for Colored and the State Board Vocational Education, to-wit, Three Hundred and Twenty Thousand Dollars (\$320,000.00) for the fiscal year beginning July 1, 1933, and ending June 30, 1934, and Three Hundred and Nineteen Thousand Dollars (\$319,000.00) for the fiscal year beginning

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July 1, 1934, and ending June 30, 1935, which said sums are appropriated for such purposes.

2. There is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1933 and ending June 30, 1934, the sum of ninety thousand dollars, and the further sum of ninety thousand dollars is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1934 and ending June 30, 1935, the sums so appropriated shall be paid out of the funds to be transferred in accordance with this Act, and shall be utilized for the operation and maintenance of the State Tax Department for the fiscal years set forth herein.

3. In addition to the foregoing sums, there is hereby appropriated out of the funds to be transferred in accordance with this Act, the sum of Fifty Thousand Dollars (\$50,000.00) for the fiscal year beginning July 1, 1933, and ending June 30, 1934 and a like sum of Fifty Thousand Dollars (\$50,000.00) for the fiscal year beginning July 1, 1934 and ending June 30, 1935 which said sums so appropriated shall be and constitute a contingent fund to be utilized solely for the operation and maintenance of any educational institutions of the State of Delaware which are now, and have been heretofore, receiving appropriations from the Congress of the United States when as and if Federal Appropriations to such institutions are reduced. Such contingent fund shall be used to make up any deficit in the finances of said institutions caused by reductions in appropriations from the Federal Government to the extent of reduced Federal appropriations, and for no other purposes. Any portion of said sums to be transferred in accordance with the provisions of this Act and not utilized during the fiscal year for which the appropriation is hereby made for any of the purposes specified in this Act shall be paid to the School Fund as created and set forth by the Laws of Delaware.

The provisions of this Section, and the provisions of paragraph numbered 4, Section 58, Article XIII, Chapter 160, Volume 32, Laws of Delaware and all other Acts, insofar as they may



## STATE REVENUE

relate to and are in conflict with the payment of the proceeds of the franchise tax by the State Tax Department to the State Treasurer to be by him deposited as hereinbefore provided are declared to be and are hereby suspended to the extent and purport of this Act only until the State Treasurer shall have certified to the State Tax Department that the total sum of Nine Hundred and Nineteen Thousand (\$919,000.00) Dollars, has been deposited as hereinabove provided; and, upon such certification, the said above mentioned provisions of said Acts, so as aforesaid declared to be suspended, shall again be in full force, operation and effect.

Approved May 24, 1933.

## CHAPTER 11

## INTOXICATING LIQUOR

**AN ACT to repeal an act entitled "An Act to Prohibit the Liquor Traffic in the State of Delaware and to Provide for the Enforcement of such Prohibition" being Chapter 239, Volume 30 of the Laws of Delaware.**

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

Section 1. That Chapter 239, Volume 30 of the Laws of Delaware being an Act entitled "An Act to prohibit the liquor traffic in the State of Delaware and to provide for the enforcement of such prohibition" approved March 21st, A. D. 1919 be and the same is hereby repealed.

Approved February 1, 1933.

## CHAPTER 12

## INTOXICATING LIQUOR

**AN ACT to amend Chapter 10, of Volume 29, of the Laws of Delaware, in reference to intoxicating liquors.**

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

Section 1. That Chapter 10, Volume 29, Laws of Delaware, entitled "An Act to amend Chapter 6, of the Revised Code of the State of Delaware, being in relation to spirituous, vinous, or malt liquors in those portions of the State of Delaware where the sale of such liquor is prohibited by law," be and the same is hereby amended as follows:

First. By striking out, as they appear in the ninth line of paragraph (1) the words: "so much as one half of one percentum of alcohol by volume," and inserting in lieu thereof the words: "such percentum of alcohol by volume as is prohibited under the Constitution and laws of the United States of America."

Second. By striking out, as they appear in the seventh and eighth lines of paragraph (2), the words: "at any one time, more than one quart of spirituous liquors, or one dozen pint bottles of malt liquors," and inserting in lieu thereof the words: "at any time liquor for sale or barter."

Third. By striking out, as they appear in the eighteenth and nineteenth lines of paragraph (4) the words: "in quantity not to exceed one quart, or malt liquors not to exceed one dozen pint bottles," and inserting in lieu thereof the words: "not for sale or barter."

Fourth. By adding at the end of paragraph (7), the following:

## INTOXICATING LIQUOR

Every such warrant shall be in form and substance exactly like and similar to the form of Search Warrant now used by the Federal Prohibition Enforcement Act of Congress, commonly known as the "Volstead Act," with only such changes, in the parts of the Federal Warrant that refer to the Federal Government and Federal Agents, as are necessary to make the same apply to the State of Delaware and the proper officials or agents in the State of Delaware.

No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process.

Fifth. By striking out, as they appear in the third and fourth lines of paragraph (9) the words: "liquors in excess of the quantity permitted in this Act in such room, or of."

Sixth. By adding, at the end of paragraph (9) the following:

But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only and such liquor need not be reported, provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him therein.

Seventh. By striking out, as they appear in the seventh and eight lines of paragraph (11), the words: "in quantity ex-

## INTOXICATING LIQUOR

ceeding one quart, or malt liquors in quantity exceeding twelve pint bottles," and inserting in lieu thereof the words "or malt liquors."

Approved March 13, 1933.

## CHAPTER 13

## INTOXICATING LIQUOR

**AN ACT providing for the submission to the vote of the qualified electors of New Castle County, outside the City of Wilmington, as one district, as mentioned in Section 2, Article 13, of the Constitution of the State of Delaware, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of said district in accordance with said Article 13, of said Constitution.**

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

Section 1. That on Tuesday next after the first Monday of June, 1933, in New Castle County, outside the corporate limits of the City of Wilmington, as one district, as mentioned in Section 2, Article 13, of the Constitution of the State of Delaware, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of the said district, shall be submitted to the vote of the qualified electors of the said districts.

Section 2. It shall be the duty of the Registration officers of the respective election districts in New Castle County, outside the corporate limits of the City of Wilmington, now in office, to sit on the third and fourth Saturdays immediately preceding the day herein prescribed for taking the vote aforesaid, from 8 o'clock a. m. until 7 o'clock p. m. with an intermission from 12 o'clock mid-day to 1 o'clock p. m. at the place in each election district where it is proposed to take the vote aforesaid, or at some convenient and suitable other place in said election district, and at such sittings to add to the Registers and Books of Registered voters of their respective election districts, the names of all persons applying to them who may have become qualified to vote since the day of the last General Election, or who may become qualified to vote, by the day of such Special Election, or

## INTOXICATING LIQUOR

who, being otherwise qualified to vote did not become registered prior to said last General Election.

The said Registration Officers, within one week before their first sitting as provided for in this section, shall procure from the Clerk of the Peace of New Castle County, the two Registers and the two Books of Registered Voters, and the Books of Registration Certificates, for their respective election districts. It shall be the duty of the Clerk of the Peace to deliver said books to the said Registration Officers when the same shall be applied for as aforesaid.

On delivering one of the Registers and one of the Books of Registered Voters and the Book of Registration Certificates to the Inspector or other person authorized by law to hold the Special Election in his Election District, for the purpose of taking the vote aforesaid, it shall be the duty of each Registrar to deliver the Register and the Book of Registered Voters which was not used at the General Election held in the year 1932; The several Registrars shall deliver the other of said Registers and the other of said Book of Registered Voters to the Clerk of the Peace of New Castle County within one week after the Special Election.

In case from any cause there shall be vacancies among such Registration Officers in any election district, such vacancies shall be filled by the appointment of the Governor. Such vacancies shall be filled at least twenty days before the first day fixed as aforesaid for the sitting of said Registration Officers by the appointment of capable persons who are voters and resident in the election district for which they shall be appointed; and the furnishing of lists of names by the County Committee of any Political Party shall not be necessary prerequisite for such appointment. The Registration Officers so appointed to fill vacancies, as well as Registration Officers now in Office, shall give such bonds, take such oaths, and perform such other qualifying acts to fill

## INTOXICATING LIQUOR

such offices and fulfill the duties thereof as are provided by law in that behalf.

The Registration Officers serving for the Special Registration of voters herein provided shall conduct the registration of voters, advertise the dates, hours and places for their sitting to register voters, post printed lists of additional registered voters, issue and act upon Certificates of Removal from voting districts, compare and correct the Registration Books, certify and verify the Alphabetical Lists of Registered Voters and Registers, be possessed of all the powers while sitting for such registration of voters, and perform all of their official duties in the same manner, as in the case of the registration of voters prior to a General Election.

All penalties imposed by statute upon such Registration Officers for non-feasance or misfeasance in office, and upon all persons for violations of law regulating the registration of voters in this State shall be applicable to and in force in connection with the special registration of voters herein provided for.

Appeals from said Registration Officers shall be obtained, prosecuted and determined and the decisions thereon certified, acted upon and enforced, in the same manner and before and by the same persons as in the case of Registration Appeals prior to a General Election. For the purpose of hearing such appeals the appropriate judge constituting under the law such tribunal of appeal shall sit in the place designated by statute for such purpose, on Tuesday the Thirtieth day of May 1933, at 10 o'clock in the forenoon, and from day to day thereafter so long as may be necessary, to hear and determine such appeals.

The compensation of such Registration Officers and all the costs and expenses of conducting such special registration shall be ascertained and paid in the same manner, by the same authority, within a reasonable time after the performance of their duties as aforesaid as in the case of the registration of voters prior to a General Election.



## INTOXICATING LIQUOR

The said Registration Officers shall hold and dispose of said Registers, Books of Registered Voters and said Books of Registration Certificates in the same manner, and deliver the same to the same election and other officers, before, at and after the holding of said special election for the taking of the vote aforesaid, and for the purpose of the taking of the vote aforesaid, as in the case of the holding of a General Election.

Section 3. All qualified electors shall be entitled to vote upon the question so to be submitted to them as aforesaid, under the same conditions as such electors would be entitled to cast their ballots at a General Election. The Special Election for the taking of the vote provided for in this Act shall be held in the several voting districts of the County, upon similar notice, at the same places, by the same election officers, including clerks and voters' assistants, and subject in all respects to the same laws, so far as the same are applicable, as were employed used and enforced at the General Election in the year 1932.

In case from any cause there shall be vacancies among such election officers in any election district, such vacancies shall be filled by the Governor, by the appointment of suitable and duly qualified persons to serve as such election officers in the vacancies so then existing as aforesaid. Such vacancies shall be so filled at least twenty days before the said date fixed for the holding of said election as aforesaid. The election officers so appointed to fill vacancies as well as election officers continued in office as aforesaid, shall take such oaths and perform such other qualifying acts to fill such offices and fulfill the duties thereof, as are provided by law in that behalf.

Section 4. The Sheriff of New Castle County shall, after the 30th day of May and before the 5th day of June, 1933 deliver to the Inspector of each election district, or other officer authorized hereby to hold the election for taking the vote hereby provided for therein, two suitable ballot boxes, with a piece of tape and sealing wax, appropriate written or printed forms of tally

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lists, of certificates of the result of election in said election district, of the oaths or affirmations of the Inspector or other persons authorized by law to hold the election therein, and of those to be taken by the judges of the election, and also of the clerks who shall be chosen to act at such election, and of the certificates of administering such oaths or affirmations, with printed or written direction as to correcting completing and signing such oath or affirmation and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid a book of blank forms of oaths or affirmations as provided for by law for general elections. The ballot box, forms of oaths or affirmations to be administered to the inspector or other officer authorized by law to hold the election, and to judges of election, the forms for the certificates of the qualification of such officers, the forms of oaths for the clerks of said elections, and the certification of the administration of said oaths so furnished, shall be such as are prescribed by law for general elections.

The tally lists so furnished shall be in such form as is used at such General Elections, except that in the margin, on the left side of said tally lists, shall be written or printed, instead of any names of persons to be voted for, the words "for license", and the words "against license", with convenient space between the same. Three forms of certificates, declaring the result of said election, shall be so furnished, which may be according to the following form, viz:

"\_\_\_\_\_County and\_\_\_\_\_Election District of  
\_\_\_\_\_Representative District, SS:

At the election held in said Election District, for the purpose of taking the vote of the qualified electors upon the question, whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the local option district consisting of \_\_\_\_\_ on the Tuesday next after the first Monday in June, A. D. 1933, the votes stand as follows:—

"\_\_\_\_\_votes were received "for license"

\_\_\_\_\_votes were received "against license"

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And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony whereof, we the Judges of said election for said Election District, have hereunto set our hands the day and year aforesaid."

On the said written or printed forms of certificates, before the same shall be delivered by the Sheriff as above directed, the name of the County, the Election District, and all representative Districts, shall be inserted in the blanks for said purpose in the foregoing form.

Section 5. The Clerk of the Peace of New Castle County shall cause to be prepared and printed all blanks and forms which shall be necessary for the proper conducting and the due ascertainment and certification of the results of the vote hereinbefore provided for. The said Clerk of the Peace shall cause to be printed for the several election districts, within New Castle County, all necessary ballots for said Special Election, which shall be in number not less than four times the total vote of all parties at the preceding General Election. Said Clerk of the Peace shall fold, wrap, tie, mark and seal, and deliver said ballots and furnish and deliver indelible black lead pencils or crayons, envelopes and rubber bands, in the same manner as at a General election. Said ballots and said pencils or crayons, envelopes and rubber bands shall be received from said Clerk of the Peace by the same officials, at similar times and places, and by them held, treated, disposed of, delivered and employed for the purposes of said Special Election, in the same manner as the ballots and pencils or crayons, envelopes, and rubber bands employed at a General Election. The said envelopes shall be initialed by the Clerks, delivered to qualified voters, deposited in the ballot boxes, and counted in the same way as at a General Election.

The Election Officers conducting the said Special Election shall take the same oaths and be otherwise duly qualified as at a

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**General Election.** The Clerks of the Peace and Sheriff of the County, the inspectors or other persons conducting said election, the Judges and Clerks of said election, shall be subject to the same penalties for nonfeasance or misfeasance in office, and all other persons shall be subject to such penalties for misbehavior relative to the Special Election herein provided for as are provided by the laws relative to general elections in this State.

All the provisions and requirements of law looking to the secrecy of the ballot, together with all penalties imposed for violations of the provisions of law looking to that end, shall apply with full force to the Special Election herein provided for. The ballot boxes used at said Special Election shall be delivered, held and treated before, during and after the holding of said Special Election, in the same manner as at a General Election.

**Section 6.** On the day fixed for the holding of the Special Election for the taking of the vote aforesaid, the polls shall be opened in the several voting districts between 8 and 9 o'clock in the forenoon and remain continuously open until 7 o'clock in the afternoon. Said polls shall be opened and closed, and the ballots given during said election shall be counted and tallied in the same manner, as at a General Election. Three certificates of the results of the taking of said vote in each voting district, upon the blanks furnished said election officers as aforesaid, shall be made out, signed, certified, placed in envelopes, held and disposed of in the same manner as are corresponding certificates at General Elections; Provided that the two certificates which are not deposited in the ballot box shall be placed in the custody of the Judges of election, not being the Inspector in each election district, one to each, and each said Judge shall produce and deliver said certificates to said Superior Court sitting as a Board of Canvass as aforesaid, at the Court House of New Castle County at twelve o'clock noon on the First Thursday following the said Special Election.

**Section 7.** The Superior Court in New Castle County constituted as in case of a General Election, shall convene at 12

## INTOXICATING LIQUOR

o'clock noon in the County Court House of New Castle County on the First Thursday following the said Special Election, and publicly ascertain the State of the vote cast at such Special Election, in the same manner and with the same powers as said Court, under the law, canvasses the result of General Elections. For the purpose of such canvass of said vote the ballot boxes containing the ballots cast at said Special election together with all other their contents, as in the case of the General Elections, shall be produced before said Court sitting as said Board of Canvass, and afterwards disposed of as in the case of a General Election. Upon the ascertainment of the results of said election by said Court sitting as such Board of Canvass, the said Court shall make two certificates showing the result of the taking of said vote in each of said Local Option districts within New Castle County, which certificates shall be in the following form:

"State of Delaware }  
 \_\_\_\_\_ County } ss.

BE IT REMEMBERED, that at the election held on the Tuesday next after the first Monday in June in the year of 1933, for the purpose of taking the vote of the qualified electors of \_\_\_\_\_ in the State of Delaware, comprising the Local Option Districts in New Castle County, upon the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of said district, according to the Constitution and Laws of the State of Delaware \_\_\_\_\_ votes were given for license and \_\_\_\_\_ votes were given against license, which is manifest by calculating and ascertaining the aggregate amount of all the votes given in all the election districts of the Local Option District aforesaid, according to the provisions of the Constitution and laws made in this behalf.

IN TESTIMONY WHEREOF, we \_\_\_\_\_ and \_\_\_\_\_ constituting the Superior Court for \_\_\_\_\_ County, who have met and ascertained the state of the vote throughout the said Local Option District of that County as the Law requires, have

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hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this \_\_\_\_\_ day of June, A. D. 1933."

The said Superior Court shall, within three days after making the certificates of the results of taking said vote at said election, either personally or by a person deputed by it for that purpose, transmit, deliver and lodge one of said certificates in the office of the Clerk of the Peace of New Castle County, in which said Local Option District is located, and one in the office of Secretary of State.

Upon the deposit in the office of Secretary of State, for that particular Local Option District of New Castle County, the Governor shall, without delay examine said certificate, and therefrom ascertain the result of said vote in the Local Option district aforesaid, and forthwith proclaim the results of said election in that particular Local Option District by publishing the result of said vote in one or more public newspapers of New Castle County.

Section 8. The results of the vote taken in each of the said districts shall be determined by the ballots cast in the said election district of New Castle County and same shall be counted and considered in determining the result of the taking of said vote in that particular County.

Section 9. All of the cost and expenses of the said Special Election shall be paid by the Levy Court of New Castle County, wherein is located the Local Option District in which said votes are taken.

Section 10. The ballots to be used in the taking of said vote shall be printed upon white paper of uniform appearance and quality and of the uniform size of three by six inches. Each of said ballots shall have a printed line in the middle thereof extending from the top to the bottom, with the words "against license" printed clearly and legibly on the right hand side of said

## INTOXICATING LIQUOR

line; and the words "for license" on the left hand side of said line; in voting, each qualified elector shall mark his ballot with a pencil or crayon provided for the said Election, by crossing two lines either on the side of the line aforesaid on which the words "against license" appear, or on the side of said line on which the words "for license" are printed. Every ballot cast under the provisions of this Act, marked as aforesaid anywhere on the right hand side of the printed line aforesaid, shall be counted as a vote against license, and every ballot marked as aforesaid on the left hand side of the printed line aforesaid shall be counted as a vote for license.

Section 11. That if it shall appear at said election that a greater number of votes have been cast for license than against license in any of said districts, it shall not be unlawful for any person or persons, firm, company, association or corporation, or the agent, officer or servant of any firm, company, association or corporation, to manufacture or sell spirituous, vinous or malt liquors within said district by reason of any previous election in said district; But where the majority of the votes were cast against license, it shall be unlawful to manufacture or sell spirituous, vinous or malt liquors within said district.

Approved March 22, 1933.

## CHAPTER 14

## INTOXICATING LIQUOR

**AN ACT** providing for the submission to the vote of the qualified electors of Kent County, as one district, as mentioned in Section 2, Article 13, of the Constitution of the State of Delaware, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of said district in accordance with said Article 13, of said constitution.

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

Section 1. That on Tuesday next after the first Monday of June, 1933, in Kent County, as one district, as mentioned in Section 2, Article 13, of the Constitution of the State of Delaware, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of the said district, shall be submitted to the vote of the qualified electors of the said districts.

Section 2. It shall be the duty of the Registration officers of the respective election districts in Kent County, now in office, to sit on the third and fourth Saturdays immediately preceding the day herein prescribed for taking the vote aforesaid, from 8 o'clock a. m. until 7 o'clock p. m. with an intermission from 12 o'clock mid-day to 1 o'clock p. m. at the place in each election district where it is proposed to take the vote aforesaid, or at some convenient and suitable other place in said election district, and at such sittings to add to the Registers and Books of Registered voters of their respective election districts, the names of all persons applying to them who may have become qualified to vote since the day of the last General Election, or who may become qualified to vote, by the day of such Special Election, or who, being otherwise qualified to vote did not become registered prior to said last General Election.



## INTOXICATING LIQUOR

The said Registration Officers, within one week before their first sitting as provided for in this section, shall procure from the Clerk of the Peace of Kent County, the two Registers and the two Books of Registered Voters, and the Books of Registration Certificates, for their respective election districts. It shall be the duty of said Clerk of the Peace to deliver said books to the said Registration Officers when the same shall be applied for as aforesaid.

On delivering one of the Registers and one of the Books of Registered Voters and the Book of Registration Certificates to the Inspector or other person authorized by law to hold the Special Election in his Election District, for the purpose of taking the vote aforesaid, it shall be the duty of each Registrar to deliver the Register and the Book of Registered Voters which was not used at the General Election held in the year 1932; the several Registrars shall deliver the other of said Registers and the other of said Book of Registered Voters to the Clerk of the Peace of Kent County within one week after the Special Election.

In case from any cause there shall be vacancies among such Registration Officers in any election district, such vacancies shall be filled by the appointment of the Governor. Such vacancies shall be filled at least twenty days before the first day fixed as aforesaid for the sitting of said Registration Officers by the appointment of capable persons who are voters and resident in the election district for which they shall be appointed; and the furnishing of lists of names by the County Committee of any Political Party shall not be necessary prerequisite for such appointment. The Registration Officers so appointed to fill vacancies, as well as Registration Officers now in Office, shall give such bonds, take such oaths, and perform such other qualifying acts to fill such offices and fulfill the duties thereof as are provided by law in that behalf.

The Registration Officers serving for the Special Registration of voters herein provided shall conduct the registration of

## INTOXICATING LIQUOR

voters, advertise the dates, hours and places for their sitting to register voters, post printed lists of additional registered voters, issue and act upon Certificates of Removal from voting districts, compare and correct the Registration Books, certify and verify the Alphabetical Lists of Registered Voters and Registers, be possessed of all the powers while sitting for such registration of voters, and perform all of their official duties in the same manner, as in the case of the registration of voters prior to a General Election.

All penalties imposed by statute upon such Registration Officers for non-feasance or misfeasance in office, and upon all persons for violations of law regulating the registration of voters in this State shall be applicable to and in force in connection with the special registration of voters herein provided for.

Appeals from said Registration Officers shall be obtained, prosecuted and determined, and the decisions thereon certified, acted upon and enforced, in the same manner and before and by the same persons as in the case of Registration Appeals prior to a General Election. For the purpose of hearing such appeals the appropriate judge constituting under the law such tribunal of appeal shall sit in the place designated by statute for such purpose, on Tuesday the Thirtieth day of May, 1933, at 10 o'clock in the forenoon, and from day to day thereafter so long as may be necessary, to hear and determine such appeals.

The compensation of such Registration Officers and all the costs and expenses of conducting such special registration shall be ascertained and paid in the same manner, by the same authority, within a reasonable time after the performance of their duties as aforesaid as in the case of the registration of voters prior to a General Election.

The said Registration Officers shall hold and dispose of said Registers, Books of Registered Voters and said Books of Registration Certificates in the same manner, and deliver the same to

## INTOXICATING LIQUOR

the same election and other officers, before, at and after the holding of said special election for the taking of the vote aforesaid, and for the purpose of taking of the vote aforesaid, as in the case of the holding of a General Election.

Section 3. All qualified electors shall be entitled to vote upon the question so to be submitted to them as aforesaid, under the same conditions as such electors would be entitled to cast their ballots at a General Election. The Special Election for the taking of the vote provided for in this Act shall be held in the several voting districts of the County, upon similar notice, at the same places, by the same election officers, including clerks and voter's assistants, and subject in all respects to the same laws, so far as the same are applicable, as were employed, used and enforced at the General Election in the year 1932.

In case from any cause there shall be vacancies among such election officers in any election district, such vacancies shall be filled by the Governor, by the appointment of suitable and duly qualified persons to serve as such election officers in the vacancies so then existing as aforesaid. Such vacancies shall be so filled at least twenty days before the said date fixed for the holding of said election as aforesaid. The election officers so appointed to fill vacancies as well as election officers continued in office as aforesaid, shall take such oaths and perform such other qualifying acts to fill such offices and fulfill the duties thereof, as are provided by law in that behalf.

Section 4. The Sheriff of Kent County shall, after the 30th day of May and before the 5th day of June 1933 deliver to the Inspector of each election district, or other officer authorized hereby to hold the election for taking the vote hereby provided for therein, two suitable ballot boxes, with a piece of tape and sealing wax, appropriate written or printed forms of tally lists, of certificates of the result of election in said election district, of the oaths or affirmations of the Inspector or other persons authorized by law to hold the election therein, and of those to be

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taken by the judges of the election, and also of the clerks who shall be chosen to act at such election, and of the certificates of administering such oaths or affirmations, with printed or written direction as to correcting, completing and signing such oath or affirmation and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid a book of blank forms of oaths or affirmations as provided for by law for general elections. The ballot box, forms of oaths or affirmations to be administered to the inspector or other officer authorized by law to hold the election, and to judges of election, the forms for the certificates of the qualification of such officers, the forms of oaths for the clerks of said elections, and the certification of the administration of said oaths so furnished, shall be such as are prescribed by law for general elections.

The tally lists so furnished shall be in such form as is used at such General Elections, except that in the margin, on the left side of said tally lists, shall be written or printed, instead of any names of persons to be voted for, the words "for license," and the words "against license," with convenient space between the same. Three forms of certificates, declaring the result of said election, shall be so furnished, which may be according to the following form, viz:

"\_\_\_\_\_County and\_\_\_\_\_Election District of  
\_\_\_\_\_Representative District, SS:

At the election held in said Election District, for the purpose of taking the vote of the qualified electors upon the question, whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the local option district consisting of\_\_\_\_\_on the Tuesday next after the first Monday in June, A. D. 1933, the votes stand as follows:—

"\_\_\_\_\_votes were received "for license"

\_\_\_\_\_votes were received "against license"

## INTOXICATING LIQUOR

And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

In Testimony whereof, we the Judges of said election for said Election District, have hereunto set our hands the day and year aforesaid."

On the said written or printed forms of certificates, before the same shall be delivered by the Sheriff as above directed, the name of the County, the Election District, and all representative Districts, shall be inserted in the blanks for said purpose in the foregoing form.

Section 5. The Clerk of the Peace of Kent County shall cause to be prepared and printed all blanks and forms which shall be necessary for the proper conducting and the due ascertainment and certification of the results of the vote hereinbefore provided for. The said Clerk of the Peace shall cause to be printed for the several election districts, within Kent County, all necessary ballots for said Special Election, which shall be in number not less than four times the total vote of all parties at the preceding General Election. Said Clerk of the Peace shall fold, wrap, tie, mark and seal, and deliver said ballots and furnish and deliver indelible black lead pencils or crayons, envelopes and rubber bands, in the same manner as at a General Election. Said ballots and said pencils or crayons, envelopes and rubber bands shall be received from said Clerk of the Peace by the same officials, at similar times and places, and by them held, treated, disposed of, delivered and employed for the purposes of said Special Election, in the same manner as the ballots and pencils or crayons, envelopes, and rubber bands employed at a General Election. The said envelopes shall be initialed by the Clerks, delivered to qualified voters, deposited in the ballot boxes, and counted in the same way as at a General Election.

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The Election Officers conducting the said Special Election shall take the same oaths and be otherwise duly qualified as at a General Election. The Clerks of the Peace and Sheriff of the County the inspectors or other persons conducting said election, the judges and Clerks of said election, shall be subject to the same penalties for nonfeasance or misfeasance in office, and all other persons shall be subject to such penalties for misbehavior relative to the Special Election herein provided for as are provided by the laws relative to general elections in this State.

All the provisions and requirements of law looking to the secrecy of the ballot, together with all penalties imposed for violations of the provisions of law looking to that end, shall apply with full force to the Special Election herein provided for. The ballot boxes used at said Special Election shall be delivered, held and treated before, during and after the holding of said Special Election, in the same manner as at a General Election.

Section 6. On the day fixed for the holding of the Special Election for the taking of the vote aforesaid, the polls shall be opened in the several voting districts between 8 and 9 o'clock in the forenoon and remain continuously open until 7 o'clock in the afternoon. Said polls shall be opened and closed, and the ballots given during said election shall be counted and tallied in the same manner, as at a General Election. Three certificates of the results of the taking of said vote in each voting district, upon the blanks furnished said election officers as aforesaid, shall be made out, signed, certified, placed in envelopes, held and disposed of in the same manner as are corresponding certificates at General Elections; Provided that the two certificates which are not deposited in the ballot box shall be placed in the custody of the Judges of Election, not being the inspector in each election district, one to each, and each said Judge shall produce and deliver said certificates to said Superior Court sitting as a Board of Canvass as aforesaid, at the Court House of Kent County at twelve o'clock noon on the First Thursday following the said Special Election.

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Section 7. The Superior Court in Kent County constituted as in case of a General Election, shall convene at 12 o'clock noon in the County Court House of Kent County on the First Thursday following the said Special Election, and publicly ascertain the state of the vote cast at such Special Election, in the same manner and with the same powers as said Court, under the law, canvasses the result of General Elections. For the purpose of such canvass of said vote the ballot boxes containing the ballots cast at said Special Election together with all other their contents, as in the case of the General Election, shall be produced before said Court sitting as said Board of Canvass, and afterwards disposed of as in the case of a General Election. Upon the ascertainment of the results of said election by said Court sitting as such Board of Canvass, the said Court shall make two certificates showing the result of the taking of said vote in each of said Local Option districts within Kent County, which certificates shall be in the following form:

"State of Delaware  
County

} ss.

BE IT REMEMBERED, that at the election held on the Tuesday next after the first Monday in June in the year of 1933, for the purpose of taking the vote of the qualified electors of in the State of Delaware, comprising the Local Option Districts in Kent County, upon the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of said district, according to the Constitution and Laws of the State of Delaware. . . . . votes were given for license and votes were given against license, which is manifest by calculating and ascertaining the aggregate amount of all the votes given in all the election districts of the Local Option District aforesaid, according to the provisions of the Constitution and laws made in this behalf.

IN TESTIMONY WHEREOF, we and  
constituting the Superior Court  
for Kent County, who have met and ascertained the state of the

## INTOXICATING LIQUOR

vote throughout the said Local Option District of that County as the Law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this \_\_\_\_\_ day of June, A. D. 1933."

The said Superior Court shall, within three days after making the certificates of the results of taking said vote at said election, either personally or by a person deputed by it for that purpose, transmit, deliver and lodge one of said certificates in the office of the Clerk of the Peace of Kent County, in which said Local Option District is located, and one in the office of Secretary of State.

Upon the deposit in the office of Secretary of State, for Local Option District of Kent County, the Governor shall, without delay examine said certificate, and therefrom ascertain the result of said vote in the Local Option District aforesaid, and forthwith proclaim the results of said election in that particular Local Option District by publishing the result of said vote in one or more public newspapers of Kent County.

Section 8. The results of the vote taken in each of the said districts shall be determined by the ballots cast in the said election districts of Kent County and same shall be counted and considered in determining the result of the taking of said vote in that particular county.

Section 9. All of the cost and expenses of the said Special Election shall be paid by the Levy Court of Kent County.

Section 10. The ballots to be used in the taking of said vote shall be printed upon white paper of uniform appearance and quality and of the uniform size of three by six inches. Each of said ballots shall have a printed line in the middle thereof extending from the top to the bottom, with the words "against license" printed clearly and legibly on the right hand side of said line; and



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the words "for license" on the left hand side of said line; in voting, each qualified elector shall mark his ballot with a pencil or crayon provided for the said Election by crossing two lines either on the side of the line aforesaid on which the words "against license" appear, or on the side of said line on which the words "for license" are printed. Every ballot cast under the provisions of this Act, marked as aforesaid anywhere on the right hand side of the printed line aforesaid, shall be counted as a vote against license, and every ballot marked as aforesaid on the left hand side of the printed line aforesaid shall be counted as a vote for license.

Section 11. That if it shall appear at said election that a greater number of votes have been cast for license than against license in any of said districts, it shall not be unlawful for any person or persons, firm, company, association or corporation, or the agent, officer or servant of any firm, company, association or corporation, to manufacture or sell spirituous, vinous or malt liquors within said district by reason of any previous election in said district; but where the majority of the votes were cast against license, it shall be unlawful to manufacture or sell spirituous, vinous or malt liquors within said district.

Approved March 22, 1933.

## CHAPTER 15

## INTOXICATING LIQUOR

**AN ACT providing for the submission to the vote of the qualified Electors of Sussex County, as one District, as mentioned in Section 2, Article 13, of the Constitution of the State of Delaware, the Question whether the Manufacture and Sale of Intoxicating Liquors Shall be Licensed or Prohibited Within the Limits of Said District in Accordance with said Article 13, of said Constitution.**

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

Section 1. That on Tuesday next after the first Monday of June, 1933, in Sussex County, as one district, as mentioned in Section 2, Article 13, of the Constitution of the State of Delaware, the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of the said district, shall be submitted to the vote of the qualified electors of the said districts.

Section 2. It shall be the duty of the Registration officers of the respective election districts in Sussex County, now in office, to sit on the third and fourth Saturdays immediately preceding the day herein prescribed for taking the vote aforesaid, from 8 o'clock a. m. until 7 o'clock p. m. with an intermission from 12 o'clock mid-day to 1 o'clock p. m. at the place in each election district where it is proposed to take the vote aforesaid, or at some convenient and suitable other place in said election district, and at such sittings to add to the Registers and Books of Registered voters of their respective election districts, the names of all persons applying to them who may have become qualified to vote since the day of the last General Election, or who may become qualified to vote, by the day of such Special Election, or who, being otherwise qualified to vote did not become registered prior to said last General Election.

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The said Registration Officers, within one week before their first sitting as provided for in this section, shall procure from the Clerk of the Peace of Sussex County, the two Registers and the two Books of Registered Voters, and the Books of Registration Certificates, for their respective election districts. It shall be the duty of said Clerk of the Peace to deliver said books to the said Registration Officers when the same shall be applied for as aforesaid.

On delivering one of the Registers and one of the Books of Registered Voters and the Book of Registration Certificates to the Inspector or other person authorized by law to hold the Special Election in his Election District, for the purpose of taking the vote aforesaid, it shall be the duty of each Registrar to deliver the Register and the Book of Registered Voters which was not used at the General Election held in the year 1932; the several Registrars shall deliver the other of said Registers and the other of said Book of Registered Voters to the Clerk of the Peace of Sussex County within one week after the Special Election.

In case from any cause there shall be vacancies among such Registration Officers in any election district, such vacancies shall be filled by the appointment of the Governor. Such vacancies shall be filled at least twenty days before the first day fixed as aforesaid for the sitting of said Registration Officers by the appointment of capable persons who are voters and resident in the election district for which they shall be appointed; and the furnishing of lists of names by the County Committee of any Political Party shall not be necessary prerequisite for such appointment. The Registration Officers so appointed to fill vacancies, as well as Registration Officers now in Office, shall give such bonds, take such oaths, and perform such other qualifying acts to fill such offices and fulfill the duties thereof as are provided by law in that behalf.

The Registration Officers serving for the Special Registration of voters herein provided shall conduct the registration of voters, advertise the dates, hours and places for their sitting to

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registered voters, post printed lists of additional registered voters, issue and act upon Certificates of Removal from voting districts, compare and correct the Registration Books, certify and verify the Alphabetical Lists of Registered Voters and Registers, be possessed of all the powers while sitting for such registration of voters, and perform all of their official duties in the same manner, as in the case of the registration of voters prior to a General Election.

All penalties imposed by statute upon such Registration Officers for non-feasance or misfeasance in office, and upon all persons for violations of law regulating the registration of voters in this State shall be applicable to and in force in connection with the special registration of voters herein provided for.

Appeals from said Registration Officers shall be obtained, prosecuted and determined, and the decisions thereon certified, acted upon and enforced, in the same manner and before and by the same persons as in the case of Registration Appeals prior to a General Election. For the purpose of hearing such appeals the appropriate judge constituting under the law such tribunal of appeal shall sit in the place designated by statute for such purpose, on Tuesday the Thirtieth day of May 1933, at 10 o'clock in the forenoon, and from day to day thereafter so long as may be necessary, to hear and determine such appeals.

The compensation of such Registration Officers and all the costs and expenses of conducting such special registration shall be ascertained and paid in the same manner, by the same authority, within a reasonable time after the performance of their duties as aforesaid as in the case of the registration of voters prior to a General Election.

The said Registration Officers shall hold and dispose of said Registers, Books of Registered Voters and said Books of Registration Certificates in the same manner, and deliver the same to the same election and other officers, before, at and after the holding of said special election for the taking of the vote aforesaid, and

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for the purpose of the taking of the vote aforesaid, as in the case of the holding of a General Election.

Section 3. All qualified electors shall be entitled to vote upon the question so to be submitted to them as aforesaid, under the same conditions as such electors would be entitled to cast their ballots at a General Election. The Special Election for the taking of the vote provided for in this Act shall be held in the several voting districts of the County, upon similar notice, at the same places, by the same election officers, including clerks and voter's assistants, and subject in all respects to the same laws, so far as the same are applicable, as were employed, used and enforced at the General Election in the year 1932.

In case from any cause there shall be vacancies among such election officers in any election district, such vacancies shall be filled by the Governor, by the appointment of suitable and duly qualified persons to serve as such election officers in the vacancies so then existing as aforesaid. Such vacancies shall be so filled at least twenty days before the said date fixed for the holding of said election as aforesaid. The election officers so appointed to fill vacancies as well as election officers continued in office as aforesaid, shall take such oaths and perform such other qualifying acts to fill such offices and fulfill the duties thereof, as are provided by law in that behalf.

Section 4. The Sheriff of Sussex County shall, after the 30th day of May and before the 5th day of June 1933 deliver to the Inspector of each election district, or other officer authorized hereby to hold the election for taking the vote hereby provided for therein, two suitable ballot boxes, with a piece of tape and sealing wax, appropriate written or printed forms of tally lists, of certificates of the result of election in said election district, of the oaths or affirmations of the Inspector or other persons authorized by law to hold the election therein, and of those to be taken by the judges of the election, and also of the clerks who shall be chosen to act at such election, and of the certificates of administering such oaths or affirmations, with printed or written direction as to correcting, completing and signing such oath or affirma-

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tion and certificates of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid a book of blank forms of oaths or affirmations as provided for by law for general elections. The ballot box, forms of oaths or affirmations to be administered to the inspector or other officer authorized by law to hold the election, and to judges of election, the forms for the certificates of the qualification of such officers, the forms of oaths for the clerks of said elections, and the certification of the administration of said oaths so furnished, shall be such as are prescribed by law for general elections.

The tally list so furnished shall be in such form as is used at such General Elections, except that in the margin, on the left side of said tally lists, shall be written or printed, instead of any names of persons to be voted for, the words "for license", and the words "against license", with convenient space between the same. Three forms of certificates, declaring the result of said election, shall be so furnished, which may be according to the following form, viz:

".....County and.....Election  
District of.....Representative District, SS:

At the election held in said Election District, for the purpose of taking the vote of the qualified electors upon the question, whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the local option district consisting of.....on the Tuesday next after the first Monday in June, A. D. 1933, the votes stand as follows:—

".....votes were received "for license"

".....votes were received "against license"

And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed.

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In Testimony whereof, we the Judges of said election for said Election District, have hereunto set our hands the day and year aforesaid."

On the said written or printed forms of certificates, before the same shall be delivered by the Sheriff as above directed, the name of the County, the Election District, and all Representative Districts, shall be inserted in the blanks for said purpose in the foregoing form.

Section 5. The Clerk of the Peace of Sussex County shall cause to be prepared and printed all blanks and forms which shall be necessary for the proper conducting and the due ascertainment and certification of the results of the vote hereinbefore provided for. The said Clerk of the Peace shall cause to be printed for the several election districts, within Sussex County, all necessary ballots for said Special Election, which shall be in number not less than four times the total vote of all parties at the preceding General Election. Said Clerk of the Peace shall fold, wrap, tie, mark and seal, and deliver said ballots and furnish and deliver indelible black lead pencils or crayons, envelopes and rubber bands, in the same manner as at a General Election. Said ballots and said pencils or crayons, envelopes and rubber bands shall be received from said Clerk of the Peace by the same officials, at similar times and places, and by them held, treated and disposed of, delivered and employed for the purposes of said Special Election, in the same manner as the ballots and pencils or crayons, envelopes, and rubber bands employed at a General Election. The said envelopes shall be initialed by the Clerks, delivered to qualified voters, deposited in the ballot boxes, and counted in the same way as at a General Election.

The Election Officers conducting the said Special Election shall take the same oaths and be otherwise duly qualified as at a General Election. The Clerks of the Peace and Sheriff of the County the inspectors or other persons conducting said election, the judges and Clerks of said election, shall be subject to the same penalties for nonfeasance or misfeasance in office, and all

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other persons shall be subject to such penalties for misbehavior relative to the Special Election herein provided for as are provided by the laws relative to General Elections in this State.

All the provisions and requirements of law looking to the secrecy of the ballot, together with all penalties imposed for violations of the provisions of law looking to that end, shall apply with full force to the Special Election herein provided for. The ballot boxes used at said Special Election shall be delivered, held and treated before, during and after the holding of said Special Election, in the same manner as at a General Election.

Section 6. On the day fixed for the holding of the Special Election for the taking of the vote aforesaid, the polls shall be opened in the several voting districts between 8 and 9 o'clock in the forenoon and remain continuously open until 7 o'clock in the afternoon. Said polls shall be opened and closed, and the ballots given during said election shall be counted and tallied in the same manner as at a General Election. Three certificates of the results of the taking of said vote in each voting district, upon the blanks furnished said election officers as aforesaid, shall be made out, signed, certified, placed in envelopes, held and disposed of in the same manner as are corresponding certificates at General Elections; Provided that the two certificates which are not deposited in the ballot box shall be placed in the custody of the Judges of election, not being the Inspector in each election district, one to each, and each said Judge shall produce and deliver said certificates to said Superior Court sitting as a Board of Canvass as aforesaid, at the Court House of Sussex County at twelve o'clock noon on the First Thursday following the said Special Election.

Section 7. The Superior Court in Sussex County constituted as in case of a General Election, shall convene at 12 o'clock noon in the County Court House of Sussex County on the First Thursday following the said Special Election, and publicly ascertain the state of the vote cast at such Special Election, in the same man-



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ner and with the same powers as said Court, under the law, canvasses the result of General Elections. For the purpose of such canvass of said vote the ballot boxes containing the ballots cast at said Special Election together with all other their contents, as in the case of the General Election, shall be produced before said Court sitting as said Board of Canvass, and afterwards disposed of as in the case of a General Election. Upon the ascertainment of the results of said election by said Court sitting as such Board of Canvass, the said Court shall make two certificates showing the result of the taking of said vote in each of said Local Option districts within Sussex County, which certificates shall be in the following form:

"State of Delaware  
 .....County } ss.

BE IT REMEMBERED, that at the election held on the Tuesday next after the first Monday in June in the year of 1933, for the purpose of taking the vote of the qualified electors of .....in the State of Delaware, comprising the Local Option Districts in Sussex County, upon the question whether the manufacture and sale of intoxicating liquors shall be licensed or prohibited within the limits of said district, according to the Constitution and Laws of the State of Delaware.

.....votes were given for license and.....  
 votes were given against license, which is manifest by calculating and ascertaining the aggregate amount of all the votes given in all the election districts of the Local Option District aforesaid, according to the provisions of the Constitution and laws made in this behalf.

IN TESTIMONY WHEREOF, we.....and.....  
 .....constituting the Superior Court for Sussex County, who have met and ascertained the state of the vote throughout the said Local Option District of that County as the Law requires, have hereunto set our hands and caused the seal of the said

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Superior Court to be hereunto affixed at the Court House in said County, on this . . . day of June, A. D. 1933."

The said Superior Court shall, within three days after making the certificates of the results of taking said vote at said election, either personally or by a person deputed by it for that purpose, transmit, deliver and lodge one of said certificates in the office of the Clerk of the Peace of Sussex County, in which said Local Option District is located, and one in the office of Secretary of State.

Upon the deposit in the office of Secretary of State, for Local Option District of Sussex County, the Governor shall, without delay examine said certificates, and therefrom ascertain the result of said vote in the Local Option District aforesaid, and forthwith proclaim the results of said election in that particular Local Option District by publishing the result of said vote in one or more public newspapers of Sussex County.

Section 8. The results of the vote taken in each of the said districts shall be determined by the ballots cast in the said election districts of Sussex County and same shall be counted and considered in determining the result of the taking of said vote in that particular County.

Section 9. All of the cost and expenses of the said Special Election shall be paid by the Levy Court of Sussex County.

Section 10. The ballots to be used in the taking of said vote shall be printed upon white paper of uniform appearance and quality and of the uniform size of three by six inches. Each of said ballots shall have a printed line in the middle thereof extending from the top to the bottom, with the words "against license" printed clearly and legibly on the right hand side of said line; and the words "for license" on the left hand side of said line; in voting, each qualified elector shall mark his ballot with a pencil or crayon provided for the said Election by crossing two lines either on the side of the line aforesaid on which the words

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"against license" appear, or on the side of said line on which the words "for license" are printed. Every ballot cast under the provisions of this Act, marked as aforesaid anywhere on the right hand side of the printed line aforesaid, shall be counted as a vote against license, and every ballot marked as aforesaid on the left hand side of the printed line aforesaid shall be counted as a vote for license.

Section 11. That if it shall appear at said election that a greater number of votes have been cast for license than against license in any of said districts, it shall not be unlawful for any person or persons, firm, company, association or corporation, or the agent, officer or servant of any firm, company, association or corporation, to manufacture or sell spirituous, vinous or malt liquors within said district by reason of any previous election in said district; but where the majority of the votes were cast against license, it shall be unlawful to manufacture or sell spirituous, vinous or malt liquors within said district.

Approved March 22, 1933.

## CHAPTER 16

## INTOXICATING LIQUOR

**AN ACT to regulate the sale of Liquor by Registered Pharmacists.**

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

Section 1. No registered pharmacist shall sell or keep and store for sale spirituous liquor as defined in Chapter 10, Volume 29, of the Laws of Delaware, except for medicinal purposes upon the written prescription of a reputable physician lawfully and regularly engaged in the practice of his profession and until he shall have first obtained a permit from the Attorney General of this State to make such sales.

Section 2. The Attorey General shall issue no such permit except to a registered pharmacist who, at the time of the issuance thereof, holds a valid permit issued by the United States Commissioner of Internal Revenue under the provisions of the National Prohibition Act and who shall show to the satisfaction of the Attorney General that he has been a resident of this State for at least five years next preceding the application for said permit.

Section 3. Every permit shall be in writing, dated when issued, and signed by the Attorney General. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed. No permit shall be issued until a verified, written application shall have been made therefor, setting forth the qualifications of the applicant and the purpose for which the liquor is to be used.

Section 4. The Attorney General may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted, the Attorney General may require a bond in such form and amount as he may prescribe to

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insure compliance with the terms of the permit and the provisions of this chapter. In the event of the refusal by the Attorney General of any application for a permit, the applicant may, by appropriate proceeding in the Court of General Sessions, have the action of the Attorney General reviewed, and the Court may affirm, modify, or reverse the finding of the Attorney General, as the facts and law of the case may warrant.

Section 5. Each pharmacist shall keep a public record of all sales of liquors mentioned herein in the manner provided by the National Prohibition Act. Upon filling a prescription for liquor, issued by a duly authorized physician, every pharmacist shall at the time endorse upon it, over his own signature, the word "cancelled," together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep under the provisions of this Act.

Section 6. Any one violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars nor more than Five Hundred Dollars and imprisoned for a period of not less than thirty days nor more than one year.

Section 7. All other acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 28, 1933.

## CHAPTER 17

## INTOXICATING LIQUOR

**AN ACT to amend Chapter 10 of Volume 29 of the Laws of Delaware, entitled "An Act to Amend Chapter 6 of the Revised Code of the State of Delaware, being in Relation to Spirituous, Vinous or Malt Liquors in those portions of the State of Delaware where the Sale of Such Liquors is Prohibited by Law" by making it clear that the word law used in the title to said Chapter 10 means only the Constitution of the State of Delaware or the Statutes 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 10 of Volume 29 of the Laws of Delaware be and the same is hereby amended by striking out the word "law" wherever it appears in the title and in sub-divisions (2), (3), (7) and (11) of said act, and wherever it appears in the first paragraph of sub-division (4) of said act, and where it first appears in the third paragraph of said sub-division (4), and substituting in lieu of said word so stricken out, in each place where it is so stricken out, the words "the constitution of this State or the statutes of this State."

Section 2. That said Chapter 10 be and the same is hereby further amended by striking out the word "unlawful" where it secondly appears in sub-division (6) of said act and substituting in lieu of said word so stricken out the words "prohibited by the constitution of this State or the statutes of this State."

Section 3. That said Chapter 10 be and the same is hereby further amended by inserting after the word "prohibited" where it appears in sub-division (10) of said act and before the comma immediately following such word, and also after the said word "prohibited" where it secondly appears in sub-division (11) of said act and before the comma immediately following said word.

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the words "by the constitution of this State or the statutes of this State."

Section 4. That all laws or parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 28, 1933.

## CHAPTER 18

## INTOXICATING LIQUOR

**AN ACT creating a Commission for the Control of the Manufacture, Distribution, Sale and Transportation of Alcoholic Liquor, Wines and Beer.**

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

Section 1. This Act may be cited under the name of "The Liquor Control Act."

Section 2. (1) The Act shall apply to the State of Delaware, but if, in any of the districts created by Section 2. Article XIII of the Constitution of this State, a majority of the qualified electors thereof shall vote against license, the application of this Act and the provisions thereof shall be suspended therein. Nothing in this Act shall be interpreted as authorizing the manufacture, distribution, sale, transportation or importation of "alcoholic liquors," "alcohol," "spirits," "wines," and "beer" as herein defined, where such manufacture, distribution, sale, transportation or importation are prohibited by the Constitution of the United States and the State of Delaware, or under the Statutes thereof.

(2) Any Section or paragraph of this Act purporting to authorize or to license the manufacture, distribution, sale, transportation, importation, purchase or possession of "alcoholic liquor," as herein defined, shall be effective only when and to such extent as may be permitted under the Constitution of the United States and of the State of Delaware, or under the Statutes thereof.

(3) No sale of "alcoholic liquor" shall be authorized to be made to a "person" in a State or a division of a State where such sale is prohibited by the laws of such State or of such division of a State.



## INTOXICATING LIQUOR

(4) No shipment of alcoholic liquor shall be authorized to be made into a State or into a division of a State where such shipment is prohibited by the laws of such State, or of such division of a State.

## DEFINITIONS

Section 3. When used in this Act the following words shall have, in addition to their usual meaning, the additional or restrictive interpretation herein expressed:

1. The word "Commission" means the Commission created by this Act under the name of "The Delaware Liquor Commission."

2. The word "alcohol" means ethyl alcohol produced by the distillation of any fermented liquid, whether rectified or diluted with water or not, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not mean ethyl alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

3. The words "denatured alcohol" mean ethyl alcohol or liquors containing ethyl alcohol to which substances or ingredients have been added to render such ethyl alcohol or liquors unfit for beverage purposes.

4. The word "spirits" means any beverage containing more than one-half of one per cent of ethyl alcohol by volume mixed with water and other substances in solution, and includes, among other things, brandy, rum, whiskey and gin, and other spirituous liquors.

5. The word "wine" means any beverage containing more than one-half of one per cent ethyl alcohol by volume obtained by the fermentation of the natural contents of fruits, vegetables or other products and other vinous liquors. "Wine" also includes such beverages when fortified by the addition of "alcohol" or "spirits" as above defined.

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6. The word "beer" means any beverage containing more than one-half of one per cent of ethyl alcohol by volume, obtained by the alcoholic fermentation of an infusion or decoction of barley malt and hops in water and includes, among other things, ale, porter, stout and other malt or brewed liquors.

7. The words "alcoholic liquor" or "alcoholic liquors" include the four varieties of liquor above defined ("alcohol," "spirits," "wine," and "beer") and every liquid or solid, patented or not, containing "alcohol," "spirits," "wine" or "beer" and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties above defined is considered as belonging to that variety which usually has the higher percentage of "alcohol," and according to the order in which the varieties are above defined.

8. The word "person" includes as well as an individual a partnership, a corporation, a club or any other association of individuals.

9. The word "whosoever," when used in reference to any offender under this Act, includes every "person" who acts for himself or by permission or agreement for any other "person," and includes also such other "person."

10. The word "residence" means the place occupied by a "person," as a domicile or otherwise, either permanently or temporarily and includes not only the premises occupied, but also every annex or dependency thereof held under the same title as the premises occupied.

11. The words "disorderly house" have the meaning set forth in 4709, Section 13, Chapter 149, Revised Code of Delaware.

12. The word "establishment" means any place where "alcoholic liquor" of one or more varieties is stored, sold or used by authority of any law of this State, including a hotel, restaurant, "tavern," or club as defined below, or where "alcoholic

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liquor" of one or more varieties is manufactured by virtue of any Act of the Legislature of Delaware.

13. The word "traveler" means an individual guest or customer of a "hotel," of a "restaurant," or of a "tavern."

14. The word "hotel" means any "establishment," provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to "travelers."

15. The word "restaurant" means any "establishment," provided with special space and accommodation, where, in consideration of payment, food (without lodging) is habitually furnished to "travelers."

16. The word "tavern" means any "establishment" with special space and accommodation for sale by the glass and for consumption on the premises, of "beer" as herein defined.

17. The word "club" means a corporation or association created by competent authority, which is the owner, lessee or occupant of premises operated solely for objects of national, social, patriotic, political, or athletic nature, or the like, whether or not for pecuniary gain, and the property as well as the advantages of which belong to or are enjoyed by the stockholders or by the "members" of such corporation or association.

18. A "member of a club" is an individual who, whether as a charter member or admitted in accordance with the rules or the by-laws of the "club," has become a member thereof, who maintains his or her membership by the payment of dues in the manner established by such rules or by-laws, and whose name and address is entered on the list of members supplied to the Commission at the time of the application for a permit under this Act, or, if admitted thereafter, within eight days after his or her admission and payment of dues, if such dues are required. The Commission is authorized to extend the meaning of the words

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"member of a club" to include those who are granted temporary membership or membership of less than one year in accordance with a rule or by-law of the "club" approved by the Commission.

19. The words "gathering of persons" or "gathering" means a banquet, picnic, bazaar, fair or similar private gathering or similar public gathering where food or drink are sold, served or dispensed, or where entrance tickets are sold or entrance fees are required.

20. The word "sell" means: Solicit or receive an order for; keep or expose for sale; deliver for value or in any other way than purely gratuitously; peddle; keep with intent to sell; keep or transport in contravention of any Section or provision of this Act; traffic in; or for any valuable consideration, promised or obtained, directly or indirectly, or under any pretext or by any means whatsoever, procure or allow to be procured for any other "person."

21. The word "sale" means every Act of selling as above defined.

22. The words "to peddle," when used in reference to "alcoholic liquor," mean to carry on one's person or to transport with one and with intent to sell the same but not in any "establishment" where the sale thereof is allowed; and the word "peddling" means the act of doing as aforesaid.

23. The word "manufacture" means distill, rectify, ferment, brew, make, mix, concoct, or process any substance or substances capable of producing a beverage containing more than one-half of one per cent of alcohol by volume and includes "blending," "bottling" or other preparation for "sale."

24. The word "manufacturer" means any "person" engaged in the "manufacture" of any "alcoholic liquor" and among others includes a distiller, a rectifier, a wine maker, a brewer, and includes a "bottler" or one who prepares "alcoholic liquor" for "sale."

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25. The word "bottle" means any vessel that is corked, capped or stopped or arranged so to be and intended to contain or to convey liquids and having a capacity of not more than forty fluid ounces. A "half bottle" means a similar vessel having a capacity of not more than twenty fluid ounces.

26. The word "barrel" when used as a container for "beer" means such container having a capacity of thirty-one United States standard gallons of two hundred thirty-one cubic inches.

27. The word "vehicle" means any means of transportation by land, by water or by air, and includes everything made use of in any way whatsoever for such transportation.

28. The words "distillery," "winery" and "brewery" mean not only the premises whereon "alcohol" or "spirits" is distilled or rectified, "wine" is fermented, or "beer" is brewed, but in addition the "person" owning, representing or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of "alcoholic liquor" in any form.

29. The word "preparation" means any medicine (patented or proprietary) ; any mixture containing drugs or mineral substances, any perfume, lotion, tincture, varnish, dressing, fluid extract or essence, vinegar, cream, ointment or salve; any distillate or decoction, whether or not containing other substances in solution or suspension; that contains ethyl alcohol or any "alcoholic liquor" to any amount exceeding one-half of one per cent by volume.

30. The word "license" means any license or permit to manufacture, to sell, to purchase, to transport, to import or to possess "alcoholic liquor" authorized or issued by the Commission under the provisions of this Act.

31. The word "importer" means the "person" transporting or ordering, authorizing or arranging the transportation or

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shipment of "alcoholic liquor" into the State of Delaware whether such "person" is a resident or citizen of Delaware or not.

32. The word "import" means the transporting or ordering or arranging for the transportation or shipment of "alcoholic liquor" into the State of Delaware whether by a resident of the State or otherwise.

## THE COMMISSION

Section 4. (1) A Commission is hereby created under the name of the "Delaware Liquor Commission." The said Commission shall consist of only one (1) member who shall be appointed by the Governor of the State of Delaware. Said member to be appointed by the Governor on or before the fifteenth day of May, A. D. 1933 to serve for the period of five (5) years from the day of the date of said appointment.

(2) At such time or times as the manufacture and sale of "alcoholic liquor" shall be permitted in New Castle County outside of the City of Wilmington, such manufacture and sale shall be regulated under the provisions of this Act and by the Commission herein created.

(3) At such time or times as the manufacture and sale of "alcohol liquor" shall be permitted in Kent County such manufacture and sale shall be regulated under the provisions of this Act and by the Commission herein created.

(4) At such time or times as the manufacture and sale of "alcohol liquor" shall be permitted in Sussex County, such manufacture and sale shall be regulated under the provisions of this Act and by the Commission herein created.

(5) The member appointed to said Commission by the Governor may be reappointed to succeed himself.

(6) The member appointed to said Commission shall be a citizen of the United States, a qualified voter of the State of

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Delaware and a resident of the State of Delaware for a period of a least three years preceding the date of appointment.

(7) Should the member herein appointed to said Commission die or resign before completing the term to which he was appointed the Governor shall appoint a member to fill said unexpired term.

(8) The Commission shall appoint an Executive Secretary and proceed under the provisions of this Act within thirty (30) days after the member to said Commission has been appointed as provided herein.

(9) The Executive Secretary shall be paid a salary to be fixed by the Commission.

(10) The Executive Secretary shall serve in that capacity at the pleasure of the Commission.

(11) The head office of the Commission shall be in the City of Wilmington.

Section 4-A. Wherever in this Act reference is made to the membership of the Commission it shall be construed to mean the one member as herein provided under Section 4 of this Act.

Section 5. The functions, duties and powers of the Commission shall be the following.

(1) To adopt and promulgate rules and regulations not inconsistent with the provisions of this Act or of the laws of the State of Delaware. All such rules and regulations shall have the force and effect of law;

(2) To establish by such rules and regulations an effective control of the business of manufacture, sale, dispensation, distribution and importation of "alcoholic liquors" within and into the State of Delaware, including the time, place and manner in

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which "alcoholic liquors" shall be sold and dispensed, not inconsistent with the provisions of this Act;

(3) To buy, to have in its possession and to sell, in its own name "alcoholic liquor," in the manner set forth in this Act;

(4) To lease or to occupy any building or land required for its operations;

(5) To control the "manufacture," "possession," "sale" and "delivery" of "alcoholic liquors" in accordance with the provisions of this Act; and to control the purchase, possession, transportation and "sale" of "alcoholic liquors" by those licensed to "manufacture" or to "sell;"

(6) To grant, to refuse, or to cancel licenses for the "manufacture" or "sale" of "alcoholic liquor" or other licenses in regard thereto, and to transfer any license granted;

(7) To investigate and to prevent every violation of this Act, make every seizure of "alcoholic liquor," "manufactured," "sold," kept or transported in contravention thereof and to confiscate such "alcoholic liquor" whenever required by this Act;

(8) To act for the purposes of this Act, as the competent authority in connection with other matters pertinent thereto;

(9) To appoint or employ every officer or employee necessary for the carrying out of the work of the Commission and dismiss them for cause, fix their salaries or remuneration, and assign them their official titles and duties, and to engage the services of experts and of persons engaged in the practice of a profession. All officers and employees appointed by the Commission shall have the police powers of Constables and other police officers of the State, Counties and other subdivisions of the State and they shall be conservators of the peace throughout the State with authority to suppress all acts of violence and to enforce this Act and all provisions therein contained.



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(10) On petition signed by at least ten individuals, residents of the neighborhood, to hear complaints in regard to the appointments of, or the conduct of business in, any "establishment" where "alcoholic liquor" is licensed to be "sold," of which hearings ten days' notice, together with a recital of the complaint, shall be sent by registered mail to the address of the holder of the license for said "establishment" and like notice shall be delivered at such "establishment" by affixing such notice addressed to the holder of the license to the outside of an entrance door to such establishment; such hearings shall be conducted by a member of the Commission or by the executive secretary thereof and may be public or not, in the discretion of the Commission, and each member of the Commission and the executive secretary thereof shall for the purpose of such hearings have power to issue subpoenas, compel the attendance of witnesses, administer oaths, take testimony and compel the production of pertinent books, payrolls, accounts, papers, records and documents, and in case any person summoned to testify or to produce any such written or printed evidence shall refuse, without reasonable cause, to be examined or to answer a legal and pertinent question or to produce any such written or printed evidence the commissioner or executive secretary conducting the hearing may certify the fact of any such refusal to the Court of General Sessions of the County in which such hearing is held and such Court shall be authorized, in its discretion, to proceed against the person so refusing as for a contempt and to punish such person, if found guilty, in such manner as persons are punished for contempt of Court.

(11) To provide such special seals, labels and wrappers as it shall deem necessary for protection of the public against imitations, adulterations and frauds and to prescribe the proper use of such seals, labels and wrappers.

(12) To arrange for the proper sampling, testing, and analyzing of "alcoholic liquor" offered for sale in this State but "alcoholic liquor" purchased by the Commission in "bottles," from reputable manufacturers and bearing the labels of such manufacturers may be sold by the Commission without test or analysis.

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(13) To make an annual report setting forth all matters of interest and all statistics concerning Liquor Control in the State of Delaware, including:

The number of licenses of each variety granted;

The name and address of each "person" licensed to manufacture or to sell "alcohol," "spirits," "wine" and "beer."

The amount of "alcohol," of "spirits," of "wine" and of "beer" sold within the State;

The number of persons arrested for drunkenness during the year;

The number of licenses of each kind granted and the number cancelled during the year;

Such other data as may make a complete report to the people of the State. •

Section 6. 1. Every member of the Commission and every person appointed by the Commission to any position, in which his or her duties are concerned with the selection, ordering, "sale," preparation for "sale," handling or transportation of "alcoholic liquor," must, on entering upon his or her duties, take the oath of the Constitution of the State of Delaware, for officers other than election officers.

2. Each member of the Commission and the Executive Secretary shall give security by means of a corporate surety bond in sum of not less than ten thousand dollars (\$10,000) and every other person appointed to any position by the Commission must, upon entering upon his or her duties, give security by means of a corporate surety bond in the sum of not less than two thousand dollars (\$2,000); conditioned that the members of the Commission, the Executive Secretary and other of said persons will perform all the services imposed upon them by law or to which they are directed by the Commission or any member thereof and they

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will not knowingly violate the provisions of this Act or of any Act relating to the "manufacture," "sale," disposition or transportation of "alcoholic liquors." The requirements of this paragraph may be covered by a blanket surety bond covering the performance of the services imposed upon the members of the Commission, the Executive Secretary and other of said persons. Cost of such bonds shall be borne by the Commission as part of its operating expense.

Section 7. 1. No member or employe of the Commission may, directly or indirectly, individually or as a member of a partnership, or of any other association, or as the holder or owner of more than ten per cent of the capital stock of a company, have any interest whatsoever in the "sale" or in the "manufacture" of "alcoholic liquors," or in any enterprise or industry in which "alcoholic liquors" are required.

2. When notified of appointment as a member of the Commission the individual so notified shall furnish in duplicate and in writing to the Governor a statement of every interest, direct or indirect, and however small, held or owned by him as a member or as a stockholder in any partnership, corporation or other association engaged in the "sale" or in the "manufacture" of "alcoholic liquors" or in any undertaking, industry or business in which "alcoholic liquors" are used or required. One copy of such statement shall be inserted in the permanent records of the Commission open to public inspection.

3. No member or employe of the Commission shall receive any commission or profit whatsoever from, or have any interest whatsoever in, the purchases or sales made by the Commission or by the "persons" authorized by virtue of this Act to purchase or to "sell" such "alcoholic liquors," but no provision of this Section shall prevent any such member or employe from purchasing and keeping in his possession, for the personal use of himself, the members of his family, and his guests, any "alcoholic liquor" which may be permitted to be purchased or kept by any individual by virtue of this Act and no provision of this Act shall prevent any such member or employe from owning a minor-

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ity interest in a corporation engaged in the manufacture and sale of "denatured alcohol," as defined herein, for industrial or other non-beverage purposes.

Section 8. 1. The Commission may make any regulation it may deem necessary for the carrying out of this Act respecting its internal economy and the conduct of its business, and may amend or repeal any such regulation. Such regulations must be published in form open to public inspection at the office of the Commission.

2. No regulation made by the Commission and approved and published as above mentioned, may be repealed or amended save by another regulation of the Commission, approved and published as above provided.

Section 9. For a period of two years no "person" engaged in or interested in the "manufacture," "sale," dispensing or transporting of "alcoholic liquor" shall advertise or cause to be advertised "alcoholic liquor" of any kind or brand, or the "manufacture," or "sale" of "alcoholic liquor" or anything in connection therewith, or the place or places where "alcoholic liquor" may be purchased provided that such advertising shall be permitted in newspapers or in other periodical publications sold in this State, and shall be permitted by radio broadcast. Poster Boards and painted bulletins may be used to advertise the manufacture or sale of all vinous and malt liquors that are permitted under the laws of the State of Delaware to be sold under this Act. The use of said poster boards and painted bulletins to be confined to the Corporate limits of the City of Wilmington, provided, however, that the placing of poster boards and painted bulletins in the City of Wilmington does not conflict with any existing ordinances of the City. In the event there is a conflict the City ordinance shall prevail. However, any "establishment" where "alcoholic liquor" is sold may indicate that fact by suitable sign of size and lettering to be approved by the Commission.

Section 10. Every order given by the Commission for the purchase of "alcoholic liquor" must bear the signature of two

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of its members. A duplicate of every such order shall be kept at the head office of the Commission.

Section 11. All moneys received by the Commission shall be deposited to its credit in the bank in which State Funds are required to be deposited and a monthly report thereof shall be made to the State Treasurer. Said report shall fully set forth all moneys received by said Commission during the period covered and all expenditures made by the Commission during such period. Such report shall be accompanied by a check to the order of the State Treasurer for the amount in hand, less such sum as in the judgment of the Commission it is necessary to be retained by the Commission for defraying expenses and demands to be met under the provisions of this Act.

Section 12. All property owned by the Commission and all profits earned by it shall be the property of the State.

Section 13. 1. The Commission shall render an account to the State Treasurer, in the manner and at the time required by the latter, of its receipts and disbursements, and of its assets and liabilities.

2. The operations of the Commission shall be examined and audited by Certified Public Accountant or by other competent individual appointed by the Governor.

## PROPERTY OF THE COMMISSION

Section 14. The Commission may have the following stores and warehouses:

1. Its principal store and warehouse in the City of Wilmington, or if prohibited by the law in such city, at other place in the State of Delaware where permitted by law and as may be determined by the Commission.

2. Branches of such principal store and warehouse in such cities, towns, or elsewhere within the State of Delaware as the Commission may choose, and to the number that it decides. No

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such branch shall be established in any County outside of the City of Wilmington or in the City of Wilmington if a law prohibitory of such branch and applying to such County or City is in force, nor in any incorporated city or town whose governing body has, by ordinance, enacted that no such branch may be established therein.

3. The Commission may purchase "alcohol," "spirits" or "wine" in barrels, casks, or other containers and may organize an establishment for blending and bottling such "alcoholic liquors." All "alcoholic liquors" blended or bottled by the Commission must be so labeled.

## MANUFACTURE AND IMPORTATION OF "ALCOHOLIC LIQUOR"

Section 15. 1. Any "person" proposing to "manufacture" in or to import "alcoholic liquor" into the State of Delaware must obtain from the Commission a license authorizing such "manufacture" or importation.

The individual signing the application must be over thirty years of age.

The application for license must be made upon a blank furnished by the Commission and must state:

The name, surname, and surnames, age, and previous occupation of an individual applicant or the name and description of a partnership, corporation, or other applicant organization.

The location and description of the premises, both within and without this State, where it is proposed that such alcoholic liquor shall be "manufactured" or stored and whether such premises are owned or leased by the applicant and if leased the name of the owner thereof.

The amount of capital proposed to be invested in the undertaking.

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The kind and approximate amount of "alcoholic liquor" proposed to be "manufactured" or imported.

The approximate date on which it is proposed to start such "manufacture," or importation.

Such other information as may be required by the Commission.

2. The Commission shall inspect or cause to be inspected the premises proposed by each applicant to be used for "manufacture," or storage, as are located within this State and shall make record of the date of such inspection, the name of the inspector and the result of the inspection.

3. No license to "manufacture" or import shall be issued unless the Commission shall be satisfied as to the responsibility of the applicant, as to the condition of the premises proposed to be used and as to the means proposed to be used to determine the amount of "alcoholic liquor" "manufactured" or imported.

4. No "manufacturer" or importer or "person" interested, either directly, or as a partner or as a stockholder of a corporation or in any other manner, in the "manufacture," blending, bottling or in any manner preparing for sale any "alcoholic liquor" shall own or be interested as owner or as a partner or stockholder, in any "establishment" holding a license to "sell" "alcoholic liquor," either by the "bottle" or by the glass, to the consumer thereof, for consumption either on or off the premises where sold.

5. Every "manufacturer" or importer, holder of a license under this Act to "manufacture" or import "alcoholic liquor," must make to the Commission every month, in the form that the Commission shall determine, an exact return of the gross amount of each variety of "alcoholic liquor" both "manufactured," imported and "sold" within this State during the preceding calendar month. The Commission may require such returns to be certified

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under oath or affirmation of the holder of the license to "manufacture" or of other person approved by the Commission.

6. Any "manufacturer" or importer that fails to make a return to the Commission within the fifteen days following the expiration of any calendar month for which it should be made shall be guilty of a misdemeanor and shall be liable to a fine of fifty dollars per day for each day's delay counting from the expiration of such fifteen days and the license of such "manufacturer" or importer shall be suspended by the Commission if the return is not made within fifteen additional days.

7. The Commission may have an examination made of the books of the "manufacturer" or "importer" or may otherwise check the accuracy of any such return or may place an inspector or inspectors in the place of "manufacture" for that purpose.

8. Any "manufacturer" or importer that refuses to allow such examination or inspection or that fails to make an accurate return according to the instructions of the Commission shall be guilty of a misdemeanor, and shall be liable in addition to the costs, to a fine of one thousand dollars (\$1,000).

9. The Commission may require that any person, granted a license to manufacture or to import, alcoholic liquor shall furnish a satisfactory bond in such amount as the Commission may deem necessary to guarantee the performance of the requirements of this Act.

## SALE AND DELIVERY OF "ALCOHOLIC LIQUOR"

Section 16. 1. No "sale" and delivery of "alcoholic liquor" shall be made in this State unless such "sale" and delivery be made by the Commission, by a "manufacturer" or by other "person" holder of a license of the Commission to "sell" and to deliver such "alcoholic liquor" and unless such "sale" and delivery is made to a "person" authorized to receive such "alcoholic liquor" under this Act, provided that no common carrier shall be held responsible for the delivery of alcoholic liquor forbidden by this paragraph.



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2. No "sale" and delivery of "beer," for consumption off the premises where sold shall be made in open containers, but "sales" or delivery may be made in "bottles," "half bottles," "barrels," "half barrels" or quarter barrels, provided that such containers are securely corked, capped, stopped or plugged at the time delivery thereof is made.

3. No "manufacturer" or "importer" may "sell," ship, transport or deliver "wine" or "beer" within this State to any "person" other than to the Commission, unless, in accordance with the published regulations of the Commission and unless a statement of the date, amount and description of the transaction be mailed to the Commission.

4. The Commission shall "sell" and deliver all "alcoholic liquor" purchased, by holders of license under this Act for the purpose of reselling or of dispensing such "alcoholic liquor," unless otherwise provided herein, and shall "sell" and deliver all "alcoholic liquor" purchased by holders of license to purchase such "alcoholic liquor" for stock, as provided in Section 17, paragraph 1 of this Act, but the Commission may authorize holders of license to order or purchase "alcoholic liquor" through the Commission from a "manufacturer" or an "importer" in the manner to be set forth in the rules and regulations of the Commission.

5. The Commission may "sell" at its store or stores, and deliver to any "person" authorized under this Act to purchase "alcoholic liquor" not more than one "bottle" of "alcohol" or "spirits" and not more than twelve "bottles" of "wine" or of "beer" or twenty-four half "bottles" of "wine" or of "beer."

6. No "person" may purchase and receive from the Commission, or from any "manufacturer" or importer, any "alcoholic liquor" without paying to the Commission a tax on such "alcoholic liquor" purchased and at the following rates:

For each "barrel of beer"—One Dollar (\$1.00).

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For each "gallon" of "wine" excepting sacramental wines—Forty cents (\$0.40).

For each "gallon" of "spirits"—containing 25 per cent or less of ethyl alcohol by volume—Seventy-five cents (\$0.75).

For each "gallon" of "spirits" containing more than 25 per cent ethyl alcohol by volume—One Dollar (\$1.00).

For each "gallon" of "alcohol" per "gallon" of ethyl alcohol contained—Two Dollars (\$2.00), except; that the tax of Two Dollars (\$2.00) shall not apply to the purchase of alcohol from said Commission or elsewhere by the following: "Pharmacists, Physicians, Dentists, Veterinarians, wholesale Druggists, Manufacturing Plants where said alcohol is used in Scientific work, or for the Manufacture of Pharmaceutical Products."

A "barrel" shall contain not more than 31 "gallons."

A "gallon" is the United State Standard Gallon of 231 cubic inches.

The Commission shall make and publish such rules and regulations with respect to the collection and/or payment of such tax or taxes as it may deem proper and all such rules and regulations that are not inconsistent with the provisions of this Act shall have the force and effect of law. Any violation of any such rules and regulations shall constitute a misdemeanor and any "person" convicted of any such violation shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) and shall in addition thereto pay the costs of prosecution.

7. Whenever "alcoholic liquor" sold by the Commission is delivered in a "bottle" or in "bottles" the latter must be sealed with a seal of the Commission or must be placed in a wrapper sealed with a seal of the Commission. On the label of every "bottle" or on the wrapper thereof shall be stamped or printed the percentage of ethyl alcohol contained therein, and the fluid contents of the "bottle" expressed in ounces.

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8. Every sale by the Commission shall be for cash.

9. If any "alcoholic liquor" sold by the Commission is to be delivered in any city or town where the Commission has a store or warehouse, the delivery shall be made in the manner determined by the Commission, but if it is to be delivered elsewhere, the delivery shall be made by parcel post, by express, or by other common carrier.

10. The Commission may issue a written order signed by at least two members of the Commission authorizing a "manufacturer" or "importer" to deliver "alcohol" or "spirits" in specified quantity to a "person" holder of license to "sell" such "alcohol" or "spirits" but no two such deliveries shall be specified or made on the same order.

11. The Commission may make a regulation authorizing a "manufacturer" or importers to "sell," transport or deliver "wine" or "beer" within this State to any "person" or class of "persons" authorized under this Act to receive such "wine" or "beer."

THOSE ENTITLED TO PURCHASE AND RESELL OR  
DISPENSE "ALCOHOLIC LIQUOR"

Section 17. Provided that license has been granted by the Commission, that payment of the license fee has been made and that the license is still in force, all in accordance with the provisions of this Act:

1. Any "person" whether owner, lessee, or manager and recognized as such by the Commission, in charge of a "hotel," a "restaurant" or a "club" may purchase "spirits" or "wine," from the Commission but not otherwise; or may purchase "beer" from the Commission or through the Commission, as provided in Section 16, paragraph 4, from a "manufacturer" or from an "importer" and may receive, keep and "sell" such "spirits," "wine" or "beer" to "travelers" or to members of the "club," either by the glass or by the "bottle," for consumption by the purchaser and by his guests in any dining or tap room on the premises author-

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ized as such by the Commission or in a hotel bedroom so authorized. "Beer" so sold may be served from "bottles" or "half bottles" or as draft "beer."

2. Any "person" in charge of a "tavern" may purchase from the Commission or, through the Commission as provided in Section 16, paragraph 4, from a "manufacturer" or from an "importer" and may receive, keep and "sell" "beer" by the glass; provided that such "beer" is consumed on the premises where sold. Beer so sold may be "served" from "bottles" or "half bottles" or as "draft beer."

3. Any "person" manager of or in charge of a "gathering of persons" may purchase from the Commission, or through the Commission, as provided in Section 16, paragraph 4 and may "sell," serve or dispense "spirits," "wine" or "beer" to such "gathering," by the glass or by the "bottle," for consumption on the premises only, provided, however, that if such "gathering" is in an "establishment," holding license to sell "alcoholic liquor" the "spirits," "wine," or "beer" "sold," served or dispensed may be purchased from the holder of such license. Beer so sold may be served from "bottles" or "half bottles" or as draft "beer."

4. Any "person" in charge of a "hotel," "restaurant" "club" or "gathering of persons" shall refuse to "sell" or to serve "alcoholic liquor" to any individual if such individual is intoxicated or appears to be. Such "person" in charge shall not be liable to said individual for damages claimed to arise from such refusal to "sell" such "alcoholic liquor."

5. It shall be the duty of every "person" in charge of a "hotel," "restaurant," "club," or "gathering of persons" to discourage the practice known as treating whereby all or part of a group of three or more individuals purchase "alcoholic liquor" for all or part of the members of the group. To this end such "person" in charge or his representative may refuse to "sell" to one or more individual comprising such a group.

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6. Any "person" in charge of a grocery, a delicatessen shop, a "hotel," a "restaurant," a "club" or a store, whether owner, lessee, or manager and recognized as such by the Commission may purchase from the Commission or through the Commission as provided in Section 16, paragraph 4, but not otherwise, and may keep and sell and deliver on the premises only "spirits," "wine" or "beer" by the "bottle" or "half bottle" only, but not for consumption on the premises where sold or in any dependency thereof. Provided, however, that no quantity greater than one "bottle" of "spirits" or twelve "bottles" of "wine" or of "beer" or twenty-four "half bottles" of "wine" or of "beer" shall be so "sold" or delivered. All "bottles" so sold shall be delivered to the purchaser and shall be removed by him or by her from the premises where sold and with the seals of such "bottles" unbroken.

7. Any "person," whether as owner, lessee or manager, conducting a pharmacy and recognized as such by the Commission, in which pharmacy there is in constant attendance a pharmacist, holder of a certificate granted under Chapter 28 of the Revised Code of Delaware for a period of at least five years and a holder of any permit or license required by any law of the United States; may purchase "alcoholic liquor" from the Commission or through the Commission as provided in Section 16, paragraph 4, but not otherwise, and may keep and sell the same on the prescription of any physician, holder of a license to receive, to prescribe, to supply or to "sell" to his or her patients "alcoholic liquor" for medicinal purposes as provided in paragraph 8 (a) of this Section.

The application for license under this paragraph 7 must state the name and address of the pharmacist or pharmacists, in attendance and of any change thereof.

8. (a) Any individual holder of a certificate to practice medicine and surgery in the State of Delaware under license granted under Chapter 27 of the Revised Code of Delaware, or

(b) Any individual holder of a certificate to practice

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dentistry in the State of Delaware under Chapter 30 of the Revised Code of Delaware, or

(c) Any individual holder of a certificate to practice veterinary medicine and surgery in the State of Delaware, under Chapter 24 of the Revised Code of Delaware;

May purchase from the Commission or through the Commission as provided in Section 16, paragraph 4, but not otherwise keep and "sell" to his or her patients "alcoholic liquor" for medicinal, surgical or sterilization purposes only, and may charge for such "alcoholic liquor" not more than the price paid therefor, or may use "alcoholic liquor" for purposes of compounding medicines or "alcohol" for purposes of sterilization.

9. Any "person" in charge of a hospital recognized by the Commission as such and holding a license therefor, may purchase from the Commission, or through the Commission as provided in Section 16, paragraph 4, but not otherwise, keep and administer "alcoholic liquor" for purposes of compounding medicines or use "alcohol" for purposes of sterilization.

10. Any minister, clergyman, priest or rabbi of any established or recognized Church or religious sect may purchase from the Commission, or through the Commission, as provided in Section 16, paragraph 4, but not otherwise, keep and use "wine" for sacramental purposes but not for sale or gratuitous delivery other than in connection with the sacramental rites of a Church or religious sect.

11. Any manager of a "club" may purchase "alcoholic liquor" from the Commission, or through the Commission, as provided in Section 16, paragraph 4, but not otherwise, and "sell" to a member of that "club" and keep in a suitable separate locker belonging to or leased by such member, "alcoholic liquor" so purchased.

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## LICENSE TO PURCHASE FOR RESALE

Section 18. Any "person" proposing to purchase "alcoholic liquor" for resale shall make application to the Commission for license.

1. Any temperate individual over thirty years of age may apply for a license entitling him or her to purchase "alcoholic liquor" for resale.

2. The application must be made on a blank furnished by the Commission and must be signed by the applicant before two witnesses who shall certify as to the age and as to the temperate habits of the applicant. The application must give the name, surname, or surnames, age, occupation and residence of the applicant and the kind of license required, and must be accompanied by at least one-fifth of the amount of the tax payable upon the granting of the license.

3. If the license is to be used on behalf of a partnership or corporation, the application therefor must, in addition, be accompanied by a declaration to that effect signed by an authorized member of such partnership or an authorized officer of such corporation. In such case the partnership or corporation, or the directors and officers thereof shall be liable jointly and severally for any fine and costs to which the holder of the license may be liable.

4. The application blank furnished by the Commission shall contain a statement to the effect that the applicant:

Will not purchase alcoholic liquor from a person not authorized to sell such alcoholic liquor;

Will not sell alcoholic liquor of any variety not permitted to be sold under this license;

Will not disregard any provision of the law relating to the purchase or sale of alcoholic liquors;

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Will not employ any individual less than twenty-five years of age in a position requiring the selling, handling or serving of alcoholic liquor unless authorized so to do by written order of the Commission.

5. The Commission shall require that the statement of the applicant and of the witnesses be made under oath or affirmation.

## LICENSE TO PURCHASE A STOCK OF "ALCOHOLIC LIQUOR" FOR PERSONAL USE

Section 19. 1. "Sale" of "alcoholic liquor," in excess of one bottle of "spirits," twelve "bottles" of "wine" or of "beer" or twenty-four half bottles of "wine" or of "beer" to be kept in stock for personal use but not for purpose of resale may be made to an individual holder of a license authorizing him or her to purchase such "alcoholic liquor" for stock.

2. No license for such purchases shall be granted other than to an individual and in his or her personal name. Any temperate individual of more than twenty-one years of age may apply for a license entitling such person to purchase "alcoholic liquors" to be kept in stock for personal use.

3. The application must be made on a blank furnished by the Commission and signed by the applicant before two witnesses, who shall certify as to the age and as to the temperate habits of the applicant. The application must give the name, surname, or surnames, age, occupation and residence of the applicant, and must be accompanied by the amount of the tax payable upon the granting of the license.

4. All purchases of "alcoholic liquor" for stock shall be made from the Commission or through the Commission as provided in Section 16, paragraph 4 of this Act.



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## OTHER PURCHASE FOR PERSONAL USE

Section 20. Subject to the provisions of Section 34 of this Act:

1. Any individual twenty-one years of age or over may purchase, without license from the Commission, "spirits" or "wine" by the glass or, at one purchase, an amount not to exceed one "bottle" of "spirits" or twelve "bottles" or twenty-four half bottles of wine, provided that such purchases are made from a "person" authorized to make the "sale."

2. Any individual eighteen years of age or over may purchase, without license from the Commission, "beer" by the glass or, at one purchase, not to exceed twelve "bottles" or twenty-four half bottles of "beer," provided that such purchases are made from a "person" authorized to make the "sale."

3. Any individual eighteen years of age or over may purchase, without license of the Commission, from a "pharmacy" and pursuant to a prescription issued by a "physician" or "dentist" or directly from a "physician" or "dentist," "alcoholic liquor" for medicinal, surgical, or sterilization purposes only but not for resale or for beverage purposes.

## GENERAL PROVISIONS IN REGARD TO LICENSES

Section 21. The Commission shall examine all applications for license as promptly as possible, and if it shall appear that any application should not be granted, the Commission shall so notify the applicant, stating the cause for refusal and returning the amount paid by the applicant.

Section 22. The Commission may refuse to license any applicant if it has reasonable ground to believe:

(1) That there are sufficient licensed premises in the locality or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience.

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(2) That the applicant has not furnished an acceptable bond.

(3) That the applicant appears to be financially irresponsible or neglects to provide for his family or neglects, or is unable, to pay his debts.

(4) That the applicant has been provided with funds by or has any forbidden connection with a manufacturer of alcoholic liquor.

(5) That the applicant is in the habit of using alcoholic beverages to excess, or has been arrested for drunkenness or for driving a motor vehicle while under the influence of intoxicating liquor.

(6) That the applicant has made false statements to the Commission.

(7) That the applicant has been convicted, of violating any of the liquor laws of this State, or has at any time been convicted and imprisoned for a crime or misdemeanor.

(8) That the applicant has maintained a noisy, lewd, disorderly or unsanitary establishment.

(9) That there is any other reason which in the opinion of the Commission based on public convenience or necessity warrants its refusal to grant such license.

If an application for license be refused, the applicant may appeal to the Court of General Sessions of the County in which he resides and the Court may order the grant of such license.

Section 23. When a license is granted, any portion of the fee paid upon the application therefor shall be applied on the payment of the total fee to be paid upon the granting of such license. If the commission grants the license and payment therefor has

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been made, a certificate to that effect shall be issued. The certificate shall set forth the name, surname, or surnames, age, occupation and residence of the applicant, the kind of license granted, the date of expiration of the license, and, if a license to "manufacture" or to "sell" or to keep in stock, the place or places in which it is to be "manufactured," "sold" or kept.

Section 24. 1. The Commission shall refuse to grant a license to be used in any county or sub-division thereof, contrary to any prohibitory law then in force, in such County or sub-division thereof.

2. The Commission shall refuse to grant any license for the sale of "alcoholic liquor" upon grounds or in buildings occupied by any agricultural fair, industrial exhibition or race track meeting, or any such license of temporary nature to be exercised within one-quarter mile thereof. The Commission may refuse to grant a license to sell alcoholic liquor to any establishment located in the vicinity of a Church, School or College; provided, however, that the Commission may issue a license to any establishment located in the vicinity of a Church, School or College when such establishment has been located in a place prior to the time any Church, School or College may thereafter be located in the vicinity of such establishment.

Section 25. 1. On or before the first day of June in each year after this Act becomes effective, the Commission shall render its decision upon every application made to it, before the 31st of March preceding for a renewal of license for the year commencing on the 1st of July following.

2. Whatever be the date of issue of any license authorizing manufacture, purchase, sale or delivery of "alcoholic liquor" granted by the Commission, such license shall expire on the 30th day of June following, unless it be cancelled by the Commission before such date, or unless it shall have already expired prior to such 30th day of June, provided, however, that a license issued by the Commission after April 1st of any year, not a

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renewal of a former license, may be made to terminate one year after the 30th of June following, at the discretion of the Commission.

3. A license issued for a time other than one year shall be paid for when issued at the rate of one-twelfth of the annual fee for each month of the term.

4. A temporary license to "sell" alcoholic liquor of one or more varieties, by the glass only, and for a period of not more than three months, may be granted by the Commission to any person to whom an annual license may be issued under this Act, but such temporary license shall not be renewed more than once during the same twelve months' period.

Section 26. Every holder of a license to "sell," compound or dispense "alcoholic liquor" under this Act, excepting an individual licensed to receive and use or dispense sacramental wine, must display the certificate of such license conspicuously in view of any "person" purchasing or proposing to purchase or to receive such "alcoholic liquor."

Section 27. The Commission shall determine and publish standards for the manner in which the dining room or dining rooms of a "hotel," "restaurant" or "club," or the bedrooms of a "hotel" shall be equipped in order to be allowed to exercise therein the privilege of sale of "alcoholic liquor" conferred by a license. It shall be the duty of the Commission to examine the plans or premises proposed for use as a dining room or bedroom and to authorize their use in connection with a license to sell "alcoholic liquor" but such authorization shall not prevent the requirement by the Commission of future alterations in accordance with published standards.

Section 28. The Commission shall require that every holder of a license for the "sale" of "alcoholic liquor" shall make a return of his "manufacture," purchases, stocks and "sales" of "alcoholic liquor" in such manner and at such times as may be fixed by the Commission.

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Section 29. 1. The Commission may cancel or suspend any such license for the sale of alcoholic liquor, if it has reasonable ground to believe:

(a) That the licensee has violated any provision of this Act or Acts amendatory hereof or any regulation of the Commission pursuant hereto.

(b) That the licensee has made any false representation or statement to the Commission in order to induce or prevent action by the Commission.

(c) That the licensee is not maintaining an acceptable bond.

(d) That the licensee is acting as an agent of a "manufacturer" of "alcoholic liquor" or has borrowed money or accepted gratuities from such a "manufacturer" or any agent thereof.

(e) That the licensee maintains a noisy, lewd, disorderly, or unsanitary establishment or has been supplying impure or otherwise deleterious beverages or food.

(f) That the licensee is in the habit of using "alcoholic liquor" to excess.

(g) That the licensee has sold "alcoholic liquor" in contravention of the provisions of Section 34 of this Act.

(h) That the licensee has in his possession or while acting as such licensee has sold or offered for sale any "alcoholic liquor" not purchased from or through the Commission.

(i) That the licensee has misrepresented any "alcoholic liquor" sold by him as purchased through the Commission or has in his possession, or has used any wrappers, labels, corks, caps, stamps or bottles not purchased from or through the Com-

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mission which are deceptively similar to those used by the Commission.

(j) That the licensee has since the granting of his license been convicted of a felony or has been convicted of violating any of the liquor laws of this State, general or local, including the provisions of this Act.

(k) That there is any other reason which in the opinion of the Commission based on public convenience or necessity warrants cancelling or suspending such license.

2. (a) Such cancellation shall entail the loss of the privilege conferred by the license and shall entail the seizure by the Commission of any "alcoholic liquor" found in the possession of the holder of the license. Notice of the order of cancellation of a license may be served, by an officer designated by the Commission, by affixing a duplicate thereto to the outside of an entrance door of the licensed premise, or by leaving a duplicate with the holder of the license or with any member of the family of the holder over the age of eighteen years at the residence of the holder, or otherwise as in the judgment of the Commission will give notice of such cancellation. All cancellations shall take effect as soon as the order is served. The cancellation of a license shall not act in any wise to prevent the institution of any criminal proceedings for any offense under this Act by the person who was the holder of such license while the same was in force. No conviction obtained for any offense under this Act shall prevent the Commission from cancelling the license of any offender nor from making at the same time a seizure of alcoholic liquor as above provided.

(b) The Commission shall within thirty days of the date of cancellation remit to such license holder the part of the license fee already paid and pertaining to the unexpired term of such license. In addition, the Commission shall remit to such license holder the amount originally received by the Commission from such license holder in payment for such "alcoholic liquor" seized as remains in packages sealed by the Commission, less 10 per cent of such amount received. When other legally acquired

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"alcoholic liquors" have been seized under this Section, the value thereof, as determined by the Commission, shall be remitted to the holder of the license cancelled by the Commission less 10 per cent of such value. When other and illegally acquired "alcoholic liquors" have been seized under this Section such liquors shall be destroyed by order of the Commission and no payment shall be made therefor.

(c) The Commission shall cancel every license made use of on behalf of any "person" other than the one to whom or on behalf of whom it has been issued.

(d) The rights conferred by a license may be transferred by the Commission to any representative designated by the "person" to whom or on behalf of whom such license was originally granted, provided that such representative shall be a "person" approved by the Commission. In the case of death of an individual to whom a license has been granted, the Commission may transfer the license to such qualified "person" as may be recommended by the Executors or Administrators of the Estate of the Deceased licensee.

(e) In the case of seizure of "alcoholic liquor" under any judgment rendered against the holder of any license, or in the case of insolvency of such person, the officer seizing such alcoholic liquor or the Trustee in Bankruptcy of such license holder, shall deliver to the Commission all "alcoholic liquors" found in the possession of the judgment debtor or bankrupt, as the case may be. The Commission must, within one month, after the date of delivery by said officer or said Trustee in Bankruptcy, as the case may be, hand over to such officer or Trustee in Bankruptcy the amount originally received by the Commission for the "alcoholic liquor" so delivered as remains in packages sealed by the Commission less 10 per cent of such proceeds, and the value, as established by the Commission, of other legally acquired "alcoholic liquor" so delivered, less 10 per cent of such value. Any illegally acquired "alcoholic liquor" so delivered shall be destroyed by order of the Commission and no payment shall be made therefor.

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## TARIFF OF LICENSE FEES

Section 30. (A) The fee to be paid to the Commission upon every application for a license, shall be one-fifth of the amount to be paid upon the granting of such license.

(B) The fees to be paid to the Commission upon the granting of licenses, shall be the following:

For a license:

1. To "sell" "alcoholic liquor" in the dining room of a "hotel" or a "restaurant" or in the bed room of a "traveller" in a "hotel,"

(a) Three hundred dollars if such "hotel" or "restaurant" be in a city of 25,000 inhabitants or more;

(b) One hundred and fifty dollars if such "hotel" or "restaurant" is located elsewhere;

(c) If the holder of a license, under this division (1), is a "person" having charge of a "hotel" situated in an unincorporated town, village or rural municipality, and if a license is also granted him to keep in the same place a store, in accordance with paragraph (7) of this section, the fees to be paid upon the granting of these two licenses are one hundred and fifty dollars only.

2. To sell "alcoholic liquor" during meals only in the dining room of a boat, one hundred fifty dollars;

If the holder of a license is in addition authorized to sell between meals, the amount of the fee under this paragraph shall be three hundred dollars;

3. To sell "alcoholic liquor" in the passenger cars of a Railroad, one hundred dollars for each Railroad.



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4. To sell Alcoholic Liquor in the Dining Room or Tap Room of a Club.

(a) \$150.00 for such Club having an active membership in good standing of Four Hundred (400) Members or more.

(b) \$75.00 for such Club having an active membership in good standing of less than Four Hundred (400) members.

5. To sell beer only in any establishment specified in paragraphs 1 or 2 of this Section, one hundred fifty dollars.

6. To sell beer only in a "tavern," one hundred dollars.

7. To sell "alcoholic liquor" from a grocery, a delicatessen shop, a "hotel," a "restaurant" or a store in quantity not more than one "bottle" of "spirits," twelve "bottles" of "wine" or of "beer" or twenty-four half bottles of "wine" or of "beer," not for consumption on the premises, the sum one hundred fifty dollars, except as provided in paragraph 1 (c) of this Section.

8. To sell "alcoholic liquor" at "gatherings of persons" the sum of ten dollars for each "gathering."

9. For a license to purchase a stock of "alcoholic liquor" for storage in the residence of the licensee for his or her personal use and for the personal use of his or her family and guests but not for sale or for transportation to other premises without a permit to transport stock issued by the Commission, according to Section 19 of this Act, the sum of one dollar.

10. (a) For a license to "manufacture" and to "sell" "beer" as provided in this Act, the sum of three thousand dollars (\$3,000).

(b) For a license to operate a "distillery" for distillation or rectification of five hundred proof gallons or less of "alcohol" or "spirits," the sum of fifty dollars (\$50).

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For each additional five hundred proof gallons or less of "alcohol" or "spirits," distilled or rectified, the sum of fifty dollars (\$50).

(c) For a license to "bottle" five hundred barrels or less of "beer," the sum of fifty dollars (\$50).

For each additional five hundred barrels or less bottled, the sum of fifty dollars (\$50).

11. For a license to "import" or to ship alcoholic liquor into this State and to sell and deliver such alcoholic liquor as provided in this Act the sum of Three Thousand (\$3,000.00) Dollars provided, however, that a sale and delivery of alcoholic liquor to the following: "Pharmacists, Physicians, Dentists, Veterinarians, Wholesale Druggists, Manufacturing Plants where said alcohol is used in Scientific work, or for the manufacture of Pharmaceutical Products" shall not be subject to the Three Thousand (\$3,000.00) Dollar tax aforesaid.

11. A. For a license to "import" or to ship "beer" only into this State and to sell and deliver such "beer" the sum of Five Hundred (\$500.00) Dollars.

12. For a license to transport "alcoholic liquor" into this State when consigned to the Commission for delivery to a hotel, to a restaurant or to an individual, holder of a license to purchase "alcoholic liquor" for stock, as provided in Section 19 of this Act, a percentage of the value of such alcoholic liquor, to be fixed by the Commission, shall be charged.

13. For a license to transport a stock of "alcoholic liquor" from the place where "sale," or storage of such stock has been authorized to another location, a charge to be fixed by the Commission.

14. For a license for a physician, dentist or veterinarian to "sell" "alcoholic liquor" to his or her patients for medicinal

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or surgical purposes only, or to use "alcoholic liquor" for compounding medicines or to use "alcohol" for purposes of sterilization, the sum of one dollar.

15. For a license to conduct a pharmacy and to "sell" therein "alcoholic liquor" on prescription of any physician, dentist or veterinarian, holder of a license to receive such "alcoholic liquor" the sum of twenty-five dollars.

16. For a license to administer "alcoholic liquor" to the patients of a hospital and to charge them not more than the price paid therefor, the sum of one dollar.

17. For a license to purchase sacramental "wine," no charge shall be made.

18. For a license authorizing a "club" to purchase "alcoholic liquor" to be sold to members of the "club" and to be kept in separate lockers or compartments belonging to members of the "club" the sum of fifty dollars.

19. For a temporary license; not less than one-half nor more than double the amount charged for a regular license for the same privilege, at the discretion of the Commission.

Section 31. In case any licensee dies and no application is made for transfer of the license, or the Commission refuses to permit the transfer of the license to another person, the Commission shall return to the legal representative of such deceased person a share of the license fee received proportionate to the number of full calendar months of the unexpired term. And in case the "alcoholic liquors" in possession of such licensee at the time of his death are delivered to the Commission and the Commission ascertains that such "alcoholic liquors" have been received by such deceased person according to law, the Commission shall pay to such representative the amount originally received by the Commission for such "alcoholic liquors" less ten per cent thereof, or the appraised value less 10 per cent thereof.

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## SPECIAL PROVISIONS RELATING TO LIQUOR TRAFFIC

Section 32. 1. "Alcoholic liquor" in "bottles" procured, by the holder of a license to resell for the purpose of delivering the same to "travelers" must be kept in the "bottles" in which it was procured. As long as any such "bottle" bears the mark or label which it bore when delivered, it is forbidden to put therein any other "alcoholic liquor," substance or liquid; and no holder of a license nor anyone on his behalf, after the "alcoholic liquor" bottled in one of the said "bottles" has been poured out, may refill such "bottle," either wholly or in part, with intent to supply "alcoholic liquor" or any other substance or liquid to any "traveler."

2. No holder of a license shall use or allow the use of any mark or label on a "bottle" in which "alcoholic liquor" is kept for sale, that does not precisely and clearly indicate the nature of the contents of such "bottle," or which might in any way deceive any "traveler," "club member" or other person as to the nature, composition or quality of such contents.

3. No holder of a license, nor any other person, shall for any reason mix or permit the mixing of or cause to be mixed, any "alcoholic liquor," which is not authorized to be sold, with any "alcoholic liquor" the sale of which is authorized by such license.

Section 33. 1. The Commission shall not sell or deliver "alcoholic liquor" on any holiday as hereinafter named, nor before ten o'clock in the morning nor after six o'clock in the evening of any other day.

2. It is forbidden for any "manufacturer" to sell or to deliver "alcoholic liquor" on any holiday as hereinafter named, or before four o'clock in the morning or after five o'clock in the evening of any other day.

3. It is forbidden for any holder of a license for the sale of "spirits or wines" in a store to sell or to deliver the same on

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any holiday as hereinafter named, or to sell or deliver beer on Sunday or on Christmas day, or in any territory where an election is held during the hours of the day upon which the polling at such election takes place, or before nine o'clock in the morning or after ten o'clock in the evening of any other day.

4. It is forbidden for any holder of a license for the sale of "alcoholic liquor" in a "hotel," in a "restaurant," in a "club" or in a "tavern," to sell the same between twelve o'clock midnight of any day and nine o'clock in the forenoon of the following day, provided that the closing hour may be made earlier in any Municipality by ordinance of the Municipal Corporation. It is also forbidden for such person to sell "spirits" or "wines" on any holiday hereinafter mentioned, or to sell or deliver beer on Sunday or on Christmas day, or in any territory where an election is held, during the hours of the day upon which the polling at such election takes place. Provided, however, that the holder of a license to "sell," serve or dispense "alcoholic liquor" at a gathering of "persons" may be permitted by written order of the Commission to continue "selling," serving or dispensing until not later than one o'clock in the morning of the day following the beginning of such a gathering.

5. For the purpose of this Act, the following shall be considered as holidays:

Sundays  
Fourth Day of July  
Labor Day  
Armistice Day  
Thanksgiving Day  
Christmas Day; and

In any territory where an election is held, during the hours of the day upon which the polling for such election takes place.

6. In the municipalities and other political sub-divisions of this State where daylight saving time is observed, whether authorized by law or by custom, such daylight saving time shall

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apply to the hours mentioned in this Section for the period during which such daylight saving time exists.

Section 34. 1. It is forbidden to sell any "alcohol," "spirits" or "wine" to any individual who has not reached the age of twenty-one years.

2. It is forbidden to sell any "beer" to any individual who has not reached the age of eighteen years.

3. It is forbidden to sell any "alcoholic liquor"—

(a) To any "person" to whom such sale is prohibited;

(b) To any keeper or inmate of a disorderly house;

(c) To any individual convicted of drunkenness, or of driving a motor car while under the influence of intoxicating liquor, or of any other offence caused by drunkenness, the provisions of this subparagraph shall be effective only from and after the effective date of this Act;

(d) To any individual who is insane or mentally deficient;

(e) To any individual who habitually drinks "alcoholic liquor" to excess, or to whom the Commission has, after investigation, decided to prohibit the sale of such liquor because of an appeal to the Commission by the husband, wife, father, mother, brother, sister, employer or other "person" depending upon employing or in charge of such individual, or by the Mayor or other competent representative of any city, town, or other incorporated place. The interdiction in such case shall last until removed by the Commission.

No sale made to any of the individuals or "person" mentioned in paragraphs (a), (b), (c), (d) and (e) above, shall constitute a misdemeanor unless the Commission has informed the

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seller, by registered letter, that it is forbidden to sell to such individual or "person" or unless the fact is otherwise known to such "seller."

4. It is forbidden to sell any alcoholic liquor over a bar or over a counter or to permit purchasers to consume alcoholic liquors while standing or sitting at a bar or counter. Provided, however, that this section shall not be construed so as to apply to any club, provided said club is incorporated and has been in existence for a period of one (1) year before any such sale is made.

Section 35. The Commission must procure and keep constantly on hand for the purpose of supplying ministers of religion, such "wine" as is approved by the religious authorities and required for divine service or religious purposes.

Section 36. No "alcoholic liquor" may be kept in the State, except:

(a) In the stores and warehouses of the Commission or in any other place under its control;

(b) In an "establishment" licensed by the Commission to sell such "alcoholic liquor";

(c) In an "establishment" where it is expressly permitted by the Commission to keep such liquor;

(d) In an "establishment" where, by exception, it is permitted by law to keep "alcoholic liquor";

(e) In the residence of any person, provided such liquor be not kept with intent to sell the same, but one sale shall suffice to establish such intent;

(f) In a "club," provided that such "club" hold a license granted according to the provisions of Section 17, paragraph 10 of this act, and that such a license be in force.

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(g) In the baggage of an individual who is transporting "alcoholic liquor" for his personal use; or

(h) In a church, or a chapel, or other place for religious worship or a dependency thereof where sacramental "wine" obtained from the Commission may be kept.

The keeping of "alcoholic liquor" elsewhere than in the places mentioned in this Act shall constitute an offense under this Act.

2. No "alcoholic liquor" may be transported in the State, except:

(a) Directly from one "establishment" in this State to another "establishment" belonging to or leased by the same "person," holder of a license to transport such "alcoholic liquor"; or

(b) Directly from the "establishment" of a holder of a license to "sell" and to deliver "alcoholic liquor" to the "establishment" of a like holder of license to sell or to the residence in this State of any person, holder of a license to purchase alcoholic liquor to be kept in stock for his or her personal use, and who has not been convicted for selling alcoholic liquor without a license; or

(c) Directly from the "establishment" of a "person" holder of a license to transport such "alcoholic liquor" to a place outside of this State; or

(d) In the baggage of an individual who is transporting "alcoholic liquor," for his personal use or the use of his family and guests, in quantity not to exceed one bottle of spirits or twelve bottles or twenty-four half bottles of "wine" or of "beer."

Section 37. 1. If "alcoholic liquor" is to be shipped to a point within the State by other than the manufacturer or



## INTOXICATING LIQUOR

importer thereof; the transportation thereof outside of the municipality in which the "establishment" of the seller is situated, shall be made only by a common carrier or, if not contrary to the rules of the Commission, by the purchaser on condition that it is transported in a vehicle owned or hired by said purchaser directly to his residence, or, if such "purchaser" is the holder of a license to "sell," to his "establishment," but such transportation shall not be by the seller nor by any employee, agent or representative of such seller, nor by any other "person" interested in the sale.

2. If alcoholic liquor is to be shipped to a point within or without this State by the manufacturer or importer thereof the shipment may be made by common carrier or by vehicle owned or hired by said manufacturer or importer under the rules of the Commission.

3. If the transportation of "alcoholic liquor" be effected by a common carrier, the individual transporting or in charge of the transportation of such "alcoholic liquor" shall have in his possession and produce upon request a way-bill or other evidence of authorized shipment containing the name and address of the shipper and the name and address of the consignee.

## EXCEPTIONS

Section 39. 1. No provision of this Act shall prevent any individual practicing medicine, surgery or obstetrics, or any individual practicing as a dentist or as a dental surgeon, or any individual practicing the profession of veterinary surgeon, as described in Section 17, paragraphs 8 (a), 8 (b) and 8 (c) of this Act, from purchasing "alcoholic liquor" in quantities larger than one "bottle" and keeping and using the same for purposes of solution or sterilization in his own practice, or in making any "preparation" for external application administered by himself, or from purchasing brandy, such as defined in the United States Pharmacopocia—or rum—for use in compounding his medicines.

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2. No provision of this Act shall prevent any individual licensed to conduct a pharmacy as provided in Section 17, paragraph 7, of this Act—

(a) From purchasing “alcoholic liquor” in quantities larger than one “bottle,” for use, in medicinal, officinal or pharmaceutical “preparations”—provided, however, that no such person may sell such “alcoholic liquor” except when contained in such preparations or when filling a prescription, or an order of an individual holder of license as provided in Section 17, paragraph 8 of this Act.

(b) From purchasing ethyl alcohol in quantities larger than one “bottle,” and selling the same for obstetrical or anti-septic purposes only, in quantities not exceeding 16 ounces, upon prescription of an individual practicing medicine, surgery or obstetrics and registered as such in the State of Delaware, or upon the certificate of the latter if the sale be made to him personally.

3. Every such individual or “person” mentioned in this Section 39 shall purchase such “alcoholic liquor” directly from the Commission, but the latter may, at its discretion, refuse to sell the quantity applied for.

Section 40. No provision of this Act shall prevent any “distillery” duly licensed by the United States or by the State of Delaware to “manufacture” “alcohol” or “spirits” in this State or any “wine” manufacturer in this State from having or keeping for sale in his “establishment” in this State the “alcoholic liquor” so licensed to be manufactured by him, or from selling or delivering the same in accordance with the provisions of this Act.

However, if such “alcoholic liquor” is to be shipped to a place within this State, such “distillery” or “manufacturer” may sell it only to the Commission or under the published rules of the Commission and such “distillery” or “manufacturer” shall in every case comply with every other provision of this Act which may be applicable.

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The Commission may, upon the conditions it determines, grant to any "distillery," duly licensed by the United States or by the State of Delaware to manufacture "alcohol" or "spirits" in the State of Delaware, a special license authorizing such "distillery" to purchase and to import, from such persons as are entitled to sell the same, "wines" or "spirits" to be used for the sole purpose of blending with and flavoring such products.

Section 41. No provision of this Act shall prevent the Commission from authorizing any "brewery" to "sell" and to deliver "beer" to any "person" in this State holder of a license to receive and resell such "beer" provided that a duplicate bill of such sale is filed with or mailed to the Commission.

Section 42. No provision of this Act shall prevent the Commission from agreeing to the sale and delivery of potable or non-potable "alcohol" from a "distillery" direct to a "manufacturer" of articles requiring such "alcohol," provided each quantity of "alcohol" so sold and delivered be not less than one barrel, and provided such sale and delivery be made subject to such conditions as the Commission may publish.

Section 43. 1. No provision of this Act, shall, by reason only that such product contains "alcoholic liquor," prevent—

(a) The sale of any perfume, lotion, tincture, varnish, dressing, fluid extract or essence, vinegar, cream, ointment, or salve, of any distillate or decoction, or

(b) The sale of any "preparation," officinal, medicinal or pharmaceutical, or of any patent or proprietary medicine, intended solely for medicinal purposes, provided that such product does not contain "alcohol" in any greater quantity than the amount required as a solvent or preservative, or provided that it to be so compounded as to render it unsuitable for use as a beverage.

2. If the Commission is of the opinion that one of the products enumerated in this Section contains "alcoholic liquor"

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and is used for beverage purposes, it may notify the "manufacturer" or the "seller" to that effect and from and after the date of such notice this Act applies to such product, and the "manufacturer" or the "seller" so notified commits an offense under this Act if he sells such product after such notice, and is liable to the penalties mentioned in Section 45 of this Act.

3. In order to determine whether any particular "preparation" proprietary or patented, contains "alcohol" in excess of the amount required as a solvent or preservative, or whether it is so compounded as to render it unsuitable for use as a beverage, the Commission may have a sample of such "preparation" purchased from any "person" whomsoever, analyzed by such individual as the Commission may select.

If it appears from the analysis of such sample that such "preparation" contains "alcohol," in excess of the amount required as a solvent or preservative, or that it is not so compounded as to render it unsuitable for use as a beverage, the Commission may notify the "manufacturer" or the agent in this State of the "manufacturer" of such "preparation," or the "person" who has acquired such "preparation," for purpose of resale, that such "preparation" is not a medicine within the meaning of Section 43 of this Act, but is an "alcoholic liquor" to which this Act applies, and from the service of such notice this Act shall apply to such "preparation" and the "manufacturer" or the agent in this State of the "manufacturer" or the "person" who has acquired same to resell, so notified, commits an offense against this Act if he sells such "preparation" after the date of the service upon him of such notice.

This notice shall consist of a copy, certified by the Secretary of the Commission or by one of its members, of a resolution passed by the Commission stating that the "preparation" specified in the resolution is not a medicine in the sense of Section 43 of this Act, but is an "alcoholic liquor" to which this Act applies, and this notice is served by sending a copy by registered letter to the "manufacturer," or to the agent in this State of the

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"manufacturer," or to the person who has acquired such "preparation" to resell.

4. This Section applies to every "preparation" defined or described in Section 3, paragraph 29, or in Section 43, paragraphs 1 (a) and 1 (b) of this Act, other than that which is prepared by a druggist at the time of the prescription of a physician and in accordance with its tenor or which is prepared by a physician for the use only of a patient actually under his care.

## OFFENCES AND PENALTIES

## Section 44. Whosoever—

- (a) Peddles any "alcoholic liquor;" or
- (b) Keeps, sells or dispenses "alcoholic liquor" in a "disorderly house;" or
- (c) Being an employee of the Commission, infringes any of the provisions of this Act, otherwise than by purchasing "alcoholic liquor" in the manner mentioned in Section 7, paragraph 3 of this Act; or
- (d) Not being the holder of a license to that effect, still in force, or not being authorized thereto by this Act, sells any "alcoholic liquor" in the State of Delaware;
- (e) Not being the holder of a license under this Act, claims or represents that he is the holder of such a license or exhibits a document purporting to be a license under this Act: Shall be guilty of a misdemeanor and, upon conviction, in addition to payment of costs, shall be imprisoned for a term of not less than three months and not more than six months at the discretion of the Court.

## Section 45. Whosoever—

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(a) Being the holder of a license, sells any "alcoholic liquor" of a kind other than that of which his license or this Act authorizes the sale; or

(b) Being the holder of a license, sells the "alcoholic liquor" which his license or this Act authorizes him to sell, but to any "persons" other than those to whom his license or this Act authorizes him to sell; or

(c) Being the holder of a license, keeps or allows the keeping in his "establishment" of any "alcoholic liquor" other than that which he is authorized to sell in virtue of his license; or

(d) Being the "manufacturer" or the agent in this State for the "manufacturer" of any liquid or solid containing "alcoholic liquor," sells such liquid or solid as a medicine or "preparation" after the Commission has notified him in accordance with Section 43 of this Act; or

(e) Keeps or allows the keeping of any "alcoholic liquor" in his residence, either for himself or for other persons on deposit or otherwise, with intent to sell the same; or

(f) Not being the holder of a license in virtue of Sections 17 and 18 of this Act, keeps or allows "alcoholic liquor," to be kept in a "club" for himself, or for members of the "club," or for other persons in storage or otherwise; or

(g) Has in his possession or fraudulently sells wrappers, labels, corks, caps or stamps imitating those used by the Commission, or sells or deals in any manner whatever with those manufactured for the Commission and for its use; shall be guilty of a misdemeanor, and shall, upon conviction, in addition to payment of costs, pay a fine of not less than Five Hundred Dollars (\$500) and not more than One Thousand Dollars (\$1,000) at the discretion of the Court, and, on failure to pay such fine and costs, to imprisonment for a term of not less than three months and not more than six months at the discretion of the court.

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## Section 46. Whosoever—

(a) Being holder of a license, sells "beer" to which wine, spirits, or alcohol has been added; or sells wine to which spirits or alcohol has been added, other than such addition of spirits or alcohol to render possible transportation or to secure the customary fortifying thereof; or sells any alcoholic liquor to which has been added any adulterating or deleterious substances or liquid; or

(b) Being the holder of a license, sells any "alcoholic liquor" that his license or this Act authorizes him to sell, but in any place, or in any manner, or in any quantity other than his license authorizes him to sell; or

(c) Being the holder of a license to sell "spirits," "wine" or "beer" in a dining room or bedroom, has not furnished, fitted, or equipped such dining room or bedroom in the manner or to the extent indicated by the Commission; or

(d) Being the holder of a license to "sell" "spirits," "wine" or "beer," as the case may be, does not comply with the requirements of Section 17 of this Act, or any provision of said Section; or

(e) Being the holder of a license, sells any "alcoholic liquor" which he is authorized by his license to sell, at any time forbidden by Section 2 of this Act; or

(f) Being the holder of a license, sells or delivers any "alcoholic liquor" for the sale of which he is authorized by his license, to any person who has not reached the age prescribed in Section 20 of this Act or "sells" or delivers to any person of more than such age any "alcoholic liquor" for the sale or delivery of which he is authorized by his license, knowing that such "alcoholic liquor" is bought for a person whose age is less than the age prescribed in Section 20 of this Act, and is to be drunk by the latter; or

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(g) Being the holder of a license, knowingly sells to any of the persons mentioned in Section 34 of this Act after notice sent to him by the Commission in compliance with the provisions of the said Section, any "alcoholic liquor" for the sale of which he is authorized by his license; or

(h) Being the holder of a license to sell "beer" in a store allows any "alcoholic liquor" "sold" therein to be drunk in such store or its dependencies, either by the purchaser or by any other person, or delivers the same contrary to the provisions of Section 34 of this Act; or

(i) Being the holder of a license to sell "alcoholic liquor" in the dining room of any "hotel," "restaurant," "club" or steamboat, or in a dining car, does not keep his license constantly posted conspicuously in view of the public in such dining room or dining car; or

(j) Being the holder of a license, keeps or transports any "alcoholic liquor" in contravention of this Act; or

(k) Having acquired for the purpose of resale any liquid or solid containing "alcoholic liquor," sells it as a medicine or "preparation" after having been notified by the Commission in accordance with Section 43 of this Act; or

(l) Not being the holder of a license, leads the public or "travellers" to believe, by means of signs, inscriptions, advertisements, or circulars that he is authorized to sell "alcoholic liquor;" or

(m) Buys or receives any "alcoholic liquor" from any "person" not authorized to sell such variety of "alcoholic liquor" or keeps such "alcoholic liquor" in his possession; or

(n) Obtains, even gratuitously, during the time when the sale thereof is forbidden any "alcoholic liquor" from any holder of a license for the sale thereof; or



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(o) Causes any disturbance in any place or brings thereinto or drinks therein any "alcoholic liquor" prohibited therein; or

(p) Buys, for any remuneration whatsoever, any "alcoholic liquor" for another person; or

(q) Being in charge of the transportation by motor vehicle, by railway, by steamboat, by other vehicle, or by a common carrier or express company, knowingly transports "alcoholic liquor" without having with him and showing when asked a way-bill giving the name and address of the shipper and the name and address of the consignee, or knowingly having a way-bill giving a false name or a false address; shall be guilty of a misdemeanor, and shall, upon conviction, in addition to the payment of costs, pay a fine of not more than one hundred dollars (\$100) and, on failure to pay such fine and costs, shall be imprisoned for one month; and, for any subsequent offence shall be imprisoned for one month.

Section 47. Wherever the penalty for an offense committed consists of imprisonment in whole or in part and the accused is a corporation, partnership or other association of persons, such penalty shall be replaced by a fine of two thousand dollars (\$2,000) in addition to the costs.

Section 48. Whosoever interferes with or hinders any officer or inspector authorized by the Commission to investigate any infringements of this Act, or to make any search, examination or seizure, in the performance of his duties to that end, shall be guilty of a misdemeanor, and, shall, upon conviction, in addition to any other penalty which may be imposed upon him under this Act, and in addition to payment of costs, pay a fine of one hundred dollars (\$100) for each offence, and on failure to pay such fine and costs, shall be imprisoned for a term of one month.

Section 49. Whosoever, being the holder of a license for the sale of "alcoholic liquor" under this Act neglects or refuses

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to make a return to the Commission, within ten days immediately following the date indicated by the Commission, of his purchases and sales of "alcoholic liquor" as herein provided, shall be guilty of a misdemeanor under this Act, and, upon conviction, shall be sentenced to pay a fine of ten dollars (\$10) per day for each day's delay, to run from the expiration of such ten days.

Section 50. In any trial for the offence mentioned in Section 34, paragraphs 1 and 2, the burden shall be upon the defendant to prove that he had just cause to believe that the person to whom or for whom the "alcoholic liquor" was sold was of the age of more than twenty-one years or more than eighteen years, as required by said paragraphs 1 and 2, respectively, to entitle the purchaser to purchase the "alcoholic liquor" sold.

Section 51. In addition to the penalties imposed by this Act any person, who, being the holder of a license for the sale of alcoholic liquor, knowingly sells to any individual to whom he is forbidden, as provided in Section 34, paragraph 2 (e) of this Act, after having been so notified by the Commission, shall be liable to civil action and may, in addition to the penalty in this Act provided for such offense, be sentenced to pay to the person appealing a sum of not more than \$500 by way of exemplary damages.

Section 52. No officer or inspector employed by the Commission for the enforcement of this Act when acting in his official capacity, shall incur any of the penalties exacted by this Act for the punishment of those who obtain "alcoholic liquor" either from a holder of a license granted under this Act or from a "person" who is not the holder of a license.

Section 53. No action to recover the price of any "alcoholic liquor" sold in contravention of this Act may be maintained.

## SEIZURES

Section 55. 1. Wherever alcoholic liquor is being peddled in this State or whenever any alcoholic liquor in excess of

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one bottle of spirits or in excess of twelve bottles, or twenty-four half bottles of wine or beer, is transported in this State, unaccompanied by a license to transport such alcoholic liquor as provided in Section 36, paragraphs 2 (a), 2 (b), and 2 (c) of this Act or unaccompanied by a way bill as provided in Section 37 of this Act, any officer or inspector of the Commission, authorized to that effect, may seize such alcoholic liquor, as well as the receptacle or receptacles containing the same, and hand them over to the commission, which shall keep them in its custody until the Court has disposed of them by a judgment.

The provisions of this Section shall not at any time or in any instance be construed to apply to an individual who is transporting, for his own personal use, any alcoholic liquor in any quantity.

Section 56. Any officer or inspector of the Commission authorized thereto, may seize, without a warrant, any "alcoholic liquor," as well as any receptacle containing it shipped into a municipality or part of this State, in which a prohibitory law is in force, or whose competent authority has decided, in the manner set forth in this Act, that any license or any certain kind of license shall not be granted unless each parcel containing such "alcoholic liquor" is clearly and visibly addressed to the bona fide purchaser. The fact that such parcel is so addressed shall not, however, prevent the seizure of the "alcoholic liquor," and of the receptacles containing it if such "alcoholic liquor" be shipped or sold contrary to any provision of this Act.

The "alcoholic liquor" seized as well as the receptacles containing it shall be handed over to the Commission, which shall keep it in its custody until the Court has disposed of such "alcoholic liquor" by a judgment.

Section 57. Any officer or inspector of the Commission, authorized to that effect, may, without a warrant, seize "alcoholic liquor" found in a "disorderly house," as well as any receptacle containing the same, and hand them over to the Commission, which shall keep such "alcoholic liquor" in its custody until the Court has disposed of it by a judgment.

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Section 58. Every officer or inspector of the Commission, authorized to that effect, may, without a warrant, seize any "alcoholic liquor" which to his knowledge or that of the Commission is, in any way other than above indicated, kept, transported or sold in contravention of this Act, as well as any receptacles containing it, and hand them over to the Commission, which shall keep them in its custody until the Court has otherwise disposed of such "alcoholic liquor" by a judgment.

Section 59. When any "alcoholic liquor" is seized in a vehicle, if such "alcoholic liquor" was being transported in contravention of this Act, the officer or inspector effecting the seizure may detain such vehicle and use it, without charge, for transporting the "alcoholic liquor" so seized, as well as the receptacles containing it, to the custody of the Commission.

Section 60. Whenever any "alcoholic liquor" is seized under this Act, it must be declared by the Court to be confiscated, upon proof of any contravention of the law, save in cases otherwise provided for.

If the name or the address in this State of the "person" at whose residence or in whose possession such liquor is found be unknown to the Commission, such liquor, shall be deemed confiscated at the expiration of two months from the date of seizure.

## GENERAL PROVISIONS

Section 61. The provisions of this Act shall become effective when and as prohibitions concerning "alcoholic liquors" in the Constitution of the United States or the Statutes thereof are changed, reduced, or abolished and to the extent of such changes.

Section 62. If any word, section, paragraph, clause, or sentence of this Act shall be declared invalid by any Court of competent jurisdiction, the remaining sections, paragraphs, clauses, and sentences shall not be affected.

Section 63. Any Act or part or parts of Acts in conflict or inconsistent herewith are hereby repealed to the extent of such conflict or inconsistency.

Approved May 15, 1933.

CHAPTER 19  
INTOXICATING LIQUOR

**AN ACT to regulate the manufacture, distribution, retailing and dispensing of malt or vinous liquors which are authorized to be manufactured or sold for beverage purposes by any Act of the Congress of the United States; providing for the licensing and taxing thereof, the disposition of the proceeds therefrom and providing penalties for violation of the Act.**

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

Section 1. It shall be lawful within any local-option district wherein a majority of the qualified electors thereof shall not have voted against license as set forth in Article XIII of the Constitution to manufacture, distribute, retail and/or dispense fermented malt or vinous liquors including ale, beer, lager, porter and wine having an alcoholic content not greater than three and two-tenths (3.2) per centum of alcohol by weight or such other per centage of alcohol as may at any time hereafter be authorized to be manufactured or sold for beverage purposes by any Act of the Congress of the United States (hereinafter in this Act called beverages) in the manner hereinafter provided.

Section 2. Any person, firm or corporation desiring to manufacture the beverages mentioned in Section 1 of this Act shall first secure a license so to do from the State School Tax Commissioner, (hereinafter in this Act called Commissioner) and shall pay for such license a fee of Five Hundred Dollars (\$500.00) and in addition thereto a tax of Three Cents (\$0.03) a gallon for each gallon or fraction thereof manufactured and sold by such manufacturer. A manufacturer shall be permitted to distribute his own products by the barrel or fraction thereof or by bottle without being required to secure a license to distribute the beverages mentioned in Section 1 of this Act, provided, that in the case of the sale of bottled beverages the sale shall be in quantities of not less than two dozen bottles and must not be consumed on the premises where sold.

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Section 3. Any person, firm or corporation desiring to distribute the beverages mentioned in Section 1 of this Act shall first secure a license so to do from the Commissioner and shall pay for such license a fee of Two Hundred and Fifty Dollars (\$250.00) and in addition thereto a tax of Three Cents (\$0.03) a gallon for each gallon or fraction thereof sold or distributed; Provided, however, that where the manufacturer has already paid to the Commissioner the tax of Three Cents (\$0.03) per gallon for the manufacture of such beverages, the distributor shall not be again obliged to pay such tax for the distribution of the same beverage for which the license tax has already been paid.

Distributors may sell by the barrel or fraction thereof or by the bottle; provided, that in the case of the sale of bottled beverages the sale shall be in quantities of not less than Two Dozen Bottles, and the beverages so sold must not be consumed on the premises where sold.

Section 4. Any person, firm or corporation desiring to retail the beverages mentioned in Section 1 of this Act, shall first secure a license so to do from the Commissioner and shall pay for such license a fee of One Hundred Dollars (\$100.00). A Retailer may sell such beverages by the bottle, but such beverages so sold must not be consumed on the premises where sold, and a retailer shall not directly or indirectly sell to any person at any one time more than twenty-three pint bottles of such beverages.

Section 5. Any person, firm or corporation desiring to dispense the beverages mentioned in Section 1 of this Act shall first secure a license so to do from the Commissioner and shall pay for such license a fee of One Hundred Dollars (\$100.00).

A "Dispenser" is any person, firm or corporation engaged in the sale of the beverages mentioned in Section 1 of this Act, by the bottle or drink. All beverages sold by any dispenser must be consumed on the premises where sold.

The Commissioner is hereby authorized and empowered in issuing any license to dispense any of the beverages mentioned in

## INTOXICATING LIQUOR

Section 1 of this Act to take into consideration the location of any place wherein it is proposed to open a place of business to dispense such beverages, the surroundings and character of properties adjacent to or in the neighborhood of the place wherein it is proposed to open a place of business to dispense such beverages as well as the number of similar places already licensed to dispense such beverages located in the neighborhood or territory wherein it is proposed to conduct a place of business wherein the aforesaid beverages are to be dispensed. Whenever in the exercise of discretion hereby conferred upon the Commissioner it appears to him that it would be contrary to good order, the public welfare of the people of this State or injurious to the rights and interests of persons living in the neighborhood in which it is sought to locate a place of business wherein such beverages are to be dispensed he may refuse to issue such a license. Any person feeling aggrieved by any order of the Commissioner in granting or refusing to issue any license as provided by this Act shall have the right to appeal within fifteen days from the date of such order to the Superior Court of the State of Delaware for the County in which such person resides or in which is located the place of business for which it is sought to obtain a license. The Superior Court may provide rules to carry out the intent of this Section and Act.

Licenses issued to retail or dispense such liquors shall be subject to the following restrictions:

(a) No license shall permit the sale of the beverages herein mentioned between the hours of Twelve o'clock midnight and Eight o'clock A. M.

(b) No beverage shall be sold or dispensed to any person under the age of twenty-one years, nor by any person under such age.

(c) No beverage shall be sold or dispensed in any place which shall be concealed by screens or otherwise from public view, except in licensed Clubs.

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(d) No beverage shall be dispensed in any place to which the public is not admitted, nor in any room having a floor space of less than four hundred square feet (400 sq. ft.), provided, that this limitation shall not apply to room service in any hotel, or to clubs.

(e) No license under this Section shall be issued to a person or to a partnership unless such person or members of such partnership are Citizens of the United States, residents of the State of Delaware for at least three years, are over the age of Twenty-one years, and of good moral character; nor to an existing corporation unless its officers and directors are citizens of the United States and residents of the State of Delaware, for at least three years, are over the age of twenty-one years, and of good moral character.

(f) It shall be unlawful for any person, firm or corporation whatsoever to manufacture, distribute, retail or dispense any of the beverages mentioned in Section 1 of this Act, on Sunday or any election day, on which any election is being held within the particular local option district in which any manufactory, distributor, retailer or dispenser is located.

Section 6. All licenses to be issued in accordance with the provisions of this Act shall be for a period of one year. They may be renewed upon payment of the amounts specified for the issuance of any license. When, as and if the provisions of this Act shall be repealed or supplanted by other and permanent legislation at any time hereinafter enacted, the Commissioner is empowered to make refund to any person licensed under the provisions of this Act upon monthly pro rata basis of the unexpired period for which the license shall have been issued.

Section 7. No retailer or dispenser, as provided by Sections 4 and 5 of this Act shall purchase any beverage for the purpose of resale from any manufacturer or distributor unless such manufacturer or distributor has obtained a license as herein provided, and has paid the additional tax of Three Cents (\$0.03) a gallon or fraction thereof.



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It shall be unlawful for any person, firm or corporation to transport or cause to be transported into the State of Delaware any of the beverages mentioned in this Act for purpose of resale unless the tax of three cents per gallon or fraction thereof required to be paid under the provisions of this Act shall have been paid; provided however that the provisions of this sentence shall not prohibit any manufacturer or distributor licensed under the provisions of this Act from bringing in or causing to be brought into this State for the purpose of sale or resale any of the beverages mentioned in this Act, and according to the provisions of this Act. It shall be unlawful for any retailer or dispenser to possess for the purpose of resale, or to sell any such beverages unless the tax of three cents per gallon, or fraction thereof, shall have been paid as required by this Act.

Section 8. No license shall be issued to any manufacturer or distributor whose place of business is within or without the State of Delaware unless such manufacturer or distributor shall have agreed with the Commissioner to furnish him a report under oath, on a form to be prescribed by said Commissioner, showing the quantity of beverages sold and/or delivered to each licensed retailer or dispenser in this State during each calendar month, and to pay the tax of Three Cents (\$0.03) per gallon or fraction as required by the provisions of this Act; and upon failure to submit any such report and to pay the aforesaid tax of Three Cents (\$0.03) per gallon, or for any violation of this Act, said Commissioner may forthwith revoke the license issued. The said Commissioner may, in his discretion, as a condition precedent to the issuance of a license to retail or dispense the beverages mentioned in Section 1 of this Act, require every person licensed as such to furnish him a report, under oath, on a form to be prescribed by said Commissioner showing the quantity of beverages sold and/or delivered to such retailer or dispenser making the report by a licensed manufacturer or distributor during each calendar month, and upon the failure to submit any such report, or for any violation of this Act, said Commissioner may forthwith revoke the license issued to any such retailer or dispenser failing so to do.

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Section 9. Licenses to dispense such beverages may be issued to any incorporated Club or Fraternal Organizations which have been incorporated for more than one year last past, and whose members pay regular annual dues, upon the payment of a dispenser's license as herein provided.

Section 10. Every license to distribute, retail or dispense beverages as mentioned in this Act shall be for a particular place or location, which shall be described in such license and shall be good in the place or location described, only. Any such license as referred to in this Section shall not be transferrable.

Section 11. A manufacturer may also secure a distributor's license for the purpose of distributing the products of other manufacturers. A retailer may also secure a dispenser's license, and/or a dispenser may secure a retailer's license; provided, however, that a separate fee for each type of license which may be so issued by the terms of this Section shall be paid to the Commissioner as provided in Sections 2, 3, 4 and 5 hereof.

Section 12. It shall be lawful for any person resident in the State of Delaware to order for shipment to him or her by means of parcel post, express or other common carrier any quantity of the beverages mentioned in Section 1 of this Act; provided such beverages so ordered are for the personal use of the person giving the order for such beverages, for the use of his or her family or household or for use in entertaining any bona fide guests; provided further however that such beverages so ordered and shipped in accordance with this Section shall not be for the purposes of sale or resale, directly or indirectly.

Section 13. It shall be lawful for any person within the State of Delaware wherein the sale of Malt or vinous liquors is lawful to advertise or give notice by signs, radio broadcasting, billboard for himself or another, of the sale or keeping for sale of such malt or vinous liquors or to circulate or distribute any price-lists, circulars, or order blanks advertising such malt or vinous liquors, or publish any newspapers, magazines, periodicals or other written or printed papers therein in which such

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advertisement or notices are given, or to permit any such notices or any advertisement of such liquors (including billboards) to be posted upon his premises, or premises under his control, or to permit the same to so remain upon such premises.

Section 14. The Commissioner shall have power to carry out the provisions of this Act, and for such purposes he shall have power to employ necessary deputies and assistants and to make such further rules and regulations as he may deem necessary and requisite to enforce the provisions of this Act and insure the collection of such license fees and taxes. He may require a bond or other surety conditioned for the payment of such fees and taxes and the faithful observance of the conditions contained in such license.

Section 15. All monies collected under this Act shall be deposited by said Commissioner to the order of the State Treasurer and shall be kept in a separate fund for the use of the said Commissioner to be utilized by him for the purposes of this Act; and the State Treasurer is hereby authorized and directed to pay from such fund upon warrants, approved by said Commissioner, all the costs and expenses of the administration of this Act; and for such purposes so much of said fund as is necessary is hereby appropriated to pay the costs and expenses as aforesaid. On the last day of the months of March, June, September and December of each year, said Commissioner shall inform the State Treasurer of any surplus in aforesaid fund, not needed for the purposes of the administration of this Act, and any such surplus shall be thereupon transferred by the State Treasurer to the General Fund of the State, and may be used as such.

Section 16. It shall be unlawful to manufacture, distribute, sell, retail and/or dispense any beverage as mentioned in Section 1 of this Act without first securing a license as provided herein, or, in any manner contrary to the provisions of this Act.

Section 17. Every violation of this Act, or any provisions thereof, whether as principal, agent or servant, directly or in-

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directly, shall be a misdemeanor; and upon conviction thereof the offender shall be subject to pay a fine not to exceed Five Hundred Dollars (\$500.00) or be subject to imprisonment not to exceed six months, or both, in the discretion of the Court.

Section 18. If any word, clause, sentence, paragraph or part or parts of this Act shall, for any reason, be adjudged by any Court of competent jurisdiction to be unconstitutional or otherwise invalid or inapplicable in any portion of the State, such judgment shall not affect, impair or invalidate the remainder of this Act or its applicability in any other portion of the State but shall be confined in its operation to the word, clause, sentence, paragraph or part or parts hereof directly involved in the controversy and to the locality in which and as to which such judgment shall have been rendered.

Section 19. This Act hereby repeals any part or parts of any Chapter or Chapters of the Revised Code of Delaware (1915) or of any Act or Acts amendatory thereof or supplemental thereto in any wise in conflict with or inconsistent with the provisions of this Act; provided, however, that such repeal shall be only as to the part or parts of the Chapter or Chapters of the Revised Code of Delaware (1915) or of the Act or Acts amendatory thereof or supplemental thereto which are in any wise in conflict with or inconsistent with the provisions of this Act.

Section 20. This Act is an emergency measure, and shall be liberally construed in order to effect the intent and purposes of this Act. It shall continue in force until supplanted with permanent legislation.

Section 21. This Act shall be effective at nine o'clock A. M. on the day following the passage and approval hereof by the Governor.

Approved May 3, 1933.

## CHAPTER 20

## PEDDLERS LICENSES

**AN ACT to Amend Chapter 6 of the Revised Code (1915) of the State of Delaware in reference to Peddler's License for fish and oysters.**

*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 (1915) of the State of Delaware be and the same is hereby amended by repealing all of paragraph 216 Sec. 179 thereof, and by inserting in lieu thereof the following new paragraph and section to be styled 216 Sec. 179.

216. Sec. 179. Every person, firm, or corporation other than a bona fide resident of this State and carrying on the business of peddling fish and oysters in this State in any manner whatever shall be required to pay a yearly license tax of Twenty-five Dollars (\$25.00) in each and every county of this State in which such business is carried on; the license tax to be paid to the Clerk of Peace of each county on June 1 of each year beginning June 1, 1933.

Section 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment for not less than thirty days nor more than sixty days, or both such fine and imprisonment; and for each subsequent offense shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than sixty days nor more than ninety days, or by both such fine and imprisonment.

Approved June 1, 1933.

## CHAPTER 21

## REAL ESTATE LICENSE

**AN ACT to Amend Chapter 6 of the Revised Code of the State of Delaware relating to State Revenue derived from License Fees.**

*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 striking out the words "Fifty Dollars" as the same appear in line nine (9) of paragraph 219, Section 182 of the Revised Code of the State of Delaware (1915) and by substituting in lieu thereof the words "Ten Dollars".

Approved April 4, 1933.

## CHAPTER 22

### MOTOR VEHICLES

#### **AN ACT pertaining to the issuing of Operator's and Chauffeur's License by the Commissioner of the Department of Motor Vehicles.**

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

Section 1. On and after the approval of this Act the Commissioner of the Department of Motor Vehicles of the State of Delaware shall not issue an operator's license or a chauffeur's license to any person who has attained the age of seventy-five years without first giving such person the usual practical test now in vogue in the Motor Vehicle Department in reference to new applicants for driver's license as to his or her qualifications to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

Section 2. After examining the person as set forth in Section 1 of this Act, the Commissioner of the Department of Motor Vehicles of the State of Delaware shall issue to such person an operator's license or chauffeur's license, provided, such person, in the opinion of the Commissioner of the Department of Motor Vehicles, is qualified to operate a motor vehicle.

Section 3. Any Act or parts of Acts inconsistent with this Act be and the same are hereby repealed as far as any inconsistencies may occur only.

Approved April 4, 1933.

## CHAPTER 23

## MOTOR VEHICLES

**AN ACT in reference to the Operation of Motor Trucks and Motor Buses upon the highways 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, it shall be unlawful for any person operating a motor truck or motor bus, upon the highways of the State of Delaware to stop said motor truck or motor bus, on said highway upon which it is being operated, for more than three minutes during the time from one-half hour after sunset until one-half hour before sunrise, unless such person places a lighted torch or a lighted lantern containing red glass, not more than one foot from the edge of the concrete or traffic lane in the direction in which said motor truck or motor bus is being operated, and not more than one hundred and fifty feet, nor less than one hundred feet, back from the rear of said motor truck or motor bus; provided, nevertheless, that nothing in this Act shall apply to any person operating a motor bus while stopping for the purpose of taking on or discharging any passenger.

Section 2. That, any person violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor and, upon being convicted thereof before any Justice of the Peace, shall be punished by a fine of not less than Ten Dollars, nor more than One Hundred Dollars.

Section 3. That, all Acts or parts of Acts, inconsistent with the provisions of this Act, be and the same are hereby repealed to the extent of such inconsistency only.

Approved May 9, 1933.



## CHAPTER 24

## MOTOR VEHICLES

**AN ACT to Amend Title 5, Chapter 10, Volume 36, Laws of Delaware, as Amended, and relating to the Rate of Speed of Motor Vehicles.**

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

Section 1. That Section 83 of Title 5, Volume 36, Laws of Delaware, as amended by Section 25, Chapter 10, Volume 37, Laws of Delaware, be and the same is hereby further amended by striking out the second paragraph thereof as amended and substituting in lieu thereof the following paragraph:

"If the rate of speed of a motor vehicle operated on any highway within this State exceeds forty-five miles an hour for a distance of one-quarter ( $1/4$ ) of a mile, or if such rate of speed exceeds twenty-five miles an hour through the thickly settled portions of any town or City in this State where the buildings average less than one-hundred feet apart, such rate of speed shall be deemed prima facie evidence that the person operating such motor vehicle is operating the same in violation of the provisions of this Section".

Section 2. That Section 85 of Chapter 10, Volume 36, Laws of Delaware as amended, be and the same is hereby amended by striking out the last paragraph thereof and substituting in lieu thereof the following paragraph:

"Provided, that it shall be lawful to operate passenger carrying motor coaches equipped with pneumatic tires and not weighing in excess of 15,000 pounds gross weight of vehicle and load, and equipped with four wheel brakes, at a rate of speed not to exceed forty miles per hour. And provided further, that it shall be lawful to operate passenger carrying motor coaches equipped with pneumatic tires and not weighing in excess of Twenty-six Thousand pounds gross weight of vehicle and load, and equipped

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with four wheel power brakes, at a rate of speed not to exceed forty miles per hour.

Section 3. This Act shall become effective immediately upon passage and approval thereof.

Section 4. All Acts or parts of Acts inconsistent herewith are hereby repealed in so far as the inconsistency may occur only.

Approved May 9, 1933.

## CHAPTER 25

## MOTOR VEHICLES

**AN ACT to Amend Chapter 10, Volume 36 Laws of Delaware, as Amended by Chapter 10, Volume 37 Laws of Delaware, entitled "An Act Concerning Motor Vehicles and Making Uniform the Law Relating Thereto."**

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

Section 1. That the Act entitled "An Act Concerning Motor Vehicles and Making Uniform the Law Relating Thereto" being Chapter 10, Volume 36 Laws of Delaware, as amended by Chapter 10, Volume 37 Laws of Delaware, be and the same is hereby amended by striking out paragraph (h) under Section 128 and by inserting in lieu thereof a new paragraph (h) as follows:

(h) It shall be unlawful for a pedestrian to walk upon any improved, or hard surface Highway in the State of Delaware that is used for motor or vehicle traffic, beyond the corporate limits of any City or Town in the State of Delaware, without carrying a lighted lantern, lighted flash-light or other similar light or reflector type device during the period of time from one-half hour after sunset to one-half before sunrise and at any other time when there is not sufficient light to render clearly visible any person or vehicle on said highway.

Approved May 22, 1933.

CHAPTER 26  
MOTOR VEHICLES

**AN ACT for the relief of owners and operators of motor vehicles from liability for injuries, death and loss suffered by guests except in certain cases.**

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

Section 1. No person transported by the owner or operator of a motor vehicle as his guest without payment for such transportation shall have a cause of action for damages against such owner or operator for injury, death or loss, in case of accident, unless such accident shall have been intentional on the part of such owner or operator or caused by his wilful or wanton disregard of the rights of others.

Section 2. The provisions of this Section shall not relieve a public carrier or any owner or operator of a motor vehicle, while the same is being demonstrated to a prospective purchaser, of responsibility for any injuries sustained by a passenger being transported by such public carrier or by such owner or operator.

Approved May 22, 1933.

## CHAPTER 27

### MOTOR VEHICLES

**AN ACT to Amend Section 26 of Title 4, Chapter 10, Volume 36 of the Laws of Delaware, as amended by Chapter 10 of Volume 37, Laws of Delaware, reducing the fees for registration of Motor Vehicles and refunding fees heretofore paid.**

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

That Section 26, Title 4, Chapter 10, Volume 36, of the Laws of Delaware (1929) as amended by Chapter 10, Volume 37, Laws of Delaware, be, and the same is hereby amended by striking out all of Section 26 of title 4 of said Act and inserting in lieu thereof, the following:

Section 26. There shall be paid to the Department for the Registration of Motor Vehicles, Trailers, and Semi-Trailers, fees according to the following schedule:

For the registration of any Motor-Cycle the fee shall be Four Dollars (\$4.00).

For other Motor Vehicles, the fee shall be One Dollar and Fifty Cents (\$1.50) for every five hundred (500) pounds or fraction thereof of the gross load weight of the vehicle up to and including five thousand (5,000) pounds; in the event the gross load weight shall exceed five thousand (5,000) pounds, the fee for each five hundred (500) pounds or fraction thereof over and above five thousand (5,000) pounds shall be Two Dollars (\$2.00) for every five hundred (500) pounds or fraction thereof. The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the Applicant.

The gross load weight of a vehicle, the use of which is for pleasure or for the chief purpose of carrying persons, shall be ascertained by multiplying the maximum number of persons

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the vehicle is provided to carry by one hundred twenty-five (125) pounds and adding the result thereby obtained to the weight of the vehicle as specified in the application.

The fee to be paid for the registration of a Convertible Vehicle shall be estimated upon that gross load weight which shall be the greater whether or not the vehicle is a carrier of persons or a carrier of property.

The fee for registering motor vehicles at any period between July the first and December the fifteenth shall be 50% of those as above enumerated.

The fee for licensed manufacturers or dealers shall be Twenty Dollars (\$20.00) for the first registration (to cover two sets of plates), and Eight Dollars (\$8.00) for each additional set of plates.

Section 2. The fees above set forth for the registration of Motor Vehicles shall not in any manner apply to the registration of Motor Vehicles for the year 1933, this Act to become effective and apply to the registration of Motor Vehicles for the year 1934. The Commissioner of the Department of Motor Vehicles of the State of Delaware shall charge as registration fees of motor vehicles the sum or sums set forth in this Act.

Approved May 22, 1933.

## CHAPTER 28

## MOTOR VEHICLES

**AN ACT to amend the Laws of the State of Delaware in relation to the identification of Motor Vehicles, as contained in Chapter 9, Volume 35, and in Chapter 10, Volume 36, and in Chapter 11, Volume 37.**

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

Section 1. That Section 1 of Chapter 9, Volume 35, and Section 35, Chapter 10, Volume 36, and Section 3, Chapter 11, Volume 37, Laws of Delaware, be amended by striking out all of the said Sections and by inserting in lieu thereof the following to be known as Section 35 of the Motor Vehicle Laws of the State of Delaware.

Section 35. Application for a Certificate of Title:—(a) Every application for an original certificate of title shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the motor vehicle including the name of the maker, the engine and serial numbers and any distinguishing marks thereon and whether the vehicle is new or used, together with a full and complete statement of each and all liens or encumbrances, if any, upon the said motor vehicle. The said application shall have permanently attached thereto a duplicate original of every conditional sale contract, chattel mortgage, lease, note or notes, or other like written agreement, if any, whereby any lien or encumbrances is sought to be secured upon the said motor vehicle. The said application shall also contain a statement of the name and address of the person, firm, or corporation to whom the certificate of title shall be delivered, and such other information as the Department may require. Every application shall be accompanied by a fee of One Dollar, which shall be in addition to any fee charged for the registration of such vehicle. Whenever a new motor vehicle is purchased from a dealer the application for a certificate of title shall also include a statement of transfer by the said dealer.

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In the event that any claim of any kind is sought to be secured upon any motor vehicle, for which a certificate of title has been previously issued by the Department, and the said certificate remains outstanding and valid and no assignment of the said certificate has been made, or sought to be made, and no transfer of title or ownership or possession of the said motor vehicle is made or sought to be made, the said certificate of title shall be returned to the Department, together with the application for placing and recording of such claim as a lien or encumbrance upon the said motor vehicle. The said application shall be made upon the appropriate form furnished or approved by the Department, and shall have permanently attached thereto a duplicate original of any written instrument upon which the said claim is to be evidenced and whereby such claim is sought to be secured as a valid lien or encumbrance upon the said motor vehicle. Every application shall be accompanied by a fee of One Dollar, which shall be in addition to any other fees in this Article provided. Upon the filing of the said application and the entering of said claim, the certificate of title shall be returned to the person entitled to receive the same.

The Secretary of State is hereby authorized and directed to keep a permanent record in bound volumes of such liens or encumbrances hereinbefore mentioned and for making entry of same in said volumes the said Secretary of State shall make a charge of Fifty Cents, which shall be paid by the applicant.

Upon final payment being made on any lien or encumbrance so recorded, the holder of said lien or encumbrance either in person or by power of attorney shall satisfy the lien register in the office of the Secretary of State within thirty days from the date of final payment. When such liens or encumbrances have been fully paid by the owner of such motor vehicle and satisfied by the holders of the lien or encumbrance so recorded as aforesaid, such record of satisfaction shall be entered upon the certificate of title when presented at the office of the Secretary of State and for entering the satisfaction of said lien or encumbrance in the lien register in said office, the creditor shall pay to the said Secretary of State a fee of Twenty-five cents.



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For failure to satisfy any lien or encumbrance within thirty days after final payment has been made, the lien holder shall be subject to a fine of not less than Five Dollars (\$5.00) and not more than One Hundred (\$100.00). Proceedings for enforcement of these provisions shall be made by the Secretary of State in the office of any Justice of the Peace in this State. Should any lien holder fail, refuse or neglect to satisfy any lien or encumbrance, so recorded as above provided, within sixty days after final payment thereon has been made, the Secretary of State, after due and timely notice given to said lien holder, shall have authority, upon the presentation of convincing evidence, which he shall retain in his office and file with the lien registrar, to satisfy such lien or encumbrance recorded in the lien register as hereinbefore provided.

(b) The owner shall verify every application for a certificate of title before a person authorized to administer oaths. Officers and employees of the Department, designated by the Commissioner, are hereby authorized to administer oaths and it is their duty to do so without fee or compensation for the purpose of this Act.

(c) The Department shall maintain an engine number index of registered motor vehicles and, upon receiving an application for a certificate of title, shall check the engine number shown in the application against said index and against the stolen and recovered motor vehicle index, required to be maintained by Section 43 of this Act.

Section 2. That Section 36 of Chapter 10, Volume 36, Laws of Delaware be amended by striking out all of the said Section 36, and by inserting in lieu thereof the following to be known as Section 36 of the Motor Vehicle Laws of the State of Delaware.

Section 36. (a) The Department, when satisfied that the applicant for a certificate of title is the owner of the motor vehicle, shall thereupon issue, in the name of the owner, said certificate bearing a serial number and the signature of the

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Vehicle Commissioner of this State, under the seal of his office. The certificate of title shall also set forth the date of issue and description of the vehicle as determined by the application for said certificate together with a full and complete statement of each and all liens or encumbrances on said motor vehicle as evidenced by the duplicate original of any conditional sale contract, chattel mortgage, lease, note or notes, or other like written agreement attached to said application. The certificate of title shall contain upon the reverse side, forms for assignment and re-assignment of title, or interest and warranty thereof, by the owner of the motor vehicle together with form of application for new certificate of title with space for notation of liens and encumbrances upon such vehicle at the time of transfer and of application for new certificate of title, and said certificate shall be delivered by the Department to the person designated for that purpose on the application.

Liens or encumbrances on a motor vehicle, properly set out in the application for a certificate of title to which application has been securely attached, as hereinbefore provided, the duplicate original of the conditional sale contract or chattel mortgage, duly recorded in accordance with the law governing the same, or lease, or note or notes, or any like written agreement, if any, whereby any such liens or encumbrances are sought to be secured on a motor vehicle, shall for all purposes and intents be valid and prior liens upon such motor vehicle from the date of the issuance of the certificate of title; provided, nevertheless, that if there be more than one such lien on any one motor vehicle, then and in such event, such liens shall have priority according to the dates of the written documents attached to the said application as aforesaid as evidence of such claims; and such liens and encumbrances, entered upon the certificate of title and recorded in the lien register, as hereinbefore provided, shall be notice to all creditors, of whatever description, that such liens or encumbrances exist against such motor vehicle.

No claim of any kind shall be entered upon the certificate of title for any motor vehicle, to be issued by the provisions of

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this Act, until the applicant has fully complied with all the provisions of this and the preceding section insofar as the same may be applicable thereto.

(b) The said certificate of title shall be good for the life of the motor vehicle so long as the same is owned or held by the original holder of such certificate.

Section 3. This Act, upon its approval, shall be cited as a part of the Motor Vehicle Laws of the State of Delaware, and all Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of the inconsistencies only.

Approved June 1, 1933.

## CHAPTER 29

## MOTOR VEHICLES

**AN ACT to amend Chapter 10, Volume 36, Laws of Delaware entitled "An Act concerning motor vehicles and making uniform the law relating thereto."**

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

Section 1. That Section 23, Title III, Article II of Chapter 10, Volume 36, Laws of Delaware be amended by repealing all of the said Section 23 of the said Chapter 10, Volume 36, and by substituting in lieu thereof the following:

Section 23. When Registration Shall Be Refused. The Department shall not grant an application for the registration of a motor vehicle in any of the following events:

(a) When the applicant is not entitled thereto under the provisions of this Act.

(b) When the applicant has neglected or refused to furnish the Department with the information required in the appropriate official form or to give reasonable additional information required by the Department.

(c) When the fees required therefor by law have not been paid.

(d) When the applicant will not furnish satisfactory evidence of the motor vehicle to be registered having been inspected and determined to be safe and fit and properly equipped as hereinafter provided.

Section 2. That Section 24, Title III, Article II of Chapter 10, Volume 36, Laws of Delaware as amended by Chapter 10, Volume 37, Laws of Delaware, be further amended by repealing all of the said Section 24 of Chapter 10, Volume 36, Laws of Delaware, as amended, and by substituting in lieu thereof the following:

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Section 24. When Registration Shall be Rescinded, Cancelled, or Suspended.

(a) The Department shall rescind, cancel, or suspend the registration of any motor vehicle which shall be determined by said Department to be unsafe or unfit to be operated, or to be not equipped as required by law. Any motor vehicle, which has not been examined and determined safe and fit for operation and found equipped according to law by the agents of the Vehicle Commissioner of this State between the fifteenth day of July and the thirty-first day of August of each year, shall be conclusively determined to be unsafe, unfit, or not properly equipped by the Department.

(b) The Department shall rescind, cancel, or suspend the registration of a motor vehicle whenever the person, to whom the registration card or registration number plates therefor have been issued, shall make or permit to be made any unlawful use of the said card or said plates, or permit the use thereof by a person not entitled thereto.

(c) The Department shall rescind, cancel, or suspend the registration of any motor vehicle if it shall be determined by the said Department that such motor vehicle should not have been registered in the State of Delaware, or the person, to whom the registration card or registration number plates therefor have been issued, shall have made illegal use of said motor vehicle, provided an appeal may be taken by the said person from any decision of said Department to the Superior Court of the county wherein the said registrant resides.

Section 3. This Act, upon its approval, shall be cited as a part of the Motor Vehicle Laws of the State of Delaware, and all Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved June 1, 1933.

## CHAPTER 30

## MOTOR VEHICLES

**AN ACT to amend Chapter 10, Volume 36, Laws of Delaware, as amended, entitled "An Act concerning Motor Vehicles and making uniform the law relating thereto".**

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

Section 1. That Section 142 of Chapter 10, Volume 36, Laws of Delaware, as amended by Chapter 10, Volume 37, Laws of Delaware be, and the same is hereby amended by adding the following words at the end of the first paragraph of said section:

Provided, however, that all second offenses under Sections 83 to 106, inclusive, shall, before being punishable as such, have been committed within twelve (12) months after the commission of the first offense.

Approved June 1, 1933.

## CHAPTER 31

## TAXATION AND DISTRIBUTION OF GASOLINE

**AN ACT to provide a portion of the revenue necessary for the construction, reconstruction, and maintenance of the public highways of the State, by imposing a tax on motor fuels as herein defined, to be collected and paid by distributors as herein defined, with certain rights to refunds as herein set forth, regulating the sale of such fuels, providing for the reports of sales of such fuels, for the collection of said tax by the State Treasurer, and the disposition of the revenue derived therefrom.**

WHEREAS, the present system of charging license fees for the regulation of motor vehicles was designed in part to equalize the burden of constructing, reconstructing and maintaining the public roads and highways of the State of Delaware by imposing said burden upon those deriving special benefits therefrom; and

WHEREAS, the method of raising revenue for said purpose, as outlined in this Act, will more equitably and generally distribute the burden; and

WHEREAS, it is deemed that there is a direct relation between the use of highways by motor vehicles and the quantity of motor fuels consumed in furnishing the motive power thereof as well as a direct relation between the weight of the motor vehicles using such highways and the distance which such motor vehicles will travel by such motive power per unit of weight; and

WHEREAS, it is deemed that the weight of the motor vehicle and the distance traveled have a direct bearing on the damage to the highways and the wear thereof; and

WHEREAS, it is deemed that the speed at which the motor vehicle is driven over the highways has a direct bearing on the damage to the highways and the wear thereof; and

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WHEREAS, laws now in force have taken into consideration the effect of the weight of a motor vehicle and the speed they attain; and

WHEREAS, it is deemed proper by the Legislature that the aforesaid burden of constructing, reconstructing and maintaining the public roads and highways of the State should be equitably and generally distributed among those who will be benefited more directly by the expenditure of the revenue derived from this Act; and

WHEREAS, such a result, in the judgment of the Legislature, will be accomplished by levying a tax on the quantity of motor fuel purchased for use in propelling motor vehicles on the public roads and highways of the State, as hereinafter provided; and

WHEREAS, it is considered and deemed that a tax levied upon each gallon of motor fuel purchased for use in motor vehicles is the equivalent of and in its practical effect a license fee and tax upon the motor vehicle itself, and the measure of the use of the highways is in direct relation to the amount of motor fuels consumed in furnishing the motive power of the motor vehicles and, with the license fees and taxes provided by other laws of the State of Delaware, the tax herein provided renders more nearly perfect the proper compensation to be paid by the owners of motor vehicles for the use of facilities provided at great cost for the class for whose needs such vehicles are essential and, in their operation, are peculiarly injurious to the highways of the State; and

WHEREAS, it is found that the practicable effect of the levying of a tax on motor fuels sold by the distributors is that the tax is in fact collected from the consumer, by being added to the price of such fuel, and the burden of the tax paid by the distributor is passed on to and paid and borne by such ultimate consumer, and accordingly, that the consumer who uses such motor fuel in motor vehicles and for the operation thereof is in



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practical effect paying a license fee and tax upon the motor vehicle itself; and

WHEREAS it is deemed equitable and proper that persons purchasing motor fuels for purposes other than consumption and use in furnishing the propelling power for motor vehicles used or intended to be used in whole or in part upon the highways of this State should have refunded to them any money which they may be required to pay by reason of the tax provided for by this Act; and

WHEREAS, the successful operation of such motor vehicles over the public roads and highways of the State depends in large measure upon the proper construction, reconstruction and maintenance of such roads and highways; now, therefore,

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

Section 1. DEFINITIONS. The following words, terms and phrases in this Act are, for the purposes hereof, defined as follows:

(a) "Motor Vehicles" shall mean and include all automotive or self propelled vehicles, engines or machines, which are operated or propelled by internal combustion of gasoline, distillate or other volatile or inflammable liquid fuels.

(b) "Motor Fuel" shall mean and include any substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and sold or used for that purpose, except the products commonly known as kerosene and/or distillate or petroleum products of lower gravity (Baume Scale) when not used to propel a motor vehicle or for compounding or combining with any motor fuel.

(c) "Person" shall mean and include any person or persons, partnership, firm, association or corporation.

## TAXATION AND DISTRIBUTION OF GASOLINE

(d) The term "distributor" shall include any person, association of persons, firm or corporation, wherever resident or located, who imports or causes to be imported into the State motor fuels as herein defined, for use, distribution, storage, or sale after the same reach the State; and also any person, association of persons, firm or corporation who produces, refines, or manufactures or compounds, or causes to be produced, refined, manufactured or compounded motor fuels as herein defined within the State.

Section 2. Licensing of filling station dealers. Every person engaged in the retail sale of motor fuels shall, before engaging in said business procure from the State Treasurer a license for each establishment operated by such person; such license shall be issued by the State Treasurer for one year from the first of July of each year, subject to such reasonable regulations as the State Treasurer shall provide. A license fee of two dollars (\$2.00) shall be paid for the issuing of such license and the State Treasurer shall supply a certificate, which the licensee shall publicly display in a manner to be regulated by the State Treasurer.

The owner of every filling station shall keep a complete and accurate record of the number of gallons of motor fuel purchased, from whom purchased, and the date of purchase, and such record shall be prepared in the form of report, the form of which shall be prescribed by the State Treasurer, and the same shall be made monthly on the fifteenth day of each month following the date of purchase, and verified and mailed in to the State Treasurer. Such report shall be in duplicate and the duplicate shall be retained by the owner for a period of two years. It shall be offered for inspection at any time upon written demand made by the State Treasurer or his deputy.

Section 3. Application for license; contents; licensing of distributors. It shall be unlawful for any distributor to receive, use, sell or distribute any motor fuel or to engage in business within this State unless such distributor is the holder of an uncanceled license issued by the State Treasurer to en-

## TAXATION AND DISTRIBUTION OF GASOLINE

gage in such business. To procure such license every distributor shall file with the State Treasurer an application upon oath and in such form as the State Treasurer may prescribe, setting forth:

(a) The name under which the distributor will transact business within the State of Delaware;

(b) The location, with street number address, of its principal office or place of business within this state;

(c) The name and complete residence address of the owner or the names and addresses of the partners, if such distributor is a partnership, or the names and addresses of the principal officers, if such distributor is a corporation or association;

and if such distributor is a corporation organized under the laws of another state, territory or country, or the laws of the United States, it shall also file with such application a certified copy of the certificate issued by the Secretary of State of Delaware showing that such corporation is authorized to transact business in the State of Delaware.

Upon the filing of an application for a license, and concurrently therewith, a bond of the character stipulated and in the amount provided for in Section 4 of this act, shall be filed with the State Treasurer. No license shall be issued upon any application unless accompanied by such a bond.

In the event that any application for a license to transact business as a distributor in the State of Delaware shall be filed by any person whose license shall at any time theretofore have been cancelled for cause by the State Treasurer, or in case said State Treasurer shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been cancelled for cause by said State Treasurer, then and in any of said events the State Treasurer after a hearing, of which the applicant shall have been given five (5) days' notice in writing and at which said applicant shall have the right to appear in person or by a counsel and present

## TAXATION AND DISTRIBUTION OF GASOLINE

testimony, shall have and is hereby given the right and authority to refuse to issue to such person a license to transact business as a distributor in the State of Delaware.

Upon the filing of the application for a license, a filing fee of five dollars (\$5.00) shall be paid to the State Treasurer.

The application in proper form having been accepted for filing, the filing fee paid, and the bond having been accepted and approved, the State Treasurer shall, except as herein provided, issue to such distributor a license to transact business as a distributor in the State of Delaware subject to cancellation of such license as provided by law.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the State Treasurer shall issue to each such licensee separate license cards for each tank truck operated by such distributor. Such license card shall indicate the number so assigned the distributor, the motor number of the truck authorized to be operated under such license card, and such other information as the State Treasurer may prescribe. Such license card shall be conspicuously displayed on the tank truck to which it is assigned and any distributor operating a tank truck in this State, conveying or transporting motor fuel, without such license card shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or to be confined in jail not less than ten (10) days nor more than thirty (30) days, or both.

The license so issued by the State Treasurer shall not be assignable, and shall be valid only for the distributor in whose name issued, and shall be displayed conspicuously in the principal place of business of said distributor in the State of Delaware.

The State Treasurer shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

## TAXATION AND DISTRIBUTION OF GASOLINE

Section 4. Bond required of licensed distributor. Every distributor shall file with the State Treasurer a bond in the approximate sum of three times the average monthly motor fuel tax due by such distributor during the next preceding twelve calendar months under the existing law of this State; provided that in no case shall such bond be less than five thousand dollars (\$5,000.00) nor more than twenty thousand dollars (\$20,000.00); provided further that any person becoming a distributor as heretofore defined, subsequent to the effective date of this act, or any distributor who has not paid motor fuel taxes now imposed by law for the twelve months next preceding the adoption of this Act, shall file a bond in the minimum of five thousand dollars (\$5,000.00). Such bond shall be in such form as may be approved by the State Treasurer, shall be executed by a Surety Company to be approved by the State Treasurer and duly licensed to do business under the laws of the State of Delaware; shall be payable to the State of Delaware, and be conditioned upon the prompt filing of true reports and the payment by such distributor to the State Treasurer of any and all motor fuel taxes which are now or which may hereafter be levied or imposed by the State of Delaware, together with any and all penalties and/or interest thereon, and generally upon faithful compliance with the provisions of this Act.

In the event that liability upon the bond thus filed by the distributor with the State Treasurer shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the State Treasurer any surety on the bond theretofore given shall have become unsatisfactory or unacceptable, then the State Treasurer may require the filing of a new bond with like surety as hereinbefore provided in the same amount, failing which, the State Treasurer shall forthwith cancel the license of said distributor. If such new bond shall be furnished by said distributor as above provided, the State Treasurer shall cancel and surrender the bond of said distributor for which such new bond shall be substituted, provided, however, that such bond shall not be canceled if any liability shall have accrued under the provisions thereof which shall be still outstanding.

## TAXATION AND DISTRIBUTION OF GASOLINE

In the event that the State Treasurer, after a hearing of which the distributor shall be given five (5) days' notice in writing, shall decide that the amount of the existing bond is insufficient to insure payment to the State of Delaware of the amount of the tax and any penalties and interest for which said distributor is or may at any time become liable then the distributor shall forthwith upon the written demand of the State Treasurer file additional bond in the same manner and form with like security thereon as hereinbefore provided; provided further that the total amount of any such additional bond as well as the bond required under the provisions of the first paragraph of this Section shall not exceed the maximum of twenty thousand dollars (\$20,000.00) and the State Treasurer shall forthwith cancel the license certificate of any distributor failing to file an additional bond as herein provided.

Any surety on any bond furnished by any distributor as above provided shall be released and discharged from any and all liability to the State of Delaware accruing on such bond after the expiration of sixty (60) days from the date upon which such surety shall have lodged with the State Treasurer, written request to be released and discharged. Provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said sixty day period. The State Treasurer shall promptly on receipt of notice of such request notify the distributor who furnished such bond, and, unless such distributor shall on or before the expiration of such sixty day period file with the State Treasurer a new bond in the amount and form hereinbefore in this Section provided, the State Treasurer shall forthwith cancel the license of said distributor.

Section 5. Power of State Treasurer to cancel licenses; surrender of bond. If a distributor shall at any time file a false monthly report of the data or information required by this act, or shall fail, refuse or neglect to file the monthly report required by this act, or to pay the full amount of the tax as required by this act, the State Treasurer may forthwith cancel the license of said distributor and notify such distributor in writing of such

## TAXATION AND DISTRIBUTION OF GASOLINE

cancellation by registered mail to the last known address of such distributor appearing on the files of the State Treasurer.

The State Treasurer is hereby given the power to cancel any license hitherto or hereafter issued to any distributor, such cancellation to become effective sixty (60) days from the date of receipt of the written request of such distributor for cancellation thereof, or said State Treasurer may cancel the license of any distributor upon sixty (60) days' notice mailed to the last known address of such distributor if it shall be ascertained that the person to whom such license has been issued is no longer engaged in the receipt, use or sale of motor fuel as a distributor, and has not been so engaged for the period of six (6) months prior to such cancellation. But no such license shall be cancelled upon the request of any distributor until and unless the distributor shall, prior to the date of such cancellation, have paid to the State of Delaware all motor fuel taxes payable under the laws of the State of Delaware, together with any and all penalties and fines accruing by reason of any failure on the part of said distributor to make accurate reports as required by this act and/or to pay said taxes and/or penalties.

In the event that the license of any distributor shall be cancelled by the State Treasurer as hereinbefore in this section provided, and in the further event that said distributor shall have paid to the State of Delaware all taxes, penalties and interest due and payable by it under the motor fuel laws of the State of Delaware, then the State Treasurer shall cancel and surrender the bond theretofore filed by said distributor.

Section 6. Amount of tax; reports; payments; exemptions.

(a) There is hereby levied a tax of three (3) cents per gallon on all motor fuel as herein defined, which is sold and delivered or used in this State and is not under the protection of the interstate commerce clause of the Constitution of the United States; provided, that the tax herein imposed and assessed shall be collected by and paid to the State of Delaware but once in

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respect to any motor fuel. Nothing herein shall be construed to exempt from the tax any dealer in motor fuel on the motor fuel used in making such distribution. The tax herein levied shall be collected in the manner hereafter provided.

(b) On or before the last day of each calendar month, each distributor in motor fuel shall render to the State Treasurer a statement on forms prepared and furnished by the said State Treasurer, which shall be sworn to by one of the principal officers in the case of a domestic corporation, or by the resident general agent or attorney in fact; by chief accountant or officer in case of a foreign corporation; by the managing agent or owner in case of a firm or association of persons; or by the distributor in all other cases; which statement shall show the quantity of motor fuel on hand on the first and the last day of the preceding calendar month; the quantity of motor fuel received, produced, manufactured, refined or compounded during the preceding calendar month; and the quantities of motor fuel sold and delivered or used within the State of Delaware during the preceding calendar month and such other information as the State Treasurer may require and such distributor shall at the time of rendering such report, pay to the State Treasurer the tax or taxes herein levied on all motor fuel sold and delivered or used within the State of Delaware during the preceding calendar month. Provided, however, that no distributor shall pay such tax on motor fuel received by such distributor from a point within the State, from another licensed distributor who has paid or assumed the payment of such tax.

(c) Any shrinkage or evaporation as indicated by the monthly report of a distributor amounting to more than one per cent. of gallons on hand at the beginning of the month plus gallons received during the month shall be assumed to have been sold or used and thereby taxable.

(d) Bills shall be rendered to all purchasers of motor fuels by distributors selling the same. Such bills shall contain a statement thereon in a conspicuous place that the liability to the State



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for the tax or taxes hereby imposed has been assumed, and that the distributor will pay the tax or taxes hereon on or before the last day of the following month.

(e) Motor fuel used by the United States or any of the governmental agencies thereof shall not be subject to tax hereunder.

(f) The State Treasurer shall have authority to prescribe reasonable rules and regulations for the carrying out of this act and all forms of reports required by this act.

Section 7. Distribution of proceeds. The said license tax in respect to motor fuels sold or used in any calendar month shall be paid on or before the last day of the next succeeding month to the State Treasurer who shall receipt to the dealer therefor. The State Treasurer shall create a special fund of the money so received by him and shall disburse the same as other moneys are disbursed and applied by the State Treasurer under the provisions of Section 14 of Chapter 63, Volume 29, of the Laws of Delaware, as amended by Chapter 54, Volume 32 of the Laws of Delaware, provided, however, that the State Treasurer, out of said money, shall retain in his hands at all times such sum, not exceeding \$3,000.00, as, in his judgment, shall be sufficient to enable him to pay promptly all claims for refunds, as in this Act provided for.

Section 8. Penalty for failure to report or pay taxes promptly. When any distributor shall fail to submit his monthly report to the State Treasurer by the last day of each calendar month, or when such distributor fails to submit the data outlined in Section 6 of this act in such monthly report, or when such distributor shall fail to pay to the State Treasurer the amount of taxes due to the State of Delaware; when the same shall be payable, a penalty of twenty-five per cent. (25%) shall be added to the amount of the tax due, and said penalty of twenty-five per cent. (25%) shall immediately accrue, and thereafter said tax and penalty shall bear interest at the rate of one per cent. (1%) per month until the same is paid.

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Section 9. State Treasurer may estimate motor fuel received. Whenever any distributor shall neglect or refuse to make and file any report for any calendar month as required by this act or shall file an incorrect or fraudulent report, the State Treasurer shall determine, from any information obtainable in his office or elsewhere, the number of gallons of motor fuel with respect to which the distributor has incurred liability under the motor fuel laws of the State of Delaware.

In any action or proceeding for the collection of the motor fuel tax and/or any penalties or interest imposed in connection therewith, an assessment by the State Treasurer of the amount of the tax due and/or interest or penalties due to the State shall constitute prima facie evidence of the claim of the State, and the burden of proof shall be upon the distributor to show that the assessment was incorrect and contrary to law.

Section 10. Report from persons not distributors ; contents ; penalty for failure to submit report. Every person purchasing or otherwise acquiring motor fuel and/or kerosene in tank car or cargo lots and selling, using, or otherwise disposing of the same not required by the provisions of this act to be licensed as a distributor in motor fuel, shall file a statement setting forth the name under which such person is transacting business within the State of Delaware, the location with street number address of such person's principal office or place of business within the State, the name and address of the owner, or the names and addresses of the partners if such person is a partnership, or the names and addresses of the principal officers if such person is a corporation or association, and, on or before the last day of each calendar month, such person shall, on forms, prescribed by the State Treasurer report to the State Treasurer all purchases or other acquisition and sales or other disposition of motor fuel and/or kerosene during the next preceding calendar month, giving a record of each tank car or cargo lot. Such report shall set forth from whom each tank car or cargo lot was purchased or otherwise acquired, point of shipment, to whom sold or shipped, point of delivery, date of shipment, the name of the carrier, the initials and number of the car and the number of gallons con-

## TAXATION AND DISTRIBUTION OF GASOLINE

tained in such tank car, if shipped by rail, and the name and owner of the boat, barge or vessel, and the number of gallons contained therein, if shipped by water, and shall contain any other additional information the State Treasurer may require relative to such motor fuel and/or kerosene.

When any person, not required by the provision of this act to register as a distributor in motor fuel, purchasing or otherwise acquiring motor fuel and/or kerosene in tank car or cargo lots and selling or otherwise disposing of the same shall fail to submit his monthly report to the State Treasurer by the last day of each following calendar month or when such person shall fail to submit in each monthly report the data required by this act, such person shall be guilty of a misdemeanor and shall be fined an amount not greater than one hundred dollars (\$100.00) for the first offense and shall be fined an amount not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each subsequent offense.

Section 11. Reports from carriers, transporting motor fuel, kerosene or similar products. Every railroad company, every street car, suburban or inter-urban railroad company, every pipe line company, every water transportation company, and every common carrier transporting motor fuel, kerosene, casinghead gasoline, natural gasoline, naphtha, or distillate, either in interstate or in intrastate commerce, to points within Delaware, and every person transporting motor fuel and/or kerosene by whatever manner to a point in Delaware from any point outside of said State, shall report under oath to the State Treasurer on forms prescribed by said State Treasurer all deliveries of motor fuel and/or kerosene so made to points within Delaware.

Such reports shall cover monthly periods, shall be submitted within thirty days after the close of the month covered by the report, shall show the name and address of the person to whom the deliveries of motor fuel and/or kerosene have actually and in fact been made, the name and address of the originally named consignee, if motor fuel and/or kerosene has been delivered to any other than the originally named consignee, the point of

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origin, the point of delivery, the date of delivery, and the number and initials of each tank car and the number of gallons contained therein, if shipped by rail, the name of the boat, barge or vessel, and the number of gallons contained therein, if shipped by water, the license number of each tank truck and the number of gallons contained therein, if transported by motor truck; if delivered by other means, the manner in which such delivery is made; and such other additional information relative to shipments of motor fuel as the State Treasurer may require.

Section 12. Retention of records by distributors and other persons. Each distributor shall maintain and keep, for a period of two (2) years, such record or records of motor fuel received, used, sold and/or delivered within this State by such distributor, together with invoices, bills of lading, and other pertinent records and papers as may be required by the State Treasurer for the reasonable administration of this act.

It shall be the duty of every person, purchasing motor fuel taxable under this act from a distributor for the purpose of resale, to maintain and keep for a period of one (1) year a record of motor fuel received, the amount of tax paid to the distributor as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the State Treasurer shall require.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and the costs of prosecution, or to be imprisoned for a period of not more than one (1) year, or both, in the discretion of the court.

Section 13. Inspection of records. The record of all purchases, receipts, sales, distribution and use of motor fuel of every distributor shall at all times during the business hours of the day be subjected to inspection, by the State Treasurer, or by the State Highway Commission, or by any agent or employee duly authorized by him, or by the State Highway Commission.

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The said State Highway Commission shall make an inspection of the said records of all purchases, receipts, sales, distribution and use of motor fuel of every distributor at least once in each year, by or through such agent or employee as may be duly authorized by it, for the purpose of ascertaining whether said distributors are complying with the provisions of this act. In case it should be found that such distributors are not complying with the provisions of this act, the State Highway Commission shall report to the State Treasurer and to the Attorney General in what respects said distributors are failing to so comply with the provisions of this act.

Section 14. Discontinuance or transfer of business; penalty. Whenever a person ceases to engage in business as a distributor within the State of Delaware by reason of the discontinuance, sale or transfer of the business of such distributor it shall be the duty of such distributor to notify the State Treasurer in writing at least ten (10) days prior to the time the discontinuance, sale or transfer takes effect. Such notice shall give the date of discontinuance, and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties, and interest under this act, not yet due and payable under the provisions of Section 6 hereof shall, notwithstanding such provisions, become due and payable concurrently with such discontinuance, sale or transfer, and it shall be the duty of any such distributor concurrently with such discontinuance, sale or transfer, to make a report and pay all such taxes, interest, and penalties, and to surrender to the State Treasurer the license theretofore issued to said distributor by the State Treasurer.

Unless the notice above provided for shall have been given to the State Treasurer, such purchaser or transferee shall be liable to the State of Delaware for the amount of all taxes, penalties, and interest under this act accrued against any such distributor so selling or transferring his business, on the date of such sale or transfer, but only to the extent of the value of the property and business thereby acquired from such distributor.

## TAXATION AND DISTRIBUTION OF GASOLINE

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall upon conviction thereof be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) and the costs of the prosecution or to be imprisoned for a period of not more than one (1) year or both in the discretion of the Court.

Section 15. When tax payment is in default; procedure. If any distributor shall be in default for more than ten (10) days in the payment of any taxes and/or penalties thereon payable under the terms of this act, the State Treasurer shall issue a warrant under the official seal of his office directed to the sheriff of any county of the State, commanding said sheriff to levy upon and sell the goods and chattels of such distributor without exemption, found within his jurisdiction, for the payment of the amount of such delinquency, with the added penalties and interest and the cost of executing the warrant, and to return such warrant to the State Treasurer and to pay said Treasurer the money collected by virtue thereof within the time to be therein specified, which shall not be less than twenty (20) nor more than sixty (60) days from the date of the warrant. The Sheriff to whom any such warrant shall be directed, shall proceed upon the same in all respects and with like effect and in the same manner as prescribed by law in respect to executions issued against goods and chattels upon judgments by a court of record, and shall be entitled to the same fees for his services in executing the warrant to be collected in the same manner; provided, that nothing in this section shall be construed as forfeiting or waiving any rights to collect such taxes by an action upon any bond that may be filed with the State Treasurer under the provisions of this act, or by suit or otherwise, and in case such suit, action or other proceeding shall have been instituted for the collection of said tax, such suit, action or other proceeding shall not be construed as waiving any other right herein provided.

Section 16. Refunds. The State Treasurer shall refund the tax paid on motor fuels under the following conditions:

## TAXATION AND DISTRIBUTION OF GASOLINE

(a) Motor fuel sold and delivered to and used by the State of Delaware and every political subdivision thereof.

(b) Motor fuel used by any person for the purpose of operating stationary gas engines, tractors, motor boats, air planes or air crafts or any other purpose except in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the State.

When motor fuel is sold to a person as described above in (a) and (b) who shall claim to be entitled to a refund of the tax hereunder, the seller of such motor fuel shall make out in triplicate on forms prescribed and supplied by the State Treasurer, a statement setting forth the name and address of the purchaser, the number of gallons of motor fuel so sold, the proposed use for which such motor fuel is purchased, and such other information as the State Treasurer shall require. One of such statements shall be mailed by the seller to the State Treasurer not later than the tenth day of the following month. The duplicate of such statement shall be given to the purchaser at the time of sale.

All applications for refunds must be filed with the State Treasurer within ninety (90) days from the date of purchase or invoice of the motor fuel with respect to which refund is claimed.

Such application shall be in such form as shall be prescribed by the State Treasurer, shall be sworn to, and shall state the quantity of motor fuel with respect to which refund is claimed, the purpose for which said motor fuel was used, date of purchase, from whom purchased, and such other information as the State Treasurer shall require.

Such application shall be accompanied by the original invoice showing such purchase, together with evidence of the payment thereof, and also the duplicate statement furnished by the seller at the time of sale above described.

The above conditions having been fully complied with, the State Treasurer shall determine the amount of the refund due on

## TAXATION AND DISTRIBUTION OF GASOLINE

such application and pay such amount within thirty days from the time of filing of the application for refund.

Section 17. Failure to file statement; false statement; doing business without license, etc.; penalties. Any person who shall refuse or neglect to make any statement, report or return required by the provisions of this act or who shall knowingly make, or shall aid or assist any other person in making, a false statement in a report to the State Treasurer, or in connection with an application for refund of any tax, or who shall sell any motor fuel, purchased by such person from any person other than a duly licensed distributor upon which the tax herein imposed shall not be paid, shall be guilty of a misdemeanor and, when no other penalty of fine and/or imprisonment is imposed by the provisions of other sections of this Act, shall upon conviction thereof be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a term of not less than thirty (30) days, and not more than one (1) year, or both such fine and imprisonment in the discretion of the Court.

Section 18. Exchange of information among the states. The State Treasurer shall, upon request duly received from the officials to whom are entrusted the enforcement of the motor fuel tax laws of any other state, forward to such officials any information which it may have in its possession relative to the manufacture, receipt, sale, use, transportation and/or shipment by any person of motor fuel.

Section 19. Delivery of motor fuel prohibited in certain cases; penalty. The delivery of motor fuel from a tank truck to the motor fuel tank of a motor vehicle is prohibited, except in cases of emergency. Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned for a period of not more than thirty (30) days, or both in the discretion of the Court.



## TAXATION AND DISTRIBUTION OF GASOLINE

Section 20. That it shall be unlawful for the State Treasurer or State Highway Commission, or any of his or its agents, deputies, assistants or employees, to disclose, except when required so to do in a Court of Law, or when it is deemed necessary so to do for the purpose of carrying out the provisions of this Act, the amount of tax paid in pursuance of the terms of this Act by any dealer or dealers, or any other information contained in the reports filed by any dealer or dealers under the terms of this Act, and any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than three months, or by both such fine and imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the Court.

Section 21. That the State Treasurer shall, upon the request of the State Highway Commission, furnish to the said State Highway Commission, or to any agent or employee of the said State Highway Commission, copies of receipts, certificates or records required to be filed under the provisions of this Act.

Section 22. Penalties. Any person violating any of the provisions of this Act, a penalty for which is not otherwise provided, or who shall fail or refuse to pay the tax imposed by this Act, or who shall engage in business in this State as a distributor without being the holder of an uncanceled license to engage in such business, or who shall make any false statement in any application, report or statement required by this Act, or who shall refuse to permit the State Treasurer or any deputy to examine records as provided by this act, or who shall fail to keep proper records of quantities of motor fuel received, produced, refined, manufactured, compounded, sold, used and/or delivered in this State as required by this Act, or who shall collect or cause to be repaid to any person, any tax not being entitled to the same under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall, for the first offense be fined not more than five hundred dollars (\$500.00) or imprisoned for

## TAXATION AND DISTRIBUTION OF GASOLINE

a period not exceeding six (6) months, or both in the discretion of the court, and for a second and any subsequent offense, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding one year, or both in the discretion of the court; provided that in addition to the penalty imposed in conformity to the above the defendant shall be required to pay all taxes and penalties due the State under this Act and/or pay to the State any other moneys wrongfully withheld or illegally refunded. Each day or part thereof during which any person shall engage in business as a distributor without being the holder of an uncanceled license, shall constitute a separate offense within the meaning of this section.

Section 23. Effective date. This Act shall become effective on July first, nineteen hundred thirty-three. Prior to that date, every distributor as defined herein shall secure a license as provided in this Act.

Section 24. Constitutionality. If any part, or parts, section, subsection, sentence, clause or phrase of this Act is for any reason declared unconstitutional, such decision shall not affect the validity or meaning of the remaining portions of this Act.

Section 25. Chapter 14, Volume 33, Laws of Delaware, as amended by Chapter 10, Volume 35, Laws of Delaware, and all other acts or parts of acts inconsistent with this Act are hereby repealed.

Approved May 26, 1933.

## CHAPTER 32

### TAXATION OF GASOLINE

#### **AN ACT to Amend Chapter 10, Volume 35, Laws of Delaware, by Imposing a Tax on Certain Motor Fuel.**

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

Section 1. That Chapter 10, Volume 35, Laws of Delaware, be and the same is hereby amended by adding at the end thereof the following new Section, to be styled Section 14:

Section 14. That each and every non-resident owner of any commercial motor vehicle operating upon the highways of the State of Delaware "for hire" shall either purchase in the said State the number of gallons of gasoline required to operate such motor vehicle over the number of miles that are traversed in the State of Delaware (showing to the inspector or inspectors, who will be stationed at the border lines as hereinafter provided, receipts for the gasoline so purchased aforesaid), or pay to the State of Delaware in addition to all other taxes and fees imposed by the laws of said State, a tax of four cents a gallon for the estimated number of gallons of gasoline that would be required to operate such motor vehicle over the number of miles that are traversed in the State of Delaware.

The State Highway Department is hereby authorized and directed to designate members of the State Police as inspectors to be stationed on the highways of this State at the various border lines of States adjoining, whose duties it shall be to see that the provisions of this Section are fully complied with and carried into effect. Said inspectors shall collect all taxes due and owing under this Section and pay the same to the State Treasurer of the State of Delaware weekly and shall give bond to the said State with surety in such sum as the said Treasurer shall designate for the faithful performance of the collection of said tax.

## TAXATION OF GASOLINE

Provided, nevertheless, that the State of Delaware shall extend to non-resident owners of commercial motor vehicles operating in this State complete reciprocity in relation to this matter, as in all other matters, to the same degree that is extended to owners of commercial motor vehicles owned by residents of the State of Delaware while operating in the State of the aforesaid non-residents.

Any non-resident owner or operator of any commercial motor vehicle operating in the State of Delaware, failing to comply with the provisions of this Section, or violating any of the provisions of said Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than fifty dollars (\$50.00), nor more than three hundred dollars (\$300.00) and the cost of prosecution or to be imprisoned for a period of not more than one (1) year or both fine and imprisonment in the discretion of the Court for each offense.

Approved June 15, 1933.

## CHAPTER 33

## APPROPRIATIONS

**AN ACT Making Appropriations for the Expenses of the State Government for Each of the Two Fiscal Years Ending June 30, 1934, and June 30, 1935.**

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

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers of the respective departments and divisions of Government, and other specified spending agencies, subject to the provisions of Chapter 26, Section 15, Laws of 1921, and for the periods specified; provided, however, that all parts or portions of the several sums appropriated by this Act which, on the first day of July immediately following each of the respective fiscal years, shall not have been paid out of the treasury, shall revert to the general fund of the treasury. The several sums hereby appropriated are as follows, viz:

For the Year Ending June 30, 1934	For the Year Ending June 30, 1935
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## GENERAL GOVERNMENT

## LEGISLATIVE

## A-1 COMMITTEE ON UNIFORM LAWS

Office Expense .....	\$ 50.00	\$ 50.00
Travel .....	175.00	175.00
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	\$ 225.00	\$ 225.00

## APPROPRIATIONS

## A-2-10 GENERAL ASSEMBLY

Salaries of State Senators .....	\$ 10,320.00
Salaries of State Representatives .....	21,120.00
Salary of President of Senate .....	720.00
Salaries of Attorneys, Clerks, etc. ....	30,000.00
Allowance to Members .....	11,000.00
Supplies .....	5,000.00
Printing and Stationery .....	10,000.00
Stamps .....	1,000.00
Telephone Service .....	600.00
	<hr/>
	\$ 89,760.00

## JUDICIAL

## B-1-5 COURT OF CHANCERY

(Salaries and Wages)

Salary of Chancellor .....	\$ 10,500.00	\$ 10,500.00
For Reporting .....	200.00	200.00
Salary of Stenographer .....	3,000.00	3,000.00
Additional .....	500.00	500.00
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	\$ 14,200.00	\$ 14,200.00
Office Expense .....	400.00	400.00
Repairs and Replacements .....	100.00	100.00
Chancellor's Report .....	3,200.00	1,600.00
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	\$ 17,900.00	\$ 16,300.00

## B-6-12 DEPARTMENT OF JUSTICE

(Salaries and Wages)

Salary of Chief Justice .....	\$ 10,500.00	\$ 10,500.00
Salaries of Associate Judges .....	40,000.00	40,000.00
Kent County Judge for Reporting .....	200.00	200.00
Salary of Court Stenographer .....	3,000.00	3,000.00
Salary of Clerk to Supreme Court .....	300.00	300.00

## APPROPRIATIONS

Salaries and Wages (Additional) .....	3,400.00	3,400.00
	<hr/>	<hr/>
	\$ 57,400.00	\$ 57,400.00
Office Expense .....	405.00	405.00
Repairs and Replacements .....	10.00	10.00
Equipment .....		2,000.00
	<hr/>	<hr/>
	\$ 57,815.00	\$ 59,815.00

## B-13 COURT OF COMMON PLEAS—KENT COUNTY

Salary of Judge .....	\$ 3,600.00	\$ 3,600.00
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## B-14 JUSTICES OF THE PEACE

Office Expense (Bond Premiums) .....	\$ 350.00	\$ 350.00
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## B-15-17 STATE LIBRARIAN

(Salaries and Wages)

Salary of Librarian .....	\$ 1,800.00	\$ 1,800.00
Salary of Clerk .....	200.00	400.00
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	\$ 2,000.00	\$ 2,200.00
Office Expense .....	100.00	100.00
Repairs and Replacements .....	400.00	200.00
Equipment .....	1,000.00	1,000.00
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	\$ 3,500.00	\$ 3,500.00

## EXECUTIVE

## C-1-7 GOVERNOR

Salary of the Governor .....	\$ 7,500.00	\$ 7,500.00
Contingent Expenses .....	2,500.00	2,500.00
Governor's Conference .....	100.00	100.00
Printing and Compiling Budget .....	115.00	3,035.00
	<hr/>	<hr/>
	\$ 10,215.00	\$ 13,135.00

## APPROPRIATIONS

## ELECTIONS

## D-1 DEPARTMENT OF ELECTIONS, WILMINGTON, DELAWARE

Salaries and Wages .....	\$ 2,600.00	\$ 2,600.00
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## D-2 LEVY COURTS

(Salaries and Wages)

Registrars and Assistants .....		\$ 25,000.00
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## LEGAL

## E-1-7 ATTORNEY GENERAL, GENERAL ADMINISTRATION

(Salaries and Wages)

Attorney General .....	\$ 6,000.00	\$ 6,000.00
Chief Deputy .....	3,000.00	3,000.00
Deputy, New Castle County .....	3,000.00	3,000.00
Deputy, Kent County .....	2,500.00	2,500.00
Deputy, Sussex County .....	2,500.00	2,500.00
State Detectives .....	7,200.00	7,200.00
Salaries and Wages (Additional) .....	3,000.00	3,000.00

	\$ 27,200.00	\$ 27,200.00
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Office Expense .....	1,080.00	1,080.00
Travel .....	1,350.00	1,350.00
Operation .....	1,800.00	1,800.00
Repairs and Replacements .....	990.00	990.00
Equipment .....	90.00	90.00

	\$ 32,510.00	\$ 32,510.00
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## E-9 ATTORNEY GENERAL, REQUISITION EXPENSES

Salaries and Wages .....	\$ 180.00	\$ 180.00
Travel .....	720.00	720.00

	\$ 900.00	\$ 900.00
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## APPROPRIATIONS

## FINANCIAL

## F-1-4 SECRETARY OF STATE, GENERAL ADMINISTRATION

## (Salaries and Wages)

Secretary of State .....	\$ 6,000.00	\$ 6,000.00
Telephone Operator .....	900.00	900.00
Salaries and Wages (Additional) .....	76,842.47	76,842.47
	<hr/>	<hr/>
	\$ 83,742.47	\$ 83,742.47
Office Expense .....	12,279.01	12,279.01
Travel .....	1,800.00	1,800.00
Operation .....	2,700.00	2,700.00
Repairs and Replacements .....	2,000.00	2,000.00
Equipment .....	1,000.00	1,000.00
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	\$103,521.48	\$103,521.48

## F-5 ASSESSORS

Salaries and Wages .....	\$ 875.00	\$ 875.00
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## F-6-8 STATE TREASURER, GENERAL ADMINISTRATION

## (Salaries and Wages)

State Treasurer .....	\$ 3,500.00	\$ 3,500.00
Deputy Treasurer .....	2,400.00	2,400.00
Salaries and Wages (Additional) .....	3,280.00	3,280.00
	<hr/>	<hr/>
	\$ 9,180.00	\$ 9,180.00
Office Expense .....	2,220.00	3,645.00
Travel .....	100.00	100.00
Repairs and Replacements .....	300.00	300.00
Equipment .....	200.00	200.00
	<hr/>	<hr/>
	\$ 12,000.00	\$ 13,425.00

## APPROPRIATIONS

## F-10-12 STATE AUDITOR, GENERAL ADMINISTRATION

## (Salaries and Wages)

State Auditor .....	\$ 4,000.00	\$ 4,000.00
Deputy Auditor .....	2,400.00	2,400.00
Salaries and Wages (Additional) .....	10,360.00	10,360.00
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	\$ 16,760.00	\$ 16,760.00
Office Expense .....	642.00	642.00
Travel .....	50.00	50.00
Repairs and Replacements .....	75.00	75.00
	<hr/>	<hr/>
	\$ 17,527.00	\$ 17,527.00

F-13 STATE AUDITOR, SPECIAL AUDITING  
UNIVERSITY OF DELAWARE

Salaries and Wages .....	\$ 1,000.00	\$ 1,000.00
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## F-14-15 STATE REVENUE COLLECTOR

Salary of Collector .....	\$ 1,800.00	\$ 1,800.00
Travel .....	540.00	540.00
	<hr/>	<hr/>
	\$ 2,340.00	\$ 2,340.00

## F-16-17 STATE INSURANCE COMMISSIONER

## (Salaries and Wages)

Commissioner .....	\$ 4,000.00	\$ 4,000.00
Clerks .....	3,300.00	3,300.00
	<hr/>	<hr/>
	\$ 7,300.00	\$ 7,300.00
Office Expense .....	720.00	720.00
Travel .....	150.00	150.00
Repairs and Replacements .....	100.00	100.00
Equipment .....	100.00	100.00
	<hr/>	<hr/>
	\$ 8,370.00	\$ 8,370.00

## APPROPRIATIONS

## F-18 REGISTER OF WILLS

Salary of Register, New Castle County	\$ 400.00	\$ 400.00
Salary of Register, Kent County .....	200.00	200.00
Salary of Register, Sussex County .....	200.00	200.00
	<hr/>	<hr/>
	\$ 800.00	\$ 800.00

## F-19-21 OYSTER REVENUE COLLECTOR

## (Salaries and Wages)

Collector .....	\$ 960.00	\$ 960.00
Salaries Watchroom Crew .....	4,200.00	4,200.00
Patrol Officer .....	2,000.00	2,000.00
	<hr/>	<hr/>
	\$ 7,160.00	\$ 7,160.00

Office Expense .....	\$ 25.00	\$ 25.00
Travel .....	75.00	75.00
Operation .....	500.00	500.00
Repairs and Replacements .....	740.00	740.00
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	\$ 8,500.00	\$ 8,500.00

## F-22-23 STATE TAX DEPARTMENT

## (Salaries and Wages)

Commissioner .....	\$ 6,000.00	\$ 6,000.00
Salaries and Wages (Additional) .....	68,008.00	68,008.00
	<hr/>	<hr/>
	\$ 74,008.00	\$ 74,008.00
Office Expense .....	\$ 14,640.00	\$ 14,640.00
Travel .....	700.00	700.00
Repairs and Replacements .....	100.00	100.00
Equipment .....	300.00	300.00
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	\$ 89,748.00	\$ 89,748.00

## APPROPRIATIONS

## F-24-25 STATE BANKING COMMISSIONER

## (Salaries and Wages)

Commissioner .....	\$ 4,200.00	\$ 4,200.00
Additional .....	10,000.00	10,000.00
	<hr/>	<hr/>
	\$ 14,200.00	\$ 14,200.00
Office Expense .....	\$ 825.00	\$ 780.00
Travel .....	2,450.00	2,450.00
Repairs and Replacements .....	15.00	20.00
Equipment .....	10.00	50.00
	<hr/>	<hr/>
	\$ 17,500.00	\$ 17,500.00

## F-29 STATE BOARD OF ACCOUNTANCY

Salaries and Wages .....	\$ 100.00	\$ 100.00
Office Expense .....	50.00	50.00
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	\$ 150.00	\$ 150.00

## F-30 CLERK OF PEACE, NEW CASTLE COUNTY

Office Expense .....	\$ 300.00	\$ 300.00
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## GENERAL GOVERNMENT BUILDINGS

## G-1 CUSTODIAN

## (Salaries and Wages)

Custodian .....	\$ 1,500.00	\$ 1,500.00
Janitors, Watchman, Etc. ....	9,920.00	9,920.00
Additional .....	900.00	900.00
	<hr/>	<hr/>
	\$ 12,320.00	\$ 12,320.00
Office Expense .....	\$ 100.00	\$ 100.00
Operation .....	9,580.00	9,580.00
Repairs and Replacements .....	5,000.00	5,000.00
Equipment .....	\$ 500.00	\$ 500.00
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	\$ 27,500.00	\$ 27,500.00

## APPROPRIATIONS

## G-2 STATE INSURANCE COMMISSIONER

Operation (Ins. Premiums) .....\$ 32,000.00 \$ 32,000.00

## CONSERVATION OF HEALTH AND SANITATION

## H-1 STATE BOARD OF HEALTH

## GENERAL ADMINISTRATION

Salaries and Wages .....	\$ 59,850.00	\$ 59,850.00
Office Expense .....	5,040.00	5,040.00
Travel .....	1,800.00	1,800.00
Operation .....	10,610.00	10,610.00
Repairs and Replacements .....	2,100.00	2,100.00
Equipment .....	1,600.00	1,600.00
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	\$ 81,000.00	\$ 81,000.00

## H-2 STATE BOARD OF HEALTH

## PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY

Salaries and Wages .....	\$ 7,628.00	\$ 7,628.00
Office Expense .....	200.00	200.00
Travel .....	30.00	30.00
Operation .....	2,050.00	2,050.00
Repairs and Replacements .....	25.00	25.00
Equipment .....	67.00	67.00
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	\$ 10,000.00	\$ 10,000.00

## H-3 STATE BOARD OF HEALTH

## EDGEWOOD SANITORIUM

Salaries and Wages .....	\$ 7,550.00	\$ 7,550.00
Office Expense .....	250.00	250.00
Travel .....	50.00	50.00
Operation .....	10,650.00	10,650.00
Repairs and Replacements .....	1,275.00	1,275.00
Equipment .....	225.00	225.00
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	\$ 20,000.00	\$ 20,000.00

## APPROPRIATIONS

## H-1½ STATE BOARD OF HEALTH

## CORPS OF ORAL HYGIENISTS

Salaries and Wages .....	\$ 8,417.91	\$ 8,417.91
Office Expense .....	318.97	318.97
Travel .....	79.04	79.04
Operation .....	661.18	661.18
Equipment .....	2,522.90	2,522.90
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	\$ 12,000.00	\$ 12,000.00

## H-4 STATE BOARD OF HEALTH

## BRANDYWINE SANITORIUM

Salaries and Wages .....	\$ 37,375.00	\$ 37,375.00
Office Expense .....	450.00	450.00
Travel .....	75.00	75.00
Operation .....	55,600.00	55,600.00
Repairs and Replacements .....	1,000.00	1,000.00
Equipment .....	2,500.00	2,500.00
	<hr/>	<hr/>
	\$ 97,000.00	\$ 97,000.00

## H-5 MEDICAL COUNCIL OF DELAWARE

Salaries and Wages .....	\$ 460.00	\$ 460.00
Office Expense .....	115.00	115.00
Travel .....	25.00	25.00
	<hr/>	<hr/>
	\$ 600.00	\$ 600.00

## H-6 STATE BOARD OF PHARMACY

Salaries and Wages .....	\$ 610.00	\$ 610.00
Office Expense .....	90.00	90.00
Travel .....	300.00	300.00
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	\$ 1,000.00	\$ 1,000.00

## APPROPRIATIONS

## H-7 DENTISTRY AND DENTAL BOARD

Salaries and Wages .....	\$ 440.00	\$ 440.00
Office Expense .....	40.00	40.00
Travel .....	170.00	170.00
Equipment .....	50.00	50.00
	<hr/>	<hr/>
	\$ 700.00	\$ 700.00

## H-8 BOARD OF EXAMINERS OF BARBERS

Salaries and Wages .....	\$ 500.00	\$ 500.00
Office Expense .....	20.00	20.00
Travel .....	20.00	20.00
	<hr/>	<hr/>
	\$ 540.00	\$ 540.00

## H-9 STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages .....		
Office Expense .....		
Travel .....	\$ 50.00	\$ 50.00
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## H-10 BOARD OF EXAMINERS IN OPTOMETRY

Salaries and Wages .....	\$ 45.00	\$ 45.00
Office Expense .....	95.00	95.00
Travel .....	25.00	25.00
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	\$ 165.00	\$ 165.00

## H-11 BOARD OF EXAMINERS OF GRADUATE NURSES

Salaries and Wages .....	\$ 825.00	\$ 825.00
Office Expense .....	100.00	100.00
Travel .....	50.00	50.00
Equipment .....	25.00	25.00
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	\$ 1,000.00	\$ 1,000.00

## APPROPRIATIONS

## H-12 STATE BOARD OF UNDERTAKERS

Salaries and Wages .....	\$ 150.00	\$ 150.00
Office Expense .....	100.00	100.00
Travel .....	50.00	50.00
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	\$ 300.00	\$ 300.00

## H-14 ST. MICHAEL'S HOME FOR BABIES

Operation .....	\$ 6,310.00	\$ 6,310.00
Repairs and Replacements .....	2,690.00	2,690.00
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	\$ 9,000.00	\$ 9,000.00

## CHARITIES HOSPITALS AND CORRECTIONS

## I-1 GOVERNOR

Board and Tuition, Deaf, Dumb, Blind and Idiotic Children .....	\$ 19,000.00	\$ 19,000.00
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## I-2-3 STATE BOARD OF CHARITIES

(Salaries and Wages)

Secretary .....	\$ 1,800.00	\$ 1,800.00
Clerks .....	2,950.00	2,950.00
Office Expense .....	250.00	250.00
Travel .....	500.00	500.00
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	\$ 5,500.00	\$ 5,500.00

## I-4 DELAWARE STATE HOSPITAL

Salaries and Wages .....	\$165,000.00	\$165,000.00
Office Expense .....	4,400.00	4,400.00
Travel .....	1,700.00	1,700.00
Operation .....	140,000.00	140,000.00
Repairs and Replacements .....	14,000.00	14,000.00
Equipment .....	10,317.00	10,317.00
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	\$335,417.00	\$335,417.00



## APPROPRIATIONS

## I-7-10 MOTHERS' PENSION COMMISSION

Salaries and Wages .....	\$ 6,030.00	\$ 6,030.00
Office Expense .....	400.00	400.00
Travel .....	2,680.00	2,680.00
Operation (Pensions) .....	46,500.00	46,500.00
Repairs and Replacements .....	15.00	15.00
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	\$ 55,625.00	\$ 55,625.00

## I-11 DELAWARE INDUSTRIAL SCHOOL FOR GIRLS

Salaries and Wages .....	\$ 15,236.00	\$ 15,236.00
Office Expense .....	665.00	665.00
Travel .....	800.00	800.00
Operation .....	16,247.00	16,247.00
Repairs and Replacements .....	2,000.00	2,000.00
Equipment .....	400.00	400.00
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	\$ 35,348.00	\$ 35,348.00

## I-12 INDUSTRIAL SCHOOL FOR COLORED GIRLS

Salaries and Wages .....	\$ 17,320.00	\$ 17,320.00
Office Expense .....	675.00	675.00
Travel .....	610.00	610.00
Operation .....	16,744.00	16,744.00
Repairs and Replacements .....	3,000.00	3,000.00
Equipment .....	200.00	200.00
Permanent Improvements .....	500.00	500.00
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	\$ 39,049.00	\$ 39,049.00

## I-13 LAYTON HOME FOR AGED COLORED

Operation .....	\$ 1,350.00	\$ 1,350.00
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## I-13½ PALMER HOME, DOVER

Operation .....	\$ 2,900.00	\$ 2,900.00
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## APPROPRIATIONS

## I-14 DELAWARE COMMANDER, G. A. R.

Operation .....	\$ 2,000.00	\$ 2,000.00
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## I-15 DELAWARE COMMISSION FOR THE BLIND

Salaries and Wages .....	\$ 5,000.00	\$ 5,000.00
Office Expenses .....	200.00	200.00
Travel .....	250.00	250.00
Operation .....	2,550.00	2,550.00
Working Capital, Materials .....	3,750.00	3,750.00
Repairs and Replacements .....	200.00	200.00
Equipment .....	200.00	200.00
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	\$ 12,150.00	\$ 12,150.00

## I-16 DELAWARE COMMISSION FOR FEEBLE MINDED

Salaries and Wages .....	\$ 29,644.00	\$ 29,644.00
Office Expense .....	975.00	975.00
Travel .....	277.00	277.00
Operation .....	68,108.00	68,108.00
Repairs and Replacements .....	16,112.00	16,112.00
Equipment .....	920.00	920.00
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	\$116,036.00	\$116,036.00

## I-17 FERRIS INDUSTRIAL SCHOOL

Salaries and Wages .....	\$ 29,021.00	\$ 29,021.00
Office Expense .....	1,650.00	1,650.00
Travel .....	685.00	685.00
Operation .....	74,000.00	74,000.00
Repairs and Replacements .....	9,465.00	8,465.00
Equipment .....	2,360.00	2,360.00
Permanent Improvements .....	500.00	500.00
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	\$117,681.00	\$116,681.00

## APPROPRIATIONS

## I-18 STATE OLD AGE WELFARE COMMISSION

Salaries and Wages .....	\$ 8,000.00	\$ 8,000.00
Office Expense .....	2,250.00	2,250.00
Travel .....	4,000.00	4,000.00
Operation .....	185,650.00	185,650.00
Equipment .....	100.00	100.00
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	\$200,000.00	\$200,000.00

## I-24 UNITED SPANISH WAR VETERANS

Operation .....	\$ 500.00	\$ 500.00
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## I-25 STATE OLD AGE WELFARE COMMISSION

## MAINTENANCE OF WELFARE HOME

Operation .....	\$ 65,000.00	\$ 65,000.00
Equipment .....	30,000.00	
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	\$ 95,000.00	\$ 65,000.00

## EDUCATION

## J-1 UNIVERSITY OF DELAWARE

## GENERAL ADMINISTRATION

Salaries and Wages .....	\$142,500.00	\$142,500.00
Office Expense .....	1,300.00	1,300.00
Operation .....	31,000.00	31,000.00
Repairs and Replacements .....	7,500.00	7,500.00
Equipment .....	650.00	650.00
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	\$182,950.00	\$182,950.00

## J-2 UNIVERSITY OF DELAWARE

## CHAIR OF HISTORY

Salaries and Wages .....	\$ 2,250.00	\$ 2,250.00
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## APPROPRIATIONS

## J-2½ UNIVERSITY OF DELAWARE

## CHAIR OF PHYSICAL EDUCATION

Salaries and Wages .....	\$ 3,840.00	\$ 3,840.00
Operation .....	210.00	210.00
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	\$ 4,050.00	\$ 4,050.00

## J-3 UNIVERSITY OF DELAWARE

## SUMMER SCHOOL FOR TEACHERS

Salaries and Wages .....	\$ 6,750.00	\$ 6,750.00
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## J-4 UNIVERSITY OF DELAWARE

## SMITH-LEVER AGRICULTURE EXTENSION

Salaries and Wages .....	\$ 6,714.10	\$ 6,714.10
Travel .....	6,500.00	6,500.00
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	\$ 13,214.10	\$ 13,214.10

## J-5 UNIVERSITY OF DELAWARE

## SCHOOL OF AGRICULTURE

Scholarships .....	\$ 675.00	\$ 675.00
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## J-6 UNIVERSITY OF DELAWARE

## U. S. GOVERNMENT APPROPRIATION

Salaries and Wages .....	\$ 40,000.00	\$ 40,000.00
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## J-7 UNIVERSITY OF DELAWARE

## AGRICULTURE AND FARM EXPERIMENT STATION

Salaries and Wages .....	\$ 11,864.00	\$ 11,864.00
Office Expense .....	400.00	400.00
Travel .....	250.00	250.00
Operation .....	4,986.00	4,986.00
Repairs and Replacements .....	1,500.00	500.00
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	\$ 19,000.00	\$ 18,000.00

## APPROPRIATIONS

## J-8 UNIVERSITY OF DELAWARE

## POULTRY AND ENTOMOLOGY

Salaries and Wages .....	\$ 3,760.00	\$ 3,760.00
Office Expense .....	100.00	100.00
Travel .....	1,000.00	1,000.00
Operation .....	1,080.00	1,080.00
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	\$ 5,940.00	\$ 5,940.00

## J-9 STATE COLLEGE FOR COLORED STUDENTS

Salaries and Wages .....	\$ 17,315.00	\$ 17,315.00
Office Expense .....	1,400.00	1,400.00
Travel .....	300.00	300.00
Operation .....	19,830.00	19,830.00
Repairs and Replacements .....	3,755.00	3,755.00
Permanent Improvements .....	500.00	500.00
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	\$ 43,100.00	\$ 43,100.00

## J-10 STATE COLLEGE FOR COLORED STUDENTS

## U. S. GOVERNMENT APPROPRIATION

Salaries and Wages .....	\$ 10,000.00	\$ 10,000.00
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## J-11 STATE BOARD OF VOCATIONAL EDUCATION

Operation .....	\$ 1,500.00	\$ 1,500.00
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DEVELOPMENT AND CONSERVATION OF  
NATURAL RESOURCES

## K-1 STATE BOARD OF AGRICULTURE

## GENERAL ADMINISTRATION

Salaries and Wages .....	\$ 6,500.00	\$ 6,500.00
Office Expense .....	700.00	700.00
Travel .....	1,200.00	1,200.00
Operaton .....	325.00	325.00

## APPROPRIATIONS

Repairs and Replacements .....	200.00	200.00
Equipment .....	75.00	75.00
	<hr/>	<hr/>
	\$ 9,000.00	\$ 9,000.00

## K-2 STATE BOARD OF AGRICULTURE

## PENINSULA HORTICULTURAL SOCIETY

Office Expense .....	\$ 450.00	\$ 450.00
Travel .....	180.00	180.00
Operation .....	270.00	270.00
	<hr/>	<hr/>
	\$ 900.00	\$ 900.00

## K-3 STATE BOARD OF AGRICULTURE

## ANALYZING FERTILIZERS AND FEEDS

Salaries and Wages .....	\$ 10,150.00	\$ 10,150.00
Office Expense .....	700.00	700.00
Travel .....	200.00	200.00
Operation .....	800.00	800.00
Repairs and Replacements .....	125.00	125.00
Equipment .....	25.00	25.00
	<hr/>	<hr/>
	\$ 12,000.00	\$ 12,000.00

## K-4 STATE BOARD OF AGRICULTURE

## CONTROLLING DISEASES OF LIVE STOCK

Salaries and Wages .....	\$ 3,000.00	\$ 3,000.00
Travel .....	200.00	200.00
Operation .....	1,800.00	1,800.00
	<hr/>	<hr/>
	\$ 5,000.00	\$ 5,000.00

## K-5 STATE BOARD OF AGRICULTURE

## FARM PRODUCTS INSPECTION

Salaries and Wages .....	\$ 6,500.00	\$ 6,500.00
Office Expense .....	100.00	100.00

## APPROPRIATIONS

Travel .....	1,200.00	1,200.00
Operation .....	450.00	450.00
	<hr/>	<hr/>
	\$ 8,250.00	\$ 8,250.00

## K-6 STATE BOARD OF AGRICULTURE

## BUREAU OF MARKETS

Salaries and Wages .....	\$ 5,150.00	\$ 5,150.00
Office Expense .....	825.00	825.00
Travel .....	450.00	450.00
Operation .....	350.00	350.00
Repairs and Replacements .....	400.00	400.00
Equipment .....	25.00	25.00
	<hr/>	<hr/>
	\$ 7,200.00	\$ 7,200.00

## K-7 STATE BOARD OF AGRICULTURE

## POULTRY DISEASES

Salaries and Wages .....	\$ 9,500.00	\$ 9,500.00
Office Expense .....	550.00	550.00
Travel .....	2,400.00	2,400.00
Operation .....	1,600.00	1,600.00
Repairs and Replacements .....	250.00	250.00
Equipment .....	100.00	100.00
	<hr/>	<hr/>
	\$ 14,400.00	\$ 14,400.00

## K-8 STATE BOARD OF AGRICULTURE

## CATTLE TUBERCULOSIS ERADICATION

Salaries and Wages .....	\$ 7,500.00	\$ 7,500.00
Office Expense .....	100.00	100.00
Travel .....	500.00	500.00
Operation .....	26,000.00	26,000.00
Repairs and Replacements .....	350.00	350.00
Equipment .....	50.00	50.00
	<hr/>	<hr/>
	\$ 34,500.00	\$ 34,500.00

## APPROPRIATIONS

## K-9 STATE BOARD OF AGRICULTURE

## CORN GROWERS' ASSOCIATION

Salaries and Wages .....	\$ 50.00	\$ 50.00
Office Expense .....	75.00	75.00
Operation .....	325.00	325.00
	<hr/>	<hr/>
	\$ 450.00	\$ 450.00

## K-10 STATE BOARD OF AGRICULTURE

## HOG CHOLERA ERADICATION

Operation .....	\$ 9,000.00	\$ 9,000.00
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## K-11 STATE BOARD OF AGRICULTURE

## PLANT PATHOLOGIST

Salaries and Wages .....	\$ 2,160.00	\$ 2,160.00
Office Expense .....	450.00	450.00
Travel .....	1,350.00	1,350.00
Operation .....	225.00	225.00
Repairs and Replacements .....	90.00	90.00
Equipment .....	225.00	225.00
	<hr/>	<hr/>
	\$ 4,500.00	\$ 4,500.00

## K-13 STATE BOARD OF AGRICULTURE

## JAPANESE BEETLE ERADICATION

Salaries and Wages .....	\$ 7,000.00	\$ 7,000.00
Office Expense .....	50.00	50.00
Travel .....	50.00	50.00
Operation .....	500.00	500.00
Repairs and Replacements .....	400.00	400.00
Equipment .....	100.00	100.00
	<hr/>	<hr/>
	\$ 8,100.00	\$ 8,100.00



## APPROPRIATIONS

## K-14 STATE BOARD OF AGRICULTURE

## APPLE GRADING AND INSPECTION

Salaries and Wages .....	\$ 2,050.00	\$ 2,050.00
Office Expense .....	50.00	50.00
Travel .....	400.00	400.00
Operaton .....	200.00	200.00
	<hr/>	<hr/>
	\$ 2,700.00	\$ 2,700.00

## K-16 KENT AND SUSSEX FAIR ASSOCIATION

Operation .....	\$ 7,000.00	\$ 7,000.00
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## K-17 STATE FORESTRY DEPARTMENT

## GENERAL ADMINISTRATION

Salaries and Wages .....	\$ 5,902.00	\$ 5,902.00
Office Expense .....	1,120.00	1,120.00
Travel .....	900.00	900.00
Operation .....	2,938.00	2,938.00
Repairs and Replacements .....	100.00	100.00
Equipment .....	200.00	200.00
	<hr/>	<hr/>
	\$ 11,160.00	\$ 11,160.00

## K-18 GAME AND FISH COMMISSION

## GENERAL ADMINISTRATION

Operation .....	\$ 10,000.00	
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## PROTECTION TO PERSON AND PROPERTY

## L-1-4 LABOR COMMISSION OF DELAWARE

(Salaries and Wages)

Child Labor Inspector .....	\$ 2,100.00	\$ 2,100.00
Ten-Hour Law Inspector .....	1,500.00	1,500.00
Secretary .....	100.00	100.00
Additional .....	1,815.00	1,815.00
	<hr/>	<hr/>
	\$ 5,515.00	\$ 5,515.00

## APPROPRIATIONS

Office Expense .....	\$ 1,015.00	\$ 1,015.00
Travel .....	220.00	220.00
Operation .....	350.00	350.00
Repairs and Replacements .....	100.00	100.00
	<hr/>	<hr/>
	\$ 7,200.00	\$ 7,200.00

## L-5-7 PAROLE BOARD

## (Salaries and Wages)

Board Members .....	\$ 360.00	\$ 360.00
Parole Officer .....	2,400.00	2,400.00
Clerk .....	85.00	85.00
	<hr/>	<hr/>
	\$ 2,845.00	\$ 2,845.00
Office Expense .....	\$ 35.00	\$ 35.00
Travel .....	450.00	450.00
	<hr/>	<hr/>
	\$ 3,330.00	\$ 3,330.00

## L-8 DETENTION HOME FOR JUVENILES

Salaries and Wages .....	\$ 1,500.00	\$ 1,500.00
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## L-9 BOARD OF PARDONS

Salary of Lieutenant-Governor .....	\$ 100.00	\$ 100.00
Witness Fees .....	25.00	25.00
Travel .....	25.00	25.00
	<hr/>	<hr/>
	\$ 150.00	\$ 150.00

## L-10 DELAWARE SOCIETY PREVENTION CRUELTY TO ANIMALS

Operation .....	\$ 500.00	\$ 500.00
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## APPROPRIATIONS

## L-11 CHILDREN'S BUREAU OF DELAWARE

Operation .....	\$ 4,000.00	\$ 4,000.00
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## L-12 DELAWARE STATE EMPLOYMENT BUREAU

Salaries and Wages .....	\$ 1,950.00	\$ 1,950.00
Travel .....	625.00	625.00
	<hr/>	<hr/>
	\$ 2,575.00	\$ 2,575.00

## L-13 BOARD OF BOILER RULES

Salaries and Wages .....	\$ 4,149.00	\$ 4,149.00
Office Expense .....	130.00	130.00
Travel .....	671.00	671.00
	<hr/>	<hr/>
	\$ 4,950.00	\$ 4,950.00

## L-15 STATE FORESTRY DEPARTMENT

## SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages .....	\$ 1,400.00	\$ 1,400.00
Office Expense .....	600.00	500.00
Travel .....	1,245.00	1,345.00
Operation .....	4,585.00	4,585.00
Repairs and Replacements .....	175.00	175.00
Equipment .....	95.00	95.00
	<hr/>	<hr/>
	\$ 8,100.00	\$ 8,100.00

## L-16 REGULATORS OF WEIGHTS AND MEASURES

Salaries and Wages .....	\$ 4,200.00	\$ 4,200.00
Travel .....	1,800.00	1,800.00
Operation .....	100.00	100.00
	<hr/>	<hr/>
	\$ 6,100.00	\$ 6,100.00

## APPROPRIATIONS

## L-17 DELAWARE REAL ESTATE COMMISSION

Salaries and Wages .....	\$ 800.00	\$ 800.00
Office Expense .....	25.00	25.00
Travel .....	75.00	75.00
	<hr/>	<hr/>
	\$ 900.00	\$ 900.00

## L-18 INDUSTRIAL ACCIDENT BOARD

Salaries and Wages .....	\$ 14,740.00	\$ 14,740.00
Office Expense .....	2,330.00	2,330.00
Travel .....	2,200.00	2,200.00
Repairs and Replacements .....	50.00	50.00
	<hr/>	<hr/>
	\$ 19,320.00	\$ 19,320.00

L-19-21 NATIONAL GUARD, ADJUTANT GENERAL  
GENERAL ADMINISTRATION

## (Salaries and Wages)

Adjutant General .....	\$ 2,500.00	\$ 2,500.00
Two Clerks .....	3,600.00	3,600.00
Additional .....	5,865.00	5,865.00
	<hr/>	<hr/>
	\$ 11,965.00	\$ 11,965.00
Office Expense .....	\$ 1,200.00	\$ 1,200.00
Travel .....	1,000.00	1,000.00
Operation .....	5,500.00	5,500.00
Repairs and Replacements .....	800.00	800.00
Equipment .....	400.00	400.00
	<hr/>	<hr/>
	\$ 20,865.00	\$ 20,865.00

## APPROPRIATIONS

## L-22 NATIONAL GUARD

## STATE RIFLE RANGE

Salaries and Wages .....	\$ 1,815.00	\$ 1,815.00
Operation .....	935.00	935.00
Repairs and Replacements .....	225.00	225.00
Equipment .....	25.00	25.00
	<hr/>	<hr/>
	\$ 3,000.00	\$ 3,000.00

## L-23 NATIONAL GUARD

## BATTERIES, HEADQUARTERS AND BANDS

Salaries and Wages .....	\$ 1,000.00	\$ 1,000.00
Office Expense .....	635.00	635.00
Travel .....	600.00	600.00
Operation .....	6,200.00	6,200.00
Repairs and Replacements .....	1,900.00	1,900.00
Equipment .....	200.00	200.00
	<hr/>	<hr/>
	\$ 10,535.00	\$ 10,535.00

## L-24 ALLOWANCE FOR REGIMENTAL BAND

Salaries and Wages .....	\$ 2,250.00	\$ 2,250.00
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## L-25 ADJUTANT GENERAL

Clothing allowance to officers .....	\$ 1,350.00	\$ 1,350.00
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## L-27 W. C. T. U.

Soldiers' Rest Room—Operation .....	\$ 175.00	\$ 175.00
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## APPROPRIATIONS

## L-28 DELAWARE CHILDREN'S HOME SOCIETY

Operation .....	\$ 3,500.00	\$ 3,500.00
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## L-29 STATE CONSTABLE

Office Expense .....	\$ 10.00	\$ 10.00
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## HIGHWAYS AND WATERWAYS

## M-1 STATE HIGHWAY DEPARTMENT

## MAINTENANCE OF WHARF AT LITTLE CREEK

Repairs and Replacements .....	\$ 100.00	\$ 100.00
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## M-7 DELAWARE WATERFRONT COMMISSION

Expense of Commission .....	\$ 1,000.00	\$ 1,000.00
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## LIBRARIES

## N-1 STATE LIBRARY COMMISSION

Salaries and Wages .....	\$ 4,700.00	\$ 4,700.00
Office Expense .....	405.00	405.00
Travel .....	150.00	150.00
Operation .....	530.00	530.00
Repairs and Replacements .....	600.00	600.00
Equipment .....	2,615.00	2,615.00
	<hr/>	<hr/>
	\$ 9,000.00	\$ 9,000.00

## N-2 REHOBOTH FREE LIBRARY

Operation .....	\$ 37.50	\$ 37.50
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## N-2 DOVER FREE LIBRARY

Operation .....	\$ 500.00	\$ 500.00
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## APPROPRIATIONS

## N-2 SEAFORD FREE LIBRARY

Operation .....	\$	150.00	\$	150.00
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## N-2 CORBIT FREE LIBRARY

Operation .....	\$	150.00	\$	150.00
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## N-2 MILFORD FREE LIBRARY

Operation .....	\$	250.00	\$	250.00
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## N-2 FRANKFORD FREE LIBRARY

Operation .....	\$	100.00	\$	100.00
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## N-2 MILTON FREE LIBRARY

Operation .....	\$	200.00	\$	200.00
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## HISTORICAL RECORDS

## O-1 PUBLIC ARCHIVES COMMISSION

Salaries and Wages .....	\$	5,090.00	\$	5,090.00
Office Expense .....		150.00		150.00
Travel .....		125.00		125.00
Repairs and Replacements .....		15.00		15.00
Equipment .....		420.00		420.00
		<hr/>		<hr/>
	\$	5,800.00	\$	5,800.00

## O-2 HISTORICAL SOCIETY OF DELAWARE

Office Expense .....	\$	300.00	\$	300.00
		<hr/>		<hr/>

## APPROPRIATIONS

## O-3 PORTRAIT COMMISSION OF DELAWARE

Repairs and Replacements .....	\$ 250.00	\$ 250.00
Equipment .....	250.00	250.00
	<hr/>	<hr/>
	\$ 500.00	\$ 500.00

## RECREATION

## P-1 AMERICAN LEGION

Operation .....	\$ 2,000.00	\$ 2,000.00
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## P-2 UNITED SPANISH WAR VETERANS

Operation .....	\$ 500.00	\$ 500.00
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## P-3 VETERANS OF FOREIGN WARS

Operation .....	\$ 500.00	\$ 500.00
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## P-4 DELAWARE COMMANDER G. A. R.

Operation .....	\$ 1,000.00	\$ 1,000.00
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## DEBT SERVICE

## Q-1-15 STATE TREASURER

Interest .....	\$ 10,887.50	\$ 10,365.00
Redemption .....	10,000.00	15,000.00
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	\$ 20,887.50	\$ 25,365.00



## APPROPRIATIONS

## GENERAL

## R-2 STATE DEPARTMENTAL SUPPLIES

Office Expense .....	\$ 40,500.00	\$ 40,500.00
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Grand Total, General Fund .....	\$2,380,031.58	\$2,462,014.08
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Section 2. The several amounts named herein, or so much thereof as may be necessary, shall not be paid out of the State Treasury unless in conformity with the following provision and approved by the Auditor of Accounts: the several officers and employees receiving compensation for services rendered the State under this Act shall be and are hereby divided into four classes, to wit, first class, those receiving a salary of more than One Thousand Dollars (\$1,000.00) and not in excess of Twelve Hundred Dollars (\$1,200.00) annually; second class, those receiving a salary of more than Twelve Hundred Dollars (\$1,200.00) and not in excess of Thirty-five Hundred Dollars (\$3,500.00) annually; third class, those receiving a salary of more than Thirty-five Hundred Dollars (\$3,500.00) and not in excess of Five Thousand Dollars (\$5,000.00) annually; fourth class, all those receiving more than Five Thousand Dollars (\$5,000.00) annually; the annual salary of every such officer and employee in the first class shall be reduced by five per centum (5%) of the annual salary in effect as of June 30, 1932, except that no salary shall be less than One Thousand Dollars (\$1,000.00) annually in this class; the annual salary of every such officer and employee in the second class shall be reduced by ten per centum (10%) of the annual salary in effect as of June 30, 1932; the annual salary of every such officer and employee in the third class shall be reduced by fifteen per centum (15%) of the annual salary in effect as of June 30, 1932; the annual salary of every such officer and employee in the fourth class shall be reduced by twenty per centum (20%) of the annual salary in effect as of June 30, 1932; but this proviso shall only be effective if and when not in conflict with the provisions of Section 4, Article XV of the Constitution of the State of

APPROPRIATIONS

Delaware, nor shall it apply to the salary of the Judiciary of the State of Delaware, nor effect the salary or emoluments of any office created by the Constitution of the State of Delaware, the compensation or salary of which is fixed by Statute.

Approved June 15, 1933.

## CHAPTER 34

### APPROPRIATIONS

**AN ACT authorizing the Levy Court of Kent County to appropriate county moneys to David C. Harrison Post, No. 14, American Legion, for the maintenance of ambulance.**

*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 shall, and is hereby authorized to appropriate public moneys toward the maintenance of the Ambulance furnished by David C. Harrison Post, No. 14, American Legion, at Smyrna, for the benefit of residents of Kent County in amount of two hundred and fifty dollars per year.

Approved April 25, 1933.

## CHAPTER 35

## APPROPRIATIONS

**AN ACT appropriating money to certain Fire Companies in the State of Delaware.**

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

Section 1. That to each and every Fire Company in the State of Delaware, outside the limits of the City of Wilmington, which was, on the first day of January, A. D. 1933, and is now, duly organized and equipped for the fighting of fires, there is hereby appropriated the sum of Five Hundred Dollars annually for each of the years 1933 and 1934, to be used in the maintenance of apparatus and equipment.

The said sum of Five Hundred Dollars shall be paid by the State Treasurer to each of the said Fire Companies on the first day of July of each of the said years 1933 and 1934.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the Funds hereby appropriated shall be paid out of the General Funds of the State Treasury.

Approved May 9, 1933.

## CHAPTER 36

**AN ACT appropriating moneys to certain Hospitals in the State of Delaware.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (Three-fourth of the members of each House concurring therein):*

Section 1. There is hereby appropriated for the maintenance, equipment and operation of the hospitals hereinafter mentioned for each of the fiscal years beginning July 1, 1933, and July 1, 1934, the following sums of money:

To Kent General Hospital at Dover .....	\$ 6,825.00
To Milford Emergency Hospital at Milford .....	6,650.00
To Marshall Hospital at Milford .....	5,250.00
To Beebe Hospital at Lewes, Incorporated .....	9,800.00
To Homeopathic Hospital Association of Delaware, at Wilmington .....	28,875.00
To St. Francis Hospital at Wilmington .....	12,250.00
To the Delaware Hospital in the City of Wilmington....	30,800.00
To Wilmington General Hospital Association, at Wil- mington .....	20,125.00

Each of said appropriations shall be paid to said respective hospitals on the first day of July, 1933, and on the first day of July, 1934.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid from the general funds of the State Treasury not otherwise appropriated, in accordance with the provisions of this Act.

Approved May 9, 1933.

## CHAPTER 37

## APPROPRIATIONS

**AN ACT Making an Appropriation to Provide Funds for the Purchase and Installation of a Boiler at the Laundry Plant at Delaware Colony.**

*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 two thousand and five hundred dollars (\$2,500.00) be and the same is hereby appropriated for the purchase of a Boiler and to provide funds for the housing, installation and connection of the same at the Laundry Plant at Delaware Colony.

Section 2. The said moneys or so much thereof as may be necessary shall be paid by the State Treasurer upon warrants drawn by the State Auditor, from time to time, upon vouchers approved and submitted by the Chairman of the Commission for the Feeble Minded, and counter-signed by the Secretary of said Commission.

Section 3. This Act shall be known as a Supplementary Appropriation Act and shall be paid out of the funds in the State Treasury not otherwise appropriated.

Approved May 9, 1933.

## CHAPTER 38

## APPROPRIATIONS

**AN ACT Appropriating Certain Money for the Maintenance of Patients in the Children's Buildings at Brandywine Sanatorium and Edgewood Sanatorium.**

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

Section 1. That there is hereby appropriated to the State Board of Health the sum of Sixty Thousand Dollars (\$60,000.00) for the maintenance of patients in the children's buildings at Brandywine and Edgewood Sanatoriums for the biennial period beginning July 1, 1933, and ending June 30, 1935.

Section 2. That the said sum of Sixty Thousand Dollars (\$60,000.00) shall be paid to the said State Board of Health in two annual installments of Thirty Thousand Dollars (\$30,000.00) each, for the years beginning July 1, 1933, and July 1, 1934. Twenty-Three Thousand Dollars (\$23,000.00) of each of the said annual payments shall be for the maintenance of patients at the Children's Building at Brandywine Sanatorium, and Seven Thousand Dollars (\$7,000.00) of each of the said annual payments shall be for the maintenance of patients at Edgewood Sanatorium.

Section 3. That this Act shall be taken and deemed to be a supplementary appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 22, 1933.

## CHAPTER 39

## APPROPRIATIONS

WHEREAS, an Act was passed by the 104th General Assembly entitled

**"AN ACT to promote Public Health, safety, morals, and General Welfare by providing for the construction and supervision of safe and sanitary dwellings and apartments, and for the renting thereof, at reasonable rentals; The elimination of unsanitary and dangerous housing conditions authorizing the incorporation of limited dividend Housing Companies and prescribing the powers, rights and duties thereof; creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising, and regulating such activities, prescribing and defining the powers and duties of Board including supervisory and regulatory powers over limited dividend Housing Companies engaged in such activities, authorizing the Board to fix within certain limits rentals of Housing Accommodations furnished by limited dividend Housing Companies."**

WHEREAS, a State Board of Housing was created in the aforesaid Act.

WHEREAS, it is deemed necessary in order for the State Board of Housing to properly function as an organization that an appropriation be made.

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

Section 1. The sum of Ten Thousand (\$10,000.00) Dollars is hereby appropriated from the General Fund of the State of Delaware from monies not otherwise appropriated to the State Board of Housing to defray expenses in connection therewith for the fiscal biennium beginning July 1, 1933, and ending June 30, 1935. The sum of Five Thousand (\$5,000.00) Dollars will be available beginning July 1, 1933, and ending June 30, 1934; and



the further sum of Five Thousand Dollars (\$5,000.00) shall be available beginning July 1, 1934, and ending June 30, 1935. The State Treasurer shall honor warrants duly signed by the President of the State Board of Housing and attested by its Secretary for money up to and including the amounts herein set forth.

Approved June 12, 1933.

## CHAPTER 40

## APPROPRIATIONS

**AN ACT Making an Appropriation to Children's Bureau of Delaware for Maintenance of Children Within the State of Delaware.**

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

Section 1. That the sum of Forty Thousand (\$40,000.00) Dollars be, and the same is hereby appropriated to Children's Bureau of Delaware for the maintenance of children within the State of Delaware.

That the said sum of Forty Thousand (\$40,000.00) Dollars shall be paid in two equal annual installments of Twenty Thousand (\$20,000.00) Dollars each, payable respectively for the years 1933 and 1934.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the general funds of the State Treasury.

Approved June 12, 1933.

# TITLE FIVE

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## Legislation

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### CHAPTER 41

#### RECORDING OF PRIVATE ACTS

#### **AN ACT to Revive and Extend the Time for Recording Private Acts.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (Two-thirds of each Branch thereof concurring therein):*

Section 1. That all unpublished Acts heretofore passed that have become void on account of not being duly recorded in compliance with the provision of 374, Section 9 of Chapter 10, of the Revised Code of the State of Delaware and that have not been repealed by special Act or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, together with the provisions therein contained and the same are respectively declared to be in full force for the period mentioned in the original Acts and to have the same force and effect as if the said Acts had been severally recorded according to law, and all acts and transactions done and performed under the provisions of said Acts, and all property and other rights accrued thereunder, shall have the same force and effect and be as valid to all intents and purposes as if the said Acts had been severally recorded according to law; provided, that this enactment shall not take effect in the case of any Act that has become void as aforesaid, until a certified copy thereof shall be duly recorded in the Recorder's Office of one of the Counties of this State; and provided further, that no such copy of a void Act shall be received for record after the expiration of one year from the passage of this Act.

Section 2. That this Act shall be deemed and taken to be a public Act and shall be published as such.

Approved April 4, 1933.

# TITLE SIX

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## State Officers and Commissions

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### CHAPTER 42

#### STATE TREASURER

**AN ACT to Amend Chapter 15 of the Revised Code of Delaware Relating to the Signing of Checks and Drafts of the State Treasurer and Trustee of the School Fund.**

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

Section 1. That 458, Section 4 of Chapter 15 of the Revised Code of Delaware be amended by adding at the end of said Section the following—

“The signing of checks and/or drafts by the State Treasurer and/or his deputy may be either by hand with a pen and ink signature or by a check-signing machine imprinting the facsimile signature of the State Treasurer. Checks and drafts heretofore signed with a check-signing machine imprinting the facsimile signature of the State Treasurer are hereby ratified and confirmed.”

Approved April 20, 1933.

## CHAPTER 43

## INSURANCE COMMISSIONER

**AN ACT to Amend Chapter 52, Volume 37, Laws of Delaware, Entitled "An Act to Amend, Revise and Consolidate the Laws Regulating the Business of Insurance in This State, and for This Purpose to Repeal Certain Existing Laws Relating to the Business of Insurance, and to Substitute for the Same the Revision and Consolidation Set Forth in This Act, Such Revision and Consolidation to Become and be Chapter 20 of Title 6 of the Revised Code of the State of Delaware 1915."**

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

Section 1. That Chapter 52, Volume 37, Laws of Delaware be, and the same is hereby amended by adding a new paragraph at the end of 574, Sec. 3 of said Chapter as follows :

The Insurance Commissioner shall, whenever in his opinion a public emergency exists by reason of an abnormal disruption of economic and financial processes which affects the conduct of the business of insurance in a normal and ordinary manner, have power to declare the existence of a public emergency, and during such emergency he shall have power to make, alter, amend, revise and rescind rules and regulations, imposing any condition upon the conduct of the business of any Insurance Company which may be necessary or desirable to maintain sound methods of insurance and to safeguard the interests of policy holders, beneficiaries and the public generally during the period of such emergency, which rules and regulations shall become inoperative when such emergency shall cease, and an order to that effect shall be made by said Commissioner.

Section 2. That Chapter 52, Volume 37, Laws of Delaware be and the same is hereby amended by striking out all of paragraph 617. Section 46 of said Chapter relating to Insurance without the Consent of the Insured Prohibited; Minors; and in-

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serting in lieu thereof a new paragraph and Section to be known as 617. Section 46.

"617. Section 46. Insurance without the consent of The Insured Prohibited; Minors: No policy or agreement for insurance, other than a policy of group life insurance, shall be issued upon the life or health of another or against loss by disablement by accident except upon the application of the person insured; except that, a wife may take a policy of insurance upon the life or health of her husband or against loss by his disablement by accident; an employer may take out a policy of insurance covering his employees collectively for the benefit of such as may suffer loss from injury, death or disablement resulting from sickness; a parent or guardian of a student, or a college, school or other institution of learning, or the head or principal thereof, may take a policy of insurance against loss caused by the sickness or injury of a student or other person; and a person liable for the support of a child may take a policy of insurance thereon.

Section 3. This Act shall become effective immediately upon passage and approval hereof.

Approved March 18, 1933.

## CHAPTER 44

### INSURANCE DEPARTMENT

#### **AN ACT to Authorize Minors to Purchase Insurance, and to Insure Their Lives, and to Effect Agreements Relating to the Surrender, Discharge and Any Other Matter in Connection With Such Insurance.**

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

Section 1. Any minor of the age of fifteen years or more, as determined by the nearest birthday, may, notwithstanding such minority, contract for life, health and/or accident insurance on his or her person and may exercise all such contractual rights with respect to any such contract of insurance, heretofore or hereafter effected, as might be exercised by a person of full legal age and may at any time surrender his or her interest in any such insurance or give a valid discharge for any benefit accruing or money payable thereunder.

Any insurance contract or policy made under the provisions of this Act may be payable to such minor or to the estate of such minor, or to any person or persons having an insurable interest in the life of such minor.

Section 2. Any and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved April 25, 1933.

## CHAPTER 45

## STATE BOARD OF AGRICULTURE

**AN ACT Providing for the Blood Testing of Cattle for Bang's Disease.**

WHEREAS, an infectious disease, known as Bang's Disease, commonly called "Contagious Abortion" and "Bang's Abortion Disease," which may be determined by testing the blood from cattle, has been found to exist to a considerable extent in the cattle in Delaware, and as this Disease is becoming of as much economic importance to cattle raisers as tuberculosis was before means for tuberculosis control and eradication were enacted, and as cattle owners throughout the State have been requesting that their herds be taken under supervision for the eradication of this disease; therefore

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

Section 1. That the State Board of Agriculture is hereby authorized and empowered to take under supervision, whenever the Board deems it advisable, such herds of cattle as the owners request, for the conducting of the blood test for Bang's Disease, provided the owners requesting this service agree to conform to the rules and regulations promulgated by the State Board of Agriculture for the control and eradication of said disease.

Section 2. That the State Board of Agriculture is hereby authorized and empowered to make such rules and regulations and to place and enforce such quarantines as the Board shall deem necessary and advisable for the control and eradication of said disease.

Section 3. That the State Board of Agriculture is hereby authorized and empowered to use, from the appropriations made for the control and eradication of Bovine Tuberculosis, such funds as shall be needed to employ a veterinarian or veterinarians to supervise the herds for the control and eradication of Bang's



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Disease, to collect the blood samples and supervise the testing of the same, and to defray such other expenses as shall be necessary to efficiently conduct this work.

Approved April 4, 1933.

## CHAPTER 46

## STATE BOARD OF HEALTH

**AN ACT Regulating the Bringing Into This State From Any Place Without the State Garbage or Household Refuse.**

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

Section 1. No person shall bring into the State from any place without the State, garbage or household refuse for the purpose of feeding it to hogs, or for any other purpose, unless there has first been obtained from the State Board of Health a permit naming the area within which such garbage or household refuse shall be disposed of, and unless there shall have been deposited with the State Board of Health a bond for the sum of Five Hundred Dollars (\$500.00) which shall be forfeitable if the disposal of such garbage is not provided for in such a manner as shall meet the requirements of the State Board of Health.

Section 2. The State Board of Health may at any time determine the limits of areas within which garbage under no circumstances shall be disposed of or deposited, and shall at any time revoke any permit given if the disposal of any garbage is conducted in such a way as to constitute a nuisance or a menace to the public health.

Section 3. The bringing in of garbage from any place without the State, the depositing of garbage in any area not named by the State Board of Health as an area suitable for the disposal of such garbage, and the disposal of any garbage in an unsanitary manner shall be deemed a nuisance under 746, Section 11 of the Health Laws of the State, and subject to the penalties therein provided.

Approved April 21, 1933.

## CHAPTER 47

## STATE BOARD OF HEALTH

**AN ACT to Amend Chapter 25 of the Revised Code of the State of Delaware, by Providing that the State Registrar of Vital Statistics and the Local Registrars of Vital Statistics Shall Issue Permits for the Disinterment and Reinterment of Bodies Buried Prior to the First Day of January, 1893, in Either Private, Family, or Old and Neglected Graveyards, to Relatives of the Deceased, the Same as is Now Issued to Duly Licensed Undertakers.**

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

Section 1. That Chapter 25 of the Revised Code of the State of Delaware be amended by adding after 812, Section 77, a new Section to be styled 812 A, Section 77 A.

812 A. Section 77 A. It shall be the duty of the State Registrar of Vital Statistics and the Local Registrars of Vital Statistics, upon application to and the payment of the usual fee, to any or either of them, to issue a permit or permits, to any relative or relatives of any deceased person or persons buried prior to the first day of January, 1893, and now remaining in private, family, or old and neglected burying grounds in Sussex County and Kent County for the disinterment of the remains, and the reinterment of the remains in public or private cemeteries, or any other chosen or designated place or places in Kent County or Sussex County or without the State of Delaware, the same as if said application had been made by a duly licensed undertaker. That upon the obtaining of said permit or permits by said relative or relatives he, she, or they shall be vested with the same authority as a duly licensed undertaker in the disinterment and reinterment of the aforementioned remains, including the securing of vaults and providing for all other necessary arrangements in connection therewith.

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All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed in so far as such inconsistency does occur.

Approved May 4, 1933.

## CHAPTER 48

## STATE BOARD OF DENTAL EXAMINERS

**AN ACT to Amend, Revise and Consolidate the Laws Regulating the Practice of Dentistry, Dental Surgery, and Oral Hygiene, in This State, and for This Purpose to Repeal Certain Existing Laws Relating Thereto, and to Substitute for the Same the Revision and Consolidation Set Forth in This Act, to Become and be Chapter 30 of Title Six of the Revised Code of Delaware.**

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

Section 1. That for the purpose of amending, revising and consolidating the laws regulating the practice of Dentistry, Dental Surgery, and Oral Hygiene, in this State, and placing the same under one complete law, all of Chapter 30 of Title Six of the Revised Code of Delaware, 1915, as the same has been heretofore, from time to time, amended, and all other laws in conflict with or superseded by this Act, are hereby repealed, and the laws hereinafter set forth in Section 2 of this Act are substituted and adopted and enacted in lieu thereof.

Nothing in this Act or in the repeal of said prior laws shall affect any act done prior to the approval of this Act; and all the provisions of said Laws shall be deemed to have remained in force from the time they began to take effect, so far as they may apply to any transaction or event or limitation or any right or obligation already affected by such Laws, notwithstanding this repeal of the same.

No offense committed or penalty or forfeiture heretofore incurred under any of said Laws shall be affected by said repeal; nor shall any suit or prosecution, pending at the present time, for any offense committed or for the recovery of any penalty or forfeiture, be affected by said repeal.

All unexpired certificates of authority or Licenses to practice Dentistry, Dental Surgery, or Oral Hygiene, heretofore issued shall be and continue valid and in full force and effect until the date of expiration fixed therein, and during such period shall

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be in lieu of any similar certificates or licenses under this Act; and all fees, fines or charges due and payable under existing law prior to the date when this Act becomes a law, shall be payable and collected under the present existing Laws instead of under this Act.

Section 2. In lieu of the Laws repealed in Section 1 of this Act, the Laws regulating the practice of Dentistry, Dental Surgery, and Oral Hygiene, in this State are hereby revised and consolidated and amended and enacted as Chapter 30 of Title Six of the Revised Code of Delaware, 1915, in manner and form as follows:

884. Sec. 1. That unless previously qualified, as provided by law, it shall be unlawful for any person not licensed as a dentist within the meaning of this Act to practice dentistry within the State of Delaware, and it shall likewise be unlawful for any person to follow the occupation of oral hygienist in the State of Delaware without having first complied with the provisions of this Act and having been registered as hereinafter provided.

885. Sec. 2. That the Delaware State Board of Dental Examiners heretofore created, be, and the same is hereby continued to consist of five (5) members, each of whom must have been for the five years next preceding his appointment a resident of and in the active and reputable practice of dentistry in the State of Delaware.

The present members of the said Board in office at the time of the passage of this Act shall continue in office until their respective terms expire, and until their successors are appointed and qualified.

886. Sec. 3. Members of the said Board shall be appointed by the Governor for a term of four years, or until their successors are appointed and qualified, from recommendations made by the Executive Council of The Delaware State Dental Society. Provided, however, that no person shall be eligible to appointment on said Board who is in any manner connected with or interested

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in any dental college or the dental department of any college or university, or the dental supply business.

The Governor shall be empowered to remove from office at any time any member of the said Board for continued neglect of duty required by this Act or for incompetency, or unprofessional or dishonorable conduct.

887. Sec. 4. Vacancies occurring in the said Board by reason of the death of any member, or of his incapacity, neglect or refusal to act, or in any other way, shall be filled by the Governor from recommendations made by the Executive Council of The Delaware State Dental Society, and such newly appointed member or members shall hold office for the remainder of the unexpired term or terms of said member or members. Any member of said Board, who, without adequate reason, shall be absent from two successive meetings of the said Board shall cease to be a member thereof.

888. Sec. 5. The said Board of Dental Examiners shall organize by electing from its membership a President and a Secretary-Treasurer. The Board shall make and adopt such rules and regulations not inconsistent herewith, as it deems necessary; it shall meet upon call of the President and shall hold biannual meetings each year, in such place as may be designated by said Board, for the purpose of conducting examinations to determine the fitness of applicants for licenses to practice dentistry, and oral hygiene, respectively, under this Act, and the date of these biannual meetings shall be published in the dental Journals at least thirty days before their occurrence; provided, that the concurrence of a majority of said Board shall be necessary to grant or revoke, respectively, either a license as dentist or oral hygienist, under this Act.

889. Sec. 6. The members of said Board shall receive as compensation the sum of five (\$5.00) dollars, for each day actually engaged in the duties of the office, and shall be reimbursed for all legitimate and necessary expenses incurred in attending the meetings of said Board; provided, that the Secretary-Treasurer

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of the Board, for the purpose of enforcing the provisions of this Act, shall receive a salary to be fixed by the Board, not to exceed twenty-five (\$25.00) dollars per month, instead of the per diem of five (\$5.00) dollars.

890. Sec. 7. The Board of Dental Examiners shall have an official seal, and shall keep a record of its proceedings, a complete record of the credentials of each licensee, a register of persons licensed as dentists and registered as oral hygienists, and of licenses by it revoked. A transcript of an entry in such records, certified by the Secretary-Treasurer under seal of the Board, shall be evidence of the facts therein stated.

891. Sec. 8. The said Board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The President and Secretary-Treasurer of the Board shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce documents when duly directed by said Board, the Board shall have power to refer the said matter to the Resident Associate Judge, resident in the County of the holder thereof, who may order the attendance of such witness, or the production of such books and papers, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of Court as for failure to obey a subpoena issued or to testify in a case pending before said Court.

892. Sec. 9. It shall be the duty of the Secretary-Treasurer of said Board to enforce the provisions of all laws relating to the practice of dentistry and oral hygiene in the State of Delaware, and all violations of said laws shall be prosecuted in any court of the State by the Attorney-General or one of his Assistants.



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892A. Sec. 10. The said Board of Dental Examiners, through its Secretary-Treasurer, shall make annual reports to the Governor and the Delaware State Dental Society, containing a statement of moneys received and disbursed, during the preceding year.

892B. Sec. 11. Any person who has never been admitted to the lawful practice of dentistry and who desires to practice dentistry within the State of Delaware shall file with the Secretary-Treasurer of The Delaware State Board of Dental Examiners, at least fourteen days before the date set for the regular meeting of said Board, a written application for a license and furnish satisfactory proof that he is twenty-one years of age, of good moral character and reputation; that before matriculating in a dental college he has attended a college or university recognized by The Delaware State Board of Dental Examiners for at least one year and there taken such courses as the said Board shall prescribe; that he is a graduate of a dental college approved by the said Board and that during his four years in dental school he has maintained a scholastic standing in all of the prescribed courses of such rank as the said Board may from time to time prescribe; and provided further, that after the year 1937, the said applicant must show proof of having attended a college or university approved by the said Board for at least two years before entering dental college. Such application must be upon the form prescribed by the said Board, verified by oath before a Notary Public, and accompanied by the required fee of twenty-five (\$25.00) dollars, together with a recent unmounted autographed photograph of the applicant. The said Board may reject any applications failing to comply with any or all of the provisions of this Act without further consideration, provided that persons at the time of the passage of this Act who are bona fide matriculants in a dental college approved by the Board shall not be held liable to the preliminary educational requirements set up in this Act.

892C. Sec. 12. An applicant for a license to practice dentistry shall appear before The Delaware State Board of Dental Examiners at its first meeting after the filing of his or her appli-

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cation, and pass a satisfactory examination consisting of practical demonstrations and written or oral tests, or both, in such subjects as the said Board may from time to time prescribe. Provided, that the Board may waive the theoretical examination in the case of an applicant who furnishes proof satisfactory to said Board that he is a graduate of a reputable dental college of a State or Territory of the United States, approved by the said Board or holds a certificate from the National Board of Dental Examiners, or holds a license from a Dental Board with requirements equal to those of the State of Delaware; provided, that if the applicant's date of graduation from Dental School is after the year 1910, he must qualify as of his graduation year with the requirements of the New York Board of Regents for the practice of dentistry in New York State, for that year, and that for five consecutive years next prior to filing his application, has been in the lawful and reputable practice of dentistry in the State or Territory of the United States from which he applies; and provided, that the laws of such state or territory accord equal rights to a practitioner of dentistry of the State of Delaware who desires to practice his profession in such State or Territory of the United States. An applicant desiring to register in the State of Delaware under this section must hold a National Board of Dental Examiner's certificate, or furnish the Board of Dental Examiners with a letter from the Secretary-Treasurer of the Board of Dental Examiners under seal of the State or Territory of the United States from which he applies, which shall state that he has been in the lawful and reputable practice of dentistry in the State from which he applies for five years next prior to filing his application, and shall also attest to his moral character and professional qualifications. The Board, may, in its discretion, refuse to grant a certificate to practice dentistry to any person found guilty of making a false statement, of cheating, or of fraud or deception, either in applying for such certificate or taking said examination.

892D. Sec. 13. Any applicant who passes such examinations, demonstrations and tests as The Delaware State Board of Dental Examiners may prescribe and is of good moral character,

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shall receive a license from the said Board, attested by its seal, signed by all of its members, and registered with the Secretary-Treasurer of the said Board. Such license, after being registered with the Secretary-Treasurer of the said Board, shall be conclusive evidence of the right of the holder to practice dentistry in the State of Delaware.

892E. Sec. 14. If any license herein provided for is lost or destroyed so that the same cannot be exhibited as provided for in 892W. Sec. 32 of this Act, the person entitled thereto shall make written application to the Secretary-Treasurer of the Board for re-issuance of the same, under affidavit setting forth that such license is lost or destroyed and the circumstances under which such loss or destruction occurred, and upon receipt of such satisfactory application and affidavit, the Secretary-Treasurer shall issue to the said applicant a duplicate certificate, for which there shall be paid a fee of Ten (\$10.00) dollars, in the case of a dental license, and Five (\$5.00) dollars in the case of an oral hygiene license.

892F. Sec. 15. Any person of good moral character who is a legally registered and practicing dentist in this State for a period of five years preceding his or her application for a certificate hereinafter described, and who is known to The Delaware State Board of Dental Examiners, on the payment of a fee of Five (\$5.00) dollars, shall be entitled to receive a certificate attested by the signature of the President and Secretary-Treasurer of said Board, which certificate shall state that the holder thereof is a person who has been duly qualified to practice dentistry in the State of Delaware; that he or she is a person of good moral character and professional attainments; that he or she has been engaged in the practice of dentistry or dental surgery continuously for five (5) years prior to his or her application for such a certificate, and that he or she intends at the time of his or her application for such a certificate, to engage in the practice of dentistry in a state other than the State of Delaware; provided, that all such certificates so issued shall be like in tenor and form; and provided, further, that the refusal of any state or of its appro-

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priate officers to honor fully such certificate shall constitute a forfeiture by such state of all courtesies and privileges extended under this Act.

892G. Sec. 16. Any female person of good moral character, being not less than 18 years of age, who desires to register as an Oral Hygienist in the State of Delaware and files with the Secretary-Treasurer of the Delaware State Board of Dental Examiners a written application for a license at least fourteen days before the time set for the examination and furnishes satisfactory proof that she is a graduate of a high school approved by the said Board and of a training school for Oral Hygienists requiring a course of not less than one academic year, and approved by the said Board, may make application to be registered as an Oral Hygienist in the State of Delaware upon the form prescribed by the said Board, verified by oath, and accompanied by the required fee of Ten (\$10.00) dollars, and a recent unmounted autographed photograph of the applicant. If the application shows satisfactory proof that she has spent at least one year in school, institutional, or public clinical work, then upon passing a satisfactory examination, she may be fully registered. Otherwise, any applicant, before receiving a final certificate of registration to practice Oral Hygiene within the meaning of this Act, must produce satisfactory evidence of having spent one year in school, institutional, or public clinical work.

892H. Sec. 17. An applicant for a certificate of registration as an oral hygienist shall appear before the Board of Dental Examiners at its first meeting after the filing of her application and pass a satisfactory examination consisting of practical demonstrations and written or oral tests, or both, on such subjects as the Board may prescribe. If such applicant passes the examination and is of good moral character, she shall receive a certificate attesting that fact and after the completion of one year of practical work in an institution, school or public clinic, she shall be issued a certificate of registration by the Board of Dental Examiners, attested by its seal, signed by the members of the Board, which after being registered with the Secretary-Treasurer of the

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Board, shall be conclusive evidence of her right to practice as an oral hygienist in the State of Delaware according to the provisions of this Act.

892I. Sec. 18. Any licensed dentist, public institution, or school authority may employ such registered oral hygienists who may remove calcic deposits and stains from the exposed surfaces of the teeth, and make instrumental examinations of the teeth for cavities, but shall not perform any other operation on the teeth or tissues of the mouth. A registered oral hygienist may operate only under the general direction or supervision of a licensed dentist, in his office or in any public school or other institution. The Board of Dental Examiners may suspend or revoke, with power to reinstate, the license of any dentist who shall permit any oral hygienist, operating under his supervision, to perform any operation other than that permitted under the provisions of this section, and it also may suspend or revoke, with power to reinstatement, the certificate of registration of any oral hygienist violating the provisions of this Act; the procedure to be followed in the case of such suspension, revocation, or reinstatement shall be the same as that prescribed by law in the case of suspension, revocation, or reinstatement of a licensed dentist.

892J. Sec. 19. Any oral hygienist of good moral character, duly registered to practice as such in any State or Territory of the United States, having and maintaining an equal standard of laws regulating the practice of oral hygiene with the laws of the State of Delaware, who has been in the lawful practice of oral hygiene for a period of not less than two years in such State or Territory, and who files with the Secretary-Treasurer of the Board of Dental Examiners of the State of Delaware a certificate from the examining board of the State or Territory in which she is registered, certifying to her professional qualifications and length of service, may, at the discretion of the Board, be registered in the State of Delaware, upon the payment of a fee of Ten (\$10.00) dollars. Any person so applying, who has been registered in a State not maintaining an equal standard of laws with the State

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of Delaware, may be registered upon the payment of the fee above provided for, upon furnishing satisfactory evidence as to registration, good moral character, education and professional qualifications, and passing such further examination as the Board of Dental Examiners shall deem necessary.

892K. Sec. 20. Any person of good moral character who is a legally registered and practicing Oral Hygienist in this State for a period of two (2) years preceding her application for a certificate hereinafter described, and who is known to The Delaware State Board of Dental Examiners, on the payment of the fee of Five (\$5.00) dollars, shall be entitled to receive a certificate attested by the signature of the President and Secretary-Treasurer of said Board, which certificate shall state that the holder thereof is a person who has been duly qualified to practice oral hygiene in the State of Delaware; that she is a person of good moral character and professional attainments; that she has been engaged in the practice of Oral Hygiene continuously for two (2) years prior to her application for such certificate, and that she intends at the time of her application for such a certificate to engage in the practice of oral hygiene in a State other than the State of Delaware; provided, that all such certificates so issued shall be like in tenor and form; and provided, further, that the refusal of any state or its appropriate officers to honor fully such certificate shall constitute a forfeiture by such State of all courtesies and privileges extended under this Act.

892L. Sec. 21. Any person filing or attempting to file as his own the diploma, certificate or license of another, or a forged, false affidavit of identification, or qualification, shall be deemed guilty of a felony, and upon conviction thereof shall be subject to such fine and imprisonment as are imposed by the statute for the crime of forgery, under the provisions of Section 3 of Chapter 151 of the Revised Code of Delaware.

892M. Sec. 22. The Delaware State Board of Dental Examiners may revoke or suspend the license of any dentist or any

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oral hygienist in the State of Delaware upon proof satisfactory to said Board:

1. That said license or registration was procured through fraud or misrepresentation.
2. That the holder thereof has been convicted of a felony or any offense involving moral turpitude.
3. That the holder thereof is guilty of chronic or persistent inebriety, or addiction to narcotic drugs, or afflicted with one or more of the specific infectious diseases.
4. That the holder thereof, through misleading advertising or otherwise, is guilty of conduct calculated or likely to deceive or defraud the public.
5. That the holder is guilty of conduct which, in the opinion of said Board, disqualifies him or her to practice with safety to the public.
6. That the holder thereof has advertised professional superiority or the performance of professional services in a superior manner, or advertised to perform painless operations of a dental or surgical nature.
7. That the holder thereof has advertised in any manner whatsoever or exposed to public view definite, fixed prices when the nature of the professional service rendered and the materials required must be variable.
8. That the holder thereof has advertised by means of large display, glaring, illuminated or flickering light signs, or has advertised with signs or printed advertisements, containing as a part thereof the representation of a tooth, teeth, dental restorations, any portion of the human head or neck, or photographs of any person.

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9. That the holder thereof has employed or made use of advertising solicitors or free publicity press agents.

10. That the holder thereof has advertised either by sign or printed advertisements under the name of a corporation, company, association, parlor or trade name.

11. That the holder thereof has used or advertised to use any drug, nostrum, or patent proprietary medicine of any unknown formula, or any dangerous or unknown anesthetic which is not generally used by the dental profession, or uses or advertises to use any drugs, material, medicine, formula, system, or anesthetic which is either falsely advertised, misnamed, or not in reality used.

Any person convicted of violation of any of the offenses specified in this section, shall be fined for the first offense not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars, and upon a second or any subsequent conviction thereof, shall be fined a sum not to exceed five hundred (\$500.00) dollars, and upon conviction his license shall be revoked by the said Board.

892N. Sec. 23. It shall be unlawful for any person to repair, construct, adjust, or alter any appliance, denture, or dental restoration, except under the authorization and responsibility of a registered practitioner of dentistry, as defined by this Act.

892O. Sec. 24. For the purpose of correcting and revising the register of legal practitioners of dentistry, and of Oral Hygiene, as kept by the said State Board of Examiners, it shall be the duty of each person to whom a certificate to practice dentistry or Oral Hygiene in this State is granted, to procure from the Secretary-Treasurer of the said Board, on or before the thirtieth day of June, 1933, and on or before the thirtieth day of June annually thereafter, an annual certificate of registration; such annual certificate of registration shall be issued by the Secretary-Treasurer of said Board upon payment of the fee of Two Dollars (\$2.00). All annual certificates so issued shall be prima facie evi-



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dence of the right of the holders to practice dentistry or oral hygiene, as the certificates shall designate, in this State during the time for which they are issued, and the same shall be exposed to public view in the operating room of the holder. Any annual certificate to practice dentistry or oral hygiene heretofore granted or that may be hereafter granted by the said Board, shall be cancelled if the holder thereof fails to secure renewal of the annual certificate herein provided for within a period of sixty (60) days after the first day of May, 1933, and annually thereafter, provided that the certificate to practice or annual certificate thus cancelled may at the discretion of the said Board be restored upon payment of a fee of five (\$5.00) dollars, with such further examination of the holder as to his or her competence and ability to practice, as the said Board may determine. It shall be the duty of the Secretary-Treasurer of the said Board to mail, on or before the first day of May, 1933, and on or before the same date annually thereafter, to each person whose name appears on the register of the said Board, a printed blank form, to be properly filled out by the holder of such certificate to practice, or annual certificate, and returned by such holder to the Secretary-Treasurer of the Board, together with a fee of Two (\$2.00) dollars.

892P. Sec. 25. Any person who shall practice, or attempt to practice, dentistry or oral hygiene within the State of Delaware, without having been registered, or obtained a certificate to practice dentistry or oral hygiene or during the period of suspension or revocation of such certificate previously granted, or who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, or shall be imprisoned in the county jail not less than one month nor more than one year, or shall be punished by both such fine and imprisonment. Each act of practice or attempt to practice dentistry or oral hygiene under the disabilities described in this Section, shall be deemed a separate offense within the meaning of this Act; and each day on which any person shall hold himself or herself out as practicing under any name except his or her own, shall be deemed a separate offense.

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892Q. Sec. 26. Any person shall be regarded as practicing dentistry within the meaning of this Act, who is a manager, proprietor, promoter, operator, or conductor of a place for performing dental operations, or who for a fee, salary, or other reward paid or to be paid either to himself or to another person, performs or advertises to perform dental operations of any kind, or who opens an office for the purpose of practicing dentistry and dental surgery and announces to the public in any way the readiness to do any act defined herein as practicing dentistry, or who diagnoses or treats diseases or lesions of human teeth, jaws, or oral tissues mechanically, medicinally, surgically, or by the use of radiograms, x-rays or fluoroscopic methods, or attempts to correct malpositions thereof, or takes impressions for the replacement of teeth, or who uses the word "dentist", "Dental Surgeon", the letters "D. D. S.", "D. M. D." or other letters or title in connection with his name which in any way represents him as being engaged in the practice of dentistry.

892R. Sec. 27. An applicant for limited registration under this section who shall furnish the Delaware State Board of Dental Examiners with proof entitling him to be examined for registration under this Act, and with satisfactory proof that he has been appointed a dental interne in a hospital or other institution maintained by the State or by a county or municipality thereof, or in a hospital or dental infirmary incorporated under the Laws of this State, may, upon payment of five (\$5.00) dollars, be registered by the said Board as a dental interne for one year; but such limited registration shall entitle said applicant to practice dentistry only in the hospital or other institution designated on his registration, and only on bona fide patients of said hospital or institution and under the direction of a registered dentist employed therein, or on the staff thereof. Limited registration under this section may be revoked at any time by the Board for cause.

892S. Sec. 28. Upon presentation to the Delaware State Board of Dental Examiners of a certified copy of a court record showing that a practitioner of dentistry has been convicted of a felony or of a crime involving moral turpitude, or upon a finding

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by the board after notice and an opportunity to him to be heard that a practitioner of dentistry (a) has presented to the Board a false diploma, license, or certificate, or one obtained by fraud or illegal means, or (b) by reason of persistent inebriety or addiction to narcotic drugs is incompetent to continue in the practice of dentistry, or (c) has been guilty of using fraudulent or misleading advertisements as herein defined, or (d) has permitted directly or indirectly an unregistered or unlicensed person to practice dentistry or oral hygiene under his or her direction, or (e) has been guilty of dishonorable or grossly unprofessional conduct, or who has violated any of the other provisions of this Act not specifically provided for, the fact shall be noted by the Board upon the record of registration, and the registration and certificate of the practitioner so offending shall be cancelled and any person whose registration shall have been cancelled under the provisions of this section shall be deemed an unregistered person, and subject as such to the penalties prescribed for the practice of dentistry by persons that are not duly registered.

892T. Sec. 29. On and after the passage of this Act, it shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under any name except his proper name, which shall be the name used in his license granted to him as a dentist, as provided for in this Act, or to use the name of any company, association, corporation, office, parlor, trade name, business name or as successor thereto, in connection with the practice of dentistry as defined in this law. Any person convicted of violation of the provisions of this section shall be fined for the first offense not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars, and upon a second or any subsequent conviction thereof, by a fine not to exceed five hundred (\$500.00) dollars, and upon conviction his license shall be revoked by said Board.

892U. Sec. 30. Nothing in this Act shall apply to a bona fide student of dentistry in the clinical or teaching rooms of a dental college, recognized by the Delaware State Board of Dental Examiners, nor shall prevent a legally qualified physician or sur-

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geon from extracting teeth or treating pathological conditions about the mouth, teeth, or oral tissues, or of radiographing such tissues, unless he practices dentistry as a specialty, nor shall it apply to a dental surgeon of the United States Army, Navy, Veterans' Bureau, or Public Health Service, in the discharge of his official duties, nor shall it prevent a lawful practitioner of dentistry in another State or Territory from making a clinical demonstration before a dental society, convention, association of dentists, or dental college, or performing his duties in connection with a specific case on which he may have been called to the State of Delaware by a legally qualified practitioner of dentistry of the said State of Delaware.

892V. Sec. 31. Legally licensed druggists of this State may fill prescriptions of legally qualified dentists of this State for any drug necessary in the practice of dentistry, dental surgery or oral surgery.

892W. Sec. 32. Whoever engages in the practice of dentistry and fails to keep displayed in the place where he practices, and in such manner as to be easily seen and read, the license granted him pursuant to the laws of the State of Delaware, shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

892X. Sec. 33. Whoever sells or offers to sell a diploma conferring a dental degree, or a license or a certificate granted pursuant to this Act, or procures such diploma or license or certificate with intent to use the same as evidence of the right to practice dentistry as defined by Law, by a person other than the one to whom such diploma was issued, or to whom such license was granted, or any person who, with fraudulent intent, alters such diploma or license or certificate, or attempts to use the same, shall be fined not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars.

892Y. Sec. 34. Whoever employs a person who is not a licensed dentist to perform dental operations as defined by law, or

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permits such persons to practice dentistry in his office, or whoever practices dentistry under a false name, or assumes a title or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered dental college, or makes use of the words "dental college" or "dental school" or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board of Dental Examiners, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars.

892Z. Sec. 35. Whoever violates any provision or law relating to the practice of dentistry or oral hygiene, or the application for examination and licensing of dentists and registration of oral hygienists, for which no specific penalty has been prescribed, shall be fined not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars.

892AA. Sec. 36. A second or subsequent conviction under any of the next four preceding sections shall be punished by the maximum penalties prescribed therein, or imprisonment in jail or workhouse not less than ten days nor more than sixty days, or by both such fine and imprisonment.

892BB. Sec. 37. Hereafter, regularly licensed and practicing dentists in this State shall be exempt from liability to be drawn upon any panel of grand or petit jurors returned to any court of this State.

892CC. Sec. 38. All laws and parts of laws inconsistent or in conflict with this Act are hereby repealed to the extent of such inconsistency or conflict only.

Approved April 6, 1933.

## CHAPTER 49

## STATE BOARD OF EXAMINERS IN OPTOMETRY

**AN ACT to amend Chapter 31 of the Revised Code of the State of Delaware relating to the Delaware State Board of Examiners in Optometry.**

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

Section 1. That Chapter 31 of the Revised Code of the State of Delaware (1915) be, and the same is hereby amended by striking out all of Paragraph 894, Section 2, and by substituting in lieu thereof a new Paragraph 894, Section 2:

"894, Section 2. Practice of Optometry; Definition Of:— Any person shall be deemed to be practicing optometry within the meaning of this Act who shall display a sign, such as an eye, a pair of eyes, a pair of glasses, or spectacles, or who shall in any way advertise himself as an optometrist, or who shall examine the human eye, to ascertain the presence of defects or abnormal conditions which can be corrected or relieved or the effects of which may be corrected or relieved by the use of lenses, prisms, or ocular exercises, or employ any subjective or objective mechanical means to determine the accommodative or refractive states of the human eye or range of power of vision of the human eye, or have in his possession testing appliances for the purpose of the measurement of the powers of vision, or diagnose any ocular refractive deficiency or deformity, visual or muscular anomaly of the human eye, or prescribe or adapt lenses, prisms, or ocular exercises for the correction or relief of the same, or who holds himself out as being able to do so, or to open for practice, or operate, conduct, or manage an office, in the State of Delaware, either directly or indirectly, where optometric practice is carried on, with the intent of receiving therefrom, either directly or indirectly, any money, gift, or any other form of compensation which might result from any part of the practice of optometry as herein provided, or who shall use the title of Doctor of Opto-

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metry (O. D.), or any other letters or title in connection with his or her name, which in any way may convey the impression that he or she is engaged in the practice of optometry."

Section 2. That Chapter 31 of the Revised Code (1915) of the State of Delaware as amended by Chapter 69, Volume 37, Laws of Delaware, be and the same is hereby further amended by striking out all of "906 Sec. 14" as it appears in Chapter 69, Volume 37, Laws of Delaware, and inserting in lieu thereof the following new section to be styled "906 Section 14":

906 Section 14. Whoever shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and in default of payment of said fine shall be imprisoned in the county jail for a term of not less than one year.

It shall be the duty of the State's Attorney General or his deputies to prosecute every case to final judgment before the Court of General Sessions of the County wherein the offense was committed whenever his attention shall be called to a violation of this Act.

Section 3. All Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent of such inconsistencies only.

Approved April 11, 1933.

## CHAPTER 50

## PUBLIC ARCHIVES COMMISSION

**AN ACT relating to Books, Records, Documents and Papers of  
Historic or Public Interest.**

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

All books, records, documents, and papers of historic or public interest, which are in the possession of State Boards or State Commissions, and which are not in current use, shall be transferred to the custody of the Public Archives Commission.

Approved April 11, 1933.



## CHAPTER 51

## PUBLIC ARCHIVES COMMISSION

**AN ACT to amend Chapter 36 of the Revised Code of Delaware relating to Public Archives Commission.**

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

Section 1. That Chapter 36 of the Revised Code of Delaware, be and the same is hereby amended by striking out the first sentence of 974, Section 3, of said Chapter 36, and inserting in lieu thereof the following:

"The Public Archives Commission so appointed as aforesaid shall have charge of all books, records, documents, and papers of historic or public interest in all State, county and municipal offices, which are seventy-five years old or more, and shall make and enforce all reasonable rules and regulations concerning the care of the same."

Section 2. That said Chapter 36 be further amended by striking out all of 975, Section 4 thereof, following the word "offices" as the same appears in line five, and inserting in lieu thereof the following:

"which are seventy-five years old or more."

Section 3. That said Chapter 36 be further amended by striking out in 977, Section 6, the words:

"bearing the date prior to 1850,"

and substituting in lieu thereof the following words,

"which are seventy-five years old or more."

Approved April 11, 1933.

## CHAPTER 52

## PUBLIC ARCHIVES COMMISSION

**AN ACT making an appropriation to the Public Archives Commission for the purpose of securing certain records of births and deaths.**

*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 Hundred Dollars is hereby appropriated to the Public Archives Commission for the purpose of securing certain records of births and deaths of persons deceased prior to 1850, as found upon tombstones in the various cemeteries of this State, there being no public records thereof at the present time. Said sum of money, or so much thereof as shall be found necessary to secure the said records, shall be paid by the State Treasurer, to such person or persons as the said Commission shall direct, upon warrant or warrants signed by the said Commission.

Section 2. That this Act shall be taken and deemed to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the general fund.

Approved May 9, 1933.

## CHAPTER 53

### PUBLIC ARCHIVES COMMISSION

#### **AN ACT authorizing the Public Archives Commission to erect Historic Markers in the State of Delaware.**

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

Section 1. On and after July 1, 1933, the Public Archives Commission is empowered and directed to determine and select such points of historic interest throughout the State of Delaware as the Commission thinks should be marked with a suitable monument, tablet, or marker, and to design, purchase, and erect monuments, tablets, or markers which the Commission may decide to be appropriate at such points, indicating thereon the event or events commemorated and having such other suitable inscription as may seem necessary.

Section 2. The Public Archives Commission may employ such expert assistance to aid in its historical researches as it may deem necessary effectively to carry out the purposes of this Act.

Section 3. The Public Archives Commission is empowered and directed to keep in good repair all monuments, tablets, and markers erected by the Historic Markers Commission before July 1, 1933, and also all monuments, tablets, and markers erected by the Public Archives Commission after that date.

Approved May 12, 1933.

## CHAPTER 54

## STATE BOARD OF CHARITIES

**AN ACT authorizing the State Board of Charities of the State of Delaware to exercise certain powers and to perform certain duties relating to Child Welfare.**

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

Section 1. That in order that the State may more effectively exercise the duty and obligation which it owes to minor children, who for any cause are in need of care and protection, the State Board of Charities of the State of Delaware is hereby authorized to exercise the powers and perform the duties as set forth in Section 2 of this Act and relating to child welfare.

Section 2. Powers and Duties. To search out through investigation, complaints from citizens, or otherwise, the minor children in the State who are in need of its care and protection and shall as far as possible, through existing agencies, public or private, its own welfare workers or through such other resources, aid such children to a fair opportunity in life.

To make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for State care and protection of children and extent of such need.

To present the facts so ascertained to the people through conventions, conferences and addresses to the end that a State-wide program may be effected for the elimination and suppression of the causes which bring the necessity for such care.

To establish and maintain homes or other agencies for the care of dependent, or neglected minor children or to contract with any approved agency or home for the care of such children and also to receive and care for dependent or neglected children committed to its care, and if possible to arrange for a thorough physical and mental examination of every such child, to investi-

## STATE BOARD OF CHARITIES

gate in detail the personal and family history of a child and its environment, and to place such children in family homes or in approved suitable institutions, and to supervise such children however placed.

To solicit, obtain and hold gifts, devises and bequests of money, real estate, and other things of value to be used in support of the development and carrying on of child welfare work.

Section 3. The State Board of Charities when making its annual report as required under 1005A, Section 3A, of 1919, Delaware Laws, Volume 30, Chapter 64, shall include a complete and comprehensive report relating to all child welfare work performed or executed in accordance with this Act, together with any recommendation said Board may desire to make.

Approved April 21, 1933.

## CHAPTER 55

## STATE HIGHWAY DEPARTMENT

**AN ACT authorizing the State Highway Department to conduct an Educational Campaign on Street and Highway Safety.**

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

Section 1. That the State Highway Department be and it is hereby authorized to conduct throughout the State of Delaware an educational campaign on street and highway safety; provided, however, that the expense of such campaign shall be paid by the State Treasurer from the fines, penalties and forfeitures received by him pursuant to Chapter 14, Volume 34, Laws of Delaware, relating to arrests procured by the authorized representatives of the State Highway Department.

Section 2. That such campaign shall be conducted by the said State Highway Department in the manner which it deems most beneficial to accomplish the purpose thereof and the said State Highway Department is especially authorized to use and employ the facilities of the Delaware Safety Council or any similar organization.

Approved June 1, 1933.

## CHAPTER 56

## STATE FORESTRY DEPARTMENT

**AN ACT to amend Chapter 50, Volume 35, Laws of Delaware, creating the State Forestry Department, by removing from the membership of the State Forestry Commission the Governor of the State at his pleasure.**

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

Section 1. That Section 1 of Chapter 50, Volume 35, Laws of Delaware, creating a State Forestry Department be, and the same is hereby amended by inserting at the end of the second sentence of said Section 1 the following phrase "provided, the Governor may appoint some suitable citizen to represent him as a member of said Commission if it so be his pleasure."

Section 2. That Section 2 of said Chapter 50, Volume 35, Laws of Delaware, be, and the same is hereby amended, by inserting after the word "Governor" in the last sentence of said Section 2 and before the word "shall" in said sentence, the following words "or the person appointed as his representative."

Approved April 4, 1933.

## CHAPTER 57

## STATE ATHLETIC COMMISSION

**AN ACT to amend an act entitled "An Act Allowing and Regulating Boxing, Sparring, and Wrestling Matches and Exhibitions; Establishing a State Athletic Commission; and Prescribing Penalties", being Chapter 84 of Volume 37 of the Laws of Delaware.**

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

Section 1. That the Act entitled "An Act allowing and regulating Boxing, Sparring, and Wrestling Matches and Exhibitions; Establishing a State Athletic Commisison; and Prescribing Penalties", being Chapter 84 of Volume 37 of the Laws of Delaware, be and the same is hereby amended by striking out and repealing Section 3 thereof, and by inserting in lieu thereof a new section to be styled Section 3, as follows:

Section 3. Secretary, Salaries and Expenses, Clerks, Biennial Reports.—The commission shall assign one of its members to be present at any place where sparring, boxing, or wrestling matches or exhibitions are to be held pursuant to the provisions of this Act, for which he shall receive a per diem compensation not to exceed ten dollars for each day engaged in the discharge of his duties, and all necessary traveling and hotel expenses expended outside the City of Wilmington. Such commissioner, or in emergency a deputy assigned by the commission, shall ascertain the exact conditions surrounding such match or exhibition and make a written report of the same in the manner and form prescribed by the commission. The commission may appoint such deputies and inspectors as it may deem necessary, and fix and determine their duties and the manner of their compensation. The commission may appoint, and at pleasure remove, a secretary to the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents, and papers, prepare for service such notices and other papers as may be required of him by the commission, and perform such other duties as the commission



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may prescribe. The commission may employ only such clerical employees as may be actually necessary, and fix their salaries within the limits of the fund in the State Treasury being kept for such purposes; provided, however, the salary of the secretary or any other employee shall not exceed the sum of eighteen hundred dollars (\$1800.00) in any one year. The commission shall biennially make a full report of its proceedings to the General Assembly and may submit with such report, such recommendations pertaining to its affairs as it shall deem desirable.

Section 2. That said Chapter be and the same is hereby further amended by striking out and repealing Section 4 thereof, and by inserting in lieu thereof a new section to be styled Section 4, as follows:

Section 4. Boxing and Wrestling Exhibitions Authorized, Jurisdiction of Commission, Permits to Persons and Corporations.—Boxing, sparring, and wrestling matches or exhibitions, to be conducted where an admission fee is received, or for the profit of any person, corporation or organization, are hereby allowed, except on Sundays. The commission shall have, and hereby is vested with, the sole direction, management, control, and jurisdiction over all such boxing, sparring and wrestling matches or exhibitions to be conducted, held, or given within this State, and it is hereby authorized to issue licenses therefor. No such sparring, boxing, or wrestling match or exhibition shall be conducted, held, or given within the State except in accordance with the provisions of this Act. The commission shall issue, under its hand and seal, licenses in writing, unless otherwise provided for, for holding such boxing, sparring, or wrestling matches or exhibitions, but only to persons or corporations duly licensed as hereinafter provided by said commission, which license may be revoked upon violation of any of the provisions of this Act or any rule, regulation, or order of the commission. The commission is hereby further given the sole control, authority and jurisdiction over all such licenses to hold boxing, sparring or wrestling matches or exhibitions where any admission fee is received, or conducted for profit, and over all licenses to any and all persons

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who participate in such boxing, sparring, or wrestling matches or exhibitions, as hereinafter provided.

Section 3. That said Chapter be and the same is hereby further amended by striking out and repealing Section 5 thereof, and by inserting in lieu thereof a new section to be styled Section 5, as follows:

Section 5. Licenses to Persons and Corporations.—The commission may, in its discretion, issue a promoter's license to conduct, hold, or give boxing, sparring or wrestling matches or exhibitions, subject to the provisions of this Act, to any corporation or to any person or persons. Such corporation, person or persons must hold a lease of a term of at least three months for the premises in which such professional match or exhibition is to be held. In the case of a corporation, the officers of such corporation must have been bona fide residents of the State of Delaware for at least three years immediately preceding the granting of such license; and in the case of any person or persons, such person or persons must have been a bona fide resident or residents of the State of Delaware for at least three years immediately preceding the granting of such license. No license shall be issued to conduct, hold, or give boxing, sparring or wrestling matches or exhibitions in any city or incorporated town of this State which has adopted or shall hereafter adopt any ordinance prohibiting such exhibitions or matches within its corporate limits; provided, however, that when such ordinance prohibiting such exhibitions or matches within said limits has been adopted, or shall hereafter be adopted, no boxing, sparring, or wrestling matches or exhibitions shall be conducted, held, or given within five miles of said corporate limits.

Section 4. That said Chapter be and the same is hereby further amended by striking out and repealing Section 6 thereof, and by inserting in lieu thereof a new section to be styled Section 6, as follows:

Section 6. Corporations and Persons Required to Procure Licenses, Definitions.—No corporation, organization, or person,

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physician, referee, judge, matchmaker, timekeeper, professional boxer, professional wrestler, manager, trainer or second, shall be permitted to give, hold, or participate, either directly or indirectly, in any such boxing, sparring or wrestling match or exhibition, or the holding thereof, unless such corporation or organization and all such persons shall have first procured a license from the commission as herein authorized or provided for. For the purpose of this Act, a "professional boxer" or a "professional wrestler" is deemed to be one who competes for money or teaches or pursues or assists in the practice of boxing or wrestling as a means of obtaining a livelihood or pecuniary gain; and any contest conforming to the rules, regulations, and requirements of this Act shall be deemed to be a boxing match and not a prize fight.

Section 5. That said Chapter be and the same is hereby further amended by striking out and repealing Section 8 thereof, and by inserting in lieu thereof a new section to be styled Section 8, as follows:

Section 8. Subpoenas by Commission, Oaths.—The Commission shall have the authority to issue, under the hand of its chairman and the seal of the commission, subpoenas for the attendance of witnesses and the production of books, papers, and documents, before the commission. If any person shall refuse to obey any such subpoena or to testify or to produce any books, papers, and documents, then any member of the commission may apply to the Superior Court of the county in which he or the commission may be sitting, and, thereupon the said Court shall issue its subpoena requiring such person to appear and to testify or to produce such books, papers and documents. Any person failing to obey or refusing to obey a subpoena of the said court shall be deemed guilty of contempt of court, and shall be punished accordingly. Any member of the commission or deputy in the performance of his official duties shall have the power to administer oaths. Any person who shall swear falsely to any matter before the commission shall be deemed guilty of perjury and shall be punished accordingly.

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Section 6. That said Chapter be and the same is hereby further amended by striking out and repealing Section 9 thereof, and by inserting in lieu thereof a new section to be styled Section 9, as follows:

Section 9. Buildings for Exhibitions.—All buildings or structures used, or intended to be used, for the purpose of holding or giving therein boxing, sparring, or wrestling matches or exhibitions shall be properly ventilated, and provided with fire extinguishers, fire exits, and fire escapes. Where such match or exhibition is authorized to be held in State or municipal armory, the provision of the military law in respect thereto must be complied with. No such match or exhibition shall be held in a building partly used for dwelling purposes or primarily used for religious services, except that a keeper or caretaker and his family may reside in such building.

Section 7. That said Chapter be and the same is hereby further amended by striking out and repealing Section 10 thereof, and by inserting in lieu thereof a new section to be styled Section 10, as follows:

Section 10. Regulation of Conduct of Matches or Exhibitions.—No corporation or person or persons to whom has been issued a license under the provisions of this Act to conduct, hold or give boxing, sparring or wrestling matches or exhibitions shall be permitted to give more than one such boxing or sparring exhibition within any period of twenty-four hours. In no event shall such professional boxing or sparring exhibition consist of more than a total duration of forty rounds; provided however, that no bout in any exhibition shall be of more than ten rounds in length. In all boxing or sparring matches or exhibitions the rounds shall be not more than three minutes each. No boxer shall be allowed to participate in more than one bout, within any twenty-four consecutive hours, nor shall more than two boxers engage in any one bout. The commission may, in respect to any bout or in respect to any class of contestants, limit the number of rounds of a bout within the maximum of ten rounds. At each boxing, sparring or

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wrestling match or exhibition there shall be in attendance, assigned as provided for by the commission and at the expense of the corporation or person licensed to hold such exhibition, a duly licensed referee, who shall direct and control the same. Before starting such contest, the referee shall ascertain from each contestant the name of his chief second, and shall hold such chief second responsible for the conduct of his assistant seconds during the progress of the contest. The referee shall have the power, in his discretion, to declare forfeited any remuneration or purse, or part thereof, of any contestant or contestants, or to fine any contestant or contestants, if, in his judgment, any contestant is not honestly competing; provided such fine or forfeiture may be subject to review and adjudication by the commission. Any remuneration or purse, or part thereof, so forfeited, or any fine so collected shall be paid into the State Treasury for the use of the commission. There shall also be in attendance, assigned as provided for by the commission and at the expense of the corporation or person or persons licensed to hold such exhibitions, two duly licensed judges, who shall, with the referee, at the termination of each boxing or sparring match, render their decision, according to the procedure set out in the rules and regulations of the commission. Each boxer shall wear during such contest gloves weighing not less than five ounces if such contestant is a light weight or in a class of less weight, and six ounces if such contestant is in a class heavier than the light weight class.

Section 8. That said Chapter be and the same is hereby further amended by striking out and repealing Section 11 thereof, and by inserting in lieu thereof a new section to be styled Section 11, as follows:

Section 11. Physician to be in Attendance.—It shall be the duty of every such licensed corporation or person, at its own expense, to have in attendance at every boxing, sparring, or wrestling match or exhibition a physician, assigned as provided for by the commission, who has had not less than three years' medical practice, whose duty it shall be to observe the physical condition of the boxers and wrestlers and advise the referee or

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judges with regard thereto. All boxers and wrestlers must be examined by such physician in accord with the rules of the commission before entering the ring, and any boxer or wrestler who is, in the opinion of the physician, physically unfit to enter such match or exhibition shall be excluded from such match or exhibition. Every such physician shall file with the commission a report of medical examinations not later than twenty-four hours after the termination of a match or exhibition.

Section 9. That said Chapter be and the same is hereby further amended by striking out and repealing Section 16 thereof, and by inserting in lieu thereof a new section to be styled Section 16, as follows:

Section 16. Bonds.—Before a license shall be granted to a corporation or person, such corporation or person shall execute and file with the commission a bond in the sum of not less than one thousand dollars (\$1000.00), except as herein otherwise provided for, to be approved as to form and sufficiency of sureties thereon by said commission, conditional for the faithful performance by said corporation or person of the provisions of this Act, and the rules and regulations of the commission. No such license shall be issued until such bond is approved and filed. In case of default in the performance of any of the conditions prescribed by the Act or by the rules and regulations of the commission, the commission shall impose upon the delinquent corporation or person a penalty in a sum not to exceed the amount of the required bond for each offense, which shall be recovered by the Attorney General in the name of the State of Delaware, in the manner as other penalties are recovered by law. Any amount so recovered shall be paid to the State Treasurer for the use of the commission.

Section 10. That said Chapter be and the same is hereby further amended by striking out and repealing Section 17 thereof, and by inserting in lieu thereof a new section to be styled Section 17, as follows:

Section 17. License Fees.—Each applicant for a license as required by Section 5 hereof shall, before a license is issued by

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the commission and annually thereafter during the life of such license, pay to the commission a license fee for each calendar year as follows: Promoter's license, in cities of one hundred thousand population or over, two hundred dollars; promoter's license, in cities of five thousand population and less than one hundred thousand population, one hundred dollars; promoter's license, in cities of less than five thousand population, and elsewhere, fifty dollars; and each applicant for a license to participate in any boxing, sparring or wrestling match or exhibition in which the contestants are professionals shall pay the following license fee: physicians, ten dollars; judges, five dollars; timekeepers, five dollars; professional boxers, five dollars; professional wrestlers, five dollars; managers, fifteen dollars; referees, twenty-five dollars; matchmakers, twenty-five dollars; trainers, five dollars; seconds, five dollars. The commission may issue licenses to boxers to engage only in preliminary bouts, as defined by the commission, upon the payment of a fee of two dollars; and if such licensee during the calendar year shall apply for and be granted a full license, he shall be allowed said payment as a credit thereon.

Section 11. That said Chapter be and the same is hereby further amended by striking out and repealing Section 18 thereof, and by inserting in lieu thereof a new section to be styled Section 18, as follows:

Section 18. Weights, Classes and Rules.—The weights and classes of boxers and wrestlers, and the rules and regulations of boxing and wrestling, shall be determined by the said commission.

Section 12. That said Chapter be and the same is hereby further amended by striking out and repealing Section 19 thereof, and by inserting in lieu thereof a new section to be styled Section 19, as follows:

Section 19. Limitations on Difference in Weight.—No boxing contest shall be allowed in which the difference in weight of the respective contestants shall exceed ten pounds. This provision shall not apply to boxers in the heavy and light heavy-weight classes as determined by the commission.

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Section 13. That said Chapter be and the same is hereby further amended by striking out and repealing Section 21 thereof, and by inserting in lieu thereof a new section to be styled Section 21, as follows:

Section 21. Payments to State.—Every corporation or person holding any boxing, sparring, or wrestling match or exhibition under this Act for which an admission is charged and received shall pay to the State Athletic Commission for the use of the commission five per centum of the total gross receipts, exclusive of any Federal taxes paid thereon. Such payments shall be made at the time of the match or exhibition.

Section 14. That said Chapter be and the same is hereby further amended by striking out and repealing Section 23 thereof, and by inserting in lieu thereof a new section to be styled Section 23, as follows:

Section 23. Rules, Regulations, Professionals and Amateurs.—The commission is authorized to promulgate and enforce rules and regulations for the giving, holding, and conducting of all professional and amateur boxing, sparring or wrestling matches or exhibitions, conducted for profit, or for which an admission fee is charged or received, directly or indirectly; but no person, corporation or organization shall be exempt from paying five per centum of the gross receipts, exclusive of any Federal tax, to the State Treasurer. The commission is invested with the authority to limit the maximum number of bouts and rounds for all amateur boxing, sparring or wrestling exhibitions, and to issue licenses and permits therefor. The commission also is empowered to determine whether and when a bond shall be posted and a license fee shall be required to be paid by any person, corporation or organization holding, giving, conducting or participating, directly or indirectly, in any boxing, sparring, or wrestling match or exhibition, in which all contestants are amateurs, and conducted for profit or for which an admission fee is charged or received and also shall determine the amount and form of such bond and the amount of such license fee to be paid, if such shall



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be required; provided such bond or such license fee or fees shall not exceed the maximum hereinbefore set out.

Section 15. That said Chapter be and the same is hereby further amended by striking out and repealing Section 25 thereof, and by inserting in lieu thereof a new section to be styled Section 25, as follows:

Section 25. All Moneys Paid to State Treasurer.—All moneys collected and realized under the provisions of this Act shall be paid, within five days after the receipt of any such moneys, by the secretary of the commission to the State Treasurer, who shall keep the moneys collected and realized under the provisions of this Act as a fund separate and apart in the State Treasury for the payment, upon proper warrants signed by the chairman and secretary of the State Athletic Commission and approved by the State Auditor, of the salaries and actual and necessary expenses of the officers and employees of the commission, and all other necessary expenses incident to the administration of this Act; provided, however, that in no case shall any warrant be paid by the State Treasurer for the expenses of any contest until the moneys collected and realized for said contest have been paid to said official by the said secretary. All moneys in excess of two thousand dollars (\$2000.00) remaining in said fund at the expiration of any calendar year shall revert to the general fund of the State. For the purpose of providing money for the payment of the salaries and actual and necessary expenses of the officers and employees of the Commission, and all other necessary expenses incident to the administration of this Act, the sum of Fifteen hundred dollars (\$1500.00) is hereby appropriated for the use of said Commission. The secretary of the commission shall give a surety bond to the State of Delaware in such sum as the commission may determine. Premium on such bond shall be regarded as a proper and necessary expense of the commission, and shall be paid out of the funds herein created.

Section 16. That said Chapter be and the same is hereby further amended by striking out and repealing Section 26 thereof,

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and by inserting in lieu thereof a new section to be styled Section 26, as follows:

Section 26. The provisions of this Act shall not prohibit any duly constituted organization or association from having boxing, sparring and wrestling matches or exhibitions in connection with entertainments, where no admission fee, charge, contribution or donation is made and when such matches or exhibitions are conducted not for the profit of any persons concerned; provided a permit for such matches or exhibitions first shall have been obtained from the commission.

Section 17. That said Chapter be and the same is hereby further amended by adding thereto a new section which shall be styled and known as Section 27, as follows:

Section 27. Penalty. Any person or persons, association or corporation, directly or indirectly violating any of the provisions of this Act shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding five thousand dollars (\$5000.00), or be imprisoned, or both, in the discretion of the Court.

Section 28. Championship Boxing or Sparring. The Commission hereby is authorized and empowered to issue special promoter's licenses for championship boxing matches for more than ten rounds and not to exceed twenty rounds in any such championship match; provided, that not more than two such championship matches shall be held in any one year, the Commission to be the sole judge of the championship status of such matches; and provided that a fee of one thousand dollars (\$1000.00) shall be paid by the promoter for each such special championship license, and that a tax of ten per centum of the total gross receipts, exclusive of any Federal tax thereon, shall be paid by the licensed promoter to the State for the use of the Commission. Such championship match or bout shall be in addition to the limitation of rounds set forth for exhibitions in Section 10 hereof.

Approved April 20, 1933.

## CHAPTER 58

## REVISED CODE COMMISSION

**AN ACT to amend Chapter 38, Volume 37, Laws of Delaware, entitled "An Act Providing for the Appointment of a Commission to Revise the Public Laws of the State of Delaware and Codify and Arrange the Same."**

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

Section 1. That Chapter 38, Volume 37, Laws of Delaware, be and the same is hereby amended by adding the following Sections, viz:—

Section 9. That the Revised Code Commission, in addition to the maximum sum stated in Section 8 of this Chapter, is hereby authorized to draw further orders, from time to time, signed by all of the Commissioners, upon the State Treasurer for such sum or sums as shall be necessary for defraying its expenses and for paying, from time to time, reasonable compensation to the said Commissioners, not exceeding the further sum of Fifteen thousand dollars, and the State Treasurer, when drawn upon by such orders, shall pay the same out of any money in the general fund of the State Treasury not otherwise appropriated, not exceeding the sum total of the original and additional limit fixed as aforesaid.

Section 10. That the members of the Revised Code Commission, in accepting the provisions of this Act, agree to complete the entire work as provided for in said Chapter 38, Volume 37, Laws of Delaware, including the laws passed at this present session of the General Assembly, without, hereafter, requesting any additional appropriation for said work.

Approved May 9, 1933.

## CHAPTER 59

## MILK COMMISSION

**AN ACT creating a "Milk Commission" to investigate and regulate and prohibit any unfair, unjust, uneconomical practices in the production, sale, and distribution of milk in the State of Delaware.**

WHEREAS, many complaints are being made by milk producers in regard to their unjust and unfair treatment by purchasers and distributors of milk.

WHEREAS, many complaints are also being made by milk producers in regard to rules and regulations with which they must comply in order to sell milk.

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

Section 1. That the Governor of the State of Delaware shall be and he is hereby authorized and directed to appoint a Commission to be composed of five (5) persons to be known as the "Milk Commission". Two (2) of said members shall be Milk Producers; one (1) member shall be a Milk Distributor and two (2) of said members shall be appointed from the public at large. No more than a majority thereof shall belong to the same political party.

Section 2. The "Milk Commission" shall become effective when the Governor of the State of Delaware appoints same after the approval of this Act and shall serve for a period of two (2) years.

Section 3. A majority of the Commission shall constitute a quorum for the purpose of transacting business. In the event of the resignation or death of any of the members of the Commission herein named, or in the event of any vacancy, the Governor of the State of Delaware, shall appoint a person to fill the unexpired term of said member, and the Commissioner so appointed

## MILK COMMISSION

shall be of the same political party as the member of the Commission who resigned or died, while in office, or in which the vacancy occurs.

Section 4. The Commission shall meet and investigate any complaint in writing addressed to any member of the Commission and signed by twenty-five (25) or more milk producers of the State of Delaware, setting forth any unfair, unjust, unreasonable, uneconomical trade practices affecting the production and distribution of milk.

If, in the opinion of a majority of the Commission, such complaint or complaints appear justifiable, the Commission shall have the power to issue subpoena or subpoenas to compel attendance of witnesses and the production of such books, records and papers as may be necessary in obtaining the desired information.

Section 5. After a hearing by the Commission, to which all parties involved shall be invited or subpoenaed, the Commission shall determine and decide whether or not the complaint is justifiable and if it is found justifiable, the Commission shall have further power to make such decisions, rules and regulations as will exact and compel fair and equitable treatment for the milk producers of the State of Delaware. No decisions, rules or regulations made by this Commission shall conflict or be inconsistent with regulations promulgated by Departments of the State of Delaware, or Federal Government.

Section 6. Any person found guilty of violating any of the provisions of this Act, in the Court of General Sessions of the State of Delaware, shall be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00).

Section 7. The members of said Commission shall receive as compensation the sum of Ten Dollars (\$10.00) for attending each meeting provided, however, they shall not receive more than Twenty Dollars (\$20.00) for any one month. When and if, in the

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opinion of the Commission, it is deemed necessary, the Commission may employ stenographic or secretarial services at a sum not to exceed Two Hundred Dollars (\$200.00) per annum. The State Treasurer shall honor the warrants of said Commission signed by its Chairman and attested by its Secretary for the amounts herein set forth and the said money is to be paid out of the General Fund from moneys not otherwise appropriated.

Approved June 12, 1933.

## CHAPTER 60

## BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS

**AN ACT for the Registration of Architects in the State of Delaware.**

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

Section 1. Be it enacted that a Board of Examiners and Registration of Architects is hereby created, the members of which and their successors shall be appointed by the Governor and removable at his pleasure, and which Board, shall make rules for the holding of examinations and registration of applicants for the certificates provided for by this Act.

Section 2. The Board shall be appointed within ninety days after the approval of this Act, and shall be composed of five Architects who have been in active practice in the State of Delaware for not less than three years previous to their appointment.

Section 3. In making the first appointments under this Act, the Governor shall appoint one of the said members of said Board to hold office for a period of one year; one to hold office for a period of two years; one to hold office for a period of three years; one for four years, and one for five years, and thereafter all appointments shall be made for a period of five years. In case a successor is not appointed at the expiration of the time of any member, such member shall hold office until his successor has been duly appointed and qualified. In the event of any vacancy occurring in the membership of said Board and in any manner other than by expiration of time, the Governor shall fill said vacancy by an appointment for the unexpired term.

Section 4. The members of said Board shall, before entering upon the discharge of their duties, subscribe to and file with the Secretary of State the constitutional oath of office.

Section 5. The Board of Examiners and Registration of Architects shall meet for organization within thirty days after

## BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS

its appointment, and shall elect from its membership a president and secretary.

Section 6. The said Board shall adopt all necessary rules, regulations and by-laws, not inconsistent with this Act, and the Constitution and laws of this State and of the United States, to govern its time and places of meeting for organization and reorganization and the holding of examinations, the length of the terms of its officers and all other matters requisite to the exercise of its powers, the performance of its duties and the transaction of its business under the provisions of this Act. At least one meeting shall be held each year for the purpose of examination for registration.

Section 7. Three members of the said Board shall constitute a quorum, but no action at any meeting can be taken without at least three votes in accord.

Section 8. The Secretary of said Board shall keep a true record of all proceedings of the Board.

Section 9. The said Board may incur such expenses as shall be necessary, all of which expenses shall be paid only out of the revenue arising from this Act and in the manner hereinafter mentioned and provided.

Section 10. All fees provided for by this Act and all fines and penalties derived from the operation of this Act shall be paid to and receipted for by the Treasurer of the State of Delaware, and shall not be used for any purpose other than the purpose of this Act. The expenses of the Board of Examiners and Registration of Architects, subject to the approval of the State Treasurer, shall be paid by him upon written order and warrant of the President and Secretary of said Board.

Section 11. The members of said Board shall serve without compensation for their services.



## BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS

Section 12. A roster showing the names and places of business and of residences of all registered Architects shall be prepared by the Secretary of the Board during the month of July of each year. On or before the first day of August each year the Board shall submit to the Governor a report of its transactions for the preceding year, together with a complete statement of the receipts and expenditures of the Board, certified by the President and the Secretary, and a copy of said roster of Registered Architects. A copy of this report shall be filed with the Secretary of State.

Section 13. In order to safeguard life, health and property, no person, except as hereinafter provided, shall after the passage of this Act, practice Architecture in this State or use the title Architect or Registered Architect, or any title, sign, card or device to indicate that such person is practicing architecture or is an architect unless such person shall have secured from the said Board a certificate of registration in the manner hereinafter provided, and shall thereafter comply with the provisions of this Act whether practicing as a member of a firm or through a corporation. In the case of a corporation, partnership or association practicing architecture in this State each member of the corporation, partnership or association whose name appears as a member of the firm shall secure a certificate of registration.

Section 14. Any person who is practicing architecture in this State as an architect and is maintaining his principal office in the State of Delaware at the time of the passage of this Act may continue his practice and the use of the title "Architect", and any such person after becoming duly registered in the manner provided by and pursuant to this Act may be styled or known as a Registered Architect.

Section 15. In order to receive a certificate of registration, the applicant shall satisfactorily pass an examination in such academic, technical and professional subjects as shall be prescribed by the Board of Examiners and Registration of Architects. The Board may, in lieu of examination, accept satisfactory

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evidence of any one of the qualifications set forth under subdivisions (a), (b) and (c) of this section.

(a) A diploma of graduation or satisfactory certificate from an architectural college or school that he or she has completed a technical course approved by the American Institute of Architects, together with and subsequent thereto of at least five years satisfactory experience in the office or offices of reputable Architect or Architects.

(b) Registration or certification as an Architect in another State or Country, where the requirements for the registration are equal, in the opinion of said Board, to the requirements in this State.

(c) Satisfactory evidence that he or she has had ten years' practical experience in the offices of a reputable architect or architects or five years of practice as an architect under his or her own name and/or as a member or an officer of a corporation engaged in the practice of architecture, the total of said five years of practical experience to have been completed no later than within two years after the time of the passage of this Act.

The Board may require applicants under subdivisions (a) and (b) to furnish satisfactory evidence of knowledge of professional practice.

Section 16. The fee to be paid to the Board by an applicant for an examination to determine his fitness to receive a certificate of registration as Registered Architect shall be twenty dollars.

The fee to be paid to the Board by an applicant who has passed the examination to determine his fitness to receive a certificate of registration as Registered Architect shall be five dollars.

The fee to be paid to the Board by an applicant for a certificate of registration as Registered Architect, who is an Archi-

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tect registered or licensed under the laws of another State or Territory of the United States, or of a foreign Country or Province shall be twenty-five dollars.

The fee to be paid to the Board for the renewal of a certificate of registration shall be five dollars.

Fees are not refunded for any cause.

Section 17. Certificates:—Filing, recording and renewal of all examination papers and other evidences of qualifications submitted by each applicant shall be filed with the Board of Examiners and Registration of Architects, and said Board shall keep a record open to public inspection at all reasonable times, of its proceedings, relating to the issuance, refusal, renewal, suspension and revocation of certificate of registration.

This record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every Registered Architect entitled to practice his profession in the State of Delaware.

Every person granted such certificate of registration shall have the same recorded with the Secretary of State of this State.

Section 18. Every Registered Architect in this State who desires to continue the practice of his profession shall, annually, during the month of July, renew his certificate of registration, and pay to the Board the renewal fee required by this Act.

A person who fails to renew his certificate of registration during the month of July in each year may not thereafter, renew his certificate except upon payment of the fee required by this Act.

Every renewal certificate shall expire on the thirtieth day of June following its issuance.

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Section 19. Revocation of Certificates:—The Board of Examiners and Registration of Architects may revoke any certificate after thirty days notice with grant of hearing to the holder thereof, if proof satisfactory to the Board be presented in the following cases:

(a) In case it is shown that the certificate of registration was obtained through fraud or misrepresentation.

(b) In case the holder of the certificate of registration has been found to have committed any fraud or deceit in his professional practice, or has been convicted of a felony.

(c) In case the holder of the certificate of registration has been grossly incompetent or reckless in the planning or construction of buildings.

Section 20. Proceedings for the annulment or the revocation of a certificate of registration shall be begun by filing a written statement with the Board of Examiners and Registration of Architects against the person charged under the preceding section. A time and place for the hearing of the charges shall be fixed by the Board. The Board shall make a written report of its findings, which report shall be filed with the Secretary of State of the State of Delaware.

Section 21. Every person who is lawfully making use of the title of Architect in this State before the going into effect of this Act, shall, within two years after the passage of this Act, record his name with proof of his use of such title with the Board of Examiners and Registration of Architects, such recording not to be interpreted as evidence of competency or ability unless applicant applied for and is granted a certificate of registration.

Section 22. On and after the passage of this Act, the use of the title of Architect or Registered Architect, or the use of any title, sign, card or device to indicate or intending to imply that the person using the same is an Architect or Registered

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Architect, without compliance with the provisions of this Act, or the making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act, shall be a misdemeanor punishable by a fine of not more than two hundred dollars, or imprisonment for not more than one year, or both.

Section 23. This Act shall take effect immediately.

Approved April 20, 1933.

## STATE HOUSING BOARD

## CHAPTER 61

**AN ACT to promote Public Health, Safety, Morals and General Welfare by providing for the construction and supervision of safe and sanitary dwellings and apartments, and for the renting thereof at reasonable rentals; the elimination of unsanitary and dangerous housing conditions: Authorizing the incorporation of limited dividend housing companies, and prescribing the powers, rights and duties thereof: Creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising and regulating such activities, prescribing and defining the powers and duties of Board including supervisory and regulatory powers over limited dividend housing companies engaged in such activities, authorizing the Board to fix within certain limits rentals of housing accommodations furnished by limited dividend housing companies.**

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

Section 1. This Act shall be known as the "State Housing Law."

Section 2. It is hereby declared as a matter of legislative determination that congested and unsanitary housing conditions which exist in certain areas of the State in low priced dwellings are a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of the State. The correction of these conditions in such areas now otherwise impossible, it is essential that provision be made for the investment of private funds at reasonable interest rates, the acquisition at fair prices of adequate parcels of land, the gradual demolition of existing unsanitary and unsafe housing and the construction of new housing facilities under public supervision in accord with proper standards of sanitation and safety and at a cost which will permit monthly rentals which wage earners can afford to pay and not in excess of the rates hereinafter provided, and such projects

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require the encouragement and supervision of a governmental agency of this State.

Section 3. The State Board of Housing is created and constituted with the powers and duties hereinafter provided.

Section 4. The State Board of Housing shall consist of five (5) members, residents of the State of Delaware, two of whom shall be business executives having broad knowledge of real estate valuations in Delaware, another of whom shall be a banker or a man with broad financial experience, another of whom shall be an architect or contractor with wide experience in building design and residential construction work, and the remaining one of whom shall be a man skilled in the building trades, having broad knowledge and experience in social service work and who shall be a representative of labor. The members of the Board shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, and two of whom shall be appointed and commissioned for the term of three years, two of whom shall be appointed and commissioned for a term of two years, and the remaining one of whom shall be appointed and commissioned for the term of one year. The successors to the members first appointed shall each be appointed for the term of four years, when and as the term of the members first appointed expire. The members of the Board shall hold office until their successors become duly qualified. In the case of any vacancy on the Board, such vacancy shall be filled by appointment of the Governor for the remainder of the term and as a representative of the group in which the vacancy shall occur, provided, however, that in case such vacancy shall occur when the Senate is not in session such vacancy shall be filled by the Governor without confirmation by the Senate until the end of the next session of the Senate.

Section 5. The Board shall annually organize by electing a President, who shall be a member of the board. The board shall employ an engineer, who shall be elected as Secretary of the Board. He shall receive an annual salary to be fixed by the Board,

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but he shall not be a member of the Board. He shall continue in office until removed by the election of a successor or by vote of a majority of the Board. The Board shall meet at least once in every three months, and oftener if necessary, and three members shall constitute a quorum for the transaction of business. The Board is authorized to frame such by-laws as may be necessary to govern their proceedings. The said board shall be authorized to employ such assistants and incur such reasonable expense as may be necessary to carry out the provisions of this Act.

Section 6. No housing project proposed by a limited dividend housing corporation incorporated under this Act shall be undertaken, and no building or other construction hereunder shall be placed under contract or started without the approval of the Board. No housing project shall be approved by the Board unless:

(a) It shall appear practicable to rent the housing accommodations to be created at rentals not exceeding those prescribed by the Board. No such project shall be approved in contravention of any zoning or building ordinance in effect in the locality in which designated areas are located.

(b) There shall be submitted to the Board a financial plan in such form and with such assurances as the Board may prescribe to raise the actual cost of the lands and projected improvements by subscriptions to or the sale of the stock, income debentures and mortgage bonds of such corporation. The plan may provide for the raising of working capital in an amount to be approved by the Board not to exceed three per centum of the actual cost through the investment in stock and income debentures of the corporation. Whenever reference is made in this Act to cost of projects or of buildings and improvements in projects, such cost shall include charges for financing and supervision approved by the Board and carrying charges during construction required in the project including interest on borrowed and, where approved by the Board, on invested capital.



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(c) There shall be such plans of site development and buildings as show conformity to reasonable standards of health, sanitation, safety and provisions for light and air, accompanied by proper specifications and estimates of cost. Such plans and specifications shall not in any case fall below the requirements of the health, sanitation, safety and housing laws of the State and shall meet superior requirements if prescribed by local laws and ordinances.

(d) The plans and specifications mentioned in the preceding paragraph shall have been submitted to the city plan commission, if such there be, of the city in which the housing project is located. Such commission shall return the plans and specifications to the Board within fifteen days of their receipt by the commission, together with such statements and recommendations as the commission may desire to make. It shall be within the discretion of the Board to adopt or reject any or all of such recommendations.

(e) If required by the Board, the corporation shall deposit all moneys received by it as proceeds of its mortgage bonds, notes, income debentures, or stock, with a trustee which shall be a banking corporation authorized to do business in the State of Delaware and to perform trust functions, and such trustee shall receive such moneys and make payment therefrom for the acquisition of land, the construction of improvements and other items entering into cost of land improvements upon presentation of draft, check or order signed by a proper officer of the corporation and, if required by the Board, countersigned by the said board or a person designated by it for said purpose. Any funds remaining in the custody of said trustee after the completion of the said project and payment or arrangement in a manner satisfactory to the Board for payment in full thereof shall be paid to the corporation.

Section 7. The Board shall have power to investigate into the affairs of limited dividend housing companies, incorporated under this act, and into the dealings, transactions, or relation-

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ships of such companies with other persons. Any of the investigations provided for in this Act may be conducted by the Board or by a committee to be appointed by the Board consisting of one or more members of the Board. Each member of the Board or a committee thereof shall have power to administer oaths, take affidavits and to make personal inspections of all places to which their duties relate. The Board or a committee thereof shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertaining to the investigations and inquiries authorized in this Act and to examine them in relation to any matter it has power to investigate, and to issue commissions for the examination of witnesses who are out of the State or unable to attend before the Board or excused from attendance.

Section 8. The Board is hereby empowered to (a) study housing conditions and needs throughout the State to determine in what areas congested and unsanitary housing conditions constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of the State, (b) prepare programs for correcting such conditions, (c) collect and distribute information relating to housing, (d) investigate all matters affecting the cost of construction or production of dwellings, (e) study means of lowering rents of dwellings by securing economy in the construction and arrangement of buildings, (f) recommend and approve the areas within which or adjacent to which the construction of housing projects by limited dividend housing companies may be undertaken, and (g) cooperate with local housing officials and planning commissions or similar bodies in cities and other localities in developments of projects, they at any time may have under consideration.

Section 9. The Board may permit the consolidation of two or more approved projects or the extension or amendment of any approved project or the consolidation of any approved project with a proposed project. In any of these events, the consolidation project shall be treated as an original project and an application shall be submitted as in the case of an original project and rents

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may be averaged throughout the consolidated or extended project. The Board may likewise permit or decline to permit any limited dividend corporation to organize and operate more than one project or to take over any project heretofore approved by the Board and to operate it independently of other projects of the corporation.

Section 10. In pursuance of its power and authority to supervise and regulate the operations of limited dividend housing companies incorporated under this Act the Board may:

(a) Order any such corporation to make, at its expense, such repairs and improvements as will preserve or promote the health and safety of the occupants of buildings and structures owned or operated by such corporations.

(b) Order all such corporations to do such acts as may be necessary to comply with the provisions of the law, the rules and regulations adopted by the Board or by the terms of any project approved by the Board, or to refrain from doing any acts in violation thereof.

(c) Examine all such corporations and keep informed as to their general condition, their capitalization and the manner in which their property is constructed, leased, operated or managed.

(d) Either through its members or agents duly authorized by it, enter in or upon and inspect the property, equipment, buildings, plants, offices, apparatus and devices of any such corporation, examine all books, contracts, records, documents and papers of any such corporation and by subpoena duces tecum compel the production thereof.

(e) In its discretion prescribe uniform methods and forms of keeping accounts, records and books to be observed by such companies and to prescribe by order accounts in which particular outlays and receipts shall be entered, charged or credited.

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(f) Require every such corporation to file with the Board an annual report setting forth such information as the Board may require verified by the oath of the president and general manager or receiver if any thereof or by the person required to file the same. Such report shall be in the form, cover the period and be filed at the time prescribed by the Board. The Board may further require answers to questions upon which the Board may desire information and may also require such corporation to file periodic reports in the form covering the period and at the time prescribed by the Board.

(g) From time to time make, amend and repeal rules and regulations for carrying into effect the provisions of this Act.

Section 11. The Board shall fix the maximum rental or charges per room to be charged the tenants of the housing accommodations furnished by such corporation. Such maximum rental or charges shall be determined upon the basis of the actual final cost of the project containing such rooms so as to secure, together with all other income of the corporation, a sufficient income to meet all necessary payments to be made by said corporations, as hereinafter prescribed, and such room rental rates or charges shall be subject to revision by the Board from time to time. The payments to be made by such corporation shall be (a) all fixed charges (including any ground rents) and all operating and maintenance charges and expenses which shall include taxes, assessments, insurance, amortization charges in amounts approved by the Board to amortize the mortgage indebtedness in whole or in part, depreciation charges, if, when and to the extent deemed necessary by the Board; reserves, sinking funds and corporate expenses essential to operation and management of the project in amounts approved by the Board. (b) A dividend not exceeding the maximum fixed by this Act upon the stock of the corporation allotted to the project by the Board. (c) Where feasible in the discretion of the Board, a sinking fund in an amount to be fixed by the Board for the gradual retirement of the stock, and income debentures of the corporation to the extent permitted by this act.

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Letting, subletting or assignment of leases of apartments in such buildings or structures at greater rentals than prescribed by the order of the Board are prohibited and all such leases will be void for all purposes.

Section 12. (1) Reorganization of limited dividend housing companies shall be subject to the supervision and control of the Board and no such organization shall be had without the authorization of such board.

(2) Upon all such reorganizations the amount of capitalization, including therein all stocks, income debentures and bonds and other evidence of indebtedness shall be such as is authorized by the Board which in making its determination, shall not exceed the fair value of the property involved.

Section 13. Whenever the Board shall be of the opinion that any such limited dividend housing company is failing or omitting, or about to fail or omit to do anything required of it by law or by order of the Board and is doing or is about to do anything, or permitting anything or about to permit anything to be done, contrary to and in violation of law or of any order of the Board, or which is improvident or prejudicial to the interests of the public, the lienholders or the stockholders, it shall commence an action or proceeding in the Court of Chancery of the State of Delaware in the name of the Board for the purpose of having such violations stopped and prevented, either by mandamus or injunction. The Board shall begin such action or proceeding by a petition to the said Court of Chancery alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the Court to specify the time, not exceeding twenty days after service of a copy of the petition, within which the corporation complained of must answer the petition.

In the case of default in answer or after answer the court shall immediately inquire into the facts and circumstances in such manner as the Court shall direct without other or formal

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pleadings, and without respect to any technical requirements. Such other persons or corporations as it shall seem to the court necessary or proper to join as parties in order to make its order or judgment effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that a mandamus order or an injunction, or both, be issued as prayed for in the petition or in such modified or other form as the court may determine will afford appropriate relief.

Section 14. When the Board shall have approved a project for the construction of housing accommodations presented to it by a limited dividend housing company, such company may undertake the acquisition of the property needed for said project. Such property may be acquired by gift, bequest or purchase or, in the case of limited dividend housing companies, by the exercise of the power of eminent domain, under and pursuant to the law providing for the appropriation or condemnation of private property by corporations. The power of eminent domain shall not be exercised by a limited dividend housing company except with specific authorization of such action by the Board and for such purpose the Board shall specify that the acquisition of the property and the construction of the particular housing accommodations in connection with which said power is required has been determined by the Board, after public hearing, to be in the public interest and necessary for the public use. The hearing shall be held at a time and place appointed by the Board, and notice of such hearing shall be given by the corporation by one publication in a newspaper, designated by the Board, published or circulated in the city or county wherein the property is located, at least twenty days prior to such hearing. The owner or owners as shown upon the county auditor's current tax duplicate of such property as is proposed to be acquired shall also be notified at least twenty days prior to such hearing. The owner or owners as shown upon the county auditor's current tax duplicate of such property as is proposed to be acquired shall also be notified at least twenty days prior to such hearing by registered mail addressed to the last known address of such owner or owners.

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The Board may expressly except from its certificate hereunder any part of the property proposed to be acquired as unnecessary to the plan. The approval by the Board of the project shall be deemed in any proceeding to acquire land by appropriation as sufficient evidence of the necessity of the appropriation and a duly certified copy of the certificate of the Board shall be conclusive evidence as to the matters lawfully certified therein in any appropriation proceeding.

Section 15. Whenever the council of any municipality in which a project approved by the Board is located shall determine by ordinance that any part of the land included in any such project should be maintained as a public park or grounds, such land may be purchased by the municipality for such purpose, and thereafter be maintained as a public park or grounds. The council of a municipality by ordinance may also determine that real property of the municipality, specified and described in such ordinance, is not required for use by the municipality and may sell or lease such real property to a limited dividend housing company incorporated under this act, after giving notice by advertisement once each week for three consecutive weeks in a newspaper of general circulation in the county, of the property proposed to be sold or leased and of the terms of such proposed sale or lease. The council of any municipality in which the projects authorized under this Act are located, is authorized to exempt the buildings and improvements created in connection with such projects from local taxation, and should said municipality exempt such buildings and improvements from taxation, the buildings and improvements of said company shall to the extent of such exemption be exempt from any and all State and County Taxes.

Section 16. Any number of natural persons, not less than three, a majority of whom are citizens of the United States, may become a corporation by subscribing, acknowledging and filing in the office of the Secretary of State, articles of incorporation, hereinafter called "Articles," setting forth the information re-

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quired by the general corporation act of the state, except as herein modified or changed.

(a) The purposes for which a limited dividend housing company is to be formed shall be as follows: To acquire, construct, maintain and operate housing projects when authorized by and subject to the supervision of the board of housing.

(b) The shares of which the capital shall consist shall have a par value.

(c) Articles of incorporation shall contain a declaration that the corporation has been organized to serve a public purpose and that it shall remain at all times subject to the supervision and control of the board or of other appropriate state authority; that all real estate acquired by it and all structures erected by it, shall be deemed to be acquired for the purpose of promoting the public health and safety and subject to the provisions of the state housing law and that the stockholders of this corporation shall be deemed, when they subscribe to and receive the stock thereof, to have agreed that they shall at no time receive or accept from the company, in repayment of their investment in its stock, any sums in excess of the par value of the stock, together with cumulative dividends at the rate of eight per centum per annum, and that any surplus in excess of such amount if said company shall be dissolved, shall revert to the State of Delaware.

(d) The provisions of the general corporation act, as hereafter from time to time amended, shall apply to limited dividend housing companies, except where such provisions are in conflict herewith.

Section 17. No stockholder in any company formed hereunder shall receive any dividend in any one year in excess of eight per centum per annum except that when in any preceding year dividends in the amount prescribed in the articles of incorporation shall not have been paid on the said stock, the stockholders may be paid such deficiency without interest out of any surplus earned in any succeeding years.



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Section 18. No limited dividend housing company incorporated under this Act shall issue stock, bonds, or income debentures, except for money or property actually received for the use and lawful purpose of the corporation. No stock, bonds, or income debentures, shall be issued for property except upon a valuation by the board of housing and such valuation shall be used in computing actual or estimated cost.

The board of housing may permit stock or income debenture to be issued to any amount not exceeding three per centum of the estimated total cost, or three per centum of the actual cost, if actual cost should exceed estimated cost, of a project for working capital to be used in connection with such project.

Section 19. The articles of incorporation may authorize the issuance of income debenture certificates bearing no greater interest than six per centum per annum. After the incorporation of a limited dividend housing company, the directors thereof may, with the consent of two-thirds of the holders of any preferred stock that may be issued and outstanding, offer to the stockholders of the company the privilege of exchanging their preferred and common stock in such quantities and at such times as may be approved by the board of housing for such income debenture certificates, whose face value shall not exceed the par value of the stock exchanged therefor.

Section 20. No limited dividend housing company incorporated under this Act shall:

(1) Acquire any real property or interest therein unless it shall first have obtained from the board a certificate that such acquisition is necessary or convenient for the public purpose defined in this Act.

(2) Sell, transfer, assign or lease any real property except to another limited dividend housing company formed under this article, and without first having obtained the consent of the board, provided, however, that leases conforming to the regulations and rules of the board and for actual occupancy by the lessees may

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be made without the consent of the board. Any conveyance, encumbrance, lease or sub-lease made in violation of the provisions of this section and any transfer or assignment thereof shall be void.

(3) Pay interest returns on its mortgage indebtedness and its income debenture certificates at a higher rate than six per centum per annum.

(4) Issue its stock, debentures and bonds covering any project undertaken by it in an amount greater in the aggregate than the total actual final cost of such project, including the lands, improvements, charges for financing and supervision approved by the board and interest and other carrying charges during construction, and an allowance for working capital to be approved by the board but not exceeding three per centum of the estimated cost or of the total actual final cost of the project shall be greater than the estimated cost.

(5) Mortgage any real property without first having obtained the consent of the board.

(6) Issue any securities or evidences of indebtedness without first having obtained the approval of the board.

(7) Use any building erected or acquired by it for other than housing purposes, except that when permitted by law the story of the building above the cellar or basement and the space below such story may be used for stores, commercial, cooperative or community purposes, and when permitted by law the roof may be used for cooperative or community purposes.

(8) Charge or accept any rental fee or other charge for housing accommodations in any building constructed, acquired operated or managed by it in excess of the prices prescribed by the board.

(9) Enter into contracts for the construction of housing projects, or for the payments of salaries to officers or employees

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except subject to the inspection and revision of the board and under such regulations as the board may from time to time prescribe.

(10) Voluntarily dissolve without first having obtained the consent of the board.

(11) Make any guaranty without the approval of the board.

Section 21. Any company formed under this Act may, subject to the approval of the board, borrow funds and secure the repayment thereof by bond and mortgage or by an issue of bonds under trust indenture. Each mortgage and issue of bonds by a company formed hereunder shall relate only to a single specified project and no other, and said bonds shall be secured by mortgage upon all of the real property of which said project consists. The bonds so issued and secured and the mortgage or trust indentures relating thereto, may create a first or senior lien and a second or junior lien upon the real property embraced in any project. Such bonds and mortgages may contain such other clauses and provisions as shall be approved by the board, including the right to assignment of rents and entry into possession in case of default; but the operation of the housing projects in the event of such entry by mortgages or receiver shall be subject to the regulations of the board under this Act. Provisions for the amortization of the bonded indebtedness of companies formed under this act shall be subject to the approval of the board.

Section 22. The amount of net earnings transferable to surplus in any year after making or providing for the payments specified in subdivisions (a), (b) and (c) of section 11 of this act shall be subject to the approval of the board. The amount of such surplus shall not exceed fifteen per centum of the outstanding capital stock and income debentures of the corporation, but the surplus so limited shall not be deemed to include any increase in assets due to reduction of mortgage or amortization or similar payments. On dissolution of any limited dividend housing company, the stockholders and income debenture certificate holders shall in no event receive more than the par value of their stock

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and debentures plus accumulated, accrued and unpaid dividend or interest, and any remaining surplus shall be paid into the general fund of the State of Delaware.

Section 23. If in any calendar or fiscal year the gross receipts of any company formed hereunder should exceed the payments or charges specified in Section 11, the sums necessary to pay dividends, interest accrued or unpaid on any stock or income debentures, and the authorized transfer to surplus, the balance shall, unless the board of directors with the approval of the board of housing shall deem such balance too small for the purpose, be applied to the reduction of rentals.

Section 24. (1) In any foreclosure action the board shall be made a party defendant; and such board shall take all steps in such action necessary to protect the interest of the public therein, and no costs shall be awarded against the board. Foreclosure shall not be decreed unless the court to which application therefor is made shall be satisfied that the interest of the lien holder or holders cannot be adequately secured or safeguarded except by the sale of the property. In any such proceeding, the court shall be authorized to make an order increasing the rental to be charged for the housing accommodations in the project involved such foreclosure, or appoint a receiver of the property or grant such other and further relief as may be reasonable and proper. In the event of a foreclosure sale or other judicial sale, the property shall, except as provided in the next succeeding paragraph of this section, be sold to a limited dividend housing corporation organized under this act, provided such corporation shall bid and pay a price for the property sufficient to pay court costs and all liens on the property with interest. Otherwise the property shall be sold free of all restrictions imposed by this act.

(2) Notwithstanding the foregoing provision of this section, wherever it shall appear that a corporation, subject to the supervision either of the state insurance department or the state banking department, or the federal government or any agency or department of the federal government, shall have loaned on a mortgage which is a lien upon any such property, such corpora-

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tion shall have all the remedies available to a mortgagee under the laws of the State of Delaware, free from any restrictions contained in this section, except that the board shall be made a party defendant and that such board shall take all steps necessary to protect the interests of the public and no costs shall be awarded against it.

Section 25. Any person directly affected and aggrieved by any order or decision of the board may appeal within twenty days after the rendering of such order or decision to the Court of Chancery of the State of Delaware for the purpose of having the reasonableness and lawfulness of the order or decision inquired into and determined. The party taking such appeal shall set forth in the appeal filed by him his objections to the order or decision and the manner in which he is aggrieved thereby. Within three days after the filing of the appeal he shall file with the board written notice thereof and the board shall, within five days after receiving such written notice, file with the clerk of the court to which such appeal is taken, a certified copy of the order or decision appealed from and within ten days thereafter all documents and exhibits considered by the board in the matter, accompanied by a statement of the facts and reasons on which the order or decision is based and, if available, a transcript of the testimony taken at the hearing.

The party taking the appeal shall file within five days after service of notice upon the board a copy of said notice with proof of service with the clerk of the court and thereupon the court shall have jurisdiction in said appeal and the same shall be entered upon the records of the court and shall be tried therein without formal pleadings.

The court shall hear and determine such appeal with all convenient speed on the record before the board and on such new and additional evidence as may be offered by either party. An order or decision of the board shall be held prima facie to be reasonable and the burden of proof in all issues raised by the appeal shall be on the party appealing.

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Any party directly affected by any order or decision of the board who shall fail to file an appeal as herein provided to such order or decision, shall be deemed to have assented thereto.

Any notice or other instrument in writing may be served upon the board by delivering the same to the president or secretary of the board, or, if neither of such officers can be found, by a copy left at the office or usual place of business of the board with the persons having charge thereof.

Section 26. Before any limited dividend housing corporation incorporated under this Act shall purchase the property of any other limited dividend housing corporation, it shall file an application with the board in the manner hereinbefore provided as for a new project shall obtain the consent of the board to the purchase and agree to be bound by the provisions of this act, and the board shall not give its consent unless it is shown to the satisfaction of the board that the project is one that can be successfully operated according to the provisions of this act.

Section 27. In the event of a judgment against a limited dividend housing corporation in any action not pertaining to the collection of a mortgage indebtedness, there shall be no sale of any of the real property of such corporation except upon sixty days' written notice to the board. Upon receipt of such notice the board shall take such steps as in its judgment may be necessary to protect the rights of all parties.

Section 28. The board may charge and collect from a limited dividend housing corporation, incorporated under this act, reasonable fees in accordance with rates to be established by the rules of the board for the examination of plans and specifications and the supervision of construction in an amount not to exceed one-half of one per cent of the cost of the project; for the holding of a public hearing upon application of a housing corporation an amount sufficient to meet the reasonable cost of advertising the notice thereof and of the transcript of testimony taken thereat; for any examination or investigation made upon application of housing corporation and for any act done by the board, or any

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of its employees, in performance of their duties under this Act an amount reasonably calculated to meet the expenses of the board incurred in connection therewith. The board may authorize a housing corporation to include such fees as part of the cost of a project, or as part of the charges specified in section 11 of this act pursuant to rules to be established by the board.

Section. 29. Any corporation created under the provisions of this Act, in addition to the powers herein granted, shall have full power and authority to do all things necessary to secure loans from the Reconstruction Finance Corporation under the rules and regulations prescribed by said Reconstruction Finance Corporation.

Section 30. The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decisions so holding shall not be construed to affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Approved April 20, 1933.

## CHAPTER 62

## DELAWARE RACING COMMISSION

**AN ACT to Provide for the Regulation, Control and Licensing of Horse Racing in the State of Delaware, to create a Delaware Racing Commission, and to Prescribe its Powers and Duties and Providing for Salaries and Expenses Therefor, and to Provide for the Fees to be Charged and Taxes to be Collected for the Conduct of Horse Racing within the State of Delaware and the Disposition Thereof.**

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

Section 1. That there shall be a Delaware Racing Commission, and the same is hereby created and established, which said Delaware Racing Commission shall be vested with and possessed of the powers and duties in this Act specified, and also the powers necessary or proper to enable it to carry out fully and effectually all the purposes of this Act. The jurisdiction, supervision, powers and duties of the Delaware Racing Commission herein created and established, shall extend under this Act to any and all person or persons, associations or corporations which shall hereafter hold or conduct any meeting within the State of Delaware whereat horse racing shall be permitted for any stake, purse or reward.

Section 2. Said Delaware Racing Commission shall consist of three members all of whom shall be appointed by the Governor and not more than two of whom shall be of the same political party, and one of whom shall be designated by the Governor to be the chairman of the said Commission, and one of whom shall be designated by the Governor to be the Secretary of the said Commission. Each Commissioner at the time of his appointment and qualification shall be a resident of the State of Delaware and shall have resided in said State for a period of at least two years next preceding his appointment and qualification, and he shall also be a qualified voter therein and not less than thirty years of age. One of said Commissioners shall hold office for two years from the beginning of his term of office and until his successor shall qualify. One of said Commissioners shall hold office for four years from the beginning of his term of office and until his suc-



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cessor shall qualify; and one of said Commissioners shall hold office for six years from the beginning of his term of office and until his successor shall qualify. The term of office of each Commissioner shall begin within thirty days from the time this Act takes effect. The Governor at the time of making and announcing said appointment of three Commissioners, as well as in the commission issued by him to each of them, shall designate which of said Commissioners shall serve for the term of two years, and which shall serve for the term of four years, and which shall serve for the term of six years, as aforesaid, and also which shall be the chairman and which shall be the secretary of said Commission. Upon the expiration of each of said terms, the term of office of each Commissioner thereafter appointed shall be six years from the time of his appointment and qualification, and until his successor shall qualify. In case any Commissioner shall be allowed to hold over after the expiration of his term, his successor shall be appointed for the balance of the unexpired term. Vacancies in said Commission shall be filled by the Governor for the unexpired term. Each Commissioner shall be eligible for reappointment in the discretion of the Governor.

The Governor may remove any Commissioner for inefficiency, neglect of duty or misconduct in office, giving to him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days notice. If such Commissioner shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such Commissioner and his findings thereof, together with a complete record of the proceedings. No person shall be eligible for appointment or shall hold the office of Commissioner, or be appointed by the Commission, or hold any office or position under the Commission, who holds any official relation to any association or corporation engaged in or conducting racing within the State of Delaware.

Section 3. Before entering upon the discharge of the duties of his office, each member of the Commission shall take oath that he will well and faithfully execute all and singular the duties appertaining to his office according to the laws of the State and

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the rules and regulations adopted in accordance therewith, and shall give bond to the State of Delaware, with personal or corporate security or securities approved by the Governor in the penalty of \$100,000.00, with the condition that he will well and faithfully execute and perform all and singular the duties appertaining to this office according to the laws of this State and the rules and regulations adopted in accordance therewith. Every such bond, when duly executed and approved, shall be filed in the office of the Secretary of State of the State of Delaware, and certified copies under the seal of said Secretary of State may be used as evidence in any Court of this State. It shall be the duty of the Governor at all times when, in his opinion, the security or securities of any member of said Commission shall become or are likely to become invalid or insufficient, to demand and require such member of said Commission forthwith to renew his bond to the State of Delaware with security or securities to be approved by the Governor, in the penalty and according to the form prescribed in this section. Any member of said Commission who shall fail to take oath and give bond with security or securities as aforesaid, within thirty days of the date of his appointment, or who shall fail to renew his bond with security or securities as aforesaid, within thirty days after the same shall have been demanded and required by the Governor, shall be deemed to be guilty of neglect of duty and shall be removable as hereinbefore provided. The cost of any bond given by any member of said Commission under this Section, shall be taken to be a part of the necessary expenses of said Commission and shall be payable as hereinafter provided.

Section 4. Said Commission shall meet at such times and places within the State of Delaware as the Commission shall determine. The members thereof shall be entitled to their reasonable expenses for each meeting so attended, with the exception of the meetings held at the office, which the Commission shall maintain within the City of Wilmington. A majority of the Commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Commission. The Commission may appoint such officers, clerks, stenographers, inspectors, experts and em-

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ployees as may be necessary, all of whom shall serve during the pleasure of said Commission. The Secretary, who shall be a member of the Commission, shall keep a record of all proceedings of the Commission, and shall preserve all books, maps, documents and papers belonging to the Commission or entrusted to its care, and perform such other duties as the Commission may prescribe. The Commission shall make an actual report to the Governor on or before the first day of January, which report shall include a statement of receipts and disbursements by the Commission, and any additional information and recommendations which the Commission may deem of value.

Section 5. The salary of the members of the Commission shall be One Dollar per annum. The salaries of clerks and other employees, and the rental of offices, and other expenses of the Commission, shall not exceed the sum of Three Thousand Dollars per annum.

Section 6. No person or persons, association or corporation shall thereafter hold or conduct any meeting within the State of Delaware whereat horse racing shall be permitted for any stake, purse or reward, except such person, association or corporation as shall be licensed by the Commission as hereinafter provided.

Section 7. Any person or persons, association or corporation desiring to conduct racing within the State of Delaware during any calendar year, shall apply to the Delaware Racing Commission for a license so to do. Such application shall be filed with the Secretary of the Commission on or before a day to be fixed by the Commission. Such application shall specify the days on which such racing is desired to be conducted, or held, and such application shall be in such form and supply such data and information, including a blueprint of track and specifications of surface of same and blueprint and specifications of buildings and grandstand of the applicant, as the Commission may prescribe, which said blueprints and specifications shall be subject to the approval of the Commission, which, at the expense of the applicant, may order such engineering examination thereof as to the Commission may seem necessary. The erection and construc-

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tion of the track, grandstand and buildings of any applicant for a license to conduct racing under this Act, shall be subject to the inspection of the Commission which, at the expense of the applicant, may employ such inspectors as it may consider necessary for said purpose. Said Racing Commission shall, as soon as practicable during 1933, and on or before the 15th day of January of each year thereafter, award all dates for racing in the State of Delaware within the current year, but the said dates so awarded shall not exceed thirty days in the aggregate, and the decision of the Commission on the award of all such dates shall be final. The Commission shall have power to reject any application for a license for any cause which it may deem sufficient and the action of the Commission shall be final. No one person, corporation or association shall be given a license to conduct racing for more than twenty days in one year, and no person, corporation or association, shall be licensed to hold more than two meetings in any one year, nor shall more than two meetings for racing, with an aggregate of twenty days, be held in any one year on any one track within the State of Delaware.

Ten days before any racing meet may be held under this Act, the person or persons, association or corporation licensed to conduct the meet shall deposit with the Commission insurance against personal injury liability which may be sustained at such meet, said insurance to be in amount approved by the Commission with premium or premiums prepaid.

Not less than five days prior to the opening of any meet authorized by the Commission, the Commission, at the expense of the licensee for said meet, shall cause to be made an inspection of the track, grandstand and buildings where said meet is to be held, and unless said track, grandstand and buildings are found to be safe for animals and persons, or are rendered safe therefor prior to the opening of the meet, the license for said meet shall be withdrawn.

Section 8. Said Commission may in its discretion meet subsequent to the 15th day of January of each year and award dates

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for racing within the limits hereinbefore provided on application submitted to it, provided that the days so awarded in no way conflict with the further provisions of this Act.

Section 9. Upon the award of days to any applicant, the Commission shall issue a license for the holding of the meet or meets during the days awarded to such applicant, and said license shall be subject to all rights, regulations and conditions from time to time prescribed by the Commission; and said license shall be subject to suspension or revocation by the Commission for any cause whatsoever which the Commission may, in its discretion deem sufficient. If any license is suspended or revoked, said Commission shall state publicly its reasons for so doing and cause an entry of such reasons to be made on the minute book of the Commission, and its action shall be final, provided, however, the propriety of such action shall be subject to review, upon question of law only, by the Superior Court of the County within which such license was granted, the action of the Commission to stand unless and until reversed by the Court.

Section 10. Racing under this Act shall be limited to animals of the equine species. No racing under this Act shall be held between the hours of sundown and sunrise, nor shall a license be issued by the Commission for flat racing on a track less than one mile in circumference. No steeple chase race shall be run in the infield of a track less than one mile in circumference.

Every license issued under this Act shall contain a condition that all running races or race meetings conducted thereunder shall be subject to the reasonable rules and regulations, from time to time prescribed by the Jockey Club, a corporation organized under the laws of the State of New York, and that all steeple chase races, or steeple chases shall be subject to the reasonable rules and regulations from time to time prescribed by the National Steeple Chase Association, a corporation organized under the laws of the State of New York. Any rule or regulation of such Jockey Club or National Steeple Chase Association may be modified or abrogated by the said Racing Commission, upon giving such Jockey Club or National Steeple Chase Association an opportunity to be heard.

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Said Commission may make rules governing, restricting or regulating the rate of charge by a licensee for admission, or for the performance of any service, or the sale of any article on the premises of such licensee.

No race shall be authorized or permitted for a purse, stake or reward of less than Seven Hundred Dollars (\$700.00) (plate value, if any, shall be considered as a part of the purse, stake or reward) except in the event of a split race, in which case the purse, stake or reward shall be equally divided.

No salary, fee or compensation paid by any person or persons, association or corporation, licensed as hereinbefore provided, to any one person, shall exceed the sum of Two Thousand Dollars (\$2,000.00) per annum.

All proposed extensions, additions or improvements to the buildings, stables, improvements on tracks or property, owned or leased by the licensee under this Act, shall be subject to the approval of the Commission. Said Commission shall have power to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any corporation, person or persons, or association licensed under the provisions of this Act to conduct racing meets. The Commission may at any time require the removal of any employee or official employed by any licensee hereunder. The Commission shall also have the power to require that the books and financial or other statements of any person, corporation or association, licensed under the provisions of this Act, shall be kept in any manner which to the Commission may seem best, and the Commission shall also be authorized to visit, to investigate, and to place expert accountants and such other persons as it may deem necessary, in the offices, tracks, or places of business of any such person, corporation or association, for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with, and the salaries and expenses of such expert accountants or other persons shall be paid by the person, corporation, or association to whom they are assigned. The said Commission shall have the authority to issue, under the hand of

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its Chairman and the seal of the Commission, subpoenas for the attendance of witnesses and the production of books, papers and documents, before the Commission, and to administer oath or affirmation to such witnesses whenever in the judgment of the said Commission it may be necessary for the effectual discharge of their duties. If any person shall refuse to obey any such subpoena, or to testify, or to produce any books, papers and documents, then any member of the Commission may apply to the Superior Court of the County in which he or the Commission may be sitting, and, thereupon, the said Court shall issue its subpoena requiring such person to appear and to testify, or to produce such books, papers and documents. Any person failing to obey or refusing to obey a subpoena of the said Court shall be deemed guilty of contempt of court, and shall be punished accordingly. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

Section 12. Every person or persons, association or corporation licensed to hold racing meets within the State of Delaware as hereinbefore provided, shall pay to the Commission a tax of twenty cents (20c) on each admission ticket sold by the licensee on each day the same shall be used. The licensee may if it desires collect such amount from each ticket holder in addition to the amount or amounts charged for such ticket of admission. Accurate records and books shall at all times be kept and maintained by the licensee showing the paid admission tickets sold and used on each racing day of each horse racing meet. The Commission, or its duly authorized representative or representatives, shall at all reasonable times have access to the admission records of any licensee for the purpose of examining and checking the same, and ascertaining whether or not the proper amount has been, or is being, paid the State of Delaware as herein provided. The Commission may also, from time to time, require sworn statements of the number or numbers of such paid admissions and may prescribe blanks upon which such reports shall be made.

Every person or persons, association or corporation, licensed to hold racing meets within the State of Delaware, as hereinbefore provided, shall on or before the first day of December of

## DELAWARE RACING COMMISSION

each year return to the Commission a full statement, under oath, of their receipts from all sources whatsoever during the calendar year, and of all expenses and disbursements, all itemized in the manner and form as shall be directed by the Commission, and with such allowances as may be approved by the Commission showing the net revenue from all sources derived by such person or persons, association or corporation, engaged in or conducting horse racing. The cost of any alterations, additions, changes or improvements made or proposed upon the property owned or leased by any such person and used by it for the convenience and comfort of the public and of the horse owners with the approval of the Commission shall be deducted as running expenses in such statements.

The Commission shall allow a licensee a reasonable annual depreciation on the buildings and equipment used in the holding of racing meets within the State of Delaware.

From any net revenue resulting after the payment of the admission taxes hereinbefore provided for, and after the allowances of the deductions for running expenses and depreciation hereinbefore provided for, and the payment of Federal taxes, if any, the Commission shall allow a licensee a sum not to exceed 4% of the capital investment of the licensee in his or its track, grandstand, buildings and equipment employed in holding racing meets as interest or return on said investment. All net revenue of a licensee remaining shall be set aside and employed by the licensee toward the maintenance of purses, stakes and rewards and for the maintenance and improvement of the track and buildings of the licensee.

Any licensee failing or refusing to pay the amount found to be due by the Commission as the tax on admissions shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) in addition to the amount due the Commission. All fines up to the amount found to be due the Commission and paid into Court by a licensee found guilty of violating this Section, shall be transmitted and paid over by the Clerk of the Court to the Commission.



## DELAWARE RACING COMMISSION

Section 13. Before the thirtieth days of June and December in each year, the Commission shall prepare and file with the State Treasurer a full and complete statement of its receipts and disbursements from all sources and shall pay over to the Treasurer of the State all monies in their hands, less the salaries and expenses of the Commission, less any other remittances herein provided.

Section 14. Any person aiding or abetting in the conduct of any meet within the State of Delaware at which racing of horses shall be permitted for any stake, purse or reward, except in accordance with a license duly issued and unsuspended or unrevoked by the Delaware Racing Commission, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Ten Thousand Dollars (\$10,000.00) for each day of such unauthorized meeting or by imprisonment in the discretion of the Court. It shall be the duty of all officers of the law to cooperate with the Commission for the proper enforcement of this Act, and the Governor may, upon the request of the Commission, order the Superintendent of State Police to assign a sufficient number of patrolmen to prevent horse racing at any track, a license for which has been refused, suspended or revoked by the Commission.

Section 15. No part of this Act shall be construed to apply to racing conducted by an Agricultural Fair Association, nor to harness horse races; nor shall any part of this Act apply to races at which no admission is charged, or at which no form of income by gift, admission, or otherwise is received, and for which no purse, stake or reward in cash, or the equivalent of cash is offered. A trophy, other than cash or the equivalent of cash, shall not be deemed a purse, stake or reward within the meaning of this Section. The Commission shall in all cases have power to and shall determine whether any trophy, reward, purse or stake offered for any race is cash or the equivalent of cash.

Section 16. Whoever shall bet or wager any money or valuable thing on the result of any horse race authorized by this

## DELAWARE RACING COMMISSION

Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding One Thousand Dollars (\$1,000.00) and imprisoned in the workhouse or jail of the proper county for a period not exceeding two years, or either or both, at the discretion of the Court.

Section 17. And be it further enacted that should any of the Sections or parts of Sections contained in this Act, be held to be unconstitutional and void by the Supreme Court of this State, it is hereby expressly declared that the remaining sections, or parts of sections of said Acts are not to be invalidated thereby, but are to remain in full force and effect as if the sections, or parts of sections held unconstitutional had never been enacted.

All other Acts and parts of Acts inconsistent with this Act, in so far as it or they may affect the racing of thoroughbred horses, are hereby repealed.

Approved June 12, 1933.

## CHAPTER 63

## SUPERVISION OF DEPENDENT CHILDREN

**AN ACT to amend Chapter 41 of the Revised Code of the State of Delaware, as amended by Chapter 64, Volume 30, Laws of Delaware, by giving Additional Powers to the State Board of Charities and Providing for Child Welfare Work in the State of Delaware.**

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

Section 1. That Chapter 41 of the Revised Code of the State of Delaware, as amended by Chapter 64, Volume 30, Laws of Delaware, be and the same is hereby further amended by repealing all of Paragraph 1003B, Section 1B, and inserting in lieu thereof the following to be known as 1003B, Section 1B.

1003B, Section 1B. The Governor shall be ex-officio member of the Board. Such Board may appoint and employ a Secretary, Social Welfare Workers especially trained in regard to approved methods of child care, Stenographers and such other officers as it may be necessary for the Board to appoint and employ for the purpose of properly administering its work. To be eligible for the position of "Social Welfare Worker" within the meaning of this Act, a person must have been engaged in active welfare case work for a period of not less than three years, and during that time must have been affiliated with a department, agency, association, institution, or organization recognized by a national agency dealing with the particular kind of welfare work in which said department, agency, association, institution, or organization might be engaged. Each of the officers and employees shall receive an annual salary as the Board may allow and necessary traveling expenses incurred in the discharge of official duties. Such salary and expenditures of the Board, certified in such manner as it may provide, shall be paid from the State Treasury, upon warrants, from funds appropriated for such purposes. The Board shall maintain an office at such place determined by the Board.

## SUPERVISION OF DEPENDENT CHILDREN

Section 2. That Chapter 41 of the Revised Code of the State of Delaware, as amended by Chapter 64, Volume 30, Laws of Delaware, be and the same is hereby further amended by repealing all of Paragraph 1004, Section 2, and inserting in lieu thereof the following to be known as 1004, Section 2.

1004, Section 2. The State Board of Charities is hereby authorized and it shall be its duty, as a whole or by a committee of its members, or by its duly authorized agents, to visit, inspect, and examine at least once a year, all institutions, agencies, associations, or organizations which are supported in whole or in part by public funds and which are of an eleemosynary and charitable, correctional or reformatory character, or which are for the care, confinement, custody, or training of the defective dependent, neglected, delinquent, or criminal classes.

The Board, its committee or agents, shall inspect and report on the workings and results obtained by said institutions, agencies, associations, or organizations the conditions of the same, the care of their inmates, the efficiency of their administration. All reports shall be duly signed and filed in the office of the Board, and if the Board deems it advisable, said reports may be transmitted to the Chairman of the Boards of Commissioners of the Counties, and/or the Presidents of the Councils of the Cities, and/or the officials who are in charge of the respective institutions, together with any recommendations concerning and relating to such reports. The officers and all other persons in charge of, or connected in any way with the administration or management of such institutions, agencies, associations, or organizations are hereby required to furnish to the Board, its committee or agents, all information, statistics, and reports required.

In order to avoid unnecessary duplication of work and expense in connection with any such institution, agency, association, or organization, operating within the State of Delaware; upon application and request made to it by the Superintendent or other duly authorized officer or agent of such institution, agency, association, or organization, the Board may refer the case for investi-

## SUPERVISION OF DEPENDENT CHILDREN

gation to any duly authorized parole officer employed or affiliated with any of such institutions, agencies, associations, or organizations, or to the Board's own investigator, and direct such parole officer or investigator to report to the party interested.

In determining the qualification of a parole officer or investigator, the State Board of Charities shall keep in mind the qualifications necessary for membership in the American Association for Social Workers.

Upon the request of any individual, superintendent or other duly authorized officer of any State institution, agency, association, or organization, the State Board of Charities may investigate by correspondence, visitation, and otherwise, the circumstances relating to the non-resident and alien poor temporarily residing within the State of Delaware, and also relating to those of our own citizens who might be classed as non-resident and alien poor in another state, the State Board of Charities hereby being given the power to dispose of and properly supervise such cases in accordance with the Laws of the State of Delaware relating thereto.

Any person interfering with the Board, its committee or agents in the discharges of their official duties, or refusing to disclose information concerning the institution, agency, association, or organizations, embraced in this Paragraph and Section when lawfully requested, shall be deemed guilty of a misdemeanor, and the penalty shall be a fine of not more than \$100. in the discretion of the Court.

Section 3. That Chapter 41 of the Revised Code of the State of Delaware, as amended by Chapter 64, Volume 30, Laws of Delaware, be and the same is hereby further amended by striking out all of Paragraph 1004A, Section 2A, and inserting in lieu thereof the following to be known as 1004A, Section 2A.

1004A, Section 2A. Any person, or association conducting a boarding home for children and all institutions, agencies, asso-

## SUPERVISION OF DEPENDENT CHILDREN

ciations, or organizations supported in whole or in part by public funds, receiving and placing or caring for dependent, neglected, or delinquent minors must accord the State Board of Charities, its committee or agents, right of entrance, privilege of inspection, and access to its accounts and reports.

Such person or association conducting a boarding home for children and all such institutions, agencies, associations, or organizations, caring for dependent, neglected, and delinquent children shall make reports at such time as is required by the State Board of Charities, as to conditions of such boarding home, institution, agency, association, or organization, the manner and way in which children are taken care of, former addresses and such other information as will show the social status of the child; how and to whom dismissed; the extent and source of its income; the cost of maintenance; and such other reasonable information as will enable the Board to promote the general welfare of the children and to work out a general program for their care and protection.

The State Board of Charities is empowered to prescribe reasonable standards for the conduct of such boarding home, institutions, agencies, associations, or organizations and is empowered to license such of these as conform to such standards.

Any person or association conducting a boarding home for children and all such institutions, agencies, associations, or organizations must obtain licenses annually from the State Board of Charities; except, however, those institutions, agencies, associations, or organizations under State ownership and control and maternity wards of general hospitals. In the case of a person conducting a boarding home for children such licenses shall not be issued to such person until the State Board of Charities has made a thorough investigation and has determined in accordance with reasonable standards as follows:

- a. The good character of the person applying for the license.

## SUPERVISION OF DEPENDENT CHILDREN

b. That the individual home meets the physical, social, moral, mental, educational and religious needs of the average child.

And in the case of institutions, agencies, associations or organizations, before such license shall be issued the State Board of Charities shall make a thorough investigation and favorably pass upon the following:

a. The good character and intention of the applicant or applicants.

b. The present and prospective need of the service rendered.

c. The employment of capable, trained, and experienced workers.

d. Sufficient financial backing to insure effective work.

e. The probability of the service being continued for a reasonable period of time.

f. That the methods used and the disposition made of the children served will be to their best interests and that of society.

For the purpose of interpreting the meaning of the words "boarding home" any person, association, agency, or organization is the keeper of a boarding home for children, if for hire, he, she or it

1. Advertises or holds himself, herself, or itself out as conducting such a boarding home;

2. Has in custody or control one child or more under the age of 18, unattended by parents or guardian, for the purpose of providing such child or children with care, food, or clothing for compensation.

SUPERVISION OF DEPENDENT CHILDREN

Nothing in this Act shall be construed to apply to homes where children have been placed, or hereafter shall be placed, by any Child Placement Agency, properly licensed to place children in the State of Delaware.

Any violation of the provisions of this Section shall be a misdemeanor and the penalty shall be a fine of not more than \$100, imprisonment of not more than three months, or both, in the discretion of the Court.

Approved April 20, 1933.



## CHAPTER 64

## SUPERVISION OF DEPENDENT CHILDREN

**AN ACT to further amend Chapter 41 of the Revised Code of the State of Delaware as amended by Chapter 50, Volume 32, Laws of Delaware, and Making Provisions for the Supervision and Regulation of Child Placement.**

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

Section 1. That Chapter 41 of the Revised Code of the State of Delaware as amended by Chapter 50, Volume 32, Laws of Delaware, be and the same is hereby amended by striking out all of 1005D, Section 3D, of said Chapter and placing in lieu thereof the following to be known as 1005D, Section 3D.

1005D, Section 3D. Before any person, institution, agency, association, corporation or organization shall place or cause to be placed, and/or shall receive or cause to be received, and/or shall keep or retain in custody, for the purpose of continued free or wage boarding, or otherwise, any dependent child residing in the State of Delaware, such person, institution, agency, association, corporation, or organization must first obtain the written consent of the State Board of Charities; provided, however, that the provisions of this Section shall not apply and relate to Child Placement Agencies, nor to institutions taking children under permanent care, regularly and duly authorized and licensed to place and receive dependent children in the State of Delaware, and the homes in which such child Placement Agency or institution might place children; and provided further that the provisions of this Section shall not apply to privately endowed institutions supported wholly by private endowment and established to provide continued care for dependent children.

Section 2. That Chapter 41 of the Revised Code of the State of Delaware as amended by Chapter 50, Volume 32, Laws of Delaware, be and the same is hereby further amended by striking out all of Paragraph 1005E, Section 3E, and inserting in lieu thereof the following to be known as 1005E, Section 3E.

## SUPERVISION OF DEPENDENT CHILDREN

1005E, Section 3E. Upon and after the approval of this Act it shall be unlawful for any Child Placement Agency, or Association operating within the State of Delaware, and supported in whole or in part by public funds, and/or any Bureau, Board or Commission of the State of Delaware and/or any person, institution, agency, association, corporation, bureau, board or commission without the State of Delaware to bring or send into this State, or in any way assist in the bringing or sending into this State of any dependent child who is a resident of another state for the purpose of placing or procuring the placement of such child in any home for free or wage boarding; and before any child shall be brought into the State of Delaware for the purpose of being placed in any home for adoption, the person, institution, agency, association, corporation, or organization desiring to bring or send, or to receive, any such child into this State, or both, as the State Board of Charities may require, shall first obtain the written consent of the State Board of Charities and execute a bond to the State of Delaware in the penal sum of Three Thousand Dollars (\$3,000.00), to be approved by the State Board of Charities, and to be with surety, if the State Board of Charities shall so require. The condition of the said bond shall be substantially that such person, agency, institution, association, corporation, or organization shall not bring or send, or cause to be brought or sent or receive, into this State any child that is incorrigible, that is of unsound mind or body, or is mentally subnormal; and that such person, agency, institution, association, corporation, or organization shall abide by all rules laid down by the State Board of Charities under 1005G, Section 3G, of this Act. If any such child shall become a public charge, or be convicted of any crime or misdemeanor before reaching the age of twenty-one years, such person, agency, institution, association, corporation, or organization responsible for such child, shall within thirty days after written notice given by the State Board of Charities, remove such child from the State, and shall pay to the State, County, or Municipality such sum as may have been expended in the care or prosecution of such child.

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SUPERVISION OF DEPENDENT CHILDREN

Section 3. That Chapter 41 of the Revised Code of the State of Delaware as amended by Chapter 50, Volume 32, Laws of Delaware, be and the same is hereby further amended by striking out all of Paragraph 1005F, Section 3F and inserting in lieu thereof the following to be known as 1005, Section 3F.

1005F, Section 3F. The State Board of Charities is hereby given the authority to examine the circumstances and system relating to the placement of any dependent child in any home and to inspect and investigate the particular home to which such dependent child is to be or has been assigned, and whenever satisfied that a child has been placed by any person, institution, agency, association, corporation, or organization in an improper home, it may order its transfer to a proper one or its removal from the State, and if said order is not obeyed within thirty days it shall itself take charge of the child, returning it to the said person, agency, institution, association, corporation, or organization responsible or otherwise providing for it. Any such person, agency, institution, association, corporation, or organization failing to remove such child after such notice shall at once pay the State such sum as the State may have expended in the care, maintenance or transportation of such child.

Section 4. That Chapter 41 of the Revised Code of the State of Delaware as amended by Chapter 50, Volume 32, Laws of Delaware be and the same is hereby further amended by striking out all of 1005G, Section 3G, and inserting in lieu thereof the following, to be known as 1005G, Section 3G.

1005G, Section 3G. Any person, agency, institution, association, corporation, organization placing any child under the provisions of this Act shall abide by all rules made by the State Board of Charities pertaining to the rejection, importation, placing, supervision, education, health, removal, and general welfare of all such children.

Section 5. That Chapter 41 of the Revised Code of the State of Delaware as amended by Chapter 50, Volume 32, Laws of Dela-

## SUPERVISION OF DEPENDENT CHILDREN

ware, be and the same is hereby further amended by striking out all of 1005I, Section 3I, and inserting in lieu thereof the following to be known as 1005I, Section 3I.

1005I, Section 3I. That any person, institution, agency, association, corporation, or organization, agent or employees thereof, who shall violate any of the provisions of the foregoing Sections 1005D, Section 3D, to 1005G, Section 3G, inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00), in the discretion of the Court, and any such person, institution, agency, association, corporation, or organization, or officer, agent or employee thereof who shall continue to disregard any of the provisions of the said sections for a period of ten days after notification from the State Board of Charities shall be guilty of a new, separate and distinct offense and misdemeanor, and upon conviction thereof, shall be fined for each offense not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

Approved April 20, 1933.

## CHAPTER 65

### DE VRIES MONUMENT

#### **AN ACT Placing the De Vries Monument, at Lewes, Delaware, Under the Care and Supervision of the Lewes Tercentenary Commission.**

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

Section 1. That on and after the approval of this Act, the Lewes Tercentenary Commission shall have full and complete care and supervision of the De Vries Monument, at Lewes, Delaware, and shall see that the said Monument is at all times in proper condition, and shall, from time to time, make all reasonable necessary repairs to the said Monument.

Approved May 26, 1933.

# TITLE SEVEN

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## County Government

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### CHAPTER 66

#### LEVY COURTS

#### **AN ACT Authorizing the Levy Court of Kent County to Refund Certain Indebtedness by Issuing Bonds Therefor.**

WHEREAS by the provision of Chapter 48, Volume 27, Laws of Delaware, the Levy Court of Kent County was authorized to issue bonds aggregating Eighty-five Thousand Dollars (\$85,000.00), and

WHEREAS said Act did not contain any sinking fund provision or provision for the payment of annual installments of principal, and

WHEREAS said bonds are due the first day of July, A. D. 1933, and

WHEREAS it is necessary that said indebtedness be refunded by the issuance of bonds therefor, Now Therefore,

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

Section 1. That the Levy Court of Kent County is hereby authorized and empowered to borrow upon the faith and credit of Kent County a sum of money, not exceeding Eighty-five Thousand Dollars (\$85,000.00) for the purpose of refunding certain bonds of Kent County issued under authority of Chapter 48 of Volume 27, Laws of Delaware, said bonds so to be issued are to be known as "Kent County Refunding Bonds."

Section 2. The said bonds shall be of the denomination of One Thousand Dollars (\$1,000.00) each and shall bear interest

## LEVY COURTS

at such rate, not exceeding five per centum per annum, as the said Levy Court of 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 eighty-five (1 to 85) inclusive;

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

Class	Amount	Year of Maturity
A .....	\$3,000.00	1940
B .....	\$3,000.00	1941
C .....	\$3,000.00	1942
D .....	\$3,000.00	1943
E .....	\$3,000.00	1944
F .....	\$3,000.00	1945
G .....	\$3,000.00	1946
H .....	\$3,000.00	1947
I .....	\$3,000.00	1948
J .....	\$3,000.00	1949
K .....	\$4,000.00	1950
L .....	\$4,000.00	1951
M .....	\$4,000.00	1952
N .....	\$4,000.00	1953
O .....	\$4,000.00	1954
P .....	\$4,000.00	1955
Q .....	\$4,000.00	1956
R .....	\$4,000.00	1957
S .....	\$4,000.00	1958
T .....	\$4,000.00	1959
U .....	\$5,000.00	1960
V .....	\$5,000.00	1961
W .....	\$5,000.00	1962

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Section 4. Said bonds shall be prepared under the supervision of the Levy Court of Kent County and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, and shall be under the seal used by the Levy Court of Kent County. It shall be the duty of such officers to execute said bonds, 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 Receiver of Taxes and County Treasurer 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 Receiver of Taxes and 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 Receiver of Taxes and 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 Receiver of Taxes and 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.



## LEVY COURTS

If no bids are received for said bonds, or if the bids received are rejected because of being inadequate, the said the Receiver of Taxes and 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 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 monies 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, directed and required 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.

Section 7. 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 any of said bonds shall mature and become due and payable under Section 3 hereof shall in like manner provide for a sum sufficient for the payment or redemption of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of the principal and interest of such of the bonds as may from time to time become due under the provisions of Section 3 of this Act.

## LEVY COURTS

Section 8. All monies 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 be deposited with the Receiver of Taxes and County Treasurer of Kent County in a separate account, to be opened by him for that purpose, and shall be used for the payment of the said Kent County bonds issued under authority of said Chapter 48, Volume 27, Laws of Delaware, and for no other purpose whatever.

Section 9. The bonds, herein provided for, shall be in substantially the following form, subject, however, to the provisions of Section 11 hereof;

UNITED STATES OF AMERICA  
STATE OF DELAWARE

Class .....

Number .....

“KENT COUNTY RE-FUNDING BONDS”

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 of the State of Delaware 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 eighty-five bonds aggregating Eighty-five Thousand Dollars (\$85,000.00) under and by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, approved                      A. D. 1933 entitled “An Act Authorizing the Levy Court of Kent County to Refund Certain Indebtedness by issuing bonds therefor,” and in pursuance of a resolution of the Levy Court of Kent County adopted                      A. D. 1933. 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

## LEVY COURTS

the date of issue thereof, pursuant to the notice in that behalf, prescribed by the 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.

Kent County in the State of Delaware hereby declares and covenants that in the execution and delivery of this bond, all the requirements of the Act referred to and of the Constitution and Laws of the State of Delaware have been fully complied with, and that all things necessary to the validity of this bond have happened and have been performed in the manner and form required by law.

IN WITNESS WHEREOF, the Receiver of Taxes and County Treasurer, the President of the Levy Court and Clerk of the Peace all of Kent County have hereunto set their hands, and the seal used by the Levy Court of Kent County has been hereto affixed, at the City of Dover, Delaware, this                      day of  
A. D. 19     .

.....  
Receiver of Taxes and County Treasurer of Kent  
County

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

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

Section 10. That the coupons attached to said bonds shall be in the following form:

## LEVY COURTS

"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. 19 , the sum of Dollars for six months' interest on Bond No. ....

"KENT COUNTY RE-FUNDING BONDS"

.....  
Receiver of Taxes and County Treasurer of Kent  
County

Section 11. The bonds, herein provided for, or any of them, may be called in, paid and redeemed at par and accrued interest out of any 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 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 Receiver of Taxes and County Treasurer for that purpose.

Approved April 13, 1933.

## CHAPTER 67

## LEVY COURTS

**AN ACT Authorizing the Levy Court of Kent County to Borrow Five Thousand Dollars (\$5,000.00) for the Construction of a Bridge Over Mispillion River in the City of Milford.**

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

Section 1. That the Levy Court of Kent County be and is hereby authorized and empowered to borrow upon the faith and credit of Kent County a sum of money not exceeding Five Thousand Dollars (\$5,000.00) to be expended in the construction of a bridge over Mispillion River in the City of Milford at a point which would connect Washington Street in Sussex County and Pear Street in Kent County. The said sum to be expended by said Levy Court whenever it shall deem it advisable that said bridge should be constructed. For the purpose of securing the money so borrowed said Levy Court is hereby authorized and empowered to issue and sell bonds of Kent County, with or without coupons attached thereto, to an amount not exceeding the sum of Five Thousand Dollars (\$5,000.00); said bonds to be known as "Mispillion River Bridge Bonds".

Section 2. Said bonds shall be of the denomination of One Thousand Dollars (\$1,000.00) each and shall bear interest at such rate, not exceeding five (5) per centum per annum, as the said Levy Court of 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 on said bonds shall be payable semi-annually in each and every year from the date of issue appearing therein.

Section 3. Said bonds shall be divided into five (5) classes and shall be paid at their face value, as follows:

## LEVY COURTS

Class	Amount	Year of Maturity
A	\$1,000	1938
B	1,000	1939
C	1,000	1940
D	1,000	1941
E	1,000	1942

Section 4. Said bonds shall be prepared under the supervision of the Levy Court of Kent County and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, and shall be under the seal used by the Levy Court of Kent County. It shall be the duty of such officers to execute said bonds, 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 Receiver of Taxes and County Treasurer 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 Receiver of Taxes and 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 Receiver of Taxes and 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 two 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 pur-

## LEVY COURTS

chaser thereof under such regulations as the said, the Receiver of Taxes and 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 Receiver of Taxes and 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 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, directed and required 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.

Section 7. All money received from the sale of any or all of said bonds, after payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the Receiver of Taxes and the County Treasurer at the Farmers' Bank of the State of Delaware, at Dover, to the credit of the

## LEVY COURTS

Levy Court in a separate account, and payments therefrom shall be made in the same manner as other payments by said Levy Court; provided, that no part of the money thus obtained, except as in this Section provided, shall be used for any other purpose than on account of the construction of said bridge.

Section 8. The said Levy Court, in fixing the rate and amount to be raised by 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 any of said bonds shall mature and become due and payable under Section 3 hereof shall in like manner provide for a sum sufficient for the payment of said bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of the principal and interest of such of the bonds as may from time to time become due under the provisions of Section 3 of this Act.

Section 9. That the said Levy Court is hereby expressly authorized and directed to levy and collect by taxation a sufficient amount to pay the interest on said bonds and an amount sufficient to pay the principal of said bonds as they mature as hereinbefore set forth.

Section 10. The bonds to be issued shall be in the following form, to wit:

UNITED STATES OF AMERICA  
STATE OF DELAWARE

Number.....

"MISPILLION RIVER BRIDGE BOND"

\$1,000.00

\$1,000.00

Kent County in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the



## LEVY COURTS

holder of this bond at the Farmers' Bank of the State of Delaware, 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                      in each year. This Bond is one of the authorized issue of five bonds aggregating Five Thousand Dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, approved                      A. D. 1933, entitled "An Act Authorizing the Levy Court of Kent County to borrow Five Thousand Dollars (\$5,000.00) for the construction of a Bridge over Mispillion River in the Cty of Milford", and in pursuance of a resolution of the Levy Court of Kent County, adopted                      , A. D.

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 Kent County are pledged for the punctual payment of the principal and interest of this Bond according to the terms.

Kent County in the State of Delaware hereby declares and covenants that in the execution and delivery of this bond, all the requirements of the Act referred to and of the Constitution and Laws of the State of Delaware have been fully complied with and that all things necessary to the validity of this bond have happened and have been performed in the manner and form required by law.

IN WITNESS WHEREOF The Receiver of Taxes and the County Treasurer, of Kent County, the President of the Levy Court and Clerk of the Peace of Kent County, have hereunto set their hands and seal of the Levy Court of Kent County, at the City of Dover, in Delaware, this                      day of                      A. D. 19                      .

.....  
Receiver of Taxes and the County Treasurer of Kent  
County

LEVY COURTS

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

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

Section 11. That if coupons are attached to said bonds they may 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.

"MISPILLION RIVER BRIDGE BOND"

Dated 19

.....  
Receiver of Taxes and County Treasurer of Kent  
County

Section 12. Said bonds shall contain such provisions in addition to those set forth in Section 10 of this Act and not inconsistent with the requirements of this Act as said Levy Court shall determine.

Approved April 20, 1933.

## CHAPTER 68

### LEVY COURTS

#### **AN ACT Authorizing the Levy Courts of Kent and Sussex Counties to Construct a Bridge Over Mispillion River, at Washington and Pear Streets in the City of Milford.**

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

Section 1. That the Levy Courts of Kent and Sussex Counties be and they are hereby authorized and empowered to construct a bridge over Mispillion River in the City of Milford at a point which would connect Washington Street in Sussex County with Pear Street in Kent County, whenever said Levy Courts shall deem advisable. After said bridge has been constructed, the maintenance and repair thereof shall be done and paid for by the said City of Milford at its expense.

Approved April 20, 1933.

## CHAPTER 69

## LEVY COURTS

**AN ACT to Amend an Act Entitled "An Act to Authorize the Levy Court of New Castle County to Construct Sewage Disposal Plants and Sewers Within Said County Outside of the Corporate Limits of Any City or Town and to Make Charges for Connecting With Said Sewers and Providing for the Regulation of the Use of Said Sewers".**

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

Section 1. That Chapter 69, Volume 35, Laws of Delaware, be and the same is hereby amended by the repeal of Section 3 thereof and by inserting in lieu thereof the following:

"Section 3: Before any property is connected by a drain with any sewer, pursuant to a permit granted by the said Levy Court, the owner of such property shall either pay to the said Levy Court for the use of such sewer, the amount theretofore fixed by said Levy Court by Resolution following the completion of the construction of said sewer, or shall enter into an agreement to pay to the said Levy Court for the use of such sewer, the said amount in twenty equal quarter-annual installments, together with legal interest on said installments to day of payment. Upon default in the payment of any installment so provided for in any such agreement for the period of one month after such installment shall have become due, it shall be the duty of the said Levy Court to forthwith notify in writing, the person who signed said agreement as owner, of said default, which said notice may be either delivered personally to said owner or left upon the property so connected with said sewer, in the presence of an adult person, and upon default in the payment of said installment together with interest thereon within one month from the service of said notice, as aforesaid, it shall be the duty of said Levy Court to cause said property to be disconnected from said sewer, and

## LEVY COURTS

it shall be unlawful to again connect said property with said sewer without first obtaining a permit therefor, pursuant to Section 2 hereof, and until the entire amount then due and to become due for the use of said sewer by the owner of said property, together with legal interest thereon to the day of payment, and in addition thereto the cost incurred by the said Levy Court in making said disconnection shall have been fully paid to the said Levy Court''.

Approved April 25, 1933.

## CHAPTER 70

## LEVY COURTS

**AN ACT Appropriating Moneys From the State Treasury for the Purpose of Paying Maturities on Certain Highway Improvement Bonds and State Aid Road Bonds, Issued by the Levy Courts of New Castle, Kent and Sussex Counties and Maturing During the Fiscal Biennium of the State of Delaware, Ending June 30, 1935.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (Three-fourths of all members of each House agreeing thereto):*

Section 1. On or before June 1, 1933, the Levy Court Commissioners of the Counties of New Castle, Kent and Sussex respectively shall certify to the State Treasurer the sums of money necessary to meet the requirements for paying maturities of principal falling due on the Highway Improvement Bonds and State Aid Road Bonds of each of the said Counties during the fiscal biennium of the State of Delaware beginning on July 1, 1933, and ending on June 30, 1935.

Section 2.. The Highway Improvement Bonds and State Aid Road Bonds heretofore referred to in this Act are as follows:

New Castle County Bonds authorized under the following acts: Chapter 51 of Volume 24, Laws of Delaware, Chapter 101 of Volume 29, Laws of Delaware, Chapter 97 of Volume 30, Laws of Delaware, Chapter 98 of Volume 30, Laws of Delaware, Chapter 88 of Volume 32, Laws of Delaware, Chapter 94 of Volume 33, Laws of Delaware and Chapter 103 of Volume 34, Laws of Delaware; Kent County Bonds authorized under the following Acts: Chapter 174 of Volume 27, Laws of Delaware, Chapter 23 of Volume 31, Laws of Delaware, Chapter 97 of Volume 33, Laws of Delaware, and Chapter 104 of Volume 34, Laws of Delaware; Sussex County Bonds authorized under the following Acts: Chapter 105 of Volume 29, Laws of Delaware, Chapter 92 of Volume 32, Laws of Delaware, and Chapter 105 of Volume 34, Laws of Delaware."

## LEVY COURTS

Section 3. There is hereby appropriated and authorized to be paid out of the State Treasury to the Levy Court Commissioners of New Castle County, and to the Levy Court Commissioners of Kent County, and to the Levy Court Commissioners of Sussex County, for the use of said Counties respectively such sums of money as shall be necessary for the payment of maturities of principal on all the said bonds set forth in Section 2 of this Act, to be used by said respective Levy Court Commissioners for the purpose of paying said respective maturities of principals and for no other purpose. The moneys hereby appropriated and authorized are intended to embrace the sums necessary to provide for the said maturities of principal on the said Highway Improvement Bonds and the State Aid Road Bonds of each of the said Counties falling due during the period from July 1, 1933, up to June 30, 1935, both inclusive.

Section 4. Within ten days prior to the maturity date of any of the bonds set forth in Section 2 of this Act, it shall be the duty of the State Treasurer and he is hereby directed and required to pay to the Receiver of Taxes and County Treasurer of the respective Counties, the sums of money certified under Section 1 of this Act to be necessary for the payment of maturities of principal of the said bonds coming due as aforesaid.

Section 5. The Levy Courts of the respective Counties in fixing the annual rate of taxation shall not provide for the raising of any sum of money for the payment of maturities on any of the bonds in this Act referred to.

Section 6. This Act shall be known and called a "Supplementary Appropriation Bill" and the moneys hereby appropriated shall be paid from the Sinking Fund of the State.

Approved June 15, 1933.

## CHAPTER 71

## LEVY COURTS

**AN ACT Requiring That the Levy Courts of Each County Shall Have the Accounts of the County Audited by a Certified Public Accountant.**

*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 the duty of the Levy Courts of New Castle County, Kent County and Sussex County to procure the services of certified public accountants, the same to be appointed by the Resident Judge of the several Counties, to audit the accounts of said Counties at the end of their respective fiscal years.

Section 2. The certified public accountants shall be certified under the laws of Delaware or under the laws of some state having substantially the same qualifications for the certification of public accountants as are required by the laws of Delaware.

Section 3. The Resident Judge of each of the several Counties shall select a certified public accountant or accountants to audit the accounts of the respective Counties and shall submit the name or names of the certified public accountants so chosen or selected and thereupon the Levy Courts of New Castle County, Kent County and Sussex County shall and they are hereby empowered and authorized to contract with certified public accountants so selected for the purpose of carrying out the requirements of this Act, and are hereby authorized to appropriate reasonable sums from the general funds of said counties for the payment of said certified public accountants for auditing the county books.

Section 4. The accounts, records, documents, papers and writings which in any wise pertain or relate to the financial ac-



## LEVY COURTS

counts of the Counties shall be open to inspection by any tax payer of the County in which such accounts, records, documents, papers and writings are located.

Section 5. All laws, or parts of laws, in conflict with this Act are hereby repealed.

Approved June 15, 1933.

## CHAPTER 72

## VALUATION AND ASSESSMENT OF PROPERTY

**AN ACT to Amend Chapter 44, Revised Code of Delaware, by Exempting From Assessment and Taxation Property of Corporations Organized for the Purpose of Carrying on "American Legion" Work.**

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

Section 1. That Chapter 44, Revised Code of Delaware, as heretofore amended, be and the same is hereby further amended by adding to 1098, Sec. 1 thereof, the following paragraph:

The lands, tenements and property of any corporation organized for and carrying on "American Legion" work shall be exempted from any and all State, County, and Municipal taxes, assessments, burdens and impositions during such time and to the extent that such lands, tenements and property shall be actually used by such corporation in the charitable, patriotic and educational work usually done by the organization known as "The American Legion"; provided, that said exemption shall not apply to any lands, tenements and property owned by said corporation, as investments and not actually used in its work.

Approved April 13, 1933.

## CHAPTER 73

### EXEMPTION OF CERTAIN PROPERTY OF VETERANS OF FOREIGN WARS

#### **AN ACT to Amend Chapter 44 of the Revised Code of Delaware, as Amended, by Exempting From Assessment and Taxation Property of Organizations of Veterans of Foreign Wars.**

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

Section 1. That Chapter 44, of the Revised Code of Delaware, as amended, be and the same is hereby further amended by adding to 1098. Sec. 1 thereof, the following:

The lands, tenements and all other property of any organization of Veterans of Foreign Wars, such as the J. Ferdinand Speer Post No. 615, Veterans of Foreign Wars of the United States, No. 1303 West Thirteenth Street, Wilmington, Delaware, shall be exempted from any and all State, County and Municipal assessments, taxes, burdens and impositions during such time and to the extent that such lands, tenements and other property shall be actually used by such organizations in the charitable, patriotic and educational work usually done by such organizations; provided, that said exemption shall not apply to any lands, tenements or other property owned by any such organization by way of investment and not actually used in its work.

Approved June 1, 1933.

## CHAPTER 74

## VALUATION AND ASSESSMENT OF PROPERTY

**AN ACT to Amend Chapter 14, Volume 31, Laws of Delaware,  
Relating to the Assessment of Real Estate in Kent County.**

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

Section 1. That Section 18 of Chapter 14, Volume 31, Laws of Delaware be and the same is hereby repealed and the following new sections be inserted in lieu thereof:

Section 18. A general assessment of persons, personal property and real estate in Kent County shall be made by the Board of Assessment for the year 1934, and shall stand and be acted on for four years and a like general assessment shall be made every four years thereafter.

Section 18 a. Additional Assessments Annually: The Board of Assessment shall annually assess the personal property and the capitation tax of all persons liable, who have arrived at twenty-one years of age since the preceding assessment, or who have come to reside in the Assessment District or Hundred, or who have been before omitted, new ground rents, any real property before omitted, and personal property acquired by bequest. Said Board of Assessment shall annually add to the assessment of each parcel of real estate in cities, towns and villages, the value of any buildings or structures of a permanent character, which may have been erected therein, since the last general assessment of real property. They shall also certify and return all descents, alienations and changes of ownership of real estate; and the person who, by the assessment list as the same shall be made from such returns, shall appear to have become the owner, shall be assessed with the value thereof then in force.

Approved June 7, 1933.

## CHAPTER 75

## RECEIVER OF TAXES AND COUNTY TREASURER

**AN ACT Authorizing, Empowering and Directing John S. Isaacs, Receiver of Taxes and County Treasurer for Sussex County, to Make, Execute and Deliver a Deed of Conveyance to Ida Coy, Widow and Sole Heir at Law of Bud Coy, Deceased, for Certain Lands Sold by Said Receiver of Taxes and County Treasurer to Said Bud Coy, Deceased, in His Life Time.**

WHEREAS, John S. Isaacs, Receiver of Taxes and County Treasurer for Sussex County, pursuant to the power and authority vested in him as such Receiver of Taxes and County Treasurer by the laws of the State of Delaware, and after due proceedings theretofore had by him, as provided by law, did proceed to advertise for sale the lands and tenements of Sarah Agnes Barber and Peter W. Donahue, situate in the County of Sussex and State of Delaware, the said Sarah Agnes Barber and Peter W. Donahue respectively having failed and neglected to pay the taxes levied against their said lands for the year 1930; and the said Receiver of Taxes did sell the lands and premises of said Sarah Agnes Barber and said Peter W. Donahue at public sale or vendue at the Court House Door in Georgetown, Delaware, on the twenty-first day of April, A. D. 1931, at 1:30 o'clock in the afternoon, to the said Bud Coy, for the price or sum for said Sarah Agnes Barber lands of One Hundred and Two Dollars and fifty cents (\$102.50), and for the price or sum for said Peter W. Donahue lands of Twenty-two Dollars (\$22.00), he, the said Bud Coy, being the highest and best bidder therefor, and the said respective sums being the highest and best price that could be obtained for said lands respectively; the said lands of said Sarah Agnes Barber being described in the advertisement of sale thereof by said Receiver of Taxes and County Treasurer as follows, to wit:

"ALL THAT CERTAIN piece or parcel of land situate in Georgetown Hundred, Sussex County, Delaware, adjoining lands now or late of James Abbott, Joseph Workman, Henry T. Mes-sick, containing seventy (70) acres, on a public road leading from

## RECEIVER OF TAXES AND COUNTY TREASURER

the Milton-Redden Road to the Milton-Robbins Road;" And the said lands of the said Peter W. Donahue being described in the advertisement of sale thereof by said Receiver of Taxes and County Treasurer as follows, to wit: "ALL THAT CERTAIN piece or parcel of land situate in the town of Georgetown, Georgetown Hundred, Sussex County, Delaware, adjoining Charles W. Cullen, Jacob M. Lynch, Jr., and others, containing two lots, each seventy two hundred (7200) square feet; lies off Bedford Street, and South of any established Street of Georgetown and West of the Pennsylvania Railroad;" and,

WHEREAS, the said John S. Isaacs, Receiver of Taxes and County Treasurer as aforesaid, made return of the said sales to the Superior Court of the State of Delaware, in and for Sussex County, at the term thereof next succeeding the date of said sales, to wit, at the June Term, A. D. 1931, of said Superior Court, as required by Section 20, Chapter 82, Volume 28, Laws of Delaware, and the said returns of sales, so as aforesaid made by said Receiver of Taxes and County Treasurer to said Superior Court, were by said Superior Court at said June Term, A. D. 1931, thereof, duly approved according to the provisions of said Section 20, of Chapter 82, Volume 28, Laws of Delaware, which Section 20 also provides that if such sales be approved "The Receiver of Taxes and County Treasurer shall make a deed to the purchaser which shall convey the title of the taxable, or of his alienee, as the case may be:" and,

WHEREAS, it is also provided by Section 23, of said Chapter 82, Volume 28, Laws of Delaware, that "no deed shall be made until the expiration of one year from the time of sale, within which time the owner, his heirs, executors, or administrators shall have the power to redeem the lands on payment to the purchaser, his heirs or assigns, of the costs, the amount of the purchase money and twenty per cent interest thereon, and expenses of the deeds;" and,

WHEREAS, the said Bud Coy, the purchaser of said lands and premises of said Sarah Agnes Barber and Peter W. Donahue.

## RECEIVER OF TAXES AND COUNTY TREASURER

subsequent to the approval of the returns of sale of said lands and premises by the Superior Court at the June Term, A. D. 1931, thereof, as herein set forth, and before the expiration of the term of one year from the time of said sale, to wit, on the eighth day of September, A. D. 1931, departed this life intestate leaving to survive him no kin or heir, whereupon title to all the lands and tenements owned by said Bud Coy, or to which he was entitled at the time of his death, descended and came to his widow, the said Ida Coy, under and by virtue of the intestate laws of the State of Delaware: and,

WHEREAS, the said lands and premises of the said Sarah Agnes Barber and the said Peter W. Donahue were not redeemed by the owners or their heirs, executors or administrators within one year from the time of the sale thereof, as provided by said Section 23 of Chapter 82, Volume 28, Laws of Delaware: whereupon, it was the duty of the said Receiver of Taxes and County Treasurer under the provisions of said Section 20, Chapter 82, Volume 28, Laws of Delaware, to make a deed to the purchaser of said lands; and,

WHEREAS, the said Bud Coy, the purchaser of said lands, having died as herein recited, before it was possible for the said Receiver of Taxes and County Treasurer to make a deed for said lands, pursuant to the provisions of said Section 20, Chapter 82, Volume 28, Laws of Delaware, said Receiver of Taxes and County Treasurer was without authority to make, execute and deliver a deed to anyone for said lands, as said Section 20, Chapter 82, Volume 28, Laws of Delaware, hereinabove recited, provides specifically that said Receiver of Taxes and County Treasurer "shall make a deed to the purchaser;" and,

WHEREAS, the said Ida Coy, widow and only heir at law of said Bud Coy, deceased, is entitled to have said lands and premises hereinabove mentioned, so purchased by the said Bud Coy in his lifetime, conveyed to her, so that there may be no question as to the sufficiency of her title thereto, and the said Receiver of Taxes and County Treasurer is without authority under any pro-

## RECEIVER OF TAXES AND COUNTY TREASURER

vision of the existing laws of the State of Delaware to make, execute and deliver a deed for said lands and premises to said Ida Coy: **THEREFORE,**

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

Section 1. That John S. Isaacs, Receiver of Taxes and County Treasurer for Sussex County, be and he hereby is authorized, empowered and directed to make, execute and deliver to Ida Coy, widow and only heir at law of Bud Coy, deceased, a good and sufficient deed of conveyance in fee simple for said lands sold as the lands of Sarah Agnes Barber, described as follows, to wit: "ALL THAT CERTAIN piece or parcel of land situate in Georgetown Hundred, Sussex County, Delaware, adjoining lands now or late of James Abbott, Joseph Workman, Henry T. Mes-sick, containing seventy (70) acres, on a public road leading from the Milton-Redden Road to the Milton-Robbins Road;" and for said lands sold as the lands of Peter W. Donahue, described as follows, to wit: "ALL THAT CERTAIN piece or parcel of land situate in the town of Georgetown, Georgetown Hundred, Sussex County, Delaware, adjoining Charles W. Cullen, Jacob M. Lynch, Jr., and others, containing two lots, each seventy two hundred (7200) square feet; lies off Bedford Street, and South of any established Street of Georgetown and West of the Pennsylvania Railroad", thus conveying to said Ida Coy all the estate, right, title and interest in said lands and premises which he, the said John S. Isaacs, Receiver of Taxes and County Treasurer as afore-said could have conveyed to said Bud Coy, the purchaser thereof, under the provisions of Section 20, Chapter 82, Volume 28, Laws of Delaware, had said Bud Coy lived until the expiration of one year from the date of the sale of said lands to him by the Receiver of Taxes and County Treasurer on the twenty-first day of April, A. D. 1931.

Approved March 9, 1933.



## CHAPTER 76

RECEIVER OF TAXES AND COUNTY TREASURER  
KENT COUNTY

**AN ACT to Amend Chapter 84 of Volume 33, Laws of Delaware, as Amended by Chapter 105, Volume 37, Laws of Delaware, Providing for the Execution and Delivery of Deeds to Properties Sold for Kent County Taxes.**

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

Section 1. That Section 15 of Chapter 84 of Volume 33, Laws of Delaware, as amended by Chapter 105 of Volume 37, Laws of Delaware, be amended by striking out all of said Section and substituting in lieu thereof a new section to be styled Section 15 as follows:

"Section 15. Every sale of lands and tenements shall be returned to the Superior Court in and for Kent County at the next Term thereof after said sale by the Receiver of Taxes and County Treasurer in office at the time said return is required to be made, and the Court shall inquire into the circumstances and either approve said sale or set it aside. If it is approved, the Receiver of Taxes and County Treasurer in office at the time such deed can be lawfully made and delivered shall make a deed to the purchaser which shall convey the title of the taxable, or his alienee as the case may be; if it be set aside the Court may order another sale, and so on until the tax due be collected. The certificate filed, together with the return and deed, shall be presumptive evidence of the regularity of the proceedings."

Section 2. That Chapter 84 of Volume 33, Laws of Delaware, as amended by Chapter 105, Volume 37, Laws of Delaware, be amended by adding immediately after Section 15 thereof a new section to be styled Section 15 A, as follows:

"Section 15A. Deeds for properties heretofore sold by Robert F. Thomas, now deceased, (former Receiver of Taxes and

RECEIVER OF TAXES AND COUNTY TREASURER  
KENT COUNTY

County Treasurer of Kent County), for taxes and the sale of which properties has been duly confirmed by the Superior Court, under the provisions of Chapter 84, of Volume 33, Laws of Delaware, and/or amendments thereto, which have not been executed and delivered due to the death of the said Robert F. Thomas, shall be executed and delivered to the respective purchasers by the present incumbent of the Office of Receiver of Taxes and County Treasurer for Kent County, and his deed or deeds shall convey to the purchaser or purchasers of such properties the same title that would have been conveyed had a deed or deeds for the same been executed and delivered by the said Robert F. Thomas, deceased.

Approved April 21, 1933.

## CHAPTER 77

## RECEIVER OF TAXES AND COUNTY TREASURER

**AN ACT Relating to the Payment of Taxes on Real Estate and Personal Property of Taxables in the State of Delaware on a Quarterly Basis.**

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

Section 1. It shall be lawful for the County Treasurer of any County, or any Tax Collector of any County, and the Collectors of Taxes for the Northern and Southern Districts for the City of Wilmington, to accept payment of all taxes due and payable on real estate and personal property of taxables in the State of Delaware on a quarterly basis.

Section 2. The County Treasurer of each County herein, and the City Treasurer of the City of Wilmington, may prescribe the dates on which taxes shall become due and payable.

Section 3. All acts or parts of acts inconsistent herewith are hereby repealed so far as such inconsistency exists.

Approved May 2, 1933.

## CHAPTER 78

RECEIVER OF TAXES AND COUNTY TREASURER  
KENT COUNTY**AN ACT to Amend Chapter 84 of Volume 33, Laws of Delaware,  
Relating to the Collection of Taxes in Kent County.**

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

Section 1. That the Act entitled "An Act in relation to the Collection of Taxes in Kent County providing for the election of a Receiver of Taxes and County Treasurer, and prescribing the duties of said office" being Chapter 84, Volume 33, Laws of Delaware, be and the same is hereby amended by striking out Sections 8, 9, 12 and 21 and by inserting the following new Sections to be known as Sections 8, 9, 12, 15A and 21.

Section 8. Except as hereinafter provided it shall be the duty of the Receiver of Taxes and County Treasurer to collect and pay to the County all taxes on the duplicates delivered to him within one year next after the date of the warrant attached to the tax duplicates. He shall each week carry the funds collected by him to the credit of the County, or to the credit of such county fund as the Levy Court shall direct. If the Receiver of Taxes and County Treasurer shall fail, in any year, to make full and complete settlement with the County for the taxes which it shall be his duty to collect, excepting such allowance as may be made to him, his salary as such officer shall be withheld and he shall not be entitled to accept or receive any salary or other compensation until such full and final settlement be made.

Section 9. In the month of May in the year following the year of the date of the warrant of the tax duplicates, as aforesaid, the said Receiver of Taxes and County Treasurer shall compile a list of the taxables in each representative district, the taxes of whom he has been unable to collect, stating therein briefly the reason why the said taxes were in each case uncollectable, and shall present the same to the Levy Court and the Levy Court

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KENT COUNTY

shall make an investigation of such list, and shall make a full and complete settlement with the said Receiver of Taxes and County Treasurer for all taxes received by him for the year, and at such settlement shall, after investigation as aforesaid, make all just and proper allowance to said Receiver of Taxes and County Treasurer for such taxes as they shall find to be uncollectable by reason of errors in the assessment list or otherwise, and not due to default or neglect of said Receiver of Taxes and County Treasurer, such taxes as may be extended under the provisions of Section 21 hereof, and the taxes derived from tax sales which said sales have not been confirmed by the Superior Court, such 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. The settlement as aforesaid shall be made on or before the first Tuesday in June in each year. The Receiver of Taxes and County Treasurer shall settle for such taxes as may be in his hands from tax sales immediately after the confirmation of such sales. The said Receiver of Taxes and County Treasurer shall publish a list of the taxables of each representative district whose taxes he has been unable to collect, stating therein the reason why the said taxes were uncollectable, in two newspapers of Kent County, one of which shall be published in the town of Dover; and he shall in at least two public places of each representative district post a like list of the taxables of such district whose taxes he has been unable to collect. Such publication and posting of the lists as aforesaid shall be done in each year at least one week prior to the day of settlement aforesaid.

Section 12. All taxes assessed and levied shall be due and payable on the first day of June in each year and no demand therefor shall be necessary.

Section 15A. Liens or encumbrances against lands and tenements sold for taxes by the Receiver of Taxes and County Treasurer under the provisions of this Act which were valid and subsisting liens or encumbrances at the time of the sale for taxes, (other than the lien for the taxes for the collection of which such

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sale is made) shall not be discharged or otherwise affected by such sale, and such sale shall be subject to such liens or encumbrances.

Section 21. The lien of any taxes upon property may be extended against the owner thereof in the manner following, namely: Any Receiver of Taxes and County Treasurer shall, prior to the expiration of the lien of said taxes, file with the Prothonotary of Kent County a certificate containing the name of the taxable, the amount of the assessment, distinguishing the real and personal property and capitation tax, the year for which the taxes may be levied, the rate of taxes, the total tax levied, the date from which the penalty for non-payment of tax shall begin, and the rate of such penalty per month. The Prothonotary shall thereupon file said certificate and enter an abstract thereof upon a record to be by him kept in his office and to be known as "Tax Lien Record." The lien of said tax shall thereupon be extended and remain a lien against all the real property of said taxable within Kent County, inclusive of all real property, alienated by said taxable subsequent to the levy of said tax, and shall extend back to the date of the levy of said tax, and shall continue in force for a period of five years from the date of said levy, subject to the same conditions and limitations as of a judgment recovered in the Superior Court of the State of Delaware, and a writ of *levari facias* may issue thereon for the sale of the Taxable's real estate at the direction of any Receiver of Taxes and County Treasurer, or at the direction of the Levy Court, as on any such judgment, and shall be in the name of the State of Delaware against said taxable. The same provisions of law respecting the sale of lands under a writ of *levari facias* or execution process as in other cases shall apply to the sale of lands made under this Section.

Approved May 24, 1933.

## CHAPTER 79

## CONSTABLES

**AN ACT in Reference to the Sale of Goods and Chattels by Constables.**

WHEREAS, goods and chattels, of considerable value, are often placed in Storage Warehouses for safe keeping, with no thought, on the part of the owner thereof, of avoiding the payment of any just indebtedness; and

WHEREAS, such goods and chattels are often seized and levied upon by constables upon various claims, and sold without proper and sufficient notice to the public; and

WHEREAS, in many such cases, valuable goods and chattels are thus sold by constables to favored purchasers at grossly inadequate prices, and often to the injury of the owner and other creditors; THEREFORE

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

Section 1. That, on and after the approval of this Act, it shall be unlawful for any constable in the State of Delaware to levy upon or to sell or to offer to sell or to remove, by virtue of any writ or upon any claim or demand whatsoever, any goods and chattels when such goods and chattels have been placed in, and continue to be in, any storage warehouse; and no such goods and chattels, so placed as aforesaid, shall hereafter be seized upon or sold, except by the Sheriff of the County in which such goods and chattels are located, after such appraisement and advertisement and under like conditions as now required by law in the case of goods and chattels seized and sold by the Sheriff under execution process.

Section 2. That, any constable violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more

CONSTABLES

than One Hundred Dollars, or by imprisonment for not more than three months, or by both fine and imprisonment, in the discretion of the Court.

Section 3. That, any and all Acts or parts of Acts, inconsistent with the provisions of this Act, be and the same are hereby repealed only to the extent of such inconsistency.

Approved May 9, 1933.



## CHAPTER 80

## CONSTABLES—KENT COUNTY

**AN ACT relating to the Fees of Constables in and 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 on and after the passage of this Act the following shall be the legal fees for services of a constable in Kent County:

(a) For serving and returning a summons, or scire facias on one or more defendants, including all services in a cause before judgment, \$1.00.

(b) For serving and returning a subpoena \$1.00 for the first two persons and 50c for each additional person.

(c) Mileage in serving and returning a summons subpoena or scire facias at the rate of five cents for each mile necessarily traveled.

(d) If no service be made, there shall be no fee except in case of a scire facias when judgment shall be rendered thereon, but mileage shall be allowed.

(e) Giving notice of an application for, or time of a new trial, \$1.00.

(f) For summoning referees (only one fee to be allowed unless there be a new trial and then only two), \$1.50.

(g) Mileage in summoning referees' notice of new trial the same as in the case of witness.

(h) For summoning witness, 50 cents.

## CONSTABLES—KENT COUNTY

(i) And five cents for each mile necessarily traveled, to be counted as if all the witnesses for the same party were named in the same writ and summoned at the same time.

(j) For summoning garnishees on execution, or other attachment, for each garnishee (and mileage as in the case of witnesses), \$1.00.

(k) For posting advertisements of attachment (all) with mileage at the rate of five cents per mile, going to and returning from the Court House, where one of said advertisements must by law be posted, \$1.00.

(l) For taking goods on attachment (other than execution attachment) returning inventory and appraisement if the goods do not exceed \$100.00 in value, \$2.50.

(1) If they exceed that sum, \$3.50.

(2) And mileage as in the case of witnesses.

(3) But if the goods be sold on execution, no fee shall be charged for taking on that execution.

(m) On Executions—

(1) For taking goods in execution	\$1.50
Making inventory, appraisement and return	1.00
Advertising, selling goods	2.00

(2) Together with five per cent of all the moneys collected.

Collecting on execution, without sale	\$2.00
Notice to plaintiff in each case	.50
For a return of "No Goods"	.75

(n) In Writs of Replevin—

(1) For taking goods under writ	\$2.50
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## CONSTABLES—KENT COUNTY

- (2) Mileage on execution, the same as in case of summoning witnesses.
- (3) For conveying a person to jail ..... 2.00  
Mileage the same as in case of summoning witnesses.
- (4) For serving a warrant in a criminal case, or for bastardy ..... 2.00
- (5) In cases of a search warrant, upon which a search is made of the premises, the above fee to be allowed.
- (6) Mileage in all cases the same as in service of summons.
- (7) Conveying defendant from one county to another (five cents per mile going and re turning) ..... 2.00
- (8) Summoning witnesses and conveying a person to jail and for levying execution in a bastardy case, the same fees as for like services on civil process.
- (9) Serving attachment to bring body (and mileage at five cents per mile) ..... 2.00
- (10) Attendance at Magistrate's Court during hearing ..... 1.00
- (11) In case of constable being deputized to assist another regular county constable the deputized officer shall be entitled to mileage at five cents per mile.

Section 2. All Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent of such inconsistencies only.

Approved June 1, 1933.

## CHAPTER 81

## COUNTY GOVERNMENT

**AN ACT Providing for the Lighting of Streets and Highways within Unincorporated Communities of New Castle County.**

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

Section 1. Upon the petition of a majority of the property owners of any unincorporated community or village in New Castle County, filed on or before the First day of June in any year, the Levy Court of said County may enter into a contract with any electric, gas or other lighting companies to light and illuminate, on and after the First day of July next following, the streets and/or highways running through, bounding and within said community or village, with electric light, gas light, or other illuminant. The petition of the said property owners shall set forth the boundary lines of the community to be lighted and shall also set forth the number and capacity of lights required to illuminate the said streets and/or highways. Street lights shall be of 100 candle power electric or its equivalent in other illuminating mediums, and shall be used exclusively except on highways and at dangerous intersections where 400 or 600 candle power electric lights or their equivalent in other illuminating mediums shall be used. Final determination as to the type of light to be used on highways and at dangerous intersections shall rest with the said Levy Court.

Section 2. The said Levy Court, for the purpose of carrying out any such contract so entered into as aforesaid, shall levy for the installation and maintenance of such lights in any such community with respect to which such a contract has been entered into as aforesaid, an annual tax based upon the full annual cost of street and/or highway illumination upon all property within the boundary lines of said community or village, as set forth in the petition provided by Section 1 of this Act, based upon the assessment for County purposes, except that, if the said Levy Court approve installation of lights on highways and at danger-

## COUNTY GOVERNMENT

ous intersections, the cost thereof in excess of the cost of 100 candle power electric lights or the equivalent in other illuminating mediums shall be paid from the General Fund or Road Fund of said Levy Court of New Castle County, and not from the Light Tax Fund, as hereinafter in this section created. Said excess cost shall be deducted from the total contract price and the difference shall represent the amount to be collected from the property owners as herein provided. Such taxes shall be collected by the same collector, at the same time and in the same manner as other county taxes. No such taxes shall be levied against farm land.

The County Treasurer of New Castle County shall receive all such taxes collected for such purpose and shall keep the same in a separate account and pay out the same only upon orders signed by the President of the said Levy Court, and approved by the Comptroller of said County. The said officers shall receive no additional compensation for the performance of any duty required of them or any of them under this Act. If, after payment of all contracts entered into as herein provided, there remains a surplus in the Light Account, this surplus shall be applied to reduce the Light Tax Rate for the succeeding taxable year.

Section 3. No further bond shall be required from any Collector or the County Treasurer, for the faithful performance of their or either of their duties under this Act, and the bonds now required by law from such officers shall cover and be deemed to include their and each of their duties and responsibilities under this Act.

Section 4. Lights installed under the provisions of this Act shall be removed by the said Levy Court or at its direction only upon receipt of a petition signed by a majority of the property owners within the bounds of any lighted community or village requesting such removal.

Section 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed only to the extent of such inconsistency.

Approved April 13, 1933.

# TITLE EIGHT

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## Elections

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### CHAPTER 82

#### GENERAL ELECTIONS

**AN ACT to Amend Chapter 60, of the Revised Code of Delaware by Changing the Voting Place for the Third Election District of the First Representative District 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 60, of the Revised Code of Delaware be and the same is hereby amended by striking out the words "CHAPEL BEAUTIFUL" as the same appears in the Second paragraph of 1737, Section 17, of paragraph S-1-A, thereof, and substituting in lieu thereof the words "GRANGE HALL".

Approved March 28, 1933.

## CHAPTER 83

## GENERAL ELECTIONS

**AN ACT to Amend Chapter 60 of the Revised Code (1915) of the State of Delaware by Changing the Voting Place of the Second Election District of the Tenth Representative District in Sussex County.**

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

Section 1. That Chapter 60 of the Revised Code (1915) of the State of Delaware be, and the same is hereby amended by striking out all of the second paragraph of "S.21" of said Chapter designated "1737 Sec. 17" in reference to the voting place of the Second Election District of the Tenth Representative District and inserting in lieu thereof the following paragraph:

All persons entitled to vote in said Second Election District of the Tenth Representative District of Sussex County shall vote in the Town of Lewes at the Fire Hall on State Street, formerly known as South Street, in said Election District.

Approved March 28, 1933.

## CHAPTER 84

## GENERAL ELECTIONS

**AN ACT to Amend Chapter 60 of the Revised Code of Delaware (1915) by Changing the Voting Place of the 1st Election District of the 3rd Representative District in Sussex County.**

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

Section 1. That Chapter 60 of the Revised Code of the State of Delaware (1915) be and the same is hereby amended by striking out all of the second paragraph of S6 of paragraph 1736, Section 17 in reference to the Voting place of the first election district of the third representative district and inserting in lieu thereof the following paragraph :

All persons entitled to vote in the said first election district shall vote at the School House commonly known as the Conaway School, located on the road leading from Old Furnace to Knowles X Roads, about three-fourths of a mile from the said Old Furnace.

Approved April 8, 1933.



## CHAPTER 85

## GENERAL ELECTIONS

**AN ACT to Amend Chapter 60 of the Revised Code of the State of Delaware Relating to the First and Second Election Districts of the Fifteenth Representative District 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 60 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out paragraphs N. C. 30 and N. C. 31 thereof, and inserting in lieu thereof the following new paragraphs:

N. C. 30.—The First Election District of the Fifteenth Representative District is all that portion of Blackbird Hundred bounded by a line beginning in the center of the State Road or Dual Highway, as the same is now laid out, at Smyrna River Bridge in the boundary line between the Counties of Kent and New Castle, thence from said Bridge by the center line of said State Road, or Dual Highway, as the same is now laid out, Northerly through the Village of Blackbird to Blackbird Creek, the dividing line between the Hundreds of Blackbird and Appoquinimink; thence Northeasterly down Blackbird Creek by its various courses, being the boundary line between the Hundreds of Appoquinimink and Blackbird to the Delaware River; thence down said Delaware River to the mouth of the Smyrna River; thence Westerly along the center line of the said Smyrna River, being the boundary line between the Counties of Kent and New Castle, to the center line of the State Road or Dual Highway as the same is now laid out at Smyrna River Bridge, the point of Beginning. All persons entitled to vote in the said first Election District shall vote at the residence now or lately occupied by Elmer Ferris in the Village of Blackbird.

N. C. 31. The Second Election District of the Fifteenth Representative District is all that portion of Blackbird Hundred

## GENERAL ELECTIONS

bounded by a line beginning in the center of the State Road or Dual Highway, as the same is now laid out, at Smyrna River Bridge in the boundary line between the Counties of Kent and New Castle, thence from said Bridge by the center line of said State Road or Dual Highway, as the same is now laid out, Northerly through the Village of Blackbird to Blackbird Creek, the dividing line between the Hundreds of Blackbird and Appoquinimink; thence Westerly by said boundary line to the Maryland State line; thence Southerly along the State Boundary line to its intersection with the boundary line between the Counties of Kent and New Castle; thence Easterly by said County Boundary Line to the center of the State Road or Dual Highway, as the same is now laid out, at Smyrna River Bridge, the point of Beginning. All persons entitled to vote in the said Second Election District shall vote at the building now or late owned by New Castle County in the Town of Blackbird.

Approved April 8, 1933.

## CHAPTER 86

### GENERAL ELECTIONS

**AN ACT to Amend Chapter 60 of the Revised Code of Delaware Relating to General Elections by Changing the Registration and Voting Place for the Third Election District of the Thirteenth Representative District of New Castle County to the Volunteer Hose Company at Middletown.**

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

That Chapter 60 of the Revised Code of Delaware, as amended, be and the same is hereby further amended by striking out second paragraph of 1737, Section 17, paragraph N. C. 26, and inserting in lieu thereof a new second paragraph as follows:

"All persons entitled to vote in the said third election district shall vote at the Volunteer Hose Company in Middletown."

Approved April 11, 1933.

## CHAPTER 87

## GENERAL ELECTIONS

**AN ACT to Amend Chapter 60 of the Revised Code (1915) of the State of Delaware by Changing the Voting Place of the First Election District of the Thirteenth Representative District 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 60 of the Revised Code (1915) of the State of Delaware be and the same is hereby amended by striking out all of the second paragraph of "N. C. 24" of said Chapter designated "1737 Sec. 17" in reference to the voting place of the First Election District of the Thirteenth Representative District of New Castle County and inserting in lieu thereof the following paragraph:

All persons entitled to vote in said First Election District of the Thirteenth Representative District of New Castle County shall vote at the Fire House in the Town of Odessa in said Election District.

Approved April 21, 1933.

## CHAPTER 88

## GENERAL ELECTIONS

**AN ACT to Further Amend Chapter 60 of the Revised Code (1915) of the State of Delaware in reference to General Elections.**

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

Section 1. Amend 1815. Sec. 95, Chapter 60, of the Revised Code (1915) of the State of Delaware by the addition of a new paragraph to said 1815. Sec. 95 of said Code to be as follows:

All necessary costs and expenses incurred in carrying into effect the proclamation of the Governor relative to Special Elections, unless otherwise provided by the Laws of this State, including the compensation of registration officers as provided by 1642. Sec. 24 of the Revised Code of Delaware, as amended, and the compensation of election officers as provided by 1792. Sec. 72 of said Code, as amended, shall be paid by the State Treasurer from any monies in the State Treasury, not otherwise appropriated, upon proper warrants and vouchers submitted to the Governor and approved by the Auditor of Accounts.

Section 2. All Acts, or parts of Acts, inconsistent with this Act are hereby repealed to the extent of the inconsistencies only.

Approved May 26, 1933.

# TITLE NINE

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## Corporations

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### CHAPTER 89

#### PUBLIC SERVICE COMPANIES

**AN ACT Requiring All Public Service Companies, Persons, Firms or Corporations Selling Products Measured by Meters to Show Both Previous and Current Meter Readings On All Bills.**

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

Section 1. All bills presented by and on behalf of all public service companies, persons, firms or corporations based on meter readings including gas, water and electricity shall, before being honored show the previous and current meter readings.

Approved June 1, 1933.

## CHAPTER 90

## CORPORATIONS

**AN ACT to Amend Chapter 65 of the Revised Code of the State of Delaware Relating to Corporations.**

*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 House concurring therein):*

Section 1. That Section 73 of said Chapter 65 of the Revised Code of the State of Delaware, being 1987. Sec. 73 of said Code, be and the same is hereby amended by striking out the fourth paragraph of sub-section 4 of the said Section 73 and inserting in lieu thereof the following:

Any corporation seeking to renew or revive its charter under the provisions of this Act shall pay to the State of Delaware, in lieu of and in full satisfaction of all franchise taxes and penalties thereon due the State of Delaware, a sum equal to all franchise taxes and penalties thereon due at the time its charter became inoperative and void for non-payment of taxes, or expired by limitation or otherwise, but said sum so payable shall not be greater than the amount of tax which would be payable (in accordance with Sec. 71 of this Chapter) on filing an original certificate of incorporation of a corporation having the same amount of authorized capital stock as the corporation seeking to renew or revive its charter had at the time its charter became inoperative and void or expired by limitation or otherwise, and shall present to the Secretary of State, together with its certificate of renewal or revival, proof of such payment to the Tax Department of the State of Delaware.

Section 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of the inconsistency only.

Approved April 21, 1933.

## CHAPTER 91

## CORPORATIONS

**AN ACT to Amend Chapter 65 of the Revised Code of Delaware Relating to Corporations.**

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

Section 1. That Section 5b of the said Chapter 65 of the Revised Code of Delaware, being Section 1919 B thereof, be amended by striking out said Section and inserting in lieu thereof the following:

1919 B, Sec. 5b. Definition of Term "Certificate of Incorporation":—The term "Certificate of Incorporation" as used in this Chapter, unless the context shall otherwise require, shall include all certificates filed pursuant to Sections 6, 13, 25, 26, 27 or 28 of this Chapter and any agreement of consolidation or merger filed pursuant to Section 59 of this Chapter.

Section 2. That Section 17 of the said Chapter 65 of the Revised Code of Delaware, being Section 1931 thereof, be amended by striking out said Section and inserting in lieu thereof the following:

1931, Sec. 17. Power of Stockholders to Vote in Person or by Proxy; Limitation of Power; Closing of Transfer Books or Fixing Date for Determination of Stockholders of Record for Certain Purposes; Cumulative Voting; Quorum:—Unless otherwise provided in the Certificate of Incorporation, each stockholder, shall at every meeting of the stockholders be entitled to one vote in person or by proxy for each share of the capital stock held by such stockholder, but no proxy shall be voted on after three years from its date, unless said proxy provides for a longer period, and except where the transfer books of the corporation shall have been closed or a date shall have been fixed as a record date for the determination of its stockholders entitled to



## CORPORATIONS

vote, as hereinafter provided, no share of stock shall be voted on at any election for directors which shall have been transferred on the books of the corporation within twenty days next preceding such election of directors.

The Board of Directors shall have power to close the stock transfer books of the corporation for a period not exceeding fifty days preceding the date of any meeting of stockholders or the date for payment of any dividend or the date for the allotment of rights or the date when any change or conversion or exchange of capital stock shall go into effect or for a period of not exceeding fifty days in connection with obtaining the consent of stockholders for any purpose; provided, however, that in lieu of closing the stock transfer books as aforesaid, the by-laws may fix or authorize the Board of Directors to fix in advance a date, not exceeding fifty days preceding the date of any meeting of stockholders, or the date for the payment of any dividend, or the date for the allotment of rights, or the date when any change or conversion or exchange of capital stock shall go into effect, or a date in connection with obtaining such consent, as a record date for the determination of the stockholders entitled to notice of, and to vote at, any such meeting and any adjournment thereof, or entitled to receive payment of any such dividend, or to any such allotment of rights, or to exercise the rights in respect of any such change, conversion or exchange of capital stock, or to give such consent, and in such case such stockholders and only such stockholders as shall be stockholders of record on the date so fixed shall be entitled to such notice of, and to vote at, such meeting and any adjournment thereof, or to receive payment of such dividend, or to receive such allotment of rights, or to exercise such rights, or to give such consent, as the case may be, notwithstanding any transfer of any stock on the books of the corporation after any such record date fixed as aforesaid.

The Certificate of Incorporation of any corporation may provide that at all elections of directors of such corporation, each stockholder shall be entitled to as many votes as shall equal the number of his shares of stock multiplied by the number

## CORPORATIONS

of directors to be elected, and that he may cast all of such votes for a single director or may distribute them among the number to be voted for, or any two or more of them as he may see fit, which right when exercised, shall be termed cumulative voting.

The provisions of this Section shall not apply, however, to corporations not for profit, for which it is desired to have no capital stock. Unless otherwise provided in the Certificate of Incorporation of a corporation which is to have no capital stock, or in an amendment thereto, each member of such corporation shall at every meeting of members be entitled to one vote in person or by proxy, but no proxy shall be voted on after three years from its date, unless said proxy provides for a longer period.

Subject to the provisions of this Chapter in respect of the vote that shall be required for a specified action, the Certificate of Incorporation or by-laws of any corporation may specify the number of shares and/or the amount of other securities having voting power the holders of which (or in the case of a corporation with no capital stock, the number of the members thereof having voting power who) shall be present or represented by proxy at any meeting in order to constitute a quorum for, and the votes that shall be necessary for, the transaction of any business.

Section 3. That Section 26 of the said Chapter 65 of the Revised Code of Delaware, being Section 1940 thereof, be amended by striking out said Section and inserting in lieu thereof the following:

1940, Sec. 26. CERTIFICATE OF INCORPORATION; HOW AMENDED; WHEN CORPORATION HAS CAPITAL STOCK; WHEN CORPORATION HAS NO CAPITAL STOCK:— Any corporation of this State existing prior to the tenth day of March, 1899, whether created by Special Act, or general law, or any corporation created under the provisions of this Chapter, may, from time to time, when and as desired, amend its Certificate of Incorporation by addition to its corporate powers and

## CORPORATIONS

purposes, or diminution thereof, or both; or by substitution of other powers and purposes, in whole or in part, for those prescribed by its Certificate of Incorporation; or by increasing or decreasing its authorized capital stock or reclassifying the same, by changing the number, par value, designations, preferences, or relative, participating, option, or other special rights of the shares, or the qualifications, limitations or restrictions of such rights, or by changing shares with par value into shares without par value, or shares without par value into shares with par value either with or without increasing or decreasing the number of shares; or by changing its corporate title; or by making any other change or alteration in its Certificate of Incorporation that may be desired, and any or all such changes or alterations may be affected by one certificate of amendment; provided that every Certificate of Incorporation as so amended, changed or altered, shall contain only such provisions as it would be lawful and proper to insert in an original Certificate of Incorporation made at the time of making such amendment.

Whenever issued shares having par value are changed into the same or a greater or less number of shares without par value, whether of the same or of a different class or classes of stock, the aggregate amount of the capital of the corporation represented by such shares without par value shall be the same as the aggregate amount of capital represented by the shares so changed; and whenever issued shares without par value are changed into other shares without par value to a greater or less number, whether of the same or of a different class or classes, the amount of capital represented by the new shares in the aggregate shall be the same as the aggregate amount of capital represented by the shares so changed. The certificate of amendment of any Certificate of Incorporation effecting any change in the issued shares of the corporation shall set forth that the capital of the corporation will not be reduced under or by reason of said amendment.

Every such amendment shall be made and effected in manner following, to-wit:

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1. If the corporation has a capital stock, its Board of Directors shall adopt a resolution setting forth the amendment proposed, declaring its advisability, and calling a meeting of the stockholders entitled to vote in respect thereof, for the consideration of such amendment. Said meeting shall be called and held upon such notice as the certificate of incorporation or by-laws of the corporation shall provide, or, in the absence of such provision, upon notice thereof to each stockholder so entitled to vote, either delivered to such stockholder or mailed to him, at his postoffice address, if known, at least ten days before the date fixed for said meeting, said notice to set forth such amendment in full or a brief summary of the changes to be effected thereby, as the Directors shall deem advisable. At said meeting a vote of the stockholders so entitled to vote, by ballot, in person or by proxy, shall be taken for and against the proposed amendment, which vote shall be conducted by two Judges appointed for the purpose, either by the directors or by the said meeting. Said judges shall decide upon the qualifications of voters, and accept their votes, and when the vote is completed, count and ascertain the number of shares voted respectively for and against the amendment, and shall declare whether the persons or bodies corporate holding the majority of the voting stock of said corporation (or of each class of stock entitled to vote thereon, when such vote is to be taken by classes, as herein provided) have voted for or against the proposed amendment; and shall make out a certificate accordingly, stating the number of shares of stock, issued and outstanding and entitled to vote thereon, and the number of shares voted for and the number of shares voted against the amendment respectively, and shall subscribe and deliver said certificate to the Secretary of the corporation. If it shall appear by said certificate of the Judges that the persons or bodies corporate holding the majority of the stock of said corporation entitled to vote (or of each class of stock when such vote is to be taken by classes, as hereinafter provided) have voted in favor of the amendment, a certificate setting forth the amendment and certifying that such amendment has been duly adopted in accordance with the provisions of this Section shall be made under the seal of the corporation and signed by its President or

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a Vice-President, and its Secretary or an Assistant Secretary and the President or such Vice-President shall acknowledge the said certificate before an officer authorized by the laws of Delaware to take acknowledgments of deeds; and the said certificate, so executed and acknowledged shall be filed in the office of the Secretary of State, and a copy thereof, certified by said Secretary of State, shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded; or if the corporation shall have been created by special public act of the Legislature, then said certificate shall be recorded in the office of the Recorder of any County where the business of the said corporation may be conducted. And upon so filing and recording the same, the Certificate of Incorporation of said corporation shall be deemed to be amended accordingly; provided, however, that if any such proposed amendment would alter or change the preferences, special rights or powers given to any one or more classes of stock, by the Certificate of Incorporation, so as to affect such class or classes of stock adversely, or would increase or decrease the amount of the authorized stock of such class or classes of stock, or would increase or decrease the par value thereof, then the holders of the stock of each class of stock so affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the Certificate of Incorporation such class be entitled to vote or not; and the affirmative vote of a majority in interest of each such class of stock so affected by the amendment shall be necessary to the adoption thereof, in addition to the affirmative vote of a majority of every other class of stock entitled to vote thereon; and provided, further, that the amount of the authorized stock of any such class or classes of stock may be increased or decreased by the affirmative vote of the holders of a majority of the stock of the corporation entitled to vote, if so provided in the original Certificate of Incorporation or in any amendment thereto which created such class or classes of stock or in any amendment thereto which was authorized by a resolution or resolutions adopted by the affirmative vote of the holders of a majority of such class or classes of stock.

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2. If the corporation has no capital stock, then the Board of Directors, managers, trustees, or the governing body thereof shall pass a resolution declaring that every such addition, change or alteration is advisable, and if at the next meeting, held not earlier than fifteen days and not later than thirty days from the meeting at which such resolution shall have been passed, two-thirds of the whole number of the said Board of Directors, managers, trustees, or the governing body, shall vote in favor of such amendment, addition, change or alteration, a certificate thereof shall be signed by the President and Secretary under the corporate seal, acknowledged by said President before any officer authorized by the laws of this State to take acknowledgment of deeds, to be the act and deed and certificate of such corporation, and such certificate acknowledged as aforesaid, together with the assent of two-thirds of the whole number of the members of the said Board of Directors, managers, trustees, or governing body in writing, shall be filed in the office of the Secretary of State, and a copy thereof duly certified by the Secretary of State shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded; or, if the corporation shall have been created by a special public Act of the Legislature, then said certificate shall be recorded, as above provided, in the county where said corporation has its principal place of business; and upon so filing and recording the same, the Certificate of Incorporation shall be deemed to be amended accordingly.

Section 4. That Section 27 of the said Chapter 65 of the Revised Code of Delaware, being Section 1941 thereof, be amended by striking out said Section and inserting in lieu thereof the following:

1941, Sec. 27. Retirement of Preferred Stock:—Whenever any corporation organized under this Chapter shall have issued any preferred or special shares it may, subject to the provisions of its Certificate of Incorporation, (1) redeem all or any part of such shares, if subject to redemption, at such time or times, at such price or prices, and otherwise as shall be stated or expressed

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in the Certificate of Incorporation or (2) at any time or from time to time purchase all or any part of such shares, but in the case of shares subject to redemption, at not exceeding the price or prices at which the same may be redeemed, or (3) at any time or from time to time, by resolution of the Board of Directors, retire any such shares redeemed or purchased out of surplus. The corporation may apply to such redemption or purchase an amount out of its capital which shall not be greater than the sum of (1) that part of the consideration received for such shares which shall be capital pursuant to the provisions of Section 14 of this Chapter and that part of surplus which shall have been transferred and treated as capital in respect of such shares pursuant to the provisions of said Section and (2) any amounts by which the capital of the corporation shall have been increased by other transfers from surplus in accordance with the provisions of said Section 14, except those transfers, if any, which shall have been made in respect of other preferred or special shares. No such redemption or purchase, however, shall be made out of capital unless the assets of the corporation remaining after such redemption or purchase shall be sufficient to pay any debts of the corporation, the payment of which shall not have been otherwise provided for.

Any such shares so redeemed or purchased by the application of capital or otherwise retired pursuant to the provisions of this Section shall, upon the filing and recording of the certificate hereinafter in this Section provided for, and any shares of the corporation surrendered to it on the conversion or exchange thereof into or for other shares of the corporation pursuant to the provisions of the Certificate of Incorporation shall, after such conversion or exchange, have the status of authorized and unissued shares of the class of stock to which such shares belong; provided, however, that if the Certificate of Incorporation prohibits the reissue of such shares, the authorized capital stock of the corporation of the class to which such shares belong shall, upon such redemption, purchase, retirement, conversion or exchange, be deemed to be, and shall, upon the filing and recording of an appropriate certificate, executed as hereinafter provided,

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be reduced to the extent of the aggregate par value of the shares so redeemed, purchased, retired, converted or exchanged or, if such shares are without par value, to the extent of the total number of such shares.

Whenever any capital of the corporation is applied to the redemption or the purchase of shares or any shares are retired pursuant to the provisions of this Section 27, a certificate shall be made accordingly under the seal of the corporation and the hands of its President or a Vice President and its Secretary or an Assistant Secretary and the President or such Vice President shall acknowledge said certificate before an officer authorized by the laws of Delaware to take acknowledgment of deeds; and said certificate, so executed and acknowledged, shall be filed in the office of the Secretary of State and a copy thereof, certified by said Secretary of State, shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded; and thereupon the capital of the corporation shall be deemed to be and shall thereby be reduced by the amount thereof so applied to such redemption or purchase or the amount thereof represented by the shares so redeemed or purchased, whichever shall be greater, or, in the case of shares redeemed or purchased out of surplus and so retired, by the amount of capital represented by the shares so retired, without the necessity of any other proceedings under any other Section of this Chapter. If the Certificate of Incorporation prohibits the reissue of the shares so redeemed, purchased, retired or surrendered to the corporation on the conversion or exchange thereof into other shares of the corporation, the filing and recording of such certificate containing a recital of such fact shall constitute an amendment to the Certificate of Incorporation effecting a reduction in the authorized capital stock of the corporation to the extent of the aggregate par value of the shares so redeemed, purchased, retired, or surrendered on conversion or exchange, or, if such shares are without par value, to the extent of the total number of such shares. If the shares so redeemed, purchased, retired, or surrendered on conversion or exchange constitute all the outstanding shares of any particular class and the reissue



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thereof is so prohibited, the filing and recording of such certificate, containing a recital of such fact, shall constitute an amendment to the Certificate of Incorporation effecting a reduction in the authorized capital stock of the corporation by the elimination therefrom of all reference to said particular class of stock.

Nothing in this Section shall be construed as limiting the exercise of the rights given by Section 19 of this Chapter, or as in any way affecting the right of any corporation to resell any of its shares theretofore purchased or redeemed out of surplus for such consideration as shall be fixed from time to time by the Board of Directors.

Section 5. That Section 28 of the said Chapter 65 of the Revised Code of Delaware, being Section 1942 thereof, be amended by striking out said Section and inserting in lieu thereof the following:

1942, Sec. 28. Reduction of Capital:—Any corporation organized under this Chapter may reduce its capital at any time (a) by the written consent of the holders of record of the total number of shares of the corporation having voting powers at the time outstanding or (b) by resolution of its Board of Directors supplemented by a resolution adopted by the holders of record of a majority of said shares at a meeting of the stockholders called for that purpose upon at least ten days' notice given in accordance with the by-laws of the corporation to said stockholders. Any preferred or special shares which have been called for redemption and the payment of the redemption price of which has been provided for shall not be deemed to be outstanding. A certificate stating the fact of such consent or the adoption of such resolution and specifying the manner in and the extent to which the capital of the corporation is to be reduced shall be made under the seal of the corporation and the hands of its President or a Vice-President and its Secretary or an Assistant Secretary and the President or such Vice-President shall acknowledge said certificate before an officer authorized by the laws of Delaware to take acknowledgments of deeds; and the certificate, so executed

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and acknowledged, shall be filed in the office of the Secretary of State and a certified copy thereof shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded. Upon the completion of such filing and recording the capital of the corporation shall thereby be so reduced. No such reduction, however, shall be made in the capital of the corporation unless the assets of the corporation remaining after such reduction are sufficient to pay any debts, the payment of which shall not have been otherwise provided for and said certificate shall so state.

Such reduction of the capital of the corporation may be effected by retiring or reducing the outstanding shares of any class or by drawing the necessary number of the outstanding shares of any class by lot for retirement, or by the exchange by the holders of outstanding shares of any class of the shares of such class held by them for a decreased number of shares of stock of the same or of a different class of stock, or by the exchange of shares having par value for shares having no par value, or of shares without par value for shares with par value, or by reducing (in conjunction with appropriate action under Section 26 of this Chapter) the par value of the shares of any class of stock having par value, or, where the amount of capital represented by shares of stock having par value exceeds such par value, by reducing the amount of capital, represented by such shares by an amount not greater than such excess, or by reducing the amount of capital represented by shares of stock having no par value, or, in case the capital shall have been increased by the transfer thereto from surplus pursuant to the provisions of Section 14 of this Chapter and the transfer shall not have been made in respect of any designated class or classes of stock, by retransferring to surplus all or any part of the amount by which capital shall have been so increased, or by the purchase of shares for retirement, either pro rata from all holders of shares of that class of stock or by purchasing such shares from time to time in the open market or at private sale in both cases at not exceeding such price or prices as may be fixed or approved by the stockholders entitled to vote upon the reduction of capital to be effected in that manner, or by retiring shares owned by the corporation. If such reduc-

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tion of capital of the corporation be effected by retiring shares, then, if the consent or resolution of stockholders above referred to shall so provide, an amount not exceeding that part of the capital of the corporation represented by such shares may be charged against or paid out of the capital of the corporation in respect of such shares.

If such reduction of capital shall have been effected by retiring or reducing the outstanding shares of any class in any of the manners above mentioned, including the retirement of shares already owned by the corporation, the shares so retired or by the acquisition of which in any manner the outstanding shares of such class shall have been reduced shall, upon the filing and recording of the certificate as provided in this Section, if the Certificate of Incorporation does not prohibit the reissue thereof, have the status of authorized and unissued shares of the class of stock to which such shares belong. If the Certificate of Incorporation prohibits the reissue of such shares, the filing and recording of such certificate, containing a recital of such fact, shall constitute an amendment to the Certificate of Incorporation effecting a reduction of the authorized capital stock of the corporation to the extent of the aggregate par value of such shares, or, if such shares are without par value, to the extent of the total number of such shares. If such shares constitute all the outstanding shares of any particular class and the reissue thereof is so prohibited, the filing and recording of such certificate, containing a recital of such fact, shall constitute an amendment to the Certificate of Incorporation effecting a reduction in the authorized capital stock of the corporation by the elimination therefrom of all reference to said particular class of stock.

When any corporation shall decrease the amount of its capital as hereinbefore provided, the above-mentioned certificate shall be published for three weeks successively at least once in each week, in a newspaper published in the county in which the principal office of the corporation is located; the first publication to be made within fifteen days after the filing of such certificate, and in default thereof the directors of the corporation shall be jointly

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and severally liable to any creditors of the corporation who shall suffer loss by reason of the non-compliance with the provisions of this section and the stockholders shall be similarly liable up to the amount of such sums as they may respectively receive of the amount so reduced; provided that no such decrease of capital shall release the liability of any stockholder, whose shares have not been fully paid, for debts of the corporation theretofore contracted.

Section 6. That Section 133 of the said Chapter 65 of the Revised Code of Delaware, being Section 2047 thereof, be amended by striking out of the fifth line thereof the words "to be made from coal or other materials".

Approved March 29, 1933.

## CHAPTER 92

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**AN ACT to Amend an Act Entitled "An Act to Create the Office of State Bank Commissioner and to Define the Powers and Duties of Said Commissioner" Being Chapter 111, Volume 30, Laws of Delaware, as the Same Is Amended by Chapter 89, Volume 36, Laws of Delaware.**

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

Section 1. That the Act entitled "An Act to create the office of State Bank Commissioner and to define the powers and duties of said Commissioner," being Chapter 111, Volume 30, of the Laws of Delaware, as the same is amended by Chapter 89, Volume 36 of the Laws of Delaware, be and the same is hereby amended as follows:

(1) By striking out the following words in lines six and seven of Section 1, namely, "He shall give bond to the State in the sum of \$20,000.00," and by substituting in lieu thereof the following words "He shall give bond to the State in the sum of \$50,000.00."

(2) By striking out Section 2 and by substituting in lieu thereof a new Section 2 as follows:

"Section 2. The said State Bank Commissioner shall have power to appoint a deputy and to employ such examiners, clerks and other assistants as shall be necessary for the making of examinations of and giving adequate supervision over the corporations under his jurisdiction and lending such aid and counsel to the officers and directors of said corporations as the situation or the circumstances may require, and, in general, for the proper conduct of the affairs of the office and to discharge in a proper manner the duties imposed upon him by law. The tenure, duties, and compensation of the persons so appointed or employed shall be determined by the said Commissioner.

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Provided, however, that the Commissioner shall not increase his force beyond a deputy, two examiners and a clerk except by and with the approval of the Governor; and, provided further, that the salaries or compensation of the several appointees or employees under this section shall be fixed by the said Commissioner by and with the approval of the Governor; and provided also that the total cost of the Banking Department including all salaries, compensation and expenses shall not in any one year exceed one-third of the estimated receipts from taxes, licenses and examination fees collectible by the said Commissioner for said year, such estimate to be made on the basis of the actual collections made by the Commissioner during the year next preceding such estimate. The persons appointed or employed by the said Commissioner shall give bond to the State, the Deputy in the sum of Twenty-Five Thousand Dollars, and each of the other appointees in the sum of Ten Thousand Dollars for the faithful performance of their respective duties, provided that the Commissioner may in his discretion remit the giving of bond in the case of persons appointed for temporary assistance. The said bonds shall be approved by the Governor and filed in the office of the Secretary of State. In the event of the removal, resignation, death or disability of any person so appointed or employed, the vacancy may be filled by the Commissioner."

(3) By striking out Section 3 and by substituting in lieu thereof a new Section 3 as follows:

"Section 3. The State Bank Commissioner, his Deputy and examiners shall be selected with respect to their knowledge of and experience in banking and accounting. They shall be residents of the State of Delaware except that when necessary, the Commissioner may make temporary appointments of persons who are not residents of this State. The said Commissioner and his appointees shall not be stockholders in any corporation coming under the provisions of this Act."

(4) By striking out Section 4 and by substituting in lieu thereof a new Section 4 as follows:

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"Section 4. The principal office of the said State Bank Commissioner shall be in the State House at Dover. The necessary expenses of said office, the costs of the bonds required to be given by the said Commissioner and his appointees, the salaries or compensation of the said Commissioner, his Deputy and other appointees, and the necessary expenses incurred by them in the performance of their respective duties shall be paid by the State Treasurer when and as vouchers therefor are presented to him by the said Commissioner; provided that the sum total of the payments made by the said Treasurer under the provisions of this Section shall not in any one year exceed one-third of the estimated collections of the Banking Department for that year as hereinbefore provided; and provided further that the salaries or compensation shall have received the approval of the Governor as aforesaid. The said Commissioner shall render an account monthly to the State Auditor of all taxes and charges received by him and shall pay the amount thereof to the State Treasurer."

(5) By striking out the following words in the first, second, third and fourth lines of Section 8 "that the said State Bank Commissioner in person, or by his deputy or clerk, or with their assistance, or the assistance of such additional clerks as he may temporarily employ" and by substituting in lieu thereof the following words "that the said State Bank Commissioner in person or by his deputy or other appointee or with their assistance."

(6) By striking out the following words in the twenty-fourth and twenty-fifth lines of said Section 8 "provided that the said Commissioner, his deputy or clerk" and by substituting in lieu thereof the following words "provided that the said Commissioner or the person making the examination at his direction."

(7) By striking out the following words in the third line of Section 11 "or by his deputy, or clerk," and by substituting in lieu thereof the following words "or by any of his appointees."

(8) By striking out the following words in the tenth and eleventh lines of said Section 11 "his deputy, and clerk, and any

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additional clerks temporarily employed by said Commissioner" and by substituting in lieu thereof the following words "and all his appointees."

(9) By striking out the following words in the fifteenth and sixteenth lines of said Section 11 "his deputy, or clerk, or clerks," and by substituting in lieu thereof the following words "or any of his appointees."

(10) By striking out the following words in the seventeenth, eighteenth and nineteenth lines of said Section 11 "his deputy, or clerk, or any one of the additional clerks temporarily employed by said Commissioner" and by substituting in lieu thereof the following words "or any of his appointees."

(11) By changing the number of Section 15 and Section 16 to Section 16 and Section 17 respectively.

(12) By making a new Section 15 as follows:

"Section 15. A Bank Advisory Board is hereby created. The said Board shall consist of four persons to be appointed by the State Bank Commissioner, one from each county and one at large. The said appointees shall be persons who have standing and experience in the business of banking and trust companies in the State of Delaware. The term of their appointment shall be determined by the said Commissioner but shall not extend beyond the term of office of the Commissioner making the appointment. Vacancies in the Board shall be filled by the Commissioner. Neglect or failure to attend any meeting of the Board called by the Commissioner shall be deemed to create a vacancy. The members of the Board shall receive no salaries or compensation but shall be paid their expenses incurred in the discharge of their duties, including mileage at the rate of six cents per mile. Such expenses shall be paid by the State Treasurer when and as vouchers therefor shall be presented by the said Commissioner. Said expenses shall be deemed a part of the expenses of the Banking Department.



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"The duties of the members of the Bank Advisory Board shall be to aid and assist the State Bank Commissioner in an advisory capacity in the performance of his duties, and in the administration of the banking laws and the strengthening and improving of the banking situation of this State.

"No member of said Board shall be deemed or held to be liable or responsible in any manner whatever for any action taken by the Commissioner on the advice of such member.

"The said Commissioner is authorized and empowered to disclose to the members of such Board so much and such portion of the records in his office, including reports of examinations of corporations under his jurisdiction, as the said Commissioner shall deem proper or necessary.

"The members of the said Board shall be sworn not to disclose any fact or information which came to them by reason of their membership on said Board or in the performance of their duties on said Board."

Approved February 28, 1933.

## CHAPTER 93

## BANKS

**AN ACT to Amend an Act Entitled "An Act in Relation to Banks, Saving Societies and Trust Companies and Regulating the Conduct of Their Business and Prescribing Certain Powers and Duties for the State Bank Commissioner," Being Chapter 103, of Volume 32, Laws of Delaware as amended.**

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

Section 1. That the Act entitled "An Act in relation to banks, savings societies and trust companies and regulating the conduct of their business and prescribing certain powers and duties for the State Bank Commissioner" being Chapter 103, of Volume 32, Laws of Delaware, as the same has been heretofore amended be and the same is hereby amended as follows:

(1) By adding at the end of Section 4 the following as an addition to and part of said Section 4—

"The right to open or establish a branch and/or branch office conferred upon or vested in any bank or trust company by charter or Legislative Act granted or passed prior to January 1, 1933, shall be deemed and held to be revoked for non-user unless such branch and/or branch office shall be actually established and business conducted thereat prior to the first day of January, 1934."

(2) By striking out the first sentence of Section 6 and by substituting in lieu thereof the following as the first sentence of said Section 6—

"If the State Bank Commissioner shall have reason to believe that the capital of any bank or trust company under his jurisdiction has been impaired, he may require such corporation to make good the deficiency within such time as he shall specify."

(3) By striking out the last sentence in Section 9 and by substituting in lieu thereof the following new sentences:

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"The Receiver to be appointed as aforesaid shall be the State Bank Commissioner or, in his absence or disability, the Deputy Bank Commissioner. Neither of said officials shall receive any extra compensation for acting as such receiver. The Court may in its discretion vest the Receiver with full power and authority to borrow such sum or sums of money as the Court shall determine in order the more readily or expeditiously to settle the affairs of the said corporation and/or to make payments to its creditors or to its depositors or to its stockholders. Such borrowing may be from any public or governmental or quasi public or quasi governmental corporation, board, commission or other agency or from any source whatsoever, and the Court may authorize the Receiver to secure any such loan by the pledge of any of the property or assets of the corporation, and to give the lender a preference as to the pledged property and assets over the creditors of the corporation.

"If by reason of any circumstance or condition whatsoever, the State Bank Commissioner shall be satisfied that it is necessary for the protection of the depositors and the conservation of the assets of any State bank or trust company doing business in this State, so to do, the said Commissioner may forthwith take possession of the place of business of such corporation and take charge of its affairs and the conduct of its business for such time as he shall deem necessary without first instituting or causing to be instituted any proceeding in the Court of Chancery, but every such corporation shall have the right to apply to the Court of Chancery for a rule on the said Commissioner so taking possession of the corporation as aforesaid to show cause why he should continue in such possession and the Court may after a hearing upon such rule, direct the said Commissioner to withdraw from the possession of the said corporation if the Court shall deem that the taking of such possession or his continuance therein is unnecessary or inexpedient. The said Commissioner is hereby vested with full right and authority, in his discretion, to keep such bank or trust company open and continue it in the transaction of business during his possession of the corporation, and if he shall deem it requisite so to do, to prescribe restrictions as

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to the withdrawal of deposits, whether time or demand, and/or the conditions upon which deposits, whether time or demand, may be withdrawn during his possession of the corporation.

"The State Bank Commissioner may employ such persons outside the regular force in the Banking Department as he shall deem necessary or proper to assist him in the performance of his duties whether acting as receiver under order of Court or in possession of the corporation on his own motion as aforesaid, and may select some or all of the officers and employees of such corporation for this purpose. He shall require such security as he may deem proper from his agents and assistants appointed pursuant to the provisions of this section.

"The costs and expenses incurred by the State Bank Commissioner in acting as the Receiver for any corporation as aforesaid, including the compensation and expenses of all assistants employed by said Commissioner in the performance of his duties as Receiver, shall be paid out of the assets of the said corporation and shall have priority over all of the corporate indebtedness; and the costs and expenses incurred by the State Bank Commissioner in taking possession of a corporation without being appointed Receiver thereof, including the compensation and expenses of all assistants employed by the said Commissioner for the purpose of such possession, shall be paid out of the assets of the said corporation and shall have priority over corporate debts."

(4) By inserting after Section 9 a new section to be styled Section 9a as follows:

"Section 9a. The State Bank Commissioner is hereby authorized and empowered in addition to all other powers, whenever in his judgment the circumstances warrant it, to authorize any and all banks and trust companies under his jurisdiction,

(a) To extend for a period of ninety days, and for a further period if he deems it expedient, payment of any time accounts where notice of withdrawal has been given or may hereafter be given.

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(b) To authorize the postponement for any length of time of the payment of any proportion of the deposits in demand accounts of any individual, firm or corporation as he may deem necessary and expedient, to be determined by him according to the ability of any bank or trust company to pay such withdrawals.

(c) To authorize all such banks and trust companies to thereafter receive new deposits which shall be segregated from the old deposits, and said new deposits shall not be subject to the restriction or limitations herein or that may be hereafter imposed by the State Bank Commissioner pursuant to the provisions herein, and said new deposits shall be invested in such liquid assets as may be approved by the State Bank Commissioner in order that banks and trust companies may at all times have sufficient funds to meet the demands on such new deposits in accordance herewith.

(5) By adding at the end of Section 12 the following as a part of said Section 12—

“No bank or trust company shall make any loans, directly or indirectly to any of its directors, officers or employees except on the following conditions—(a) that the loan be approved by the vote of two-thirds of the whole board of directors, or where the granting of loans is vested in a committee of the board of directors, then by a vote of two-thirds of the whole committee, and the proposed borrower shall not be present when the application for the loan is acted on; (b) that at the time the loan shall be voted upon as aforesaid, there shall be submitted to and examined by the directors voting upon said loan a written statement signed by the proposed borrower setting forth clearly his financial condition and disclosing his assets and liabilities, and in case said loan shall be granted, said statement shall be preserved and kept with the evidence of said loan whilst the same remains unpaid, provided that no such statement shall be necessary where the loan is secured by liquid collateral worth at least twenty per centum more than the amount of the loan.”

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(6) By striking out Section 16 and by substituting in lieu thereof the following new Section 16—

"Section 16. No bank or trust company shall, except with the express approval of the State Bank Commissioner, have more than twenty-five per cent of its capital actually paid in and its surplus account invested in real estate used as its place of business including the cost of alterations and additions in the nature of permanent fixtures. The amount of any mortgage or real estate owned by such corporation directly or indirectly and in whole or in part used by it for the transaction of its business, and the amount of money invested by such corporation in the securities of any corporation, trust or other organization which holds real estate in whole or in part used for the transaction of the business of such corporation or intended for such use, shall be included in determining the amount of real estate that may be held by such corporation under this section. Provided, however, that the provisions of this Section shall not be deemed to apply to the investment or expenditure of money made prior to the first day of July, 1933."

(7) By striking out the last sentence of Section 18.

(8) By changing the number of Section 19 to Section 24 and by inserting the following new sections to precede said Section 24—

"Section 19. The directors of a bank or trust company may declare dividends of so much of the net profits of the corporation as they shall judge expedient; but such corporation shall, before the declaration of a dividend from the net profits (1) carry 50% of its net profits of the preceding period for which said dividend is paid to its surplus fund until the same shall amount to 50% of its capital stock (2) and thereafter shall carry 25% of its net profits of the preceding period for which said dividend is paid to its surplus fund until the same shall amount to its capital stock."

"Section 20. Every bank and trust company including sav-

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ings banks and National Banks doing business in this State shall on or before the first day of July, 1933, file in the office of the State Bank Commissioner a written statement setting forth clearly and specifically its rules and regulations as to time deposits and as to savings deposits including (1) the maximum amount that the corporation will receive from a depositor during a specified period; (2) the rate of interest allowed on each class of deposits; (3) how and for what period the interest is calculated; and (4) what notice is required before withdrawal and whether any exception, and if so, what, is allowed, and such other things as the said Commissioner shall specify.

"If and when any such corporation shall make any change in its rules and regulations as filed with the said Commissioner as aforesaid it shall be the duty of such corporation forthwith to file with the said Commissioner a written statement setting forth such change."

"Section 21. No bank or trust company shall hold more than ten per cent of the capital stock of any other bank or trust company."

"Section 22. Every charter authorizing the establishment of a bank or trust company in this State and which was granted or passed by the General Assembly of this State prior to the first day of July, 1933, shall be deemed and held to be revoked for non-use of corporate franchise unless the corporation created or authorized by such charter shall be actively engaged in business in this State prior to the first day of January, 1934.

"No bank or trust company not actively engaged in business in this State prior to the first day of January, 1933, shall transact any business in this State without having first secured from the State Bank Commissioner a certificate authorizing it to begin the transaction of business and to open a place of business in this State.

"The said Commissioner shall not give any certificate as aforesaid until satisfied by proper evidence that all the require-

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ments of the charter of the corporation applying for such certificate and all the requirements of the laws of this State applicable to such a case have been complied with and that the whole capital stock has been fully paid in in cash, unless the charter shall expressly provide otherwise.

"A fee of Fifty Dollars for every such certificate shall be required by the Commissioner before issuing the same."

"Section 23. When a bank or trust company shall be appointed executor or administrator, receiver or assignee or guardian or trustee either by will or by any written instrument or other act of the parties or by any court or official such bank or trust company shall keep a separate account of money, securities or other property received, invested or loaned in the performance of its duties as such appointee and the same shall be deemed and held to be a special deposit and shall be held to be specially appropriated to the security and payment of such deposit and shall not be liable for the debts or obligations of the corporation."

(9) By adding a new section at the end of said Act as follows:

"Section 25. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered."

Approved February 28, 1933.



## CHAPTER 94

## BANKS

**AN ACT in Relation to State Banks and Trust Companies, Providing for Their Incorporation and the Amendment of Their Charters or Certificates of Incorporation by General Law.**

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

Section 1. This Act shall not be deemed to apply to (1) corporations without capital stock doing a savings bank business and (2) National Banks; and the term "bank" or "banks" as used in this Act shall not be deemed to include such Savings Banks or National Banks.

This Act may be cited and referred to as the corporation law for State banks and trust companies.

Section 2. Banks and trust companies shall hereafter be established or created in this State under and in accordance with the provisions of this Act.

Section 3. Banks and trust companies heretofore or hereafter created by or under Special Act or General Law of this State shall hereafter amend their charters or certificates of incorporation by and under the provisions of this Act.

Section 4. Fifteen or more persons being citizens and residents of this State and of lawful age who associate themselves by a written agreement for the purpose of forming a bank or trust company may, upon compliance with the provisions of this Act become a corporation, with the powers conferred by this Act and subject to the regulations prescribed by this Act and subject also to the regulations prescribed for banks and trust companies by any general statute of this State.

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Section 5. Said agreement or articles of association shall set forth that the subscribers thereto associate themselves with the intention of forming a corporation, and shall specifically state—

First, The name by which the corporation shall be known.

Second, The purpose for which it is formed.

Third, The city or town where its place of business will be located.

Fourth, The amount of its capital stock, and the number of shares into which it is to be divided.

Fifth, The number of its directors, which shall not be less than five.

Sixth, Whether or not the corporation is to have perpetual existence, and if not, the time when its existence is to cease.

Seventh, Whether the private property of the stockholders shall be subject to the payment of corporate debts, and if so, to what extent. The articles of association may also contain other provisions defining, limiting and regulating the powers of the corporation, the powers and duties of the directors, and the powers of the stockholders, provided such provisions are consonant with the object, purpose and provisions of this Act and are not in conflict with the provisions of any general statute of this State relating to banks and trust companies.

Each associate shall subscribe to the articles his name, residence, post office address and the number of shares of stock which he agrees to take, and shall acknowledge the same to be his act and deed before some officer authorized by the laws of this State to take acknowledgments of deeds.

Section 6. Notice of the intention of the subscribers to form such bank or trust company shall be given to the Board of Bank Incorporation, and a notice in such form as said Board shall ap-

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prove shall be published at least once a week, for three successive weeks, in one or more newspapers designated by said Board, at least one of which newspapers shall be published in the county where it is proposed to establish such bank or trust company. The published notice shall specify the names of all the associates, the name of the proposed corporation, the city or town where it is to be located, and the amount of its capital stock. Within sixty days after the third publication of the notice as aforesaid but not before the expiration of thirty days from the date of said third publication the subscribers to said agreement shall apply to said Board for a certificate that public convenience and advantage will be promoted by the establishment of such bank or trust company.

Section 7. Upon the application for a certificate as aforesaid, the Board of Bank Incorporation shall consider and determine whether public convenience and advantage would be promoted by the establishment of such bank or trust company, and whether the terms and provisions of the agreement or articles of association are in compliance with this Act and shall issue or refuse to issue such certificate in accordance with such determination. If the Board refuses to issue such certificate, no further proceedings shall be had, but the application may be renewed after one year from the date of such refusal. If the Board issues the certificate, the subscribers to the agreement or articles of association shall hold the first meeting and follow the procedure set forth in the succeeding section of this Act.

Section 8. The first meeting of the subscribers to the agreement of association shall be called by a notice signed either by that subscriber to the agreement who is designated therein for the purpose, or by a majority of the subscribers; and such notice shall state the time, place and purposes of the meeting. A copy of the notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber to the agreement or articles of association or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business, and another copy thereof and an affidavit of one of the subscribers

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to the agreement or articles of association that the notice has been duly served shall be filed and recorded with the records of the corporation. If all the subscribers shall in writing, endorsed upon the agreement of association, waive such notice and fix the time and place of the meeting, no notice shall be required. At such first meeting, or at any adjournment thereof, the subscribers to the articles of association shall organize by the choice by ballot of a temporary secretary, by the adoption of by-laws and by the election in such manner as the by-laws may determine, of directors, a president, a secretary, and such other officers as the by-laws may prescribe. All the officers so elected shall be sworn to the faithful performance of their duties. The temporary secretary shall make and attest a record of the proceedings until the secretary has been chosen and sworn, including a record of such choice and qualification.

Section 9. The president, and a majority of the directors elected at such first meeting, shall make, sign and make oath to, a certificate (hereinafter called articles of organization) setting forth—

(a) A true copy of the agreement of association, the names of the subscribers thereto, and the name, residence and post office address of each of the officers of the company;

(b) The date of the first meeting and the successive adjournments thereof, if any.

Said articles of organization together with the records of the proposed corporation, shall be submitted to the Board of Bank Incorporation. Said Board shall examine the same, and may require such amendment thereof or such additional information as said Board may consider proper or necessary.

If and when said Board shall find that the provisions of law have been complied with, said Board shall endorse its approval upon said articles of organization.

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Said articles of organization with the endorsement of the Board of Bank Incorporation shall, within thirty days after such endorsement, be filed in the office of the Secretary of State, who shall issue a certificate of incorporation in the following form:

## STATE OF DELAWARE

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the agreement of association), with a capital stock of (the amount fixed in the agreement of association), and having its place of business in (the city or town where its place of business will be located) and have complied with the statutes of this State in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the Board of Bank Incorporation and on file in this office; now, therefore, I (the name of the Secretary of State), Secretary of the State of Delaware, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation), with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto.

Witness my official signature hereunto subscribed, and the Great Seal of the State of Delaware hereunto affixed, this..... day of..... in the year (the date of the filing of the articles of organization).

The Secretary of State shall sign the certificate of incorporation and cause the Great Seal of the State to be thereto affixed and shall deliver the same to the corporation together with a certified copy of the articles of organization and the endorsement of the Board of Bank Incorporation thereon, upon payment of the costs and charges therefor. A certified copy of said certificate shall be kept on file in the office of the Secretary of State with

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the aforesaid articles of organization, and the said certificate together with the aforesaid articles of organization and the endorsement thereon of the Board of Bank Incorporation shall be recorded in the office of the Recorder of Deeds for the County in which the place of business of the corporation is to be located. Said certificate or a copy thereof duly certified by the Secretary of State, together with a certified copy of the articles of organization and the endorsement thereon of the Board of Bank Incorporation, accompanied with the certificate of the Recorder of Deeds for the County wherein the same is recorded under his hand and the seal of his office, stating that said certificate and articles of organization have been recorded in the office of the Recorder aforesaid, or a copy of said record duly certified by the Recorder aforesaid, shall be evidence in all courts of law and equity in this State.

Upon the issuance of the said certificate by the Secretary of State and the recording of the said certificate and articles of organization as aforesaid, the persons named in the said certificate, their successors and assigns shall from the date of said certificate be and constitute a body corporate, for the purposes and by the name set forth in said certificate, subject to dissolution or the revocation or forfeiture of the franchise under the provisions of this Act or under the provisions of any General Statute of this State relating to the dissolution of or to the revocation or forfeiture of the charter or franchise of banks or trust companies; provided, however, that the said corporation shall not have the right to do any business until it has secured from the State Bank Commissioner of this State the certificate provided for in the succeeding section of this Act.

Section 10. A certified copy of the certificate of incorporation and of the articles of organization and the endorsement of the approval of the Board of Bank Incorporation shall be filed with the State Bank Commissioner; and when the whole capital stock has been issued, a list of the stockholders, with the name, residence and post office address of each, and the number of shares held by each, shall be filed with the State Bank Commis-

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sioner, which list shall be certified by the President and the Cashier or Treasurer of the corporation. Upon receipt of such list said State Bank Commissioner shall cause an examination to be made of the method of payment of the capital stock and if, after such examination, it appears that the whole capital stock has been paid in in cash, and that all requirements of law have been complied with, the State Bank Commissioner shall issue a certificate authorizing such corporation to begin the transaction of business. It shall be unlawful for any such corporation to begin the transaction of business until such a certificate has been granted.

Section 11. The business of every corporation organized under the provisions of this Act shall be managed by a Board of Directors. The number of directors which shall constitute the whole board shall be such as specified in the agreement of association, but in no case shall the number be less than five. The by-laws shall prescribe how many directors shall constitute a quorum for the transaction of business. No person shall be a director in any such corporation unless he is a stockholder of record holding unpledged stock therein of an aggregate par value of not less than one thousand dollars.

Every director shall be sworn to the faithful performance of his duties.

The directors elected at the meeting of the subscribers to the articles of organization as provided in Section 8 of this Act shall hold office until the succeeding annual meeting of the stockholders and until their successors have been duly chosen and qualified, and thereafter directors shall be elected at the annual meeting of the stockholders or at an adjournment of such annual meeting; provided that vacancies in the board of directors shall be filled by a majority of the remaining directors, though less than a quorum, and the directors so chosen shall hold office until the next annual election and until their successors shall be duly elected and qualified.

Section 12. Meetings of stockholders (except the meeting

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of subscribers to the agreement of association referred to in Section 8 of this Act) shall be held at the corporation's place of business. The by-laws shall fix the time of the annual meeting and may provide for special or called meetings of stockholders. Any meeting of the stockholders may be adjourned and at such adjourned meeting, any business may be transacted that could have been acted on at the meeting which was adjourned.

The by-laws may prescribe what number of shares shall be represented at any stockholders' meeting to constitute a quorum, but in the absence of such a provision, any number of shares represented at a stockholders' meeting shall be sufficient for the transaction of business thereat. Each stockholder shall at every meeting of the stockholders be entitled to one vote in person or by proxy for each share of the capital stock held by such stockholder, but no stock shall be voted which shall have been transferred on the books of the corporation within twenty days next preceding the stockholders' meeting.

The corporation may adopt by-laws for the proper management of its affairs, and may establish regulations controlling the assignment and transfer of its shares. The first set of by-laws shall be adopted at the meeting of the subscribers to the agreement of association as provided in Section 8 of this Act, but thereafter the power to make, alter or repeal by-laws shall be in the stockholders.

Section 13. The capital stock of a bank organized under this Act shall be not less than two hundred thousand dollars, provided that in a city or town whose population numbers not exceeding one hundred thousand but exceeding three thousand the capital stock shall be not less than one hundred thousand dollars and in a town whose population numbers not exceeding three thousand the capital stock shall not be less than fifty thousand dollars. But in no case shall the capital stock of a trust company organized under this Act be less than two hundred thousand dollars. The capital stock shall be divided into shares of the par value of not more than one hundred dollars nor less than twenty-five dollars each. No business shall be transacted by such cor-



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sioner, which list shall be certified by the President and the Cashier or Treasurer of the corporation. Upon receipt of such list said State Bank Commissioner shall cause an examination to be made of the method of payment of the capital stock and if, after such examination, it appears that the whole capital stock has been paid in in cash, and that all requirements of law have been complied with, the State Bank Commissioner shall issue a certificate authorizing such corporation to begin the transaction of business. It shall be unlawful for any such corporation to begin the transaction of business until such a certificate has been granted.

Section 11. The business of every corporation organized under the provisions of this Act shall be managed by a Board of Directors. The number of directors which shall constitute the whole board shall be such as specified in the agreement of association, but in no case shall the number be less than five. The by-laws shall prescribe how many directors shall constitute a quorum for the transaction of business. No person shall be a director in any such corporation unless he is a stockholder of record holding unpledged stock therein of an aggregate par value of not less than one thousand dollars.

Every director shall be sworn to the faithful performance of his duties.

The directors elected at the meeting of the subscribers to the articles of organization as provided in Section 8 of this Act shall hold office until the succeeding annual meeting of the stockholders and until their successors have been duly chosen and qualified, and thereafter directors shall be elected at the annual meeting of the stockholders or at an adjournment of such annual meeting; provided that vacancies in the board of directors shall be filled by a majority of the remaining directors, though less than a quorum, and the directors so chosen shall hold office until the next annual election and until their successors shall be duly elected and qualified.

Section 12. Meetings of stockholders (except the meeting

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of subscribers to the agreement of association referred to in Section 8 of this Act) shall be held at the corporation's place of business. The by-laws shall fix the time of the annual meeting and may provide for special or called meetings of stockholders. Any meeting of the stockholders may be adjourned and at such adjourned meeting, any business may be transacted that could have been acted on at the meeting which was adjourned.

The by-laws may prescribe what number of shares shall be represented at any stockholders' meeting to constitute a quorum, but in the absence of such a provision, any number of shares represented at a stockholders' meeting shall be sufficient for the transaction of business thereat. Each stockholder shall at every meeting of the stockholders be entitled to one vote in person or by proxy for each share of the capital stock held by such stockholder, but no stock shall be voted which shall have been transferred on the books of the corporation within twenty days next preceding the stockholders' meeting.

The corporation may adopt by-laws for the proper management of its affairs, and may establish regulations controlling the assignment and transfer of its shares. The first set of by-laws shall be adopted at the meeting of the subscribers to the agreement of association as provided in Section 8 of this Act, but thereafter the power to make, alter or repeal by-laws shall be in the stockholders.

Section 13. The capital stock of a bank organized under this Act shall be not less than two hundred thousand dollars, provided that in a city or town whose population numbers not exceeding one hundred thousand but exceeding three thousand the capital stock shall be not less than one hundred thousand dollars and in a town whose population numbers not exceeding three thousand the capital stock shall not be less than fifty thousand dollars. But in no case shall the capital stock of a trust company organized under this Act be less than two hundred thousand dollars. The capital stock shall be divided into shares of the par value of not more than one hundred dollars nor less than twenty-five dollars each. No business shall be transacted by such cor-

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poration until the whole amount of its capital stock is subscribed for and actually paid in in cash. No stock shall be issued by any such corporation under this section until the par value thereof shall be fully paid in in cash. Any such corporation may, subject to the approval of the State Bank Commissioner, increase or reduce its capital stock in the manner hereinafter provided; provided, that in the case of a reduction as aforesaid the capital stock as so reduced shall not be less than the amount required by this section.

Section 14. The private property of the stockholders shall not be subject to the payment of the corporate debts except as otherwise provided in the agreement of association as set forth in Section 5 of this Act.

Section 15. A corporation established under and in compliance with the provisions of this Act may sue and be sued, complain and defend in any Court of law or equity, and shall have power to make and use a common seal and alter the same at pleasure, to hold, purchase, convey, mortgage or lease real and personal property, to borrow and lend money, to discount bills, promissory notes or other evidences of debt, to receive deposits of money either on time or demand, to buy and sell gold and silver bullion and foreign money and coin, to purchase securities for the investment of the funds under its control and to sell the same, and to take mortgages and obligations of all kinds for payment of money for the investment of said funds and to sell the same, and to receive for safe keeping securities and all types of choses in action and all kinds of personal property, and to keep deposit boxes and rent them to customers or patrons and generally, to use, exercise and enjoy all of the powers, rights, privileges and franchises incident to a banking corporation and, if established as a trust company, incident to a trust company, and which are necessary or proper for the transaction of the business of the corporation, but all powers conferred by this Section are subject to and are to be construed as qualified by the limitations, restrictions, and regulations prescribed in the succeeding sections of this Act or by any general statute of this State providing regulations for banks and trust companies.

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Section 16. No corporation established under the provisions of this Act shall engage in the business of buying and selling investments or securities for others but may as merely incidental to its own business and when requested so to do by a customer buy or sell for such customer securities or investments of any kind. Nothing in this section shall be deemed to limit the power of the corporation to buy or sell securities or investments for the purpose of or in connection with the investment of any funds under its control as a bank or trust company.

No such corporation shall engage in any business involving the warranting or guaranteeing the right or title to property, real or personal.

No such corporation shall do any business other than a banking business and/or trust company business.

Section 17. No such corporation shall advance money or credit upon notes or bonds secured by deed of trust or by mortgage upon farms or agricultural or unimproved land outside of this State, or invest in or make loans on the bonds or other securities of a company negotiating or dealing in such notes so secured or in such mortgages; but this inhibition shall not be deemed to apply either to Federal Land Bank bonds or obligations or to joint stock Land Bank bonds or obligations.

Section 18. No such corporation shall directly or indirectly make a loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months after its purchase or acquisition, be sold or disposed of at public or private sale.

Section 19. Such corporation may hold real estate suitable for the transaction of its business, provided that if the aggregate amount invested and proposed to be invested therein, including the cost of alterations and additions in the nature of permanent fixtures, exceeds, directly or indirectly, twenty-five per cent

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of its capital actually paid in and its surplus account, any such excess investment shall be made only with the approval of the State Bank Commissioner. The amount of any mortgage on real estate owned by such corporation directly or indirectly and in whole or in part used by it for the transaction of its business, and the amount of money invested by such corporation in the securities of any corporation, trust or other organization which holds real estate in whole or in part used for the transaction of the business of such corporation or intended for such use, shall be included in determining the amount of real estate that may be held by such corporation under this section.

Section 20. If any such corporation shall desire to open a branch office in the city where it does business, it shall make application to the Board of Bank Incorporation who shall inquire into the matter, and if it shall deem that the public convenience will be served thereby and that there is good and sufficient reason that the corporation should have such branch office, it shall issue a written permission for the opening of such branch office in the city where the corporation is doing business, provided that no corporation shall be allowed more than two branch offices; and provided further that no branch office shall be maintained by any corporation doing business in a city of a population less than one hundred thousand.

Section 21. Any such corporation which becomes a member of the Federal Reserve System may while such corporation continues as a member bank of said System have and exercise any and all of the corporate powers and privileges which may be exercised by member banks of said System.

Section 22. In the case of a corporation established as a trust company under this Act, the powers conferred by Section 15 of this Act shall be deemed and held to include the right or power to be appointed executor of a will, codicil or writing testamentary, administrator with the will annexed or administrator of the estate of any decedant, receiver, assignee, guardian, conservator or trustee by will or by any written instrument or other

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act of the parties, or by any court or official, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as a legally qualified individual.

Section 23. When a trust company shall act under appointment covered by the provisions of Section 22 of this Act it shall keep a separate account of money, securities or other property received, invested or loaned, in the performance of its duties as such appointee and the same shall be deemed and held to be a special deposit and shall be held specially appropriated to the security and payment of such deposit and shall not be liable for the debts or obligations of the corporation.

Section 24. In a case covered by the provisions of Section 22 of this Act no surety shall be required on any bond that may be given by the trust company by reason of such appointment unless otherwise stipulated in the will or other instrument making the appointment or unless required in or by an order or decree of court having jurisdiction in the premises.

Section 25. A trust company established under this Act may act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds, or other evidences of indebtedness of a corporation, association, municipal corporation, state or national government, on such terms as may be agreed upon, and may also act as trustee for the bondholders of a corporation, and for such purpose may receive transfers of real and personal property upon such terms as may be agreed upon.

Section 26. No corporation established under this Act shall be deemed to have the power to guarantee the validity, performance or effectiveness of any contract or agreement and the fidelity of any person or persons holding places of responsibility or trust, to become surety for any person or persons for the faithful performance of any trust, office, public contract or agreement, either by itself or in conjunction with any other person or persons, corporation or corporations or become surety upon any bonds,

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recognizance, obligations, judgment, suit or decree entered in any Court of Record within the State of Delaware, or elsewhere, or to become guarantor or surety for the debt or obligation of another; provided that nothing in this Section shall be deemed to apply to the case of the rediscounting of commercial paper.

Section 27. No corporation established under this Act shall have or use the word "savings" in its title or name.

No corporation established under this Act as a bank and not as a trust company shall have or use the word "trust" in its title or name.

Section 28. The directors of a bank or trust company may declare dividends of so much of the net profits of the corporation as they shall judge expedient; but such corporation shall, before the declaration of a dividend from the net profits, (1) carry 50% of its net profits of the preceding period for which said dividend is paid to its surplus fund until the same shall amount to 50% of its capital stock; (2) and thereafter shall carry 25% of its net profits of the preceding period for which said dividend is paid to its surplus fund until the same shall amount to its capital stock.

Section 29. No bank or trust company shall hold more than ten per cent of the capital stock of any other bank or trust company.

Section 30. Any bank or trust company in this State whether created under this Act or by Special Act of the Legislature may, from time to time, when and as desired, amend its charter or certificate of incorporation by addition to its corporate powers and purposes, or diminution thereof, or both (provided such additional corporate power or purpose be such as is authorized or contemplated under any of the foregoing provisions of this Act); or by increasing or decreasing its authorized capital stock (provided that such increase or decrease be expressly approved by the State Bank Commissioner, and provided also that

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the capital stock shall not be reduced below the amount prescribed by Section 13 of this Act as capital stock for a corporation organized under this Act); by changing the number or par value of its shares of stock (provided that the par value of the stock shall not be more than one hundred dollars nor less than twenty-five dollars a share); or by changing its corporate title (provided that the word "savings" shall not be used in the amended title, and provided further that no corporation not authorized to do a trust company business shall use the word "trust" in its amended title); and by increasing or decreasing its number of directors, provided that in no case shall the whole number of directors be less than five; and any or all such changes or alterations may be effected by one certificate of amendment; provided that no amendment shall contain a provision which it would not have been lawful and proper to insert in an original certificate of incorporation granted or issued under this Act.

In the case of an increase of capital stock, the amendment may provide that the increased stock may in whole or in part be disposed of without being offered to the stockholders, but in no case shall any stock be issued except upon payment in full in cash; and provided further that nothing in this Act contained shall be deemed or held to authorize or enable any bank or trust company to change its place of business from that stated in its certificate of incorporation or charter, or to establish a branch bank or trust company, or to open a branch office unless such branch office be in accordance with the provisions of Section 21 of this Act. The procedure for such an amendment and the manner of making and effecting the same shall be as prescribed in Section 26 of Chapter 65 of the Revised Code of Delaware, as amended, for the amendment of the certificate of incorporation of a corporation having a capital stock with par value shares. Provided, however, that no certificate of amendment shall be received or filed by the Secretary of State or be deemed or held to be effective unless and until the proposed amendments have been submitted to the Board of Bank Incorporation and have been approved both in substance and in form by said Board.



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Section 31. There is hereby created a Board to be called the Board of Bank Incorporation. The State Bank Commissioner, the Secretary of State, and the Attorney General shall be ex-officio members of and constitute said Board. The State Bank Commissioner shall be Chairman of the Board. The members of the Board shall receive no compensation for the performance of their duties but shall be paid their actual expenses incurred in the performance of such duties, which expenses shall be deemed a part of the expenses of the Banking Department of the State.

The powers and duties of the said Board shall be such as are proper or necessary in order that the Board may act in the matters specified in this Statute to be acted upon by said Board.

Section 32. Every corporation created under this Act shall be deemed and held to be subject to the provisions of the General Statutes of this State making provision for the regulation of banks and trust companies where the same are not inconsistent with the express provisions of this Act.

Section 33. Every corporation created under this Act shall within six months from the date of its incorporation be actively engaged in the business for which it was created or its certificate of incorporation and corporate franchise shall be deemed and held to be revoked.

Section 34. The following costs and charges shall be collected by and paid to the Secretary of State, for the use of the State, that is to say; for making and issuing the certificate of incorporation, Ten Dollars; for making the certified copy of the articles of association, Ten Dollars; Five Dollars for making the certified copy of the certificate of incorporation to be kept on file in the office of the Secretary of State and for filing and indexing the same and the articles of association in said office; Five Dollars for any additional certified copy of the said certificate of incorporation and/or articles of association requested by the corporation.

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Before issuing the certificate authorizing the corporation to begin the transaction of business, the State Bank Commissioner shall collect from the corporation, for the use of the State, the sum of Fifty Dollars.

Every corporation created by or under this Act, and every corporation whose charter or certificate of incorporation is amended under the provisions of this Act shall be subject to the same taxation and/or its capital stock shall be subject to the same taxation as is now or hereafter shall be fixed by the laws of this State for banks and trust companies and/or the capital stock thereof.

Section 35. This Act may be amended or repealed, at the pleasure of the Legislature, but such amendment or repeal shall not take away or repeal any remedy against any corporation established under this Act, or its officers, for any liability which shall have been previously incurred.

Approved February 28, 1933.

## CHAPTER 95

## BLADES

**AN ACT Authorizing the Council of the Town of Blades to Borrow One Thousand Five Hundred Dollars (\$1,500.00) and to Issue Bonds Therefor for the Purpose of Purchasing Pipes and Other Water Equipment for Fire Prevention in the Town of Blades.**

*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 council of the Town of Blades is hereby authorized and empowered to borrow on the credit of the said Town a sum of money not exceeding One Thousand Five Hundred Dollars (\$1,500.00) to be used for the purpose of purchasing pipes and other water equipment for fire prevention in the Town of Blades.

Section 2. That the Council of the Town of Blades, for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said Council of the Town of Blades, to be known as "Blades Fire Prevention Bonds" to an amount not exceeding the sum of One Thousand Five Hundred Dollars (\$1,500.00).

Section 3. The denomination of said bonds shall be as determined by the said Council of the Town of Blades and shall be numbered consecutively, beginning with Number One, and shall bear interest at a rate not exceeding six per centum per annum, payable on the first days of January and July in each and every year, on the presentation of the coupons attached to such bonds, representing said semi-annual interest.

Section 4. The Council of the Town of Blades shall direct and effect the preparation, printing and sale of said bonds authorized by this Act at such time or times, and on such terms as

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they may deem expedient, and all the moneys arising from such sale shall be applied to carry into effect the provisions of this Act.

Section 5. The form of said bonds, with coupons thereto attached, shall be prescribed by the Council of the Town of Blades, and said bonds shall be signed by the President of the Council of the Town of Blades, and by the Treasurer of said Council of the Town of Blades, and sealed with the corporate seal of the said corporation, and shall be exempt from State, County and municipal taxes. As said Bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Council of the Town of Blades shall direct.

Section 6. The said Council of the Town of Blades is hereby authorized and required to levy and raise, by taxation in each year upon all of the assessable real estate in said Town, a sum of money sufficient to pay all interest accruing on said bonds or any of them while any of said bonds shall remain unpaid; and the said Council of the Town of Blades is further authorized and empowered to levy and raise by taxation, from time to time such sum or sums as said Council of the Town of Blades shall deem proper to establish a sinking fund adequate for the redemption of said bonds at or before their maturity, said taxes shall be in excess of, and in addition to the sum or amount authorized to be raised by the said Council of the Town of Blades by any other Act; and shall be levied and raised upon assessable real estate in said Town.

Section 7. The Bonds authorized by this Act may be issued at one time and in one series, or at different times and in different series as the Council of the Town of Blades shall determine, and the authority to issue and sell any bonds or number of bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of bonds issued under this Act shall be one Thousand Five Hundred Dollars (\$1,500.00).

Section 8. The faith and credit of the said Council of the Town of Blades are hereby pledged for the payment of all of the bonds that may be issued under the provisions of this Act.

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Section 9. 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 a newspaper published in the Town of Seaford, State of Delaware, and by posting notices in at least ten public places in the Town of Blades, at least ten days before said election, which said advertisements 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 said money is to be borrowed. At said election every freeholder paying Town Taxes in the said Town, shall be entitled to vote and shall have one vote for each one Dollar, or fractional part of One Dollar of taxes paid by such taxable according to the last assessment in 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, and not exceeding in the aggregate One Thousand Five Hundred Dollars (\$1,500.00) 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 25, 1933.

## CHAPTER 96

## CLAYTON

**AN ACT to Amend Chapter 131, Volume 33, Laws of Delaware,  
Entitled "An Act to Reincorporate the Town of Clayton."**

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

Section 1. That Section XXVI of Chapter 131, Volume 33, Laws of Delaware, entitled "An Act to Reincorporate the Town of Clayton" be and the same is hereby amended by adding a new paragraph to said Section XXVI as follows:

Provisions of Article 6 of Chapter 79 of the Revised Code of the State of Delaware of 1915 shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Act except that the lien for the town taxes existing under the provisions hereof shall remain a lien for the period of three years from the date prescribed by the charter of said town for the delivery of the tax duplicate or tax list of said town to the collector thereof and no longer.

Approved April 21, 1933.

## CHAPTER 97

## CHESWOLD

**AN ACT Authorizing the Town Commissioners of the Town of Cheswold to Borrow Six Thousand Dollars and to Issue Bonds Therefor for the Purpose of Installing a Water Plant and Laying of Water Mains in the Town of Cheswold and Equipment Therefor.**

*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 Town Commissioners of "The Town of Cheswold" be and the same are hereby authorized and empowered to borrow on the credit of said "The Town of Cheswold" a sum of money not exceeding Six Thousand Dollars to be used for the purpose of installing a water plant, the laying of water mains in the said "The Town of Cheswold", and the equipment thereof.

Section 2. That the Town Commissioners of the said "The Town of Cheswold" for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue Bonds of the said "The Town of Cheswold" to be known as "Cheswold Water Improvement Bonds" to an amount not exceeding the said sum of Six Thousand Dollars.

Section 3. The denomination of said Bonds shall be determined by the said Town Commissioners and shall be numbered consecutively, beginning with Number One, and shall bear interest at a rate not exceeding six per centum per annum, payable on the first days of January and July in each and every year at the Delaware Trust Company Bank of Dover, at Dover, Delaware, on the presentation of the coupons attached to such Bonds, representing said semi-annual interest.

Section 4. Said Bonds shall bear date on the first day of July or the first day of January in the year in which the same shall be issued, and the principal thereof shall be payable at the

## CHESWOLD

Delaware Trust Company Bank of Dover, at Dover, Delaware, at the expiration of twenty years from their date, and the said Bonds, or any of them, may be redeemed at the option of the said Town Commissioners, at par and accrued interest, at any interest period after the expiration of five years from the date of said Bonds, provided, however, that if the Town Commissioners shall, at any time, after the expiration of five years from the date of said Bonds, elect to redeem any of said Bonds, such redemption shall be made in pursuance of notice signed by the President of said Town Commissioners and by the Treasurer thereof, published once a week for two consecutive weeks in a newspaper published in the Town of Dover, Delaware. Such notice shall indicate the Bonds called, and in making such calls the municipal corporation shall call Bonds according to their number, beginning with the lowest number, and the interest on any of the said Bonds shall cease from the date named in any of said calls for redemption.

Section 5. The Town Commissioners of "The Town of Cheswold", shall direct and effect the preparation, printing and sale of said Bonds authorized by this Act at such time or times, and on such terms as they may deem expedient, and all the moneys arising from such sale shall be applied to carry into effect the provisions of this Act.

Section 6. The form of said Bonds, with coupons thereto attached, shall be prescribed by the Town Commissioners of "The Town of Cheswold", and said Bonds shall be signed by the President of the Town Commissioners of "The Town of Cheswold", and by the Treasurer of said Town and sealed with the corporate seal of the said corporation, and shall be exempt from State, County, and Municipal taxes. As said Bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Town Commissioners shall direct.

Section 7. The said Town Commissioners of the said "The Town of Cheswold" are hereby authorized and required to levy and raise, by taxation in each year upon all of the assessable real



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estate in said Town, a sum of money sufficient to pay all interest accruing on said Bonds or any of them whilst any of said Bonds shall remain unpaid; and the said Town Commissioners are further authorized to levy and raise by taxation, from time to time such sum or sums as said Town Commissioners shall deem proper to establish a sinking fund adequate for the redemption of said Bonds at or before their maturity. Said taxes shall be in excess of, and in addition to the sum or amount authorized to be raised by the said Town Commissioners by any other Act; and shall be levied and raised upon assessable real estate in said Town.

Section 8. The Bonds authorized by this Act may be issued at one time and in one series, or at different times and in different series as the Town Commissioners of the said "The Town of Cheswold" shall determine, and the authority to issue and sell any Bonds or number of Bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of Bonds issued under this Act shall be Six Thousand Dollars (\$6,000.00).

Section 9. The faith and credit of the said "The Town of Cheswold" are hereby pledged for the payment of all of the Bonds that may be issued under the provisions of this Act.

Section 10. That before any Bond 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 a newspaper published in the City of Dover, Kent County, and State of Delaware, and by posting notices in at least ten public places in the said "The Town of Cheswold" at least ten days before said election, which said advertisements 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 said money is to be borrowed. At said election every real estate owner paying Town Taxes in the said Town shall be entitled to one vote for each One Dollar or fractional part of One Dollar of taxes to be paid by such real estate owner according to the last assessment in said Town. Real estate owners holding title to property, as tenants by the entire-

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ty, tenants in common, or joint tenants shall be required to vote collectively and as a unit rather than individually, the last assessment in said Town covering the particular property involved shall determine the number of votes to be cast by such tenants by the entirety, tenants in common, or joint tenants. For the purpose of this election, ownership of real estate and not residence shall be the qualification of voting in the said Town. At said election the ballots 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 are for the bond issue, then bonds to the amount voted on, and not exceeding in the aggregate Six Thousand Dollars (\$6,000.00) 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 4, 1933.

## CHAPTER 98

## DELAWARE CITY

**AN ACT Authorizing "The Mayor and Council of Delaware City" to Borrow Money and Issue Bonds Therefor, for the Purpose of Paying Certain Bonds of the Town of Delaware City Maturing on November 1, 1933.**

WHEREAS, certain street improvement bonds of the Town of Delaware City aggregating Ten Thousand Dollars were issued under Chapter 222, Volume 27, Laws of Delaware, and will mature and become due and payable on November 1, 1933; and whereas the said Town of Delaware City is without funds applicable to the payment of said bonds at their maturity, and it is therefore necessary that the sum of Ten Thousand Dollars be borrowed by said Town of Delaware City to provide for the payment of the principal of said bonds when they mature; THEREFORE,

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

Section 1. For the purpose of paying the principal of said street improvement bonds issued under Chapter 222, Volume 27, Laws of Delaware, at their maturity, "The Mayor and Council of Delaware City", a Municipal Corporation of the State of Delaware, is authorized and empowered to borrow on the faith and credit of the said Municipal Corporation the sum of Ten Thousand Dollars, and for this purpose to issue bonds of the said Municipal Corporation in that amount.

Section 2. The said sum of Ten Thousand Dollars shall be borrowed and the bonds issued therefor pursuant to Ordinance adopted by the Council of said Municipal Corporation. The principal of said bonds shall be payable at the expiration of not more than thirty years from the date of their issue, the exact date of payment to be fixed by the Council of the said Municipal Corporation. The Council of the said Municipal Corporation shall pre-

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scribe the form of the said bonds and the denominations thereof, determine and fix the rate of interest thereon not exceeding five per centum per annum, and shall direct and effect the preparation and printing of and negotiate the sale and delivery of said bonds. The said bonds shall bear date when issued and shall bear interest from date payable semi-annually. They shall be signed by the Mayor and the Members of Council and be sealed with the corporate seal of the said Municipal Corporation, and shall be exempt from all State, County and Municipal taxation.

Section 3. The moneys received from the sale of said bonds shall be paid over to the Treasurer of the said Municipal Corporation, and shall be held by him under order of the Council to be paid in redemption of the said street improvement bonds maturing on November 1, 1933. The purchasers and holders of the bonds hereby authorized shall be in no way liable for the application, misapplication or non-application of the proceeds of the sale of said bonds.

Section 4. The Council of the said Municipal Corporation is authorized and required to levy and collect annually by taxation such sum of money as shall be sufficient to pay the annual interest accruing on said bonds, and also a special tax for the purpose of establishing a fund adequate for the redemption at maturity of all the bonds of the issue. The taxes for such interest and sinking fund shall be levied and collected in the same manner as are the other taxes in said Town.

Approved April 6, 1933.

## CHAPTER 99

## DOVER

**AN ACT to Amend Chapter 158, Volume 36, Laws of Delaware, Entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and Establishing a Charter Therefor", as Amended.**

*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 Section 49, Chapter 158, Volume 36, Laws of Delaware, entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and establishing a Charter Therefor" be and the same is hereby amended by adding at the end of the fifth paragraph of said Section 49 after the word "act" the following:

"Except that the lien for the city or municipal taxes as prescribed in Article 6, of Chapter 79, of the Revised Code shall remain a lien for a period of three years from the date prescribed by the charter of the said city for the delivery of the tax list or duplicate of the said city to the collector thereof and no longer," so that said fifth paragraph of said Section 49, of Chapter 158, Volume 36, shall read as follows:

"The provisions of Article 6, of Chapter 79, of the Revised Code of the State of Delaware of 1915 shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Act, except that the lien for the city or municipal taxes as prescribed in Article 6, of Chapter 79 of the Revised Code shall remain a lien for a period of three years from the date prescribed by the charter of the said city for the delivery of the tax list or duplicate of the said city to the collector thereof and no longer."

Approved April 4, 1933.

## CHAPTER 100

## FRANKFORD

**AN ACT to Amend Chapter 438, Volume 22, Laws of Delaware,  
Entitled, "An Act to Incorporate the Town of Frankford",  
and the Renewals and Amendments Thereto.**

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

Section 1. That Chapter 438, Volume 22, Laws of Delaware, entitled "An Act to Incorporate the Town of Frankford", be, and the same is, hereby amended by striking out all between the word "act" in the tenth line of Section 2 and the word "in" in the eleventh line of said Section, and inserting in lieu thereof, the following: "In any convenient public place designated by the Town Council".

Approved April 21, 1933.

## CHAPTER 101

## GEORGETOWN

**AN ACT Making an Appropriation to the Town of Georgetown for the Payment of Certain Road Bonds of the Said Town.**

WHEREAS the Town of Georgetown laid and constructed a concrete street known as North Bedford Street in said Town at the cost of Twelve Thousand Dollars (\$12,000.00) and

WHEREAS said street has become an integral part of the State Highway System, and .

WHEREAS the State Highway Department now cares for and maintains said street in said Town as a part of the said State Highway System, Now Therefore

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

Section 1. That there is hereby appropriated the sum of Twelve Thousand Dollars (\$12,000.00) or so much thereof as may be necessary, for the purpose of paying the principal of certain bonds of the Town of Georgetown, issued and now outstanding said bonds having been issued by said Town to pay for the building of a concrete road on North Bedford Street, of said Town, said North Bedford Street being an approach to the State Highway.

Section 2. The State Treasurer is hereby authorized and directed to call said bonds for payment and to pay to the holders thereof, upon presentation of the same to him, the principal amounts due thereon.

Section 3. The Town Council of the Town of Georgetown, and any other taxing body, if any, of said Town, are hereby expressly relieved from the duty of levying and collecting any taxes for the purpose of paying the principal amount of said bonds.

GEORGETOWN

Section 4. The amount so appropriated under this Act shall be payable out of the State Highway Fund of the State Treasury.

Approved April 21, 1933.



## CHAPTER 102

## GREENWOOD

**AN ACT to Amend an Act Entitled "An Act to Incorporate the Town of Greenwood."**

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

Section 1. That Chapter 183 of Volume 22, Laws of Delaware as amended be and the same is hereby further amended by striking out all of paragraph 3 under Section 2 and by inserting in lieu thereof a new paragraph 3 under Section 2 as follows:

Paragraph 3, Sec. 2. That on the Third Saturday in January in each and every year the election shall be held in the said Town of Greenwood at the usual place of voting, or at such place as shall be designated by the Commissioners between the hours two o'clock in the afternoon and four o'clock in the afternoon, at which election the voters of the Town qualified as hereinafter provided shall elect successors to the Commissioners whose term of office shall expire on Monday following the Third Saturday of January succeeding said Election; two (2) Auditors of Accounts, one (1) Assessor and three (3) Judges of election for one year and until their successors are duly elected and qualified. The said Auditors of Accounts, Assessor and three judges of elections so elected shall hold office commencing on Monday following the third Saturday in January after election and end on Monday following the third Saturday in January next following. The Commissioners of the Town of Greenwood shall organize not later than Monday following the third Saturday of January in each year and the Auditors of Accounts, Assessor and the election Judges elected at election on the third Saturday in January shall assume office not later than Monday following the third Saturday in January next after said election. The terms of office of the Commissioners, Auditors of Accounts, Assessor and election Judges now in office under existing law whose terms expire on the first Saturday in May 1934 shall cease, terminate and end on Monday following the third Saturday of January in the year 1934 instead of the first Saturday of May as heretofore provided.

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Section 2. That Chapter 183, of Volume 22, Laws of Delaware, as amended be and the same is hereby further amended by adding at the end of Section 9 of said Chapter a new Section to be designated as Section 9A, which is as follows:

Section 9A. The Council is hereby vested with the authority to adopt ordinances of every kind relating to any subject coming within the powers and functions of the Town of Greenwood, or relating to the government of the Town of Greenwood, its peace and order, its sanitation, appearance and beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix and impose and enforce the payment of fines and penalties for the violation of any such ordinance; provided that no fine or penalty shall exceed the sum of One Hundred Dollars; and no provision in this charter as to ordinances on any particular subject shall be deemed or held to be restrictive of the power to adopt ordinances on any subject not specifically enumerated.

Approved April 6, 1933.

CHAPTER 103

HARTLY

**AN ACT to Amend Chapter 152, Volume 29, Laws of Delaware,  
Increasing the Amount of Taxes That May Be Raised for  
the Town of Hartly, Kent County, State of Delaware.**

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

Section 1. That the first paragraph of Section 6, Chapter 152, Volume 29, Laws of Delaware, be and the same is hereby amended by striking out in lines 4 and 5 of said Section the words "Three Hundred Dollars" and by inserting in lieu thereof the words "Five Hundred Dollars".

Approved April 25, 1933.

## CHAPTER 104

## KENTON

**AN ACT to Amend an Act to Incorporate the Town of Kenton,  
Being Chapter 176, Volume 18, Laws of Delaware, So as to  
Extend the Limits of the Said Town of Kenton.**

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

That Chapter 176 of Volume 18, Laws of Delaware, be, and  
the same is hereby amended by striking out Section 13 of said  
Act, and substituting in lieu thereof the following:

Section 13. Beginning at a point a new corner established  
a distance of 225 feet from the north corner of the former limits  
of said Town of Kenton at Cooper streets and D. & C. Railroad;  
thence running a new line now established in a southwesterly  
direction and parallel with the said D. & C. R. R. to a corner in the  
road leading to Blackston's Cross Road; thence running in a  
Northwesterly direction with said road to the north corner of  
lands of Weigle Mill property; thence leaving said road and run-  
ning with the property line of said mill property in a southwester-  
ly direction to another corner for said mill property; thence run-  
ning in a southeasterly direction with lands of said mill prop-  
erty to the said D. & C. R. R. and crossing said railroad to the  
southeast side thereof; thence running in a southwesterly direc-  
tion with the southeast line of said D. & C. R. R. to another corner  
in said railroad line in the southwest corner of lands of the new  
public school ground; thence running in a southeasterly direction  
and including the new public school grounds and along the lands  
of Ida Taylor to the highway leading to Hartly; thence continu-  
ing across said Highway the same course and across lands of  
Freeman Clark to another new corner now established on lands  
of said Freeman Clark, said corner being a distance of 300 feet  
from the southeast line of said highway; thence running another  
new line across lands of the said Freeman Clark in a northeasterly  
direction parallel with and 300 feet distant from the said high-

## KENTON

way leading to Hartly until it reaches the lands of Addie G. Arthurs; thence proceeding along the south line of the old corporate limits of said town in a southeasterly direction and continuing on the southerly line of the Kenton Canning Co., a distance of 525 feet from the corner of the land of the said Kenton Canning Company; thence proceeding in a southwesterly direction to a point 525 feet easterly from the easterly boundary of the old corporate limits of said town of Kenton where the same intersects Fraiser Street; thence proceeding in a northerly direction crossing lands of Taylor and Prettyman and crossing the highway leading to Dover and continuing to the southeasterly side of the highway leading to Smyrna; thence crossing said highway leading out of Kenton to Smyrna and continuing in a Northwesterly direction along the line parallel to Cooper street and 525 feet easterly therefrom the old boundary of said town to the southeasterly side of the said D. & C. Railroad; thence across said railroad and running along the northwesterly side of said railroad in a northeasterly direction a distance of 165 feet; to a point in the line of the Blackston Canning Company; thence in a northwesterly direction along the line of the said Blackston Company a distance of 225 feet to a point; thence southwesterly 690 feet to the point of beginning.

Approved April 20, 1933.

## CHAPTER 105

## LAUREL

**AN ACT to Amend an Act Entitled "An Act to Reincorporate the Town of Laurel", Being Chapter 164, Volume 29, Laws of Delaware, by Providing That the Members-at-Large of the Town Council of Laurel Shall Not Be From the Same Ward.**

*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)*

Section 1. That Section 7 of Chapter 164, Volume 29, Laws of Delaware, as amended by Chapter 164, Volume 36, Laws of Delaware, be and the same is hereby repealed, and the following Section, to be known as Section 7 of Chapter 164, Volume 29, Laws of Delaware, is substituted therefor:

"Section 7. The Council shall consist of six members, four of whom shall be residents of, and substantial freeholders of, the several wards from which they are elected respectively, and two others of whom shall be residents of, and substantial freeholders of, the Town of Laurel, it being provided, however, that the two members elected at large shall in no case be from the same ward, and if at any time by removal, changing of wards, lines or otherwise, the two members at large become residents of the same ward, the office of the one last becoming a resident of said ward shall become automatically vacant, and the Council of said Town shall have authority to fill the vacancy.

Approved April 4, 1933.

## CHAPTER 106

## LAUREL

**AN ACT to Authorize the Mayor and Council of Laurel to Borrow One Hundred and Eight Thousand Dollars (\$108,000.00) to Redeem Certain Outstanding Bonds and Pay Certain Indebtedness of the Said Mayor and Council of Laurel.**

WHEREAS, the Mayor and Council of Laurel has heretofore issued One Hundred and Eight Thousand Dollars (\$108,000.00) for indebtedness of various forms in the Town of Laurel, being an indebtedness of said Town of Laurel; and whereas the said bonds and various forms of indebtedness bear interest at a rate higher than is necessary to pay for money at the present time, and it is desirable to redeem said bonds and various forms of indebtedness and to refund the debts evidenced thereby at a rate of interest, but there are no funds available for the redemption of the said bonds and the various forms of indebtedness. Now, therefore,

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

Section 1. That the Mayor and Council of Laurel is hereby authorized and empowered to borrow on the faith and credit of the Town of Laurel the sum of One Hundred and Eight Thousand Dollars (\$108,000.00), or so much thereof as may be necessary to redeem the outstanding bonds and various forms of indebtedness of the Town of Laurel.

Section 2. That the Mayor and Council of Laurel, for the purpose set forth in Section 1 of this act, shall have full power and authority to issue bonds of the Town of Laurel, said bonds to be denominated "Laurel Refunding Bonds, Series of 1933" (to an amount not exceeding in the aggregate the sum of One Hundred and Eight Thousand Dollars net (\$108,000.00).)

## LAUREL

The said bonds shall be issued in denominations of One Thousand Dollars (\$1,000.00) each, shall bear date July 1, 1933, shall be numbered consecutively beginning with number one, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually first day of January and July of each year. It shall be the duty of the said Mayor and Council of Laurel to pay the principal of at least four of said bonds each year beginning with the year 1935, and the bonds to be selected for redemption shall be drawn by lot annually.

Section 3. The Mayor and Council of Laurel shall direct and effect the preparation and sale of said bonds authorized by this Act, at such time or times and on such terms as the said Mayor and Council of Laurel shall deem expedient, but no moneys derived from the sale of said bonds shall be applied to the principal of any new indebtedness of the said Mayor and Council of Laurel, but shall be used exclusively for the purpose of refunding outstanding indebtedness.

Section 4. That the form of said bonds shall be prescribed by the said Mayor and Council of Laurel, and the said bonds shall be signed by the Mayor and by the Treasurer of said Mayor and Council of Laurel, and be sealed by the corporate seal of said corporation, and shall be exempt from State, County and municipal taxation.

The bonds may or may not be coupon bonds, as the Mayor and Council of Laurel shall determine.

Section 5. That the said Mayor and Council of Laurel is hereby authorized and required to levy and raise by taxation in each year a sum of money sufficient to pay the principal of at least four of the said bonds and also all interest accruing on said bonds while any of said bonds shall remain unpaid. The taxes in said Town are, and shall be assessed on the head and on the property, and shall be in excess of, and in addition to the sum or amount heretofore authorized to be raised by the said Mayor and Council of Laurel.



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The Treasurer of the Town may, if the Mayor and Council of Laurel deem proper, be required to give additional bond with sufficient surety for such sum as said Mayor and Council of Laurel shall determine and approve.

Section 6. That the faith of the Mayor and Council of Laurel is hereby pledged for the payment of any bonds that may be issued under the provisions of this Act.

Section 7. The One Hundred and Eight Thousand Dollars (\$108,000.00) of bonds and various forms of indebtedness to be paid by the moneys arising from the sale of bonds issued under the provisions of this Act shall be cancelled when the same is paid by writing on the face of each bond or other form of indebtedness the words "Cancelled and paid" with the date of payment and signed by the Mayor and Town Clerk of the Mayor and Council of Laurel, and the bonds or other forms of indebtedness so cancelled shall be preserved by the Town Clerk of the Town of Laurel.

Approved April 11, 1933.\*

## CHAPTER 107

## LEWES

**AN ACT to Amend the Charter of the Town of Lewes by Providing for a Board of Assessment for Said Town.**

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

Section 1. That at the annual town election to be held in the Town of Lewes, in the County of Sussex, in the year A. D. 1934, there shall be elected a Board of Assessment consisting of three persons, each of whom shall be a freeholder of the Town of Lewes, and who shall compose the first Board of Assessment under the provisions of this Act. At said election one person shall be elected for the term of one year, one person for the term of two years and one person for the term of three years, and thereafter at the annual town election one person shall be elected to said Board of Assessment for the term of three years.

Section 2. The Board of Assessment elected under the provisions of this Act shall perform the same duties as are now performed by the Assessor of said Town, and shall have the same powers and duties with respect to the assessment of properties as the Assessor of the Town of Lewes now has under the provisions of the Charter of said Town.

The Commissioners of the Town of Lewes shall assess the real estate and persons of the several assessors.

Section 3. The assessment lists as made and prepared by the said Board of Assessment shall be signed by all of the members of said Board and shall be examined and adjusted by the Commissioners of Lewes and appeals from the valuations of the Board of Assessment shall be as is now provided by the Charter of said Town.

## LEWES

Section 4. The compensation of the members of said Board of Assessment shall be fixed and determined by the Commissioners of Lewes.

Section 5. All provisions of the Charter of the Town of Lewes inconsistent herewith are hereby repealed.

Approved April 20, 1933.

## CHAPTER 108

## LEWES

**AN ACT to Amend the Charter of the Town of Lewes Relative to the Term of the Office of the Mayor of Said Town.**

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

Section 1. That at the annual Town election to be held in the Town of Lewes, in the County of Sussex, under the provisions of the Charter of said Town, in the year A. D. 1934, a suitable person shall be elected as Mayor to serve for the term of two years, and until his successor shall be duly elected and qualified; and at the annual Town elections to be held in each second year after the Town election held in said year A. D. 1934, a suitable person shall be elected as Mayor to serve for the term of two years, and until his successor shall be duly elected and qualified.

Section 2. That the provisions of the Charter of the Town of Lewes inconsistent herewith are hereby repealed.

Approved April 20, 1933.

## CHAPTER 109

## MIDDLETOWN

**AN ACT Relating to the "Mayor and Council of Middletown" by  
Providing for Notice of Claims.**

*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):*

Section 1. From and after the passage of this Act, no action, suit or proceeding shall be brought or maintained against "The Mayor and Council of Middletown" for damages on account of physical injuries, death or injury to property by reason of the negligence of the said The Mayor and Council of Middletown or any of its departments, officers, agents or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted shall, within six months from the happening of such injury notify, the Mayor and Council of Middletown in writing of the time, place, cause and character of the injuries sustained.

Approved May 2, 1933.

## CHAPTER 110

## MIDDLETOWN

**AN ACT to Amend an Act Entitled "An Act to Reincorporate the Town of Middletown" to Provide for the Collection of Taxes and Assessments for the Mayor and Council of Middletown, Being Chapter 128, Volume 33, Laws of Delaware.**

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

Section 1. That in addition to all existing methods and authority for the collection of taxes or special assessments due to the Mayor and Council of Middletown, the following method and authority is hereby established:

If any person or persons from whom any tax is required to be collected, or their executors, administrators, guardians, trustees, or attorneys cannot be found, or shall refuse to pay the tax, or if the owner or owners, or other proper person or persons, having the care and charge over any real estate assessed and described as belonging to "owner unknown" as aforesaid, cannot be found, the Mayor and Council of Middletown may file, or cause to be filed, a Praecipe in the office of the Prothonotary of the Superior Court, in and for New Castle County, which shall contain the name of the person or persons against whom the taxes or assessment sought to be collected were assessed, or if said persons are unknown the words "Owner Unknown", and a copy of the bills showing the amount of taxes or assessment due and the property against which the assessment was laid, and a description of said property shall be sufficient. Thereupon the said Prothonotary shall make a record of the same on a Judgment Docket of said Superior Court against the property mentioned or described in said Praecipe which said record shall consist of the following:

The name of the person in whose name the assessment was made, and if unknown the words "Owner Unknown".

## MIDDLETOWN

A description of the said property.

The year or years for which said taxes are due and payable.

The date of the filing of such Praecipe.

The amount of the Judgment, the same being the amount set forth in said Praecipe.

Such Judgment shall be entered in said Judgment Docket of said Superior Court. Thereafter upon a Praecipe for Monition filed in the office of the said Prothonotary by the Mayor and Council of Middletown through any person authorized on its behalf to collect taxes or assessments due to said Town, a Monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which Monition shall briefly state the amount of the judgment for the taxes or assessment due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien. Said Monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessment stated herein is paid within twenty days after the date hereof or within such period of twenty days, evidence of the payment of taxes herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted tax bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for New Castle County, The Mayor and Council of Middletown may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated.

Name of person in whose name property is assessed.	Description of property	Year or Years	Amount of Judgment
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## MIDDLETOWN

Said Monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for the taxes or assessment is a lien, and the Sheriff shall make due and proper return of his proceedings under said Monition to said Prothonotary, within ten days after the posting of said Monition as aforesaid.

Alias or pluries Monition may issue upon like Praeceptum. The posting of such notice as herein required shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty days next following the return of the Sheriff upon such Monition, unless before the expiration of said twenty days the said Judgment and costs on said Judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date therefor prior to the filing of said lien for record in the office of the Prothonotary as aforesaid, upon application in writing by The Mayor and Council of Middletown, through its Solicitor, or any other person authorized on its behalf to collect taxes or assessments due to the said Town, a Writ of Venditioni Exponas shall issue out of the office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similar writs of Venditioni Exponas issued out of the said Superior Court.

Said writ shall be substantially in the following form:

NEW CASTLE COUNTY, SS  
The State of Delaware

TO THE SHERIFF OF NEW CASTLE COUNTY, GREETINGS;

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington, the                      day of                      A. D. 19    , IT WAS COMMANDED that you should post the said



## MIDDLETOWN

Monition, or copy thereof, upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said posting.

That on the                      day of                      A. D. 19                      , you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the                      day of                      , A. D. 19                      .

We therefore now command you to expose to public sale, the real estate mentioned and described in said Monition as follows: and that you should cause to be made as well a certain debt of                      Dollars (\$                      ), lawful money of the United States, which to the said The Mayor and Council of Middletown, a Municipal corporation of the State of Delaware, is due and owing, as also the sum of                      Dollars (\$                      ), lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said                      was convicted as it appears of record and against which said property it is a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday, the                      day of                      next, to render to the said The Mayor and Council of Middletown, a Municipal Corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable  
at Wilmington, the                      day of                      A. D. 19                      .

Prothonotary.

Issued: The description contained in said Monition shall be a sufficient description of the real estate to be sold under said writ.

Section 2. Any real estate or interest therein sold under the provision hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, or such "Unknown Owner" and/or all the right, title and interest of the person or persons who are the owners thereof,

## MIDDLETOWN

and likewise freed and discharged from any dower or courtesy or statutory right, in the nature of a dower or courtesy, whether absolute or inchoate, in or to said real estate.

Section 3. The owner or such unknown owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within one year from the day the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen per cent in addition thereto, together with all costs incurred in the cause; or if the purchaser or his legal representatives, successors or assigns, shall refuse to receive the same, or do not reside or cannot be found within the Town of Middletown, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns.

In the event that the owner of said property or his legal representatives shall fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a Petition to the Superior Court setting forth the appropriate facts in conformity with this Act and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to said property to the Petitioner; and thereupon the said Superior Court shall have power, after a hearing upon said Petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said Petition.

If the owner of any real estate sold under an order of sale or his legal representative shall redeem said real estate, he may prefer to said Superior Court a Petition setting forth that fact and thereupon the said Superior Court, after hearing and determining the facts set forth in said Petition, the said Superior Court shall have power to cause to be entered upon the record of the Judgment, under which said real estate was sold, a memorandum that the real estate described in the proceedings upon

## MIDDLETOWN

which said Judgment was entered has been redeemed and thereafter the said owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceedings by the said Sheriff from the said sale.

Section 4. Upon the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

Section 5. No proceedings shall be brought under this Act unless the tax or assessment sought to be collected hereunder shall at the time of the filing of said Praeipe in the office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid.

Section 6. Wherever the Superior Court is mentioned in this Statute, the same shall be held to embrace the Judges or any Judge thereof, and any Act required or authorized to be done under this Act may be done by the said Superior Court or any Judge thereof in vacation thereof, as well as in term time.

Section 7. The fees and costs to be taxed in all proceedings under this Act where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:

Filing Praeipe	\$1.10
Issuing Monition and copy	2.75
Issuing Alias or Pluries, Monition and copy	2.75
Writ of Venditioni Exponas	2.25
Filing any Petition in Superior Court under this Act	1.00
Costs of paying money into Superior Court	1.00
Costs of paying money out of Superior Court for each check drawn	1.00

MIDDLETOWN

The following fees shall be charged by the Sheriff:

Posting Monition or copy thereof .....	\$ .75
Posting each Alias or Pluries Monition or copy thereof .....	.75

All other charges not covered by this Act, shall be the same  
as are now provided by law.

Approved June 1, 1933.

CHAPTER 111

MILFORD

**AN ACT Authorizing the City of Milford to Construct a Bridge  
Over Mispillion River in Said City.**

*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 concurring therein):*

Section 1. That the City of Milford is hereby granted full power and authority to construct a bridge over Mispillion River, at Washington Street in said City when and as the City Council shall deem it advisable so to do and to expend an amount sufficient for the construction thereof.

Approved April 4, 1933.

## CHAPTER 112

## NEWARK

**AN ACT Making an Appropriation to the Board of Education of Newark Special School District, of New Castle County and State of Delaware.**

WHEREAS, the said Board of Education of Newark Special School District is the owner of a certain lot or tract of land situate in the Town of Newark, New Castle County and State of Delaware having a frontage of seven hundred sixty-five feet on a public street in said Town, namely, Lovett Avenue; and

WHEREAS, the Council of The Council of Newark, has caused to be laid along said frontage a curb and gutter, and has created a lien against said lot or tract of land amounting to the sum of Eleven Hundred and Sixty Dollars and Sixteen Cents; and

WHEREAS, the Board of Education of the said Newark Special School District has neither the fund in hand nor the right to have such a fund allocated to it by the State Board of Education; THEREFORE

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

Section 1. That the sum of Eleven Hundred and Sixty Dollars and Sixteen cents be and the same is hereby appropriated to the Board of Education of the Newark Special School District to be used to pay to the Council of Newark the lien now existing and created by the laying of a curb and gutter along the property of the Board of Education of the Newark Special School District abutting on Lovett Avenue in said Town, and the said sum shall be paid by the State Treasurer upon warrant signed by the President of the Board of Education of said Newark Special School District.

Section 2. That this Act shall be taken to be a Supplementary Appropriation Act and the funds hereby appropriated

## NEWARK

shall be paid out of the moneys appropriated and set aside by the State Treasurer, in accordance with the provisions of Chapter 192, Volume 37, Laws of Delaware, in a special account in the Farmers Bank of the State of Delaware, to be known as the "State School Building Account".

Section 3. That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed only to the extent of such inconsistency.

Approved May 9, 1933.

## CHAPTER 113

## NEW CASTLE

**AN ACT to Further Amend Chapter 216, Volume 27, Laws of Delaware, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of New Castle," by Requiring the Council to Provide Annually a Sinking Fund for Payment of Street Improvement Bonds.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of all the members elected to each House of the General Assembly:—*

Section 1. That Section 19, of Chapter 216, Volume 27, Laws of Delaware, entitled "AN ACT amending, revising and consolidating the Charter of the City of New Castle", as now amended, be further amended by adding at the end of said Section a new paragraph as follows:—

"Commencing with the budget for the year 1933, and in order to definitely provide for a sinking fund for the payment of the issues of street improvement bonds when the same become due, it shall be the duty of the Council when it estimates and determines the sum or sums of money necessary to be raised in the City for the year ensuing, to include the sum of not less than Twenty-five Hundred (\$2500.00) Dollars to be raised for the purpose of providing a sinking fund for the payment of all the street improvement bonds of the City when the same shall become due, the funds so raised to be set aside and held as a sinking fund for the payment of said bonds and used for no other purpose, and the said levy shall be annually made until the payment of all of street improvement bonds when due have been provided for".

Approved April 4, 1933.



## CHAPTER 114

## NEW CASTLE

**AN ACT Providing for the payment to the City of New Castle of an Assessment for the Installation of Curb and Gutter in Front of the State Armory in said City in the year 1921.**

WHEREAS, The City of New Castle in the year 1921 installed curb and gutter along a section on the northwest side of Delaware Street, and assessed the cost of said curb and gutter against the abutting property owners in proportion to their frontage, which curb and gutter was installed and assessment made pursuant to the provision of the Charter of the City of New Castle; and Whereas, there was assessed against the State Armory located on said northwest side of Delaware Street in said City the sum of One Hundred and Fifty-Nine Dollars and Twenty-One Cents (\$159.21) as the cost of the curb and gutter installed by the City along the front of said State Armory, which assessment has not as yet been paid to the City for the reason that no appropriation has as yet been made by the State for the payment of the same.

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

Section 1. That the sum of One Hundred Fifty Nine Dollars and Twenty-One Cents (\$159.21) be and the same is hereby appropriated to repay the City of New Castle for the cost of the curb and gutter installed by said City in front of the State Armory in said City in the year 1921, and the State Treasurer is hereby authorized and directed to pay said sum to the City of New Castle out of the general fund.

Approved March 28, 1933.

## CHAPTER 115

## NEW CASTLE

**AN ACT to Amend "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" by Providing that the President and Members of Council shall be Holders of Real Estate within the City.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of all the members elected to each House of the General Assembly:—*

Section 1. That "An Act amending, revising and consolidating the Charter of the City of New Castle", being Chapter 216, Volume 27, Laws of Delaware, be hereby amended by adding at the end of Section 3 of said Act, a new sentence, as follows:—

"The President and Members of Council must be bonafide holders of a freehold interest in real estate situate within the limits of the City".

Approved March 28, 1933.

## CHAPTER 116

## NEW CASTLE

**AN ACT to Amend Chapter 121, Volume 32, Laws of Delaware, Entitled "An Act to Establish a Board of Water and Light Commissioners for the City of New Castle," by Requiring the Commissioners to Provide a Sinking Fund for Retiring the Water and Light Bonds at Maturity.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of all the members elected to each House of the General Assembly:—*

Section 1. That Chapter 121, Volume 32, Laws of Delaware, entitled "An Act to establish a Board of Water and Light Commissioners for the City of New Castle", be and the same is hereby amended by adding at the end of said Chapter a new Section to be known as Section 11, as follows:

"Section 11. The Commissioners annually, when making their estimates and budget and fixing the rates for water and electric current shall fix such rates for water and electric current as will produce an annual sum of at least Three Thousand Dollars to provide a sinking fund for the payment of all the water and light bonds of the City when the same shall become due, such fund so raised to be turned over to the Treasurer of the City and held as a sinking fund for the payment of said bonds and used for no other purpose, and such sum shall be annually raised until adequate provision has been made for the payment of all of the water and light bonds at maturity".

Approved April 4, 1933.

## CHAPTER 117

## NEW CASTLE

**AN ACT to Amend Chapter 209, Volume 26, Laws of Delaware, Entitled "An Act in Reference to Elections in the City of New Castle", by Fixing the Filing Fees to be Paid by Candidates".**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of all the members elected to each House of the General Assembly:—*

Section 1. That Chapter 209, Volume 26, Laws of Delaware, entitled "AN ACT in reference to elections in the City of New Castle", be hereby amended by striking out all of Section 5 of said Act, and inserting in lieu thereof a new Section 5, as follows:—

"Section 5. When filing the names as provided in Section 2 of this Act Candidates shall pay to the City Clerk the following fees which shall be turned over by him to the City Treasurer:—

Mayor, Ten Dollars

President of Council, Six Dollars

Member of Council, Five Dollars

City Clerk, Ten Dollars

Treasurer, Two Dollars

Trustee of Court House, One Dollar

And for any other Office hereafter created an amount to be fixed by the Council".

Approved March 28, 1933.

## CHAPTER 118

## NEW CASTLE

**AN ACT to Amend "An Act Amending, Revising and Consolidating the Charter of the City of New Castle" by Providing for an Annual Audit of the Finances and Expenditures of the City of New Castle.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, with the concurrence of two-thirds of all the members elected to each House of the General Assembly:—*

Section 1. That "An Act amending, revising and consolidating the Charter of the City of New Castle", being Chapter 216, Volume 37, Laws of Delaware, be hereby amended by adding at the end of Section 22, of said Act, a new paragraph, as follows:—

"The Council of the City shall in the latter part of the month of March in each year cause an audit of the finances and expenditures of the City for the year ending on March Thirty First in said year, to be made by a competent and accredited public accountant, which audit shall cover all the accounts and finances of the City received and disbursed by the Council during the said year and also all orders issued and indebtedness incurred for the year up to and including March Thirty-First in said year. Immediately upon completion of said audit a copy shall be delivered to the Mayor of the City and the said audit or a copy thereof shall be placed open for Public inspection in some public place in the City for at least two months."

Approved March 28, 1933.

## CHAPTER 119

## REHOBOTH

**AN ACT Authorizing "The Commissioners of Rehoboth" to Borrow Money and to Issue Bonds to Secure the Payment thereof, for the Purpose of Establishing a Sewerage System and Sewage Treatment Plant and to Control and Regulate the Same, when so Established.**

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

Section 1. That "The Commissioners of Rehoboth", a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to establish and maintain a municipal sewerage system and sewage treatment plant for said Town, as it shall deem advisable.

Section 2. That the said "Commissioners of Rehoboth" for the purpose of securing and assuring to said Town of Rehoboth an adequate sewerage system and sewage treatment plant hereby authorized, may contract for and purchase the same from any person, firm, corporation, or municipal corporation, or may build and establish and maintain a municipal sewerage system and sewage treatment plant as it shall deem advisable.

Section 3. That for the purpose of providing funds to defray the expenses of establishing a sewerage system and sewage treatment plant, as provided herein, the said municipal corporation is hereby authorized and empowered to borrow upon the faith and credit of said municipal corporation any sum of money not exceeding One Hundred Sixty-Five Thousand Dollars (\$165,000.00), which the Commissioners of "The Commissioners of Rehoboth" shall deem necessary therefor, and to this end, the said Commissioners are hereby authorized and empowered by resolution to issue and sell bonds of said municipal corporation, to be known as "Rehoboth Sewer Bonds" to an amount not exceeding in the aggregate the sum of One Hundred Sixty-five

## REHOBOTH

Thousand Dollars (\$165,000.00). The said bonds shall be issued in denominations of One Thousand Dollars (\$1,000.00) each and bearing such rate of interest not exceeding six per centum per annum as the said Commissioners shall, by resolution, determine. The interest upon the said bonds shall be payable semi-annually in each and every year from the date of the issue thereof. Said bonds shall be divided into forty classes and the aggregate face value of each of the said classes, with the dates of their respective maturities, shall be as follows:

Class	Amount	Year of Maturity
A	\$4,000	1937
B	4,000	1938
C	4,000	1939
D	4,000	1940
E	4,000	1941
F	4,000	1942
G	4,000	1943
H	4,000	1944
I	4,000	1945
J	4,000	1946
K	4,000	1947
L	4,000	1948
M	4,000	1949
N	4,000	1950
O	4,000	1951
P	4,000	1952
Q	4,000	1953
R	4,000	1954
S	4,000	1955
T	4,000	1956
U	4,000	1957
V	4,000	1958
W	4,000	1959
X	4,000	1960
Y	4,000	1961
Z	4,000	1962
AA	4,000	1963

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BB	4,000	1964
CC	4,000	1965
DD	4,000	1966
EE	4,000	1967
FF	4,000	1968
GG	4,000	1969
HH	4,000	1970
II	4,000	1971
JJ	5,000	1972
KK	5,000	1973
LL	5,000	1974
MM	5,000	1975
NN	5,000	1976

Said bonds may at the discretion of the said Commissioners contain a provision for the redemption thereof by the said Commissioners at any interest period after the expiration of five years from the date thereof at a premium not to exceed five per centum per annum.

Section 4. That the said Commissioners shall direct and effect the preparation and printing and sale of said bonds authorized by this Act at such time or times and on such terms as the said Commissioners may deem expedient, but all moneys, the proceeds of such sales, shall be applied to carrying into effect the provisions of this Act.

Section 5. That the form of said bonds with the coupons thereto attached shall be prescribed by resolution passed by the said Commissioners, and the said bonds shall be signed by the Mayor of said "The Commissioners of Rehoboth", and by the Secretary thereof, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxation.

As the said bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Commissioners shall direct.



## REHOBOTH

Thousand Dollars (\$165,000.00). The said bonds shall be issued in denominations of One Thousand Dollars (\$1,000.00) each and bearing such rate of interest not exceeding six per centum per annum as the said Commissioners shall, by resolution, determine. The interest upon the said bonds shall be payable semi-annually in each and every year from the date of the issue thereof. Said bonds shall be divided into forty classes and the aggregate face value of each of the said classes, with the dates of their respective maturities, shall be as follows:

Class	Amount	Year of Maturity
A	\$4,000	1937
B	4,000	1938
C	4,000	1939
D	4,000	1940
E	4,000	1941
F	4,000	1942
G	4,000	1943
H	4,000	1944
I	4,000	1945
J	4,000	1946
K	4,000	1947
L	4,000	1948
M	4,000	1949
N	4,000	1950
O	4,000	1951
P	4,000	1952
Q	4,000	1953
R	4,000	1954
S	4,000	1955
T	4,000	1956
U	4,000	1957
V	4,000	1958
W	4,000	1959
X	4,000	1960
Y	4,000	1961
Z	4,000	1962
AA	4,000	1963

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BB	4,000	1964
CC	4,000	1965
DD	4,000	1966
EE	4,000	1967
FF	4,000	1968
GG	4,000	1969
HH	4,000	1970
II	4,000	1971
JJ	5,000	1972
KK	5,000	1973
LL	5,000	1974
MM	5,000	1975
NN	5,000	1976

Said bonds may at the discretion of the said Commissioners contain a provision for the redemption thereof by the said Commissioners at any interest period after the expiration of five years from the date thereof at a premium not to exceed five per centum per annum.

Section 4. That the said Commissioners shall direct and effect the preparation and printing and sale of said bonds authorized by this Act at such time or times and on such terms as the said Commissioners may deem expedient, but all moneys, the proceeds of such sales, shall be applied to carrying into effect the provisions of this Act.

Section 5. That the form of said bonds with the coupons thereto attached shall be prescribed by resolution passed by the said Commissioners, and the said bonds shall be signed by the Mayor of said "The Commissioners of Rehoboth", and by the Secretary thereof, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxation.

As the said bonds and coupons thereto attached shall be paid, the same shall be cancelled as the said Commissioners shall direct.

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Section 6. Whenever, in the judgment of the said Commissioners, it shall be deemed desirable that any part of the said bonds shall be sold, the said Commissioners shall sell and dispose of the same on the most advantageous terms obtainable, after having advertised the same in at least two daily papers published in the State of Delaware, for at least three consecutive issues in each paper. No commission or other compensation directly or indirectly shall be charged by or paid to any member of the said Commissioners for effecting the sale or negotiation of said bonds; said bonds, principal and interest, shall be payable at such Bank or Trust Company in Sussex County or elsewhere in Delaware as the said Commissioners, by resolution, determine. The said bonds shall be payable if demanded in gold coin of the United States of America out of the money received from the assessments laid and collected from abutting property owners in manner and form as hereinafter mentioned, together with such other funds as may necessarily be appropriated, for that purpose by "The Commissioners of Rehoboth". The said Commissioners are hereby authorized and directed to pay the interest on the said bonds at any Bank or Trust Company in Sussex County or elsewhere in Delaware when and as the same shall become due and to pay said bonds when and as the respective classes mature, in accordance with the foregoing schedule. The said Commissioners in fixing the rate of taxation for the purpose of meeting the payment of said bonds and interest shall immediately, beginning with the year of the sale of said bonds, or any part thereof, levy on all property now assessable and taxable, or persons within the corporate limits of the town of Rehoboth aforesaid, sufficient tax rate to pay the interest on all unpaid bonds, and also to provide such sinking fund as may be determined by the said Commissioners to be necessary, taken in conjunction with the amounts received from the assessments hereinafter mentioned for the retirement of the said bonds as and when they shall become due, in accordance with the schedule aforesaid. Each bond shall bear the date of actual issue and shall be numbered from one to one hundred and sixty-five (or to such number thereof as may be issued) inclusive.

Section 7. All money received from the sale of any or all

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of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof shall be deposited by the Treasurer of "The Commissioners of Rehoboth", in such banking institution in Sussex County or elsewhere in Delaware as the said Commissioners may prescribe and shall be known as the "Sinking Fund for Sewers", and shall be kept in a separate account and payments therefrom shall be made only for the purposes herein designated and none of the money received from the sale of said bonds, or any of them shall be applied to any purpose except as provided in this Act.

Section 8. The Commissioners of "The Commissioners of Rehoboth" are hereby vested with every power necessary or proper for the construction or operation of a sewerage system and sewage treatment plant for the town of Rehoboth, Delaware, and with every other power incidental thereto, or connected therewith. They shall employ such assistance, engineering, professional or otherwise, which they may determine necessary and shall fix the remuneration therefor, and shall check, receive and award contracts for work to be done or labor or materials to be furnished, or both, in the execution of this work, and shall have the power to reject any or all bids without explanation thereof and shall determine whether such contracts have been faithfully kept and performed, and shall have the authority to accept or reject any or all work done, and any and all labors furnished under such contracts. Said contracts shall be executed on behalf of the town of Rehoboth and "The Commissioners of Rehoboth" by the Mayor and the Secretary of "The Commissioners of Rehoboth" and the corporate seal of the said town shall be affixed thereto. No bids shall be accepted, no assistance employed, no contracts shall be awarded, nor shall any bills for services, labor or materials be paid unless the same shall have been approved by a majority of the members of the said "Commissioners" with such approval evidenced by the names of those approving appearing on the face of such documents. After such approval of such bills, it shall be the duty of the Mayor of "The Commissioners of Rehoboth" to issue his warrant or check, countersigned by the Town Treasurer in payment thereof herein.

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Section 9. In case the work authorized under this Act shall be done by contract, then the party or parties contracting to do this work or any part thereof, shall furnish to "The Commissioners of Rehoboth" a bond of adequate amount and with good and sufficient surety conditioned for the true and faithful performance of each and every one of the covenants appearing in the said contract and for the proper construction of the sewerage system and sewage treatment plant approved under this Act, according to the plans and specifications as employed in the said contract. The said contract shall also state at what progress of the work payments thereof shall be made, and it shall be the duty of "The Commissioners of Rehoboth" at or before such time or times for payment as it may appear in said contract, to expose for sale and to sell under the conditions hereinafter set for the bonds of the Town of Rehoboth of such classes, denominations and aggregate amounts as is hereinafter set forth, and to use the money arising from the sale of such bonds in meeting the payments as they may fall due under the said contract.

Section 10. Immediately upon the completion and acceptance by the said Commissioners of the sewerage system and sewage treatment plant constructed in accordance with the plans and specifications as adopted by "The Commissioners of Rehoboth" the Commissioners shall cause to be made a true and accurate measurement of the lineal feet of all properties within the town of Rehoboth abutting on any street or streets, highway or highways, lane or lanes, alley or alleys in which sewers have been constructed under the provision of this Act and the said Commissioners shall also cause to be made a true and accurate statement of the whole and entire cost of constructing the said sewerage system and sewage treatment plant as constructed, and the said Commissioners shall apportion upon the properties abutting upon any street or streets, highway or highways, lane or lanes, alley or alleys, or any portion thereof in which sewers have been constructed under the provision of this Act, fifty per centum of the entire cost of the construction of the said sewerage system and sewage treatment plant. The amount to be paid shall be based either upon the entire area of the floors including the floor of the cellar or basement of the building or buildings to be

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drained, or shall be apportioned and paid according to the frontage of the property on which such building or buildings are erected, adjacent to which said sewers are constructed, or both. It is the intention of this Act that in an equitable manner buildings or properties other than residences shall pay an added assessment due to their increased use of the services rendered by said sewerage system and sewage treatment plant. "The Commissioners of Rehoboth" are hereby empowered to adopt such rules and regulations as will bring this into effect.

Section 11. The said Commissioners shall, before levying any assessment for the cost of the work aforesaid, cause to be prepared a complete list of all the property to be thus assessed, showing the lineal feet of each property abutting upon any street or streets, highway or highways, lane or lanes, alley or alleys in which the sewers are built as aforesaid, the owner of such property, and the amount to be assessed against each owner or owners. A copy thereof shall be exhibited in some public place within the Town of Rehoboth for one week and a notice of such exhibit shall be advertised in the local newspaper in at least two successive issues thereof, and the said notice shall also state a time and place when and where the said Commissioners shall sit to hear any and all objections which may be made against such assessment as set forth in the aforesaid list. The time of such meeting shall be not less than one week, nor more than two weeks, after the date of the last issue of the said notice. The said Commissioners shall sit on the evening of the day appointed in the said notice from 8:00 P. M. until 10:00 P. M. and may adjourn from night to night, and shall hear all objections which may have been made to such assessment list and shall make such alterations and corrections in such list as the said Commissioners may deem proper, provided such alterations and corrections shall be in compliance with the provisions of this Act. After having heard such objections and after having made such alterations and corrections the said Commissioners shall cause to be exhibited, for at least one week, following the date of the last meeting as aforesaid, a copy of the said assessment list as thus altered and corrected. After the said assessment list, altered and corrected as aforesaid, shall have been exhibited for one full

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week the said list shall be certified by the said Commissioners as correct and the several amounts shown upon such altered and corrected list as having been assessed against the properties mentioned therein shall be liens upon the respective properties upon which such assessment is made, and such liens shall have priority of any liens, encumbrances, or conveyances, except taxes and prior liens of a like nature for public improvements. No error or mistake in regard to the name of an owner shall be held to invalidate any assessment so made, and it shall be sufficient if the name of the last owner as shown by the record in the office of the Recorder of Deeds in and for Sussex County, State of Delaware, appears upon such assessment list. The Secretary of the said Commissioners shall immediately prepare statements of such assessments against each property so assessed and shall mail or deliver or cause to be delivered such statements to the party or parties whose name or names appear as the owner of said property. If mailed to the last known address of such party it shall be full and sufficient notice of such assessment for the purpose of this Act.

Section 12. All sums paid on account of such assessment shall be paid to the Treasurer of "The Commissioners of Rehoboth" who shall give his receipt therefor, and all such sums shall be by him deposited within forty-eight hours of their receipt, in some banking institution in Sussex County or elsewhere in Delaware as a "Sinking Fund for Sewers", and shall be kept entirely separate and distinct from any other funds handled by said Treasurer. All such amounts thus received shall form a sinking fund, and shall only be paid out for the purpose of paying the indebtedness incurred for building said sewers and sewage treatment plant hereinafter authorized, for paying the interest thereon, as it becomes due and for retiring the bonds in accordance with the provisions of this Act.

Section 13. Where a property is situated at a corner of two streets, highways, lanes, or alleys, or is otherwise so situated as to abut on two or more such streets, highways, lanes, alleys, then in that case the said Commissioners shall determine which is the front of the said property, and which is the side

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frontage of the said property. The front of the said property as determined by the said Commissioners shall be fully assessed but the owner of such property shall have an exemption of 100 lineal feet measured from the corner of the side frontage of his or her property as determined by the said Commissioners and provided, further that in case a property whether a corner property or not, faces or fronts on two non-intersecting streets only the front of such property as determined by said Commissioners shall be liable for such assessment, unless the owner or owners thereof shall desire to tap into the sewer in the rear of the said property in which case, he, she, it or they shall pay such additional assessment based on lineal frontage as aforesaid as the said Commissioners may determine in accordance with the provision of this Act, and provided that no property, or portion of the property, shall be assessed for the cost of constructing the sewerage system and sewage treatment plant herein provided for, unless such property, or some portion thereof, shall abut upon that portion of the street, highway, lane or alley in which a sewer has been built or laid or unless such property, or portion thereof, or the owner thereof, has a right of access to said street, highway, lane or alley, and desires to use said sewer before a sewer is constructed upon the street, highway, lane or alley to which such property, or a portion thereof, or the owner thereof, has the right of access, in which case, said property shall be liable for the same assessment as though it actually abutted upon the street, highway, lane or alley, in which such sewer is laid.

Section 14. Where any such assessment shall be made upon any land for the cost of constructing a sewerage system and sewage treatment plant as aforesaid, the property so assessed shall have the right to be connected with the sewer in front of such property, under and subject to such rules and regulations, as may be prescribed by "The Commissioners of Rehoboth".

Section 15. All assessments so made shall be due upon the date of the certifying by the said Commissioners as to the correctness of the same, and if paid in full within sixty days after the date of such certifying, a discount of five per centum shall be allowed from the amount of such assessment, and shall be accept-



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ed by the Treasurer of "The Commissioners of Rehoboth", as in full payment and release of the lien of such assessment. Upon all payments made after sixty days of the date of certifying as aforesaid, the full amounts of the assessments shall be paid with interest at the rate of six per centum per annum, computed from the date of certifying as aforesaid, and said interest so computed shall be added to the amount of said assessment. Any property owner at his, her or its discretion to be expressed in writing to the said Commissioners within sixty days after the certifying of the assessment as aforesaid, may pay the said assessment in five equal installments, together with interest on the unpaid balance from the date of certifying said assessment; the first installment to be due and payable within sixty days from the date of certifying as aforesaid, and each subsequent installment with accrued interest to be due and payable on the first day of July each year thereafter. Any property owner may have the right at any installment period to pay the balance due on his, her or its assessment in full. All assessments shall be due and payable to the Treasurer of "The Commissioners of Rehoboth".

Section 16. In all cases where the property owner does not elect to pay in installments, or, having elected to pay in installments fails to pay the first installment in sixty days after the date of certifying, as aforesaid, he, she or it shall be held to waive the right to pay in installments, and the entire assessment together with accrued interest from the date of certifying, as aforesaid, shall immediately thereafter become due and payable. If the property owner who has elected to pay in installments, fails to pay his, her or its full assessment within sixty days after the date of certifying of such assessment, as aforesaid, or having elected to pay in installments, fails to pay the first installment within sixty days after the date of certifying, as aforesaid, or makes default in the payment of any equal installment, or the accrued interest thereon, the whole of such assessment shall immediately become due and payable, and in any such case it shall be the duty of, and "The Commissioners of Rehoboth", are hereby directed to proceed forthwith to collect all such assessment, and the accrued interest thereon in the manner now provided for the collection of delinquent taxes due for town purposes.

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Section 17. The right to assess and collect the cost of constructing the sewerage system and sewage treatment plant from the property abutting upon the streets, highways, lanes or alleys in the town of Rehoboth, in which any sewer is built under the provisions hereof, and all other provisions of this Act, shall bind and apply to all property now assessable and taxable within the limits of the town of Rehoboth.

Section 18. If the said "Commissioners of Rehoboth" by and through the said Commissioners shall determine to establish a sewer system under the provisions of this Act, then and in such event the said Commissioners shall be deemed and taken to be authorized and empowered to lay all such sewers, mains, and pipes, as they shall deem advisable, under or along any of the streets, lanes or highways of said town, or any public road extending to said town, and also to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary for the purpose of carrying into effect the provisions of this Act.

Section 19. The said Commissioners shall have the further power to do, or cause to be done, any and all acts, matters and things necessary or proper for the establishment and maintenance of an effective sewerage system and sewage treatment plant in the said town. The said Commissioners shall have the further power to make, adopt and promulgate all rules and regulations relative to the use of any sewers established under this act, and the tapping thereof, including the charge or fee therefor, as they shall deem proper, and they may also adopt ordinances prescribing penalties for any injury to the said sewer system, or any part thereof, or for any abuse of any privilege granted in connection therewith.

The said Commissioners shall have the further power to prescribe the material of all private drains or sewers which shall hereafter enter into any municipal sewer and shall direct the manner in which they shall be laid.

Section 20. If the owner or owners of any land or lands

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necessary to be taken for the purpose mentioned in said Act be unable or unwilling to contract and agree with the said Commissioners of Rehoboth upon the compensation to be made for any real or supposed injury that may be done to said lands by entry and occupation, then said "Commissioners of Rehoboth" shall have power and authority to go upon said land or lands, and the said Commissioners, or a majority of them, after viewing the same, may assess the damages of said owner or owners fairly and impartially under all the circumstances and certify their finding and award in writing to the said owner or owners, and if such owner or owners be not resident within said town, the said Commissioners, or a majority of them, shall certify their finding and award to the tenant of said real estate, but if there be no tenant resident in said town, the said notice shall be affixed to the most conspicuous part of the premises, which notice shall be as effectual as personal service of the same. If an owner be dissatisfied with the amount of the compensation or damages allowed by said Commissioners said owner or owners may, within fifteen days after such notice, appeal from said assessment of compensation or damages by serving written notice to that effect on the president or other presiding officer of the Commissioners of Rehoboth. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of fifteen days allowed for appeal, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex County, for the appointment of a Commission, for five persons to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a commission under his hand directed to five freeholders of said County, three of whom shall be residents of the said Town of Rehoboth and two of whom shall be non-residents of said Town, demanding them to assess the damages which the owner or owners of said land or lands intended to be taken, occupied or used for the purposes of this Act as aforesaid (and who shall have notified said Commissioners of their intention to appeal) may sustain or incur by reason of such use or occupancy and to make return of their proceedings to the said Associate Judge at the time in said Order appointed. The freeholders named in such Commission being first sworn or affirmed as in said Commission shall be directed

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shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid and shall make return in writing of their proceedings in the premises to the said Judge, who shall deliver in Return to the said "The Commissioners of Rehoboth", which Return shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the Commission. The amount of damages being so ascertained, the said "The Commissioners of Rehoboth" may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from said Town during the said period of one month, then the same may be deposited to his or her credit in any responsible bank or trust company in Sussex County, Delaware, or elsewhere in Delaware, within said time, and the said Commissioners shall cause a record of said proceedings to be filed in the office of the Prothonotary for Sussex County and a certified abstract thereof recorded, as provided by law, in the office of the Recorder of Deeds of said County, and thereupon said property or land may be taken or occupied for the use aforesaid. In the ascertainment of damages by the freeholders aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by "The Commissioners of Rehoboth" out of the money in its custody arising from the sale of said bonds, but if said damages shall not be increased, the cost of the appeal shall be paid by the appellant. The fees of the freeholders shall be Two Dollars (\$2.00) per day each, which shall be taxed as part of the costs.

After the damages shall be fixed and ascertained by the freeholders, the said "The Commissioners of Rehoboth" shall have the option to pay the damages assessed within the time aforesaid and to proceed with said improvements, or upon payment of costs only, may abandon their intention of taking and occupying said land or lands for the purposes aforesaid.

Section 21. The entire supervision and control of any sewerage system and sewage treatment plant established under the provisions of this Act, shall be vested in the said Commissioners of Rehoboth, and the said Commissioners are given every power

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necessary or proper for the establishment, maintenance, operation, repair, alteration, enlargement and improvement thereof, and in any enlargement or improvement all the provisions of this Act except those pertaining to the borrowing of money, shall apply.

Section 22. That no sewerage system and sewage treatment plant shall be established under this Act, nor any money borrowed for said purpose, until the borrowing of such money shall be approved at a special election called for that purpose by the said Commissioners, as hereinafter provided.

Section 23. That if the said Commissioners shall at any time after the approval of this Act resolve that it is advisable that a municipal sewerage system and sewage treatment plant be established in the said town, then and in such event the said Commissioners shall provide for the submission of the question of the borrowing of money therefor at a special election to be held in said Town. Such election shall be held during the calendar month of August at a place to be designated by said Commissioners. The said Commissioners shall give notice of the same by advertisements posted in ten or more public places in said Town at least ten days before the date of said election. The advertisements shall state the time and place of the election, the amount of money (not exceeding One Hundred Sixty-Five Thousand Dollars) (\$165,000.00) that the Commissioners propose to borrow, and whether the money as borrowed is to be used for a sewerage system and sewage treatment plant. Such special election shall be held by the Mayor and two Commissioners of the said "The Commissioners of Rehoboth", who shall be selected and appointed for that purpose by the said Commissioners. The said Mayor shall be the presiding officer at any such special election. If for any cause said Mayor shall not perform the duties of presiding officer at any such special election, the said Commissioners shall select and appoint some other male qualified voter of the said Town of Rehoboth to be the presiding officer at such special election. The voting at such special election shall be by ballot, upon which shall be printed or written either the

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words "For Rehoboth Sewer Bonds" or the words "Against Rehoboth Sewer Bonds." Except as otherwise provided by this Act, such special election shall be held according to the laws governing the annual town election of the said Town of Rehoboth.

Every resident or non-resident owner of real estate within the corporate limits of the Town of Rehoboth who shall have paid the Town tax assessed to him or her, for the year preceding the year in which the election shall be held, and every citizen of said Town above the age of twenty-one years who shall have paid the Town Tax assessed to him or her for the year preceding the year in which the election shall be held, shall be entitled to one vote either in person or proxy for each dollar or fraction of dollar of tax paid by him or her. If a majority of the votes cast at such special election shall be "For Rehoboth Sewer Bonds", then and in such event the Commissioners shall be deemed and held to be authorized and empowered to borrow any sum of money not exceeding the sum stated in the advertisement of such special election and in no event exceeding the sum of One Hundred Sixty-Five Thousand Dollars (\$165,000.00), and said Commissioners shall further be deemed and held to be authorized and empowered to issue the bonds provided for in this Act, and to do all things proper to be done under the provisions hereof. If a majority of the votes cast at such special election shall be "Against Rehoboth Sewer Bonds", then and in such event the Commissioners shall take no further steps under this Act, except that they may during any month of August in any year thereafter as they shall deem proper again submit the question of the borrowing of any sum of money not exceeding One Hundred Sixty-Five Thousand Dollars (\$165,000.00) at a special election called, advertised and held as hereinbefore prescribed.

Section 24. Any person who shall wilfully vote or attempt to vote illegally at such special election, or any person acting as an election officer at such special election, who shall wilfully receive, or consent to receiving an illegal vote, or who shall wilfully refuse to receive a legal vote, or who shall in any way act in a fraudulent or illegal manner at such special election, shall

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be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the Court.

Section 25. That the Treasurer of said "The Commissioners of Rehoboth", to secure the said Town against loss on account of the said money so derived from the sale of said bonds, shall enter into a special bond with surety in such amount as shall be determined by Resolution of the Commissioners of Rehoboth.

Section 26. Upon the written notice from the Board of Health of the Town of Rehoboth of the existence of a nuisance detrimental to the public health of the inhabitants of said town, and stating that such nuisance can be eliminated by connecting the property upon which said nuisance exists with the sewerage system built under this Act, the Commissioners of "The Commissioners of Rehoboth" shall, and it is hereby directed to serve a written notice upon the owner of the property upon which such nuisance is alleged to exist, to connect such property with the system of sewers within thirty (30) days after the date of such notice. Should such property not be thus connected within the period fixed, in such notice, the owner thereof, upon conviction before the "Mayor of the Town of Rehoboth" of this failure to obey the instructions of said Commission as contained in such notice, be sentenced to a fine of not less than Five Dollars (\$5.00) nor more than Ten Dollars (\$10.00) for each and every day beyond the expiration of the period named in such notice for connecting with the sewerage system if said connection remains unmade, and such nuisance is allowed to remain, said fine is to be collected as other fines or offenses against the laws and ordinances of the Town of Rehoboth are now, by law, collected. Further, said Commissioners shall have the power, if they so desire, of doing the work incident to such connection to the sewer and enter the cost of same as a lien against the property.

Section 27. The faith and credit of the said Town of Rehoboth are hereby pledged for the payment of all of the bonds that may be issued under the provisions of this Act.

Approved May 16, 1933.

## CHAPTER 120

## REHOBOTH

**AN ACT to Amend Chapter 133, Volume 35, Laws of Delaware, Being "An Act to Re-incorporate the Town of Rehoboth", by Adding to the Powers of the Corporation the Right to Regulate and License All Kinds of Business Within 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 the members of each Branch thereof concurring therein) :*

Section 1. That Section 9 of Chapter 133, Volume 35, Laws of Delaware, be, and the same is hereby repealed, and a new Section to be known as Section 9 of Chapter 133, Volume 35, Laws of Delaware, is hereby enacted in the following language:

That the said Commissioners of Rehoboth, for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws, for the following purposes: To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses in the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said town, and beach or beach strand in or contiguous to said town, and prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys, beach or beach strand. To regulate, clean and keep in repair the streets, highways, lanes and alleys, wharves and docks in said town, and to prevent and remove obstructions and encumbrances in and upon all streets, highways, lanes and alleys, sidewalks,



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cross-walks, sewers, drains, aqueducts, water-courses, wharves or docks, in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privileges granted to them in the use of any street, avenue, highway or alley in said town, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of said town, and to authorize or prohibit the removal or destruction of such trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupier of the premises fronting thereon; to level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel or shell the streets, highways and alleys of said town, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town, which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this Act; to prescribe the manner in which said work shall be performed and to cause the expense thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any stoop, step, platform or bay window, cellar door, gate, area, descent into a cellar or basement, sign or any post, or the erection of any projection or otherwise in, over or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing and immoderate driving of any horse or motor car in any street, highway or strand, and to authorize the stopping and detention of any person who shall be guilty of immoderate riding or driving of any horse or other animal, motor car or other vehicle, in any street, avenue, highway or strand; to prevent the driving of any drove

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or droves of horses, mules, cattle, sheep, or swine through any of the streets or avenues of the town, on the first day of the week, commonly called Sunday, and to regulate the same at other times; to regulate, protect and improve the public grounds of said town; to provide lamps and to light the streets and public places of every description in said town; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to establish and regulate one or more pounds and to restrain the running at large of horses, cattle, swine, goats and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prescribe and regulate the places of vending or exposing for sale wood, hay, straw, and other articles from wagons or other vehicles; to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons in the streets, or on the sidewalks in said town; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances of all kinds, at the expense of those maintaining them, and to compel the owner or occupant of lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing which is or may be detrimental, in the opinion of the Commissioners or local Board of Health, to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the direction of the Commissioners as often as the said Commissioners or local Board of Health may deem necessary for the health and well being of the inhabitants of the town; or in a summary manner, to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected in such manner as the Commissioners may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he

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or she may be liable for maintaining such nuisance. To regulate and control the manner of building or removal of dwelling houses or other buildings, and to provide for the granting of permits for the same. To establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from the front line of the lots; to prohibit, within certain limits to be from time to time prescribed by ordinance, the building or erecting of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things, in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officers or constables, or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition; and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fire-works, and the use of firearms in said town; to regulate or prohibit the use of candles and lights in barns, stables and other buildings. To establish, regulate, control and maintain a suitable sewer and drainage system for the said town. Provided, however, that the Commissioners shall not have the authority to bond the town for this, or any other purpose, without an Act of the General Assembly, authorizing the same. To regulate or prohibit swimming or bathing in the ocean, or within waters within the limits of the town. They shall have the authority, by ordinance, resolution or otherwise, to enter into a contract or contracts with, or to grant franchises, concessions or rights to any person, firm, partnership or corporation, who may apply for the use of any street, highway, avenue, lane, alley or beach strand for the purpose of furnishing electric lights and power, gas or water to the said town, or for the construction and operation of railways, steam, motor, electricity or other power, or for the construction and operation of sewers or other sanitary systems of drainage, or for the erection of wharves or piers. To license persons, firms and corporations engaged in the sale of merchandise within the corporate limits of the town of

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Rehoboth, for the purpose of raising additional revenue for said town of Rehoboth for publicity purposes only; provided, however, that nothing herein shall be so construed as to make it mandatory upon any resident of the State of Delaware to apply for a license in order to sell in the town of Rehoboth farm produce or any farm products grown on his or her farm. To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of this State or of the United States, as they, the said Commissioners, may deem necessary to carry into effect the powers and duties imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of person and property, and for the preservation of the public health and property of said town and its inhabitants.

Approved May 16, 1933.

## CHAPTER 121

## SEAFORD

**AN ACT Authorizing the Council of the Town of Seaford to Borrow Money and Issue Bonds to Secure the Payment Thereof, for the Purpose of Providing Electric Lights for 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 the Council of the Town of Seaford be and it is hereby authorized and empowered to borrow, on the credit of the Town of Seaford, a sum of money not exceeding Fifty Thousand Dollars (\$50,000.00) which shall be applied, appropriated and expended for the purpose of lighting the Town of Seaford and furnishing electric light for private use, either by the establishment of a proper electric light plant, by purchase or otherwise, or by the purchase or construction of an electric light distributing plant to distribute electric power sufficient to properly light said Town and furnish light and power for private use. The Council of the Town of Seaford is hereby authorized and empowered to provide for the operation and maintenance of the electric light plant hereby authorized and for such purposes it may appoint and employ all necessary officials and employees to carry out said power. Such Council shall have power to fix the rates to be charged for furnishing electric light for private use.

Section 2. To provide the funds required for the purposes of this Act, the Council of the Town of Seaford is authorized and empowered to issue and sell bonds of the Town of Seaford, the said bonds to be known as "Seaford Electric Light Bonds", which bonds shall be in the denomination of One Thousand Dollars (\$1,000.00), shall be numbered consecutively beginning with number one, and shall bear interest at such rate as the Council shall determine, not exceeding six per centum per annum, payable semi-annually upon presentation of the coupons attached

## SEAFORD

to said bonds representing the semi-annual interest. The bonds shall be payable both as to principal and interest at such bank or trust company or at the office of the Treasurer of the Town of Seaford, as the Council of said Town may prescribe.

Section 3. The principal of said bonds shall be payable as follows: Bond No. 1, shall be payable on the first day of July in the tenth year after the issuance thereof, and thereafter, annually one of said bonds shall be called in and paid on the First day of July until all of said bonds shall have been paid, the calling in and payment of said bonds to be made in the consecutive order of the numbers thereof; provided, however, that the Council of the Town of Seaford shall have the right to redeem any or all of said bonds on or after the expiration of five years from the date of the issuance thereof. If said bonds or any of them shall be redeemed, the Council of the Town of Seaford shall publish notices thereof in a newspaper published in the City of Wilmington, in a newspaper published in the Town of Seaford and in a newspaper published in the Town of Georgetown. The said publications to commence at least sixty days prior to the date of said redemption and the publications aforesaid to be made in a newspaper in Wilmington shall be at least twice each week during said period, and in the other publications to be made weekly during said period.

The redemption of bonds under the provisions hereof shall be according to the consecutive numbers thereof. Upon the redemption of said bonds interest thereon shall cease.

Section 4. The Council of the Town of Seaford shall prescribe by ordinance the form of bond and of the interest coupons to be attached thereto, shall determine the date of the issue thereof, the rate of interest thereon, and shall direct and effect the preparation, printing, sale and delivery thereof upon such terms as said Council may deem most advantageous. The bonds shall be signed by the Mayor of Seaford, shall be countersigned by the Treasurer of the Town of Seaford and shall be under the

### SEAFORD

seal of said Town. The coupons shall bear the facsimile signatures of said Mayor and Treasurer of said Town of Seaford.

Section 5. For the purpose of providing for the payment of said bonds as they severally mature and the annual interest thereon, and to provide a sinking fund for the payment or redemption of said bonds, the Town of Seaford is authorized and directed to assess, levy and collect annually in the same manner as other town taxes are assessed, levied and collected in the Town of Seaford, such further sum of money, in addition to the amount authorized by any other Law, as shall be necessary and sufficient to pay the interest on said bonds accruing in each year, and to pay the principal thereof as the said bonds shall severally mature, or as they may be redeemed; and the Council of the Town of Seaford is authorized to make and establish by ordinance all regulations and rules for the establishment of such sinking fund.

Section 6. The bonds issued under the provisions of this Act shall be exempt from all State, County, and Municipal taxation.

Section 7. The faith and credit of the Town of Seaford is hereby pledged for the due payment of the principal and interest of all the bonds issued under the provisions of this Act.

Section 8. Before any moneys shall be borrowed and bonds 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 are held, and the Council of the Town of Seaford shall arrange for the holding of such election. Notice of said election shall be given by advertisement in a newspaper published in the Town of Seaford, State of Delaware, and by posting notices in at least ten public places in said Town, at least ten days before said election, which said advertisements 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 said money is to be borrowed. At said election every taxable paying Town Taxes in the said Town of Seaford shall be entitled to vote and shall have one

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vote for each One Dollar, or fractional part of One Dollar of taxes paid by such taxable according to the last assessment in 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, and not exceeding in the aggregate Fifty Thousand Dollars (\$50,000.00), 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 20, 1933.



## CHAPTER 122

## SELBYVILLE

**AN ACT to Amend Chapter 166, Volume 37, Laws of Delaware, Being "An Act to Reincorporate the Town of Selbyville", by Providing for the Reduction of a Percentage or the Adding of a Penalty With Reference to the Collection of Taxes by the Collector.**

*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 Section 8 of Chapter 166, Volume 37, Laws of Delaware, be, and the same is hereby repealed, and a new Section, to be known as Section 8 of Chapter 166, Volume 37, Laws of Delaware, is hereby enacted in the following language:

"Section 8. The said The Mayor and Council of the Town of Selbyville shall at its first stated meeting in every year determine the amount of taxes to be raised in said Town for that year, provided that the amount to be raised shall not in any year be more than Ten Thousand Dollars (\$10,000.00); and it shall appoint an assessor, who may or may not be one of the Councilmen, to make an assessment of persons and property in said Town; and it shall also appoint a collector and treasurer who may or may not 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 said Town, and also an assessment of all the citizens of said Town, both male and female, of the age of twenty-one years and upwards, as well as those owning real estate as those not owning real estate of Two Dollars as a poll tax. Provided, however, that nothing herein contained shall in any way render subject to levy and taxation any property in said Town that may now be expressly exempted from taxation and assessment by law. The said assessor, after making said assessment, shall forthwith deliver to The Mayor and Council of the Town of Selbyville a dupli-

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cate containing the names of all persons assessed and the amount of the assessment, distinguishing the real and personal property of each. The Council shall assess the real and personal estate of the assessor. The said The Mayor and Council of the Town of Selbyville shall within fifteen days after receiving said duplicate assessment list cause a complete and full transcript of said duplicate to be hung up in a public and conspicuous place in said Town, there to remain for the space of twenty days thereafter for public inspection; and the said The Mayor and Council of the Town of Selbyville shall, on the Wednesday next after the expiration of the said period of twenty days, from two o'clock to four o'clock in the afternoon, sit to hear appeals from said assessment. Notice of the hanging up on the list, and also at the same time notice of the time and place of hearing appeals shall be given by notices posted in at least six public places in said Town. They shall have the power on such day to add to or take from the amount of any assessment, except that of poll tax which shall always remain at Two Dollars per capita. The decision of a majority of the said The Mayor and Council of the Town of Selbyville, upon any appeal, shall be final and conclusive. No member of said Council shall sit upon his own appeal, but the same shall be heard and determined by the others. Immediately after the appeal day the said The Mayor and Council of the Town of Selbyville shall cause the assessment list to be transcribed and the transcript to be delivered to the collector. He thereupon shall collect from each taxable his proportion of the tax assessed, but in the collection of taxes the said collector shall deduct five per cent from the amount of the tax assessed against the property of any one who shall pay such tax by the first day of May following the assessment of said tax, and shall deduct four per cent from the amount of taxes assessed against the property of any one who shall pay such tax by the first day of June following the assessment of said tax. The full amount of the tax assessed is due if collected during the months of June, July and August, and beginning with the first day of September the collector shall add one per cent each month, as a penalty, until the tax assessed is collected. The collector shall pay over the whole amount that he may have collected, after deducting his commissions and any

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delinquencies which may be allowed, to the Treasurer, on or before the first day of January next after the receipt of his duplicate. The collector shall have the same power in the collection of said taxes as is conferred by law upon the Receiver of Taxes and County Treasurer of Sussex County."

Approved March 28, 1933.

## CHAPTER 123

## SMYRNA

**AN ACT to Authorize the Town Council of The Town of Smyrna to Borrow One Hundred and Sixty-Four Thousand Dollars (\$164,000.00) to Redeem Certain Outstanding Bonds of The Town of Smyrna.**

WHEREAS, the Town Council of The Town of Smyrna has heretofore issued One Hundred and Sixty-Four Thousand Dollars (\$164,000.00) for indebtedness of various forms of The Town of Smyrna, being an indebtedness of said The Town of Smyrna; and,

WHEREAS, the said bonds and various forms of indebtedness bear interest at a rate higher than is necessary to pay for money at the present time, and it is desirable to redeem said bonds and various forms of indebtedness and to refund the debts evidenced thereby at a lower rate of interest, but there are no funds now available for the redemption of the said bonds and the various forms of indebtedness. Now, Therefore,

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

Section 1. That the Town Council of The Town of Smyrna is hereby authorized and empowered to borrow on the faith and credit of The Town of Smyrna the sum of One Hundred and Sixty-Four Thousand Dollars (\$164,000.00), or so much thereof as may be necessary to redeem the outstanding bonds and various forms of indebtedness of The Town of Smyrna.

Section 2. That the Town Council of The Town of Smyrna, for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of The Town of Smyrna, said bonds to be denominated "The Town of Smyrna Refunding Bonds, Series of 1933" to an amount not exceeding in the aggregate the

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sum of One Hundred and Sixty-Four Thousand Dollars net (\$164,000.00). The said bonds shall be issued in denominations of One Thousand Dollars (\$1,000.00) each, shall bear date July 1, 1933, shall be numbered consecutively beginning with number one, shall bear interest from and after their date at a rate not exceeding five per centum per annum, payable semi-annually on the first day of January and July of each year 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. The bonds may or may not be coupon bonds as the Town Council of the said The Town of Smyrna shall determine. Said bonds shall be due and payable on the First day of July in the year of our Lord One Thousand Nine Hundred and Fifty-three, but the whole or any part thereof may be redeemed and paid at the option of the Town Council at any time: Provided, however, that the said Town Council shall elect to redeem any of the said bonds as aforesaid, such redemption shall be effective thereon the First day of January or the First day of July in pursuance of notice signed by the President of the said Town Council and the Treasurer of said The Town of Smyrna published one each week for three consecutive weeks in one newspaper published in the City of Wilmington, one published in Kent County and one published in Sussex County of this State which said notice shall indicate by their numbers the bonds called and in making the calls the said Town Council shall call the bonds by lots, and interest on all bonds so called shall cease from and after the date fixed for their redemption.

Section 3. The Town Council of The Town of Smyrna shall direct and effect the preparation and sale of said bonds authorized by this Act, at such time or times and on such terms as the Town Council of The Town of Smyrna shall deem expedient, but no moneys derived from the sale of said bonds shall be applied to or utilized for the principal of any new indebtedness of the said Town Council of The Town of Smyrna, but shall be used exclusively for the purpose of refunding outstanding indebtedness, and for no other purpose: Provided, however, that if for any cause the amount received from the sale of such bonds is more

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than is needed for redemption of said issues of bonds or other indebtedness now outstanding the excess may be used for the general purposes of the said The Town of Smyrna.

Section 4. That the form of said bonds shall be prescribed by said Town Council of the said The Town of Smyrna, and said bonds shall be signed by the President of said Council and by the Treasurer of said Town, and shall be sealed with the corporate seal of The Town of Smyrna, and shall be exempt from all State, County and Municipal taxation of this State or any section thereof. As the bonds authorized by this Act and any coupons thereof, are paid the same shall be cancelled in the manner prescribed for the cancellation of bonds or other forms of indebtedness which are to be paid and refunded by the proceeds of the sale of the bonds hereby authorized, as is prescribed in Section 7 hereof.

Section 5. That the said Town Council of The Town of Smyrna is hereby authorized and required to impose, levy and collect by taxation in each year, upon the persons and the property of the persons subject to assessment in the said The Town of Smyrna 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 and according to the terms of said bonds. The tax for the purpose aforesaid shall be in excess of and in addition to the sum or amount of taxes authorized to be raised by the said Town Council of The Town of Smyrna. The Treasurer of The Town of Smyrna, shall, if the said Town Council of The Town of Smyrna shall deem it proper, be required to give additional bond with adequate and sufficient surety in such sum as said Town Council of The Town of Smyrna shall determine and propose by ordinance.

Section 6. The faith and credit of the said Town Council of The Town of Smyrna are hereby pledged for the payment of the bonds authorized to be issued under the provisions of this Act.

Section 7. The One Hundred and Sixty-Four Thousand Dollars (\$164,000.00) of bonds and various forms of indebtedness to

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be paid by the moneys arising from the sale of the bonds to be issued and issued under the provisions of this Act shall be cancelled by writing on the face of each such bond or other form of indebtedness the words "Cancelled and Paid" with date of payment and the Mayor and the Treasurer of The Town of Smyrna shall sign the bonds or other forms of indebtedness so cancelled when the same are paid. The bonds or other forms of indebtedness so cancelled shall be preserved by the Town Clerk of The Town of Smyrna.

Approved May 26, 1933.

## CHAPTER 124

## WYOMING

**AN ACT to Amend Chapter 182, Volume 23, Laws of Delaware,  
Entitled "An Act to Reincorporate the Town of Wyoming".**

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

Section 1. That Section 1, Chapter 182, Volume 23, Laws of Delaware, entitled "An Act to Reincorporate the Town of Wyoming" be and the same is hereby amended by striking out all of the second paragraph of said Section and by inserting in lieu thereof the following new paragraph:

"The Commissioners, or a majority of them, shall as soon after all elections as conveniently may be, appoint an Alderman, Town Constable, Assessor, Treasurer, Collector, and such other officers as they may deem necessary to serve for the term of one year each, and until their successors be duly appointed and qualified. The Commissioners, Alderman, Town Constable, Assessor, Treasurer, and Collector shall severally be sworn or affirmed to the faithful and impartial performance of their respective duties and undertakings according to the best of their skill and judgment, respectively."

Section 2. That Section 1 of the Act aforesaid be and the same is hereby further amended by striking out the words "and collector of all taxes" between the word "receiver" in the first line of the fourth paragraph of said Section and the word "and" in the second line thereof and by inserting in lieu thereof the words "from the collector of all taxes".

Section 3. That Section 1 of the Act aforesaid be and the same is hereby further amended by striking out the words "and town clerk" in the fourteenth line of the fourth paragraph of said Section and by inserting in lieu thereof the words "town clerk and collector".



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Section 4. That Section 3 of the Act aforesaid be and the same is hereby amended by striking out all of said Section 3 and by inserting in lieu thereof the following new Section 3:

"Section 3: That the bounds and limits of the said "Town of Wyoming" shall be as follows: Beginning at a point in the division line of lands of Libby, McNeil and Libby and lands of Joshua Hudson and which point is approximately nine hundred and fifteen (915) lineal feet from the center line of the concrete highway leading from the town of Wyoming to the Kent County Almshouse; thence running in a northerly direction along said division line, crossing said concrete highway and continuing in a northerly direction along the western boundary line of lands of Lewis G. Jenkins; thence continuing in a northerly direction with the run of a branch to the middle of the channel of an arm of a mill pond, known as "Robert J. Lindale mill pond", to a point in the middle of the mouth of said arm of said pond where said arm joins the main body of said pond; thence by a right angle line crossing said mill pond to a point a short distance above the mill dam on the north side of said mill pond near the entrance of the Wyoming Milling Co. mill pond race; thence along the north side of said mill race and the lands dividing the Wyoming Milling Co. property from lands of Cora Van Buskirk until arriving at the east side of the public road leading from Wyoming to Dover; thence along the East side of said road until arriving at a point in the middle of the Wyoming Milling Co. mill stream; thence with said mill stream following the several meanderings thereof in the direction of Howell's mill pond to a point in the head waters of the said Howell's mill pond in range with the eastern boundary line of lands of George Lundgreen; thence with the said eastern boundary line to the public road leading from Wyoming to the concrete highway leading from Camden to Dover; thence along the north side of said road in a westerly direction until arriving at a point in range with the eastern boundary line of lands of David Harry; thence crossing the last aforesaid road and following the said eastern boundary line of the said David Harry lands to another public road or street called Center Street leading east into the town of Camden; thence along the north line of said

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Center Street in a westerly direction to a corner of lands of said David Harry; thence in a southerly direction and crossing said Center Street and along the east line of Caesar Rodney Avenue and continuing across Camden-Wyoming Avenue in a southerly direction along the east line of the concrete highway leading from Wyoming to Willow Grove to a point in the south line of a street or road known as Horse-tail Alley and in a line of lands of Lizzie S. Allee; thence in a westerly direction crossing said road from Wyoming to Willow Grove and continuing in said direction across lands formerly owned by Fred T. Herbert, Sr., and now owned by The First National Bank of Dover, lands of Thomas C. Downham, lands of John W. Jones, and lands of Libby, McNeil and Libby, and arriving at the point of beginning. The commissioners of the said town of Wyoming or a majority of them may at any convenient time cause a survey and plot of the said town to be made showing the boundaries thereof, the roads, streets, avenues, ditches and waterways therein, and the widths of all the said ways named in fact from the curbing or border of the one side to the other thereof, and also the width of the several sidewalks thereof, so far as they shall deem proper, and the said plot when completed and adopted by the commissioners shall be recorded or otherwise folded in the proper town book, and all the said ways so marked as aforesaid, shall, when so recorded or folded in said town book, be deemed and taken as the public roads, streets, avenues and ways of said town."

Section 5. That Section 7 of the Act aforesaid be and the same is hereby amended by adding at the end of said Section a new paragraph as follows:

"The Commissioners of the Town of Wyoming shall have the power and authority, by ordinance, to issue building permits and to forbid the construction of a new building or addition or alteration of an existing building, except when a building permit has been obtained therefor and to provide for the punishment of all persons who shall neglect to obtain such permit."

Section 6. That Section 9 of the Act aforesaid be and the

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same is hereby amended by inserting the words "or town collector" immediately after the word "treasurer" wherever said word appears in Section 9 of said Act.

Section 7. That Section 9 of the Act aforesaid be and the same is hereby further amended by adding at the end of said section the following new paragraphs:

"All manufacturing industries or branches thereof located on lands not included within the limits of said town prior to the first day of January, A. D. 1933, but which are included within the boundaries of said town as set out in Section 3 hereof, shall be exempt from taxation for a period of ten years after the adoption of this amendment and all new manufacturing industries that may locate in said town after the adoption of this amendment shall be exempt from taxation for a period of fifteen years.

"All farm lands of an area of six acres or more which are embraced within the boundaries of said town as set out in Section 3 hereof and which have not been laid out in building lots shall not be assessed at over thirty dollars per acre, exclusive of the improvements thereon."

Section 8. That Section 10 of the Act aforesaid be and the same is hereby amended by inserting the words "or collector" after the word "treasurer" in the eighth line of said Section and by striking out the word "and" between the word "treasurer" and the word "collector" in the eleventh line of said Section and inserting in lieu thereof the word "or" and that said Section be further amended by inserting the words "or collector" after the word "treasurer" in the twelfth line of said Section.

Approved March 21, 1933.

## CHAPTER 125

## THE CITY OF WILMINGTON

**AN ACT to Amend Chapter 67 of the Revised Code of the State of Delaware, by Extending the Jurisdiction of the Municipal Court for the City of Wilmington.**

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

Section 1. The Municipal Court for the City of Wilmington shall have concurrent jurisdiction to hear, try and finally determine all violations committed within the corporate limits of the city of Wilmington and to punish all persons convicted of said offense, agreeable to the Laws of this State, or to the Common Law, of the following offenses:—

(a) All charges of pointing a firearm, as set forth in Paragraph 4802 of the Revised Code of the State of Delaware, 1915.

(b) All charges of harboring a male or female child under eighteen years of age as set forth in Paragraph 4709 of said Revised Code.

(c) All charges relating to lotteries, gaming, and wagering contest, as set forth in Article 31 of Chapter 100 of the Revised Code, comprising Paragraphs 3564—3565—3566—3567—3569.

Section 2. The proceedings in all such cases in the said Municipal Court shall be without indictment by Grand Jury, or trial by Petit Jury, with the right of appeal as provided in Article IV, Section 30, of the Constitution of this State.

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Section 3. Such jurisdiction shall extend to and include any amendment supplement or addition heretofore, or hereafter made in relation to the matters and offenses herein enumerated.

Section 4. All acts or part of acts inconsistent herewith are hereby repealed.

Approved April 11, 1933.

## CHAPTER 126

## THE CITY OF WILMINGTON

**AN ACT Relating to the Boundaries of the Mayor and Council of Wilmington.**

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

Section 1. That Section 1 of Chapter 207, Volume 17, Laws of Delaware, approved April 13, A. D. 1883, and all Acts amendatory thereof or supplemental thereto, be and the same are hereby further amended by striking out said Section and inserting in lieu thereof the following:

Section 1. The City of Wilmington shall be bounded as follows:

BEGINNING at a point in the Delaware River distant 3000 feet southeasterly from the northwesterly bank of said River and on a line drawn parallel to Tenth Street extended from the intersection of the center line of Todds Lane with the northerly side of the Pennsylvania Railroad main line right of way; thence northwesterly and parallel to Tenth Street 6300 feet more or less to the middle of Shellpot Creek; thence along the middle of Shellpot Creek in a northerly direction about 750 feet more or less to a point; thence northwesterly parallel to Eastlawn Avenue along the present City boundary line 900 feet more or less to the center line of the right of way of the Pennsylvania Railroad; thence northwesterly at right angles to Market Street along the present City boundary line 3700 feet more or less to the northwesterly side of Market Street; thence northeasterly along the said northwesterly side of Market Street 2500 feet more or less to its intersection with the southwesterly property line of the Diamond State Amusement Company, said intersection being approximately 730 feet northeasterly from the center line of Forty-Third Street, measured along the said side of Market Street; thence north 23

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degrees 35 minutes west, along the said property line, a distance of 524.31 feet more or less to a concrete monument; thence north 19 degrees 12 minutes west, along the same property line, a distance of 823.3 feet to a corner of said property; thence north 68 degrees 28 minutes east continuing along the property division line 57.60 feet to a point; thence south 57 degrees 21 minutes east along the property division line 470.2 feet to a point; thence north 26 degrees 26 minutes east along the property division line 264 feet to a point; thence north 18 degrees 1 minute east along the property division line 369.6 feet to a point; thence north 3 degrees 53 minutes east along the property division line 220 feet more or less to the center line of Talley Road, thence northwesterly along the center line of said Talley Road following the various courses and distances thereof to its intersection with the center line of Miller Road; thence southwesterly along the center line of Miller Road following its various courses and distances to its intersection with a line drawn parallel to Thirty-seventh and Thirty-eighth Streets and midway between the said Streets; thence southeasterly parallel to Thirty-seventh and Thirty-eighth Streets and midway between them 1050 feet more or less to a point midway between Harrison and Franklin Streets, as the latter are at present established upon the official map or plan of the City of Wilmington; thence southwesterly along a line midway between Harrison and Franklin Streets 1000 feet, more or less to a point distant 600 feet northeasterly from the northeasterly side of 32nd Street measured at right angles thereto; thence northwesterly parallel to 32nd Street and distant 600 feet northwesterly therefrom 750 feet, more or less, to the northwesterly side of Miller Road; thence southwesterly along the said side of Miller Road 650 feet more or less to the southwesterly side of 34th Street extended (as the same is established between Market and Van Buren Streets; thence northwesterly along the said extension of the said southwesterly side of Thirty-fourth Street 300 feet more or less to the center line of the right of way of the Baltimore & Ohio Railroad); thence in a southwesterly direction following the said center line of the Baltimore & Ohio Railroad right of way 4100 feet more or less to the center line of 18th Street extended, as the latter is established southeast of Broom Street; thence westerly at right

## THE CITY OF WILMINGTON

angles to Concord Avenue and along the present City boundary line 1600 feet more or less to the center line of Brandywine Creek; thence following along the center line of Brandywine Creek in a northerly and westerly direction 7800 feet more or less to its intersection with the extension of the easterly side of Rising Sun Lane; thence southwesterly along the said side of Rising Sun Lane 2600 feet more or less to a point distant 150 feet southwesterly from the southwesterly side of Pennsylvania Avenue measured at right angles thereto; thence southeasterly and parallel to the said side of Pennsylvania Avenue 1900 feet more or less to the northwesterly side of Greenhill Avenue; thence southwesterly along the said side of Greenhill Avenue 1950 feet more or less to the northeasterly side of 7th Street; thence northwesterly along the said side of 7th Street extended 2750 feet more or less to the center line of duPont Road; thence southerly along the center line of duPont Road 2200 feet more or less to the southerly side of Lancaster Avenue extended, as the latter is established between Union Street and Greenhill Avenue; thence southeasterly along the said side of Lancaster Avenue, extended, 2100 feet more or less to the southeasterly side of Greenhill Avenue extended; thence southwesterly along the said side of Greenhill Avenue extended 600 feet more or less to the center line of Linden Street extended, as the latter is established between Van Buren and Union Streets; thence southeasterly along the center line of Linden Street extended 1100 feet more or less to the center line of Woodlawn Ave. extended, as the latter is established between Lancaster and Pennsylvania Avenue; thence southwesterly along the said center line of Woodlawn Avenue extended 2700 feet more or less to the northerly side of the right of way of the P. & R. Railroad; thence southeasterly along the said northerly side of the right of way of the P. & R. Railroad 1400 feet more or less to a point on an extension of the mid distant line between Lincoln and Union Streets; thence northeasterly along said mid distant line and parallel to Union Street 1700 feet more or less to the present City boundary line; thence southerly along the present City boundary line 2800 feet more or less to the center line of Maryland Avenue; thence southerly continuing along the present City boundary line 2200 feet more or less to the center



## THE CITY OF WILMINGTON

line of the right of way of the main line of the Pennsylvania Railroad; thence northeasterly along said right of way center line and along the present City boundary line about 2900 feet to the westerly side of Beech Street extended, as the latter is laid out southerly from and at right angles to Maryland Avenue; thence southerly along the said side of Beech Street extended and along the present City boundary line 2800 feet more or less to a point distant 450 feet southwesterly from the southwesterly side of "F" Street measured at right angles thereto; thence southeasterly parallel to "F" Street 7800 feet more or less to the southeasterly side of the right of way of the New Castle Branch of the P. B. & W. Railroad; thence in a southeasterly direction along the said right of way of the New Castle Branch of the P. B. & W. Railroad to its intersection with the northerly side of the right of way of the P. & R. Railroad; thence in an easterly direction along the said northerly side of the said right of way of the P. & R. Railroad to its intersection with the westerly bank of the Delaware River; thence southeasterly and parallel to "F" Street to a point distant 3000 feet from the said westerly bank of said Delaware River; thence northeasterly 15,400 feet more or less to the place of Beginning.

Within the limits of the territory by this Act included within and made part of the City of Wilmington, The Mayor and Council of Wilmington shall be and is hereby vested with all the powers, rights, privileges and immunities which by law appertain and belong to it as a municipal corporation, and all the laws or ordinances and regulations in force within the limits of the City of Wilmington, as heretofore existing, and not locally inapplicable, shall be extended and applied to the territory comprised within the boundaries as set forth herein.

The real estate by this Act added to and included within the boundaries of the City of Wilmington, and all persons now or hereafter residing within the said boundaries shall be subject to assessment for municipal taxes in the same manner and subject

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to the same rights, rules and restrictions as in other cases within the said City.

Section 2. The new territory hereby added to the said City of Wilmington shall be a part of the Ninth Ward of the said City.

Approved May 22, 1933.

## CHAPTER 127

## THE CITY OF WILMINGTON

**AN ACT to Amend "An Act Creating a Department of Public Safety for the City of Wilmington and Prescribing Its Powers and Duties", being Chapter 111, Volume 32, Laws of Delaware, as Amended by Chapter 139, Volume 37, 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 Section 10 of Chapter 111, Volume 32, Laws of Delaware, as amended by Chapter 139, Volume 37, Laws of Delaware, be and the same is hereby amended by striking out said Section as amended and inserting in lieu thereof the following:

"Section 10. In addition to the powers heretofore conferred upon the Board of Police Commissioners of the City of Wilmington, the said Directors of the Department of Public Safety shall have power to appoint a Superintendent of Public Safety and such number of officers, agents, members and employees of the Department, fill vacancies therein and fix and regulate the salaries or compensation of all such agents, members and employees. The said Directors shall have full power to make such rules and regulations as they may deem necessary for the proper control and management of said Department and government of its officers, agents, members and employees, and they shall have full authority to enforce such rules and regulations by any lawful means. The Department shall have power, after competent medical investigation, to order a member of the Department placed on the pension list in accordance with the laws governing the payment of pensions to members of the Department as established by Chapter 113, Volume 32, laws of Delaware, and by amendment thereto; and also Chapter 118, Volume 33, Laws of Delaware and by amendment thereto: Subject to the pension Laws above mentioned the Department shall have power

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to dismiss a member from the Department, when, after competent medical investigation, a member is certified to as physically unfit. The competent medical investigation shall be made by a board of physicians, consisting of the Surgeon for the Department of Public Safety of the City of Wilmington, the family physician of said Police Officer or Fireman, and a third reputable physician of the City of Wilmington, to be selected by the other members of said Board; said Board shall report in writing to the Directors of the Department of Public Safety the result of said physical examination together with a statement as to how far, in the opinion of said Board, the police Officer or Fireman examined is incapacitated from performing regular active duty in said Department. Upon receipt of said report of said Board of Physicians, the directors of the Department of Public Safety may take such action as they deem advisable based on the result of the medical investigation."

Approved May 22, 1933.

## CHAPTER 128

## THE CITY OF WILMINGTON

**AN ACT to Authorize the Mayor and Council of Wilmington to Convey to William E. Haines, his heirs and assigns, all its Right, Title, Interest and Estate in and to Certain Land in the City of Wilmington.**

WHEREAS, William E. Haines of the City of Wilmington, New Castle County and State of Delaware is the owner in fee simple of certain land situate in said City of Wilmington at the Southwest corner of Twenty-fourth and Market Streets; and

WHEREAS, The Mayor and Council of Wilmington, a Municipal Corporation of the State of Delaware, is the owner in fee simple of certain land adjoining the said land of William E. Haines aforesaid; and

WHEREAS, the said land of The Mayor and Council of Wilmington aforesaid is now under the control of the Board of Park Commissioners of the said The Mayor and Council of Wilmington and has been used by the public for playground purposes; and

WHEREAS, until recently there was a wooden fence marking the limits of the said land of The Mayor and Council of Wilmington aforesaid, used as aforesaid, which said wooden fence was not actually located on the property dividing line between the said land of the said The Mayor and Council of Wilmington, being used for playground purposes, and the said land of the said William E. Haines, as fixed by their respective deeds of record in the Recorder's office in and for New Castle County, but by actual survey of the City Engineering Department of the said The Mayor and Council of Wilmington, was located four feet inside the boundary line of the said playground property of the said The Mayor and Council of Wilmington; and

WHEREAS, the four foot strip of land hereinafter described, outside of said wooden fence, was not in effect being used by the

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said The Mayor and Council of Wilmington because of said location of said fence; and

WHEREAS, the said William E. Haines was desirous of acquiring title to said four foot strip of land running along the rear of his land aforesaid; and

WHEREAS, said The Mayor and Council of Wilmington was desirous of having erected a modern stone wall dividing its said land from the said land of William E. Haines; and

WHEREAS, thereafter by resolution duly adopted by said Board of Park Commissioners at their regular meeting on the eighth day of July, A. D. 1932, said Board of Park Commissioners recommended to The Mayor and Council of Wilmington that the said four foot strip of land be withdrawn from the control or jurisdiction of the Board of Park Commissioners and that the same be sold and disposed of by the said The Mayor and Council of Wilmington to the said William E. Haines in return and as consideration for his constructing at his expense a stone wall between his said land and the said land of The Mayor and Council of Wilmington; and

WHEREAS, the said The Mayor and Council of Wilmington in regular session on the Fourteenth day of July, A. D. 1932, by its Resolution duly adopted did agree to convey to the said William E. Haines said four foot strip of land upon the erection by the said William E. Haines of said stone wall as mentioned and provided in the aforesaid resolution of the Board of Park Commissioners; and

WHEREAS, the said William E. Haines thereafter constructed at his own expense said stone wall as so agreed and has fully completed his part of said agreement with the said Board of Park Commissioners and The Mayor and Council of Wilmington; and

WHEREAS, the Board of Park Commissioners has approved the construction of said wall and has duly accepted same as full performance by the said William E. Haines and as consideration

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for the said conveyance to him of the said four foot strip of land; and

WHEREAS, The Mayor and Council of Wilmington is now ready and willing to convey the said four foot strip of land to the said William E. Haines in fulfillment of said agreement; and

WHEREAS, there has been expressed a doubt as to the power and authority of The Mayor and Council of Wilmington to convey said four foot strip of land without an Act of Legislature enabling it so to do;

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

Section 1. That The Mayor and Council of Wilmington be and it hereby is authorized and empowered to grant, bargain, sell and convey unto the said William E. Haines, his Heirs and Assigns, of the City of Wilmington aforesaid, by its proper deed of conveyance all its right, title, interest and estate of any kind or nature whatsoever, in and to ALL that certain lot, piece or parcel of land situate in the City of Wilmington, New Castle County and State of Delaware, it being the said four foot strip of land above mentioned, bounded and described as follows, to-wit:

BEGINNING at a point on the Southwesterly side of Twenty-fourth Street distant one hundred seven feet Northwest-erly from the Northwest-erly side of Market Street measured along the said side of Twenty-fourth Street; thence Southwester-ly parallel to Market Street fifty-three feet to a point; thence Northwest-erly parallel to Twenty-fourth Street four feet to a point; thence Northeasterly parallel to Market Street fifty-three feet to the first-mentioned Southwesterly side of Twenty-fourth Street; thence thereby Southeasterly four feet to the place of Beginning.

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

Approved April 4, 1933.

# TITLE TEN

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## Religious, Reformatory and Charitable Institutions

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### CHAPTER 129

#### FERRIS INDUSTRIAL SCHOOL

**AN ACT Authorizing and Directing the State Treasurer to Surrender to the Ferris Industrial School of Delaware, a Certain Certificate of a Cemetery Lot, and Certain Bonds, Formerly Held by Said School.**

WHEREAS, some time prior to the year 1919, Woodlawn Company, a corporation of the State of Delaware, was incorporated by William P. Bancroft, and certain stock in the said corporation was given by him to several charitable institutions, including the Ferris Industrial School, in order that the dividends might help support such institutions; and

WHEREAS, in 1919, Woodlawn Trustees, Incorporated, a corporation of the State of Delaware, was incorporated, and all the assets and property of Woodlawn Company were transferred to the new Corporation, and the new corporation issued no capital stock and is not a corporation for profit, and in exchange for the stock held by the said several charitable institutions, including said Ferris Industrial School, certificates of indebtedness or bonds were issued, and a bond for Fourteen Thousand Dollars (\$14,000.00) was issued to the Ferris Industrial School, and the interest on this bond was paid to the said School until some time in the year 1919, when all of the property of the Ferris Industrial School was transferred to the State of Delaware, and the said School was made a State Institution, and among other property



## FERRIS INDUSTRIAL SCHOOL

transferred by the said School to the State, at such time, were included the said bond for Fourteen Thousand Dollars (\$14,000.00) and a certain United States Government Fourth Liberty Bond for Five Hundred Dollars (\$500.00), and a certain certificate for a lot in Mt. Olive Cemetery; and

WHEREAS, it is contrary to the policy and purposes of the said Woodlawn Trustees, Incorporated, to have any of its bonds held by other than institutions selected by William P. Bancroft in 1919, as aforesaid, and the said company is willing to redeem the said bond for Fourteen Thousand Dollars (\$14,000.00) heretofore transferred to the State of Delaware, as aforesaid, provided the said bond will be returned to the said Woodlawn Trustees, Incorporated; and

WHEREAS, the said Ferris Industrial School desires to have the said certificate for the said Cemetery Lot returned, it being of no value to the State; and

WHEREAS, it is deemed best to have the said Liberty Bond cashed and used for the purpose of the said School; NOW THEREFORE,

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

Section 1. That the State Treasurer is hereby authorized and directed to return to the Ferris Industrial School the said bond of Fourteen Thousand Dollars (\$14,000.00) and said Liberty Bond for Five Hundred Dollars (\$500.00) and the said Certificate for a lot in Mt. Olive Cemetery, in order that the said certificate for said lot may be retained by the said School, and in order that the said bonds may be cashed and returned to the proper parties and that the money derived therefrom may be used for the purposes of the said School.

Approved May 4, 1933.

# TITLE ELEVEN

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## Education

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### CHAPTER 130

#### FREE SCHOOLS

**AN ACT to Provide Improved School Buildings, School Grounds and School Equipment in the School Districts of this State, and Relating to the Cost Thereof and Making Appropriation of Certain State Moneys in Connection Therewith.**

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

Section 1. The State Treasurer is hereby directed to set aside immediately from moneys in his hands to the credit of the School Fund in a special account in the Farmers Bank of the State of Delaware to be known as the "State School Building Account" the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

The said State School Building Account shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other State moneys in said Bank.

Three-fifths of the moneys deposited in the State School Building Account by the State Treasurer as aforesaid, together with interest as aforesaid, shall be devoted to school building improvements in the consolidated school districts in the City of Wilmington and the remainder, or so much thereof as may be necessary, shall be devoted to school building improvements in the districts in the State outside of the City of Wilmington and to the expense of carrying the provisions of this Act into effect.

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The term "improvement" and the term "school building improvement" where used in this Act shall be deemed and construed to mean new school buildings, and, or school grounds, and, or additions to, alterations or remodeling of old school buildings, or additional school grounds, and the furnishing and equipping thereof.

Section 2. The State Board of Education shall as soon as practicable after the adoption of this Act, prepare a tentative program for school building improvements for such of the school districts and special school districts in this State, outside of the consolidated school districts in the City of Wilmington, wherein the existing school buildings and, or school grounds are inadequate or unhygienic.

The State Board of Education shall submit to the Board of School Trustees or the Board of Education of each district included in the said program the general character and nature of the school building improvements proposed for such district and shall hear the comments and suggestions thereon of the members of such Board.

The State Board of Education shall submit to the School Building Commission (hereinafter in this Act created), of each particular district, its aforesaid school building program for such district. The said School Building Commission shall be composed of four members of the State Board of Education and four members to be elected by the voters of each district at the same time as the bonds herein provided are authorized, said members to serve during the life of the said School Building Commission for said district. In case of the death of one of the members elected to said School Building Commission, the surviving members of said Commission shall appoint some suitable person to fill the vacancy thereby created.

The said four members elected as hereinafter provided, to the said School Building Commission, shall have equal authority and power to act in all respect as have the four members of the

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State Board of Education who are hereby made members of the said School Building Commission.

Section 3. No school district or special school district in this State, except the consolidated school districts in the City of Wilmington, shall have any portion of the cost of any school building improvement in such district accomplished under the provisions of this Act paid for out of moneys in the State School Building Account aforesaid unless such district shall contribute such sum of money toward the payment of the cost of such school building improvement as the State Board of Education shall assign as the contribution of said district. The amount to be contributed by a district as aforesaid shall be determined by the State Board of Education as follows:—

Where no school building improvements have been made in the district since the first day of January 1900, the contribution of the district toward the cost of school building improvements under this Act shall be a sum equal to two per centum of the assessed value of the real and personal property in such district as shown by the county assessment in force during the year 1919. Where any school building improvements have been made in any district since January 1, 1900, the contribution of the district toward the cost of school building improvements shall be a sum equal to two per centum of the assessed value of the real and personal property in such district as shown by the county assessment in force during the year 1919, less the aggregate amount of the bonds of the district issued since the year 1900 (without regard to whether any or all of the bonds have been paid). Provided, however, that no district shall have credit for bonds which have been paid by the State. Where school building improvements have been made aforesaid the State Board shall make the deductions as aforesaid and the remainder, if any, shall constitute the amount which the district must contribute toward the payment of the cost of the school building improvement in such district in order to obtain the benefit of the provisions of this Act. Provided that in any case where school building improvements have been made, as aforesaid, and

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the district bonded to an amount equal to two per centum of the assessment in force during the year 1919 (without regard to whether any of the bonds have since been paid) the entire costs of the school building improvement in such district shall be paid for out of moneys in the State School Building Account aforesaid. No bond issued under the provisions of this section shall come due before July 1, 1935.

Section 4. The State Board of Education shall, as soon as practicable, notify the Board of School Trustees or Board of Education of each district in the State (except the consolidated school districts in the City of Wilmington) wherein a school building improvement under the provisions of this Act is contemplated, of the probable cost of such improvement and of the amount of money, if any, that such district shall be expected to contribute toward the cost thereof. Every such board shall, within one month thereafter, adopt by a majority vote of said Board, a resolution for or against the contemplated improvement in that district and shall forthwith transmit to the State Board of Education a copy of such resolution certified to by the Clerk or Secretary of the Board.

If the resolution adopted by any board as aforesaid be against the proposed school building improvement, the State Board of Education may, in its discretion, make and submit to such local Board a new or modified plan of the school building improvement in such district, and in such case the local board shall forthwith adopt by a majority vote of the members thereof a resolution for or against such new or modified plan and shall immediately thereafter transmit a copy of such resolution to the State Board of Education. If the local board shall not adopt a resolution favorable to the school building improvement, whether as originally contemplated or as subsequently modified by the State Board of Education for such district, such improvement shall not be made under the provisions of this Act; provided that if the local board shall be petitioned in writing by twenty-five of the voters of such district so to do, the matter shall be submitted to the voters of the district at a special election to be called, held

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and conducted as provided by Section 54 of Chapter 160, Volume 32, Laws of Delaware, as amended, except that in the advertisement and notices of the election, it shall be sufficient to state in substance that a referendum on the subject of a school building improvement in the district will be held on a specified day at a specified place between specified hours, and except also that the ballots of such special election shall be marked, "for the school building improvement", or "against the school building improvement", and if a majority of the ballots cast at such special election shall be for the school building improvement, the result of such election shall be equivalent to and have the same effect as a resolution of the local board of the district favorable to the school building improvement.

Section 5. In every case where the contemplated improvement involves an assumption by the district of any portion of the cost thereof, the Board of Education or the Board of School Trustees of the district shall as soon as practicable after the adoption of a resolution for the school building improvement, or after a referendum favorable to the improvement under Section 4 of this Act, proceed to raise the amount of money required as the district's share of the cost of the improvement aforesaid by the issue and sale of bonds precisely as specified in Section 53 of the Act entitled, "An Act to provide for the establishment and maintenance of a general and efficient system of free public schools," approved March 31, 1921, as amended, (the said local board having first taken the procedure specified in said Section 53 to authorize an issue of bonds) and all the provisions of said Section 53 shall be deemed and held applicable to every such case aforesaid precisely as if the provision of said Section 53 were repeated herein; provided, however, that every such Board of Education or Board of School Trustees may accept and receive gifts for all or any portion of the amount required to be contributed by the district toward the cost of the school building improvement therein and in such case it shall not be necessary to proceed under the provisions of Section 53 as aforesaid except to the extent of any difference, if any there be, between the aggregate of such gifts and the amount required to be contributed

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by the district toward the cost of the school building improvement therein.

If the district shall through its local board within three months after the approval of the school building improvement therein by a resolution of the local board or by a referendum as provided in Section 4 of this Act pay to the State Treasurer the full amount required as its contribution to the cost of the school building improvement therein, the State Board of Education shall direct the School Building Commission, hereinafter in this Act created, to proceed with the work necessary to accomplish such school building improvement.

In the case of any district which is not required under the provisions of this Act to make any contribution toward the cost of the school building improvement therein, the State Board of Education is authorized upon the receipt of a certified copy of a resolution in favor of such improvement, adopted by a majority vote of the School Trustees or Board of Education of such district, to direct the School Building Commission to proceed with the work necessary to accomplish such improvement.

Section 6. The moneys paid to the State Treasurer by each district as its contributions to the cost of the school building improvement therein under the provisions of this Act, shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware in a special account to be known as the "School Building Account for District                      in                      County." Every such special account shall be credited with interest when and to the same extent as the said bank credits interest on deposits of State moneys in said bank. The moneys in the respective special accounts aforesaid shall be devoted to the cost of the school building improvements of the district for which the special account was opened. The moneys in the said special school building accounts of the several districts shall be subject only to the check or order of the State Treasurer.

Section 7. On the application of the State Board of Education or the Board of Education or Board of School Trustees of a

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district, it shall be the duty of the Board of Assessment of the County in which a school building improvement is to be made, to cause to be made from the assessment records of the County or Counties in which the district is located, a list of all the taxables of the district, the property of each taxable and the assessed value thereof for the year 1919, and shall deliver the same to the State Board of Education, or to the local board of the district; such list shall constitute the assessment list of such district for the purpose of this Act and on which the two per cent bond issue herein provided shall be based; provided that the Board of Assessment be furnished with a true and correct description of the boundaries of the district in question.

Section 8. That there is hereby created a Commission to be known as "School Building Commission" for each district in which such improvements are made under the provisions of this Act to be composed of eight members, four of whom shall be members of the State Board of Education, who shall be designated by the President of the said State Board to serve in this capacity, and four of whom shall be elected in each district at the same election at which the bond issue in such district is authorized (as hereinbefore in this Act provided).

Provided, however, that in case a district shall have passed by a majority vote of the taxables since the year 1919 a referendum authorizing an issue of bonds for school improvements such as are contemplated in this Act and no additional referendum is required therefor, then, and in that case, a special election of the voters of the said district shall be held for the election of four residents and legal voters of the said district, who shall constitute the local membership of the School Building Commission of the district. Such election shall be held in accordance with the same provisions as those set up for the holding of a bond election as set forth in Section 5 of this Act, except that the ballots used shall have printed or written thereon the names of at least four candidates to serve as members of the said Commission. The four candidates who shall receive a majority of all votes cast at such election shall constitute the local membership of the Commission, as aforesaid.



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Section 9. No act of the School Building Commission for any district shall be binding unless at least five members of the Commission herein provided shall concur therein.

The members of the said Commission in each of said districts shall receive no compensation for their services but all members of the said School Building Commission, for any district, shall be paid their actual expenses incurred while engaged in the affairs of the Commission.

Section 10. Whenever it is desired by the State Board of Education the said School Building Commission in any district shall cause to be prepared such plans and details for the accomplishment of any improvements in the school building program of the State Board of Education as shall be necessary or proper for the construction thereof.

All plans and details prepared by or under the order of any School Building Commission for any district shall be approved by at least five members of said Commission before its adoption.

Before any School Building Commission shall undertake to carry out any particular school building improvement or to make any contract therefor, the said Commission shall ascertain the cost of such improvement. If the State Board of Education shall deem the cost of such improvement to be in excess of the amount which is or may be available under the provisions of this Act for such improvement, then the said School Building Commission may modify the proposed improvement until plans and details have been made for an improvement which will not be greater than the amount available as aforesaid.

Section 11. It shall be the province and duty of the School Building Commission for any particular district to cause the school building improvements authorized by the State Board of Education and approved by said School Building Commission under the provisions of this Act to be constructed.

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The said Commission shall have power to make and enter into all contracts for the construction of the improvements aforesaid, and for labor, materials, supplies, instrumentalities, furniture and equipment required to accomplish any such improvement, provided that no improvement shall be made involving an expenditure of Five Hundred Dollars or more, unless the same shall be advertised and the contract given to the lowest and best bidder therefor, the said Commission reserving the right to reject any and all bids.

The School Building Commission in each district shall supervise or cause to be supervised by some one or more of its employees the work of the construction of any improvement as aforesaid.

Section 12. The Secretary of the State Board of Education shall be the general secretary of all the School Building Commissions that have in charge the construction or improvement of all the school buildings of the State under the provisions of this Act, except those in the consolidated school districts of the City of Wilmington, and as such secretary, he shall be the accountant of each Commission and the said Commission shall cause its Secretary to inaugurate and maintain a system of accounting which shall show in detail the expenditures of each Commission, the cost of each school building improvement, and such other details as the State Board of Education from time to time may require.

The various School Building Commissions shall have power to employ an engineer or engineers and an architect or architects and such other employees as the various School Building Commissions shall deem essential to the proper and expeditious performance of its duties under this Act, and to fix their salaries and their length of service and to dismiss them for any cause which the various School Building Commissions shall deem sufficient. The School Building Commission in each district shall have power to do all things requisite or proper for the execution of the duties of said Building Commission throughout the State.

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Section 13. The said School Building Commissions may require bonds from any of their employees and from all persons contracting for the construction of school building improvements authorized by the said School Building Commissions under this Act and from all persons contracting for labor, or materials, supplies, instrumentalities, furniture and equipment in the accomplishment of any school building improvement under this Act.

Section 14. All bills for the expenses of the said School Building Commissions and for the salaries of their employees and for the cost of each school building improvement authorized under this Act must be marked "approved" and such approval signed by the Chairman or Vice-Chairman and attested by the Secretary or Acting Secretary of said Commissions.

Section 15. The School Building Commissions shall have no jurisdiction over nor any duties with regard to any school building improvement in the consolidated school districts in the City of Wilmington.

Section 16. Two-fifths of the moneys deposited in the State School Building Account by the State Treasurer provided in Section 1 of this Act, together with interest thereon as provided in Section 1 of this Act (or so much thereof as may be necessary) are to be devoted to the following purposes and none other, namely, to the payment of the expenses of said School Building Commissions created by this Act and to the salaries and compensation of their employees (including their engineers and architects) and to the cost of the school building improvements authorized under the provisions of this Act.

The State Board of Education shall certify to the State Auditor and also to the State Treasurer the amount of money which the school building improvement in each district outside of the City of Wilmington will cost and what portion of said amount is to be paid out of the State School Building Account and what portion to be paid out of the special school building account of the district.

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Each School Building Commission shall when and as funds are required (and not until then) for the payment of the expenses of said Commission, its engineers, architects or other employees, or for the payment of the cost of school building improvements authorized under this Act draw warrants on the State Treasurer for the moneys required signed by the Chairman or Vice-Chairman and attested by the Secretary or Acting Secretary of said Commission, and deliver the same to the State Auditor, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same. In paying warrants as aforesaid, the State Treasurer shall be governed by the certificate of the State Board of Education hereinbefore provided as to the cost of the school building improvements in the respective districts included in the school building program of the State Board of Education and as to what portion of said cost shall be paid out of the State School Building Account and what portion thereof out of the special school building account of the district.

Section 17. Three-fifths of the moneys deposited to the State School Building Account by the State Treasurer as provided in Section 1 of this Act, together with interest thereon as provided in Section 1 of this Act (or so much thereof as may be necessary), shall be devoted to school building programs in the City of Wilmington.

The construction of school building programs in the City of Wilmington shall be within the exclusive jurisdiction of the Board of Public Education in Wilmington. The said Board of Public Education is authorized and empowered to make all contracts and do all things necessary or proper to secure such programs in the City of Wilmington, provided that the cost thereof shall not exceed in the aggregate the aforesaid three-fifths of the moneys deposited in the State School Building Account by the State Treasurer as provided in Section 1 of this Act, together with interest thereon as provided in Section 1 of this Act.

The Board of Public Education in Wilmington shall when and as funds are required (and not until then) for the payment of

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the cost of school building programs in the City of Wilmington draws warrants on the State Treasurer for the moneys required signed by the President or Vice-President and attested by its Secretary or Acting Secretary and deliver the same to the State Auditor who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same out of the State School Building Account aforesaid up to (and not in excess of) the proportion of the moneys in the said State School Building Account to be devoted to School Building Programs in the City of Wilmington as hereinbefore stated.

The Board of Public Education in Wilmington shall keep accurate detailed accounts of the cost of each improvement made in the City of Wilmington under the provisions of this Act and of all moneys expended by said Board therefor. Such accounts shall be deemed to be public records.

Section 18. This State Board of Education is authorized and empowered, in its discretion, to extend the time in any case where a time limit is set in this Act.

Section 19. No money in the State School Building Account or in any of the special accounts for school building improvements in the various districts in this Act provided for shall revert by reason of lapse of time, provided that when the State Board of Education shall certify to the State Treasurer that the School building improvements contemplated by this Act have been accomplished, that then any money remaining in the State Building Account shall be withdrawn by the State Treasurer from such account and deposited in the school fund.

It shall be the duty of the State Board of Education and of the Board of Public Education in Wilmington to see that the school building improvements within their respective jurisdiction under this Act are carried out with all reasonable dispatch.

Section 20. Whenever land shall be required for the accomplishment of any improvement under this Act in the consoli-

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dated school districts in the City of Wilmington, the Board of Public Education in Wilmington is authorized to select and acquire such land. And whenever land shall be required for the accomplishment of any improvement under this Act in any other school district in this State, the local "School Building Commission" is authorized to select and acquire such land.

Such land may be acquired by contract with the owner or owners thereof at a fair value or by condemnation proceedings instituted by the appropriate official body.

The cost of such lands shall be deemed to be a part of the cost of the school building improvement and shall be paid for as hereinbefore directed with regard to the cost of school building requirements.

The title to any such lands acquired in any manner whatever shall be a fee simple title and shall be vested in the State Board of Education except that the title to lands so acquired in the City of Wilmington or in any special school district shall be vested in the Board of Public Education in Wilmington or in the Board of Education of the said special school district, as the case may be.

Condemnation proceedings to acquire land as aforesaid in any case where such land cannot for any reason be acquired by contract with the owner or owners thereof for a fair or reasonable consideration, may be instituted by the appropriate official body under the provisions of Section 52 of an Act entitled, "An Act to provide for the establishment and maintenance of a general and efficient system of free public schools," approved March 31, 1921, as amended.

Became a law May 8, 1933, without the Governor's signature.

## CHAPTER 131

## FREE SCHOOLS

**AN ACT to Amend "An Act to Provide Improved School Buildings, School Grounds and School Equipment in the School Districts of this State, and Relating to the Cost Thereof and Making Appropriation of Certain State Monies in Connection Therewith", Being Chapter 192, Volume 37 Laws of Delaware.**

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

Section 1. That Section 20 of Chapter 192, Volume 37, Laws of Delaware be amended by striking out Section 20 of said Act and inserting in lieu thereof a new Section to be known as Section 20 as follows:

Section 20. Whenever land shall be required for the accomplishment of any improvement under this Act in the consolidated school district in the City of Wilmington, the Board of Public Education in Wilmington is authorized to select and acquire such land. And whenever land shall be required for the accomplishment of any improvement under the Act in any school district outside of Wilmington, the School Building Commission of such special district is authorized to select and acquire such land. And whenever land shall be required for the accomplishment of any improvement under this Act in any other school district in this State, the local "School Building Commission" is authorized to select and acquire such land.

Such land may be acquired by contract with the owner or owners thereof at a fair value or by condemnation proceedings instituted by the appropriate official body.

The cost of such lands shall be deemed to be a part of the cost of the school building improvement and shall be paid for as hereinbefore directed with regard to the cost of school building improvements.

## FREE SCHOOLS

The title to any such land acquired in any manner whatever shall be a fee simple title and shall be vested in the State Board of Education except that the title of lands so acquired in the City of Wilmington or any special school district, shall be vested in the said Board of Public Education in Wilmington or in the said special school district, as the case may be. All lands and premises heretofore acquired by the said Board of Public Education in Wilmington under the provisions of this Act, are hereby ratified, confirmed and approved and the title to any and all such lands and premises so acquired by the said Board of Public Education in Wilmington is hereby declared to be a fee simple title.

Condemnation proceedings to acquire land as aforesaid in any case where such land cannot for any reason be acquired by contract with the owner or owners thereof for a fair or reasonable consideration may be instituted by the appropriate official body under the provisions of Section 52 of an Act entitled, "An Act to provide for the establishment and maintenance of a general and efficient system of free public schools," approved March 31, 1921, as amended.

Approved March 22, 1933.



## CHAPTER 132

## FREE SCHOOLS

**AN ACT Making An Appropriation to the State Board of Education to be used by it to Pay the Salary of a Teacher at the Nanticoke Indian School of Nanticoke Indian Association in Indian River Hundred, Sussex County, Delaware.**

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

Section 1. That the sum of Two Thousand (\$2,000.) Dollars be and the same is hereby appropriated to the State Board of Education to be expended by it for the salary of a Teacher for the Nanticoke Indian School of Nanticoke Indian Association in Indian River Hundred, Sussex County, Delaware. The said sum of Two Thousand (\$2,000.) Dollars shall be paid in two equal annual installments of One Thousand (\$1,000.) Dollars each for the years 1933 and 1934.

Section 2. This Act shall be known as a supplementary appropriation act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury of the State of Delaware.

Section 3. That the State Treasurer shall honor warrants issued by the State Board of Education, duly signed by its President and attested to by its Secretary, or Assistant Secretary for such sum, or sums as are set forth in Section 1, for the purpose of carrying into effect this Act.

Section 4. All acts or parts of acts inconsistent with this act be and the same are hereby repealed in so far as the inconsistency may occur only.

Approved May 22, 1933.

## CHAPTER 133

## EDUCATION OF CHILDREN OF WORLD WAR VETERANS

**AN ACT to Amend Chapter 198, Volume 37, Laws of Delaware, Appropriating Moneys for Education and Training of Children of the World War Veterans Who Died While in the Service of the Army, Navy or Marine Corps of the United States.**

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

Section 1. That Chapter 198, Volume 37, Laws of Delaware, be amended by striking out and repealing all of Section 1 thereof and substituting in lieu thereof the following:

Section 1. There is hereby appropriated the sum of Fifteen Hundred (\$1500.00) Dollars for the fiscal year ending June 30, 1933, and annually thereafter until June 30, 1942, or so much thereof as may be necessary under this Act, for the use and benefit of the Children, not under sixteen (16) nor over twenty-one (21) years of age and who have for twelve (12) months had their domicile in the State of Delaware, of those who were killed in action or died from other cause in the World War, from April 6, 1917, to July 2, 1921, while serving in the Army, Navy or Marine Corps of the United States; which said children are attending or may hereafter attend any educational or training institution in this State; for the purpose of providing and paying for said children, tuition and matriculation fees, board and room rent, and books and supplies, and for no other purposes. Provided, that any child having entered upon a course of training or education, under the provisions of this Act, consisting of a course of not more than four years, and arriving at the age of twenty-one (21) years before the completion of said course, may continue in said course and receive all the benefits of the provisions of this Act until said course is completed.

Approved March 28, 1933.

## CHAPTER 134

## FREE SCHOOLS

**AN ACT to Amend "An Act to Establish a Retirement Fund for Pensioning Teachers of the Public Schools in the City of Wilmington and to Regulate the Collection, Management and Disbursement Thereof" Being Chapter 208, Volume 26, Laws of Delaware.**

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

Section 1. That Section 1 of Chapter 208, Volume 26, Laws of Delaware, be, and the same is, hereby amended by striking out Section 1 thereof and by inserting in lieu thereof a new Section to be known as Section 1, as follows:

"Section 1. The general care and management of the retirement fund of the public school teachers in the City of Wilmington is hereby given to a Board of Retirement, which shall consist of the president and Chairman of the teachers' committee of the Board of Public Education in Wilmington as now constituted, or as it shall hereafter be constituted, the treasurer of the City of Wilmington, the superintendent of public schools in the City of Wilmington, and three members of the teaching staff of the public schools of the City of Wilmington, which last-named shall be chosen by ballot at a meeting of the teachers, called sometime during the month of May of each year by the superintendent of public schools. At this meeting any vacancy in the members of the Board of Retirement to be chosen from among the teachers, shall be elected by ballot. The three members chosen at the first election from among the teachers shall determine by lot one member who shall serve for three years, one member who shall serve for two years, and the remaining member who shall serve for one year, and thereafter one member shall be elected each year. Said board shall establish from time to time, such rules and regulations for the administration of said fund as it may deem best, and said board shall make payments from said fund of annuities granted in pursuance of this Act.

## FREE SCHOOLS

The Treasurer of the City of Wilmington shall receive and hold all monies belonging to said fund; he shall make payments from said fund only when directed by said Board of Retirement, and shall report in detail to said board annually in the month of May, or oftener as required by said board, the condition of said fund and the items of the receipts and disbursements of the same. He shall give surety bond for the faithful performance of his duties in an amount and in such manner as prescribed by the Board of Retirement and the cost of such bond shall be defrayed from the funds of the Board of Retirement. He shall invest the said funds in accordance with the direction of, and as authorized by, the said Board of Retirement only in the securities of the following classes and kinds; viz:

(a) Stocks and bonds and interest-bearing obligations of the United States, for which the faith and credit of the United States are pledged to provide for the payment of the interest and principal thereof, including the bonds of the District of Columbia;

(b) Stocks and bonds and interest-bearing obligations of the State of Delaware and of any other State of the United States, issued pursuant to the authority of the Law relating thereto;

(c) Stocks and bonds of any County of the State of Delaware, and of any County of any State of the United States, issued pursuant to the authority of the Law relating thereto;

(d) Stocks and bonds of any school district of the State of Delaware, issued for school purposes and pursuant to the authority of the Law relating thereto;

(e) Stocks and bonds and interest bearing obligations of any incorporated City or Town of the State of Delaware, or of any other State of the United States, issued pursuant to the authority of the Law relating thereto for the payment of which the faith and credit of the Municipality issuing the same are pledged.

## FREE SCHOOLS

The said Board of Retirement shall have the right and power to sell said securities, or any of them, for the purpose of carrying out the provisions of this Act and shall likewise have the right and power to reinvest said funds, and any profits arising from the sale of said securities shall be deemed a part of the said fund.

Section 2. All Acts, or parts of Acts, inconsistent herewith are hereby repealed.

Approved March 28, 1933.

## CHAPTER 135

## FREE SCHOOLS

**AN ACT Making Appropriations for the Payment of Certain School Bonds Maturing During the Fiscal Years Beginning July 1, 1933, and Ending June 30, 1935.**

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

Section 1. That there is hereby appropriated, out of any monies in the State Treasury to the credit of the school fund not otherwise appropriated, the sum of One Hundred Thirty-Five Thousand Five Hundred Six Dollars and Fifty Cents (\$135,506.50), or so much thereof as may be necessary, for the purpose of paying the principal of certain school bonds issued by certain of the School Districts and Special School Districts of this State, and maturing during the fiscal year beginning July 1, 1933, and ending June 30, 1934; and there is hereby further appropriated, out of any monies in the State Treasury to the credit of the School Fund not otherwise appropriated, the sum of One Hundred Sixteen Thousand Two Hundred Thirty-Two Dollars (\$116,232.00), or so much thereof as may be necessary, for the purpose of paying the principal of certain school bonds, issued by such School Districts or Special School Districts and maturing during the fiscal year beginning July 1, 1934, and ending June 30, 1935.

Section 2. The names of said School Districts and Special School Districts and the respective amounts of the bonds maturing during said two fiscal years respectively, referred to in Section 1 of this Act, for which said monies are appropriated, are as follows:

## FREE SCHOOLS

## PAYMENT OF CERTAIN SCHOOL BONDS

Name of School District or Special School District	Year of Issue	Amount of principal of bonds matur- ing during fis- cal year begin- ning July 1, 1933, and end- ing June 30, 1934.	Amount of principal of bonds matur- ing during fis- cal year begin- ning July 1, 1934, and end- ing June 30, 1935.
NEW CASTLE COUNTY			
Claymont	1922-28	\$ 15,000.00	\$ 15,000.00
Newark	1923	6,000.00	6,000.00
New Castle	1929	2,000.00	2,000.00
Arden	1924	500.00	500.00
Richardson Park	1924	3,400.00	3,400.00
Middletown	1928	2,832.00	2,832.00
Oak Grove No. 130	1927	1,800.00	1,800.00
Rose Hill	1929	1,000.00	1,000.00
Stanton	1929	1,000.00	1,000.00
Delaware City	1929	1,000.00	1,000.00
Mt. Pleasant No. 2	1931	2,637.50	3,000.00
Hockessin	1931	1,137.00	1,000.00
Yorklyn	1931	1,215.00	1,000.00
Townsend	1932	785.00	1,000.00
Marshallton	1931	1,000.00	1,000.00
Newport	1932	1,000.00	1,000.00
Wilmington	1913	20,000.00	
Wilmington	1924	30,000.00	30,000.00

## KENT COUNTY

Smyrna	1929	\$ 2,500.00	\$ 2,500.00
Dover	1923-25	8,000.00	9,000.00
Caesar Rodney	1916-20-29	2,500.00	2,500.00
Milford	1928	3,000.00	3,000.00
Felton	1928	1,000.00	1,000.00

## FREE SCHOOLS

Leipsic .....	1929	200.00	200.00
Farmington .....	1929	300.00	300.00
Frederica .....	1930	1,000.00	1,000.00
Harrington .....	1911-28-31	2,500.00	2,500.00
Clayton .....	1929	1,000.00	1,000.00
Kenton .....	1932		500.00

## SUSSEX COUNTY

Georgetown .....	1928	\$ 3,000.00	\$ 3,000.00
Lewes .....	1922	2,000.00	2,000.00
Gumboro .....	1927	500.00	500.00
Millsboro .....	1927	1,000.00	1,000.00
Bridgeville .....	1929	2,000.00	2,000.00
Delmar .....	1927	1,000.00	1,000.00
Selbyville .....	1931	1,652.00	1,000.00
Ellendale .....	1928	1,000.00	1,000.00
Rehoboth .....	1924	500.00	500.00
Laurel .....	1927	2,000.00	2,000.00
Greenwood .....	1931	1,000.00	1,000.00
Lincoln .....	1931	700.00	700.00
Milton .....	1931	2,500.00	2,500.00
Frankford-Dagsboro	1931	676.00	1,000.00
Lord Baltimore .....	1931	1,672.00	1,000.00
Total		\$135,506.50	\$116,232.00

Section 3. The State Treasurer is hereby authorized and directed to pay the several sums hereby appropriated to the holders of bonds described in Section 2 hereof when and as the same shall fall due within the respective fiscal years referred to, upon presentation to him of said bonds.

Section 4. No part of the monies hereby appropriated shall be used for the payment of any interest on any of said bonds, or for any purpose other than the payment of the principal, of the bonds listed and described in Section 2 of this Act.



## FREE SCHOOLS

Section 5. The several Boards of Education and other taxing bodies, if any, of the several School Districts and Special School Districts listed in Section 2 of this Act are hereby expressly relieved from the duty of levying and collecting any taxes for the purpose of paying the principal amount of the said bonds listed and described in Section 2 of this Act; and no such tax shall be levied or collected for the purpose of paying the principal of the bonds mentioned and described in said Section 2 during the two fiscal years aforesaid; provided that nothing herein contained shall be construed as relieving said School Districts or Special School Districts of the payment of interest upon said bonds.

Approved April 4, 1933.

## CHAPTER 136

## FREE SCHOOLS

**AN ACT Making an Emergency Appropriation for Transportation of Pupils to and From Public Schools.**

WHEREAS, it appears that the school budget for the fiscal year 1932-33 is inadequate to enable the State Board of Education to pay fully the cost of transportation of school children for the said year; now therefore

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

Section 1. There is hereby appropriated out of the moneys deposited in the School Fund of the State of Delaware, not otherwise appropriated the sum of Thirty Thousand (\$30,000.00) Dollars for the purpose of transporting Public School Pupils to and from Public Schools in the State of Delaware.

Section 2. The State Treasurer shall honor the warrants of the State Board of Education duly signed by its President or Vice President and attested by its Secretary or Assistant Secretary for moneys drawn to carry into effect Section 1 of this Act.

Section 3. This Act shall be known as an emergency appropriation Act.

Approved May 4, 1933.

## CHAPTER 137

### FREE SCHOOLS

#### **AN ACT Making an Appropriation for the Payment of a School Bond Issue by School District No. 172, Town of Blades, Delaware.**

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

Section 1. That there is hereby appropriated, out of any monies in the State Treasury to the credit of the School Fund, not otherwise appropriated, the sum of Five Hundred (\$500.00) Dollars, for the purpose of paying the principal amount due on a bond issued by School District No. 172, Town of Blades, Delaware, which bond matured in August, 1932.

Section 2. The State Treasurer is hereby authorized and directed to pay the said sum of Five Hundred (\$500.00) Dollars to the holder of said bond, upon presentation to him of said bond.

Approved May 16, 1933.

## CHAPTER 138

## FREE SCHOOLS

**AN ACT Authorizing an Appropriation for the Service Bureau for Foreign Born Residents.**

*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 Forty-Five Hundred (\$4,500.) dollars per annum for each of the two years beginning July 1, 1933, and July 1, 1934, be and is hereby appropriated out of the General Fund of the State, not otherwise appropriated, for the purpose of assisting the State Board of Education through its already established bureau to employ such methods, subject to existing law, as will best serve the process of Americanizing the residents and citizens of the State of Delaware who are of foreign origin, and will tend to protect them from exploitation and injustice.

Section 2. This Act shall be known as a supplementary appropriation act to take effect on July 1, 1933.

Approved May 16, 1933.

## CHAPTER 139

## FREE SCHOOLS

**AN ACT to Amend an Act Entitled "An Act to Amend an Act Entitled 'An Act to Provide for the Establishment and Maintenance of a General and Efficient System of Free Public Schools,' " Approved March 26, 1923, as Amended.**

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

Section 1. That the Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to Provide for the Establishment and Maintenance of a General and Efficient System of Free Public Schools,' " being Chapter 173, Volume 34, of the Laws of Delaware, be and the same is hereby amended by striking out after the word "sit" and before the word "and" in the fourth and fifth lines of the tenth paragraph of Section one of said Act the following words: "on the fifth day after the vote, Sundays and legal holidays excepted" and inserting in lieu thereof the following words: "not earlier than the fifth day nor later than the fifteenth day after the vote".

Approved May 26, 1933.

## CHAPTER 140

## FREE SCHOOLS

**AN ACT Requiring the Boards of School Trustees and Boards of Education of Special School Districts to Give to Teachers, Principals or Superintendents, After Two Years of Service, Its Reasons in Writing for Terminating a Teacher's, Principal's or Superintendent's Service.**

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

Section 1. Upon and after the approval of this Act, the Boards of School Trustees and Boards of Education of Special School Districts of Delaware before terminating a Teacher's, Principal's or Superintendent's service in their respective schools shall give to the Teacher, Principal or Superintendent on or before March 15 of any year, their reasons in writing why the said Teacher's, Principal's or Superintendent's service was terminated, provided, however, that this shall only apply to Teachers, Principals, or Superintendents who have been in the service of said Board of School Trustees or Boards of Education of Special School Districts for a period of two years, and provided further that a copy of the reasons shall be submitted to the State Board of Education.

Section 2. Any Teacher, Principal or Superintendent may be removed by any Board of School Trustees or any Board of Education of a Special School District for immorality, misconduct in office, incompetency or willful neglect of duty, upon making known in writing the charges, and upon giving such Teacher, Principal or Superintendent an opportunity of being heard in his own defense, upon no less than thirty days' notice.

Approved June 1, 1933.

## CHAPTER 141

## FREE SCHOOLS

**AN ACT Making Appropriation for the School Budget for the School Years Beginning Respectively July 1, 1933, and July 1, 1934, and Ending Respectively June 30, 1934, and June 30, 1935.**

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

Section 1. That there is hereby appropriated the sum of Three Million One Hundred Eighty-Eight Thousand One Hundred Twenty-Eight Dollars (\$3,188,128.00) for the School Budget hereinafter described for the school year beginning July 1, 1933, and ending June 30, 1934, and there is hereby further appropriated the sum of Three Million One Hundred Eighty-Eight Thousand One Hundred Twenty-Eight Dollars (\$3,188,128.00) for the said School Budget for the school year beginning July 1, 1934, and ending June 30, 1935, and the amount hereby appropriated for each of the said years shall be paid by the State Treasurer out of any moneys which shall accrue to the State Treasury for school purposes from any sources so designated by law.

Section 2. The State Treasurer is hereby directed to pay the amounts appropriated in this Act on warrants of the State Board of Education as provided in Chapter 160, Volume 32, Laws of Delaware, as amended, with the following further restrictions upon the expenditure of the same:

"General Control" not more than five per centum, provided that the State Board of Education in making its distribution of this item may reserve not more than two per centum of the total budget for the functions of the State Board, its offices, officers and employees;

"Instructional Service" not less than seventy-two per centum;

## FREE SCHOOLS

"Operation" not more than ten per centum;

"Maintenance" not more than five per centum;

"Auxiliary and Co-ordinate Activities" not more than three per centum, provided that the State Board, in making its distribution of this item, may reserve not more than one and one-tenth per centum of the total budget for the following activities; Oratorical and Declamation Association, Adult Education and not more than Six Hundred Dollars (\$600.00) of the salary of a teacher for Sunnyside Preventorium.

"Fixed Charges" not more than two per centum;

"Capital Outlay" not more than three per centum;

"Debt Service" no part of the total;

"For Matching the appropriation of the Federal Government for Smith-Hughes Vocational Education" not less than Twenty Thousand Dollars (\$20,000.00).

Section 3. The term "General Control" as used in Section 2 shall include the following expenditures:

(a) Salaries and expenses of the members of the State Board of Education and the expenses of the business office.

(b) Salaries of Superintendents and their traveling expenses and the administrative part of the salaries of Superintendents of Special Districts.

(c) Compulsory attendance and school census.

(d) School election expenses.

The term "Instructional Service" as used in Section 2 shall include the following expenditures:



## FREE SCHOOLS

(a) The Supervisional part of salaries of Superintendents and Supervisors and their expenses.

(b) Salaries of Principals and Teachers.

(c) Textbooks and Professional Books for Teachers.

(d) Supplies and other materials of instruction.

(e) Tuition paid to other boards.

(f) Other instructional costs, including school libraries.

The term "Operation" as used in Section 2 shall include all expenditures for janitors and engineers, fuel, water, light and power, care of grounds, rent, supplies and other operating expenses.

The term "Maintenance" as used in Section 2 shall include all expenditures for the upkeep of grounds, repair of buildings, repair and replacement of equipment, repair and replacement of apparatus and other maintenance.

The term "Auxiliary and Co-ordinate Activities" as used in Section 2 shall include all expenditures for Vocational Teacher-Training under Smith-Hughes, Americanization, Adult Education, Promotion of Health, salary of a teacher at Sunnyside Preventorium, expenses of teachers' and trustees' meetings and other auxiliary activities.

The term "Fixed Charges" as used in Section 2 shall include all expenditures for Insurance and Premiums paid for working-men's compensation insurance.

The term "Capital Outlay" as used in Section 2 shall include all expenditures for grounds, new buildings and alterations (other than repairs), new equipment and apparatus.

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Section 4. After the sum for the State-wide activities hereinafore mentioned have been deducted from the Three Million One Hundred Eighty-Eight Thousand One Hundred Twenty-Eight Dollars (\$3,188,128.00) the remainder shall be divided among the State Board, the City of Wilmington and the various Special School Districts of the State as follows:

1st. For every pupil enrolled in grades, ten, eleven and twelve during the previous school year, Eighty-One Dollars (\$81.00) per pupil.

2nd. For every pupil enrolled in grades, seven, eight, and nine during the previous school year, Seventy-Four Dollars Twenty-Five Cents (\$74.25) per pupil.

3rd. The remainder shall be divided among the said divisions in the proportion which the net enrollment in grades one to six, inclusive, during the previous school year in each of these divisions bears to the total net enrollment in said grades during the said school year in all of the said divisions.

Net enrollment of pupils shall be calculated on the basis of the following conditions:

1. To be counted enrolled a pupil must attend twenty or more school days in a public school in Delaware.

2. In case a pupil transfers from one school to another in Delaware; (a) he shall be counted as enrolled in the school in which he attends the largest number of days; (b) if he attends the same number of days in each of two or more schools he shall be counted as enrolled in the school which he attended last.

3. In case of a continuation school where pupils are required to attend fewer than five days a week the enrollment in such a school shall be multiplied by one-fifth times the number of days the pupil is required to attend school per week.

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Section 5. After the first of June of any year the State Board of Education is authorized to transfer any amount that will not be needed by one of the aforesaid divisions from the credit of such division to that of another which may show a deficiency, provided the Board of Education whose allotments are affected by such transfer agree thereto, and further provided, that the expenditure of any sum or sums so transferred shall be subject to the percentage limitations in Section 2 of this Act.

The several amounts named herein, or so much thereof as may be necessary, shall not be paid out of the State Treasury unless in conformity with the following provision and approved by the Auditor of Accounts. The several officers, teachers and employees receiving compensation for services rendered under this Act including the officers, teachers and employees of the State Board of Education, of the Board of Education in Wilmington, and of the Board of Education of every Special School District in this State shall be and are hereby divided into four classes, to-wit, First class, those receiving a salary of more than One Thousand Dollars (\$1,000.00) and not in excess of Twelve Hundred Dollars (\$1,200.00) annually; Second class, those receiving a salary of more than Twelve Hundred Dollars (\$1,200.00) and not in excess of Thirty-Five Hundred Dollars (\$3,500.00) annually; Third class, those receiving a salary of more than Thirty-Five Hundred Dollars (\$3,500.00) and not in excess of Five Thousand Dollars (\$5,000.00) annually; Fourth class, all those receiving more than Five Thousand Dollars (\$5,000.00) annually. The annual salary of every officer, teacher and employee in the first class shall be reduced by five per centum (5%) of the annual salary in effect as of June 30, 1932, except that no salary shall be reduced to less than One Thousand Dollars (\$1,000.00) annually in this class; the annual salary of every officer, teacher and employee in the second class shall be reduced by ten per centum (10%) of the annual salary in effect as of June 30, 1932; the annual salary of every officer, teacher and employee in the third class shall be reduced by fifteen per centum (15%) of the annual salary in effect as of June 30, 1932, and the annual salary of

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every officer, teacher and employee in the fourth class shall be reduced by twenty per centum (20%) of the annual salary in effect as of June 30, 1932; Provided, the salary reduction schedule herein provided for shall only be effective if and when the same is not in conflict with the provisions of Section 4, Article XV of the Constitution of the State of Delaware.

Approved June 5, 1933.

## CHAPTER 142

## FREE SCHOOLS

**AN ACT to Appropriate Money for the Purpose of Providing Transportation of Pupils to and From the Public Schools of the State.**

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

Section 1. There is hereby appropriated the sum of Three Hundred Thousand Dollars (\$300,000.00) for the fiscal year beginning July 1, 1933, and ending June 30, 1934, and there is hereby further appropriated the sum of Three Hundred Thousand Dollars (\$300,000.00) for the fiscal year beginning July 1, 1934, and ending June 30, 1935, for the purpose of providing the transportation of pupils to and from the public schools of the State.

Section 2. The money so appropriated shall be paid by the State Treasurer in accord with the rules and regulations of the State Board of Education from funds accruing to the State Treasury for school purposes, on orders of the State Board of Education, signed by the President or Vice-President and Secretary or Assistant Secretary.

Section 3. That there is further appropriated the sum of Five Thousand Dollars for the fiscal year beginning July 1, 1933, and ending June 30, 1934, and there is further appropriated the sum of Five Thousand Dollars for the fiscal year beginning July 1, 1934, and ending June 30, 1935, for the purpose of providing transportation of pupils attending daily free schools supported by any Church or Religious Society and located outside of the City of Wilmington. The State Board of Education is hereby empowered and authorized to formulate and adopt reasonable rules and regulations for the carrying out of the purposes of this appropriation. The money appropriated under the provisions of this section shall be paid by the State Treasurer in accord with the rules and regulations of the said State Board of Education from funds accruing to the State Treasury in the General Fund,

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on orders of the State Board of Education, signed by the President or Vice President and Secretary or Assistant Secretary.

Section 4. In the formulation and adoption of rules and regulations for the expenditures of the money appropriated under the terms of Section 3, of this Act, the State Board of Education shall provide that busses operating over routes on which children who attend the schools referred to in Section 3 of this Act shall transport such children in the same busses which are used to transport children attending the public schools of this State.

Section 5. If any word, clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any Court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the word, clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved June 15, 1933.

## CHAPTER 143

### FREE SCHOOLS

#### **AN ACT Providing for the Payment to the City of New Castle of an Assessment for the Installation of a Sewer in Connection With the William Penn School at New Castle, a Special School District of the State of Delaware.**

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

Section 1. That the sum of One Thousand Six Hundred and Ninety-Two Dollars and Forty Cents (\$1,692.43)\* be and the same is hereby appropriated to repay to the City of New Castle for the cost of the sewer installed by said City with the William Penn School at New Castle, a Special School District of the State of Delaware, and the State Treasurer is hereby authorized and directed to pay said sum to the City of New Castle out of the school fund out of any moneys not otherwise appropriated.

Approved June 15, 1933.

\*So enrolled.

# TITLE TWELVE

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## Fish, Oysters and Game

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### CHAPTER 144

#### FISH, OYSTERS AND GAME

**AN ACT Requiring the Game and Fish Commission of the State of Delaware to Pay a Bounty for the Heads of Hawks and Crows Which Hawks and Crows Are Destructive to Game Birds of This State.**

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

Section 1. On and after the approval of this Act the Game and Fish Commission of the State of Delaware shall pay out of Funds deposited to the credit of the Game and Fish Commission a bounty to any person or persons that shall bring to the office of the Game and Fish Commission the head or heads of any Hawk (except the following: Barn or Screech Owls, Sparrow or Mouse Hawks), or the head of a Crow, the following rates to be paid for each head.

- |                |          |
|----------------|----------|
| (a) Hawk heads | 50c each |
| (b) Crow heads | 5c each  |

Section 2. Any acts or parts of acts inconsistent with this Act be and the same are hereby repealed.

Approved May 2, 1933.



## CHAPTER 145

## FISH, OYSTERS AND GAME

**AN ACT to Amend Chapter 74 of the Revised Code of the State of Delaware, Relating to Game and Open Season for Hunting and Killing 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 be and the same is hereby amended by striking out all of paragraph 2375, Section 18 and inserting in lieu thereof the following paragraph to be designated as paragraph 2375, Section 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; Rails from September 1st to November 30th, next following; Reed bird from September 1st to November 1st, next following; ducks and geese and other waterfowl including brant, snipe, woodcock, coot, wilson snipe, or Jack-snipe, gallinules, (except wood-duck or summer duck, eider duck and swan), season to conform in all cases to Federal laws and regulations governing migratory birds; skunk, mink, otter and muskrat in New Castle, Kent and Sussex Counties from December 1st to March 10th, next following; provided that in cases of embanked meadow in New Castle County the date shall be from December 1st to March 20th, next following; fox from October 1st to April 30th, next following; (provided, however, it shall be unlawful for any person to shoot or kill a fox from October 1st to April 30th, this time being set apart merely for the privilege of hunting foxes with dogs); raccoon from November 1st to January 15th, next following; opossum from November 1st to January 15th, next following; fox-squirrel and black squirrel from November 15th to December 31st, next following; grey

## FISH, OYSTERS AND GAME

squirrel from September 15th to November 1st, next following; hare and rabbit from November 15th to December 31st, next following; doves from September 15th to November 1st, next following and from November 15th to December 31st, next following; frog from May 1st to December 31st next following. The Above open seasons shall include the days defining them, provided, however, that any person may protect his property and premises from the ravages and depredations of any wild birds or animals protected by law, at any time and in any way; and, provided further, that land-lords and tenants and their respective children may trap rabbits in the open season on their free-holds and lease-holds respectively.

Approved May 2, 1933.

## CHAPTER 146

## FISH, OYSTERS AND GAME

**AN ACT Making It Unlawful to Operate Certain Boats Using Rakes or Dredges in the Delaware Bay Between the First Day of July and the First Day of September in Any Year.**

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

Section 1. It shall be unlawful for any person or persons to operate in the Delaware Bay for any purpose whatsoever, a sail-boat or a boat propelled by steam, gasoline, naphtholine or any other motor power using rakes or dredges between the first of July and the first day of September in any year, South of Mahon River and west of Blake's Channel, embraced and lying between the two following parallel lines, to wit: One drawn due east from the end of the old Mahon's Road and the other due east from a point on the shore at ordinary high water mark, three miles south of the middle of the mouth of Murderkill River. Any person or persons violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) or be imprisoned for a term of not more than three months at the discretion of the court.

Approved May 9, 1933.

## CHAPTER 147

## FISH, OYSTERS AND GAME

**AN ACT to Amend Chapter 48, Volume 37, Laws of Delaware, Requiring the Board of Game and Fish Commissioners to Make the State Treasurer the Depository of All Its Income, and Directing the Manner in Which Its Expenses Shall be Paid.**

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

Section 1. That Chapter 48, Volume 37, Laws of Delaware, be amended to read as follows:

"Section 1. That from and after the first day of July, 1933, the Board of Game and Fish Commissioners shall, and are hereby required to make the State Treasurer the depository of all its income from fees, fines, forfeitures, operations and from all other sources, and all of said income shall be credited to a special fund to be designated as the Board of Game and Fish Commission Fund. All disbursements made by the said Board for all salaries, expenses and other purposes, as may be by law permitted, shall be paid by the State Treasurer, out of the moneys deposited to the credit of the said Board of Game and Fish Commission Fund, and to the extent to which said fund may be available, upon vouchers issued by the proper officers designated by said Board, and approved by the Auditor of Accounts.

Approved May 9, 1933.

## CHAPTER 148

## FISH, OYSTERS AND GAME

**AN ACT to Amend Chapter 74 of the Revised Code of Delaware Relating to the Title and Possession of Oyster Bottom in the Delaware Bay.**

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

Section 1. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of paragraph 2488, Section 131 thereof and inserting in lieu thereof the following new sections:

"2488, Section 131. That the possession and title of any person, firm or corporation who at the time of approval of this Act had possession for planting or propagating oysters of any portion of the bottom of the Delaware Bay within the jurisdiction of the State of Delaware, whether the bottom so occupied and planted be more or less than fifty (50) acres and irrespective of the number of boats or the tonnage thereof owned or operated by such bona fide resident, is hereby confirmed, and made valid, provided, however, that this Section shall in no other respect be deemed to grant any greater interest or estate in any of the said bottom than is now authorized by existing laws.

2488a, Section 131a. Any bona fide resident of the State of Delaware, who shall have been a continuous resident of said State for at least one year, may appropriate, possess, have title to, occupy or lease any part of the unappropriated bottom of the Delaware Bay for planting or propagating oysters or for any other purpose whatsoever, irrespective of the number of boats or the tonnage thereof owned or operated by such bona fide resident, South of Mahon River and West of Blake's Channel, embraced and lying between the two following parallel lines, to wit: One drawn due east from the end of the old Mahon's Road and the other due east from a point on the shore at ordinary high-water mark, three miles south of the middle of the mouth of

## FISH, OYSTERS AND GAME

Murderkill River, saving and excepting however that part on the bottom of the Delaware Bay lying between the two aforesaid parallel lines and extending three hundred yards into the Bay from the ordinary low-water mark, unless the same be then appropriated according to law, which part shall be designated by him or them by stakes not more than fifty yards apart to show at least two feet above the ordinary high water and not be obstructive of navigation.

Provided, however, that the paragraph shall in no wise affect the bottom of the said Bay occupied or leased prior to the twentieth day of March, 1913.

All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved May 16, 1933.

## CHAPTER 149

## FISH, OYSTERS AND GAME

**AN ACT Relating to Non-Residents Catching Fish in Indian River Bay, Indian River, or From Any Tributary That Flows Into Indian River.**

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

Section 1. On and after the approval of this Act it shall be unlawful for any non-resident of the State of Delaware, to catch fish in Indian River Bay, Indian River or any tributaries that flow into Indian River by means of a fyke net or fyke nets, pound or pounds, or by a seine or seines over a period of time beginning on the First Day of February and ending the First Day of July of each year.

Section 2. Any person found violating any provision of Section 1 of this Act shall, upon conviction, in the Court of General Sessions, of the State of Delaware, be fined not less than Five Hundred Dollars (\$500.00) or more than One Thousand Dollars (\$1,000.00), or imprisoned for a term not exceeding six months, in the discretion of the Court.

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed insofar as the inconsistencies may occur only.

Approved May 22, 1933.

## CHAPTER 150

## STATE BIRD REFUGE

**AN ACT Making Silver Lake and Lake Comegys, Near Rehoboth in Sussex County, Delaware, a State Bird Refuge.**

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

Section 1. That Silver Lake and Lake Comegys, near Rehoboth, in Sussex County, Delaware, and such land or lands adjoining or adjacent thereto as may be acquired by deed, gift or otherwise, be and the same are hereby made a State Bird Refuge.

Section 2. That from and after the approval of this Act it shall be unlawful for any person or persons to hunt upon or discharge a firearm or firearms within the borders of said Bird Refuge.

Section 3. Any person convicted of having violated any of the provisions of this Act shall be punishable with a fine of not less than Twenty-Five Dollars nor more than One Hundred Dollars for each offense.

Approved February 13, 1933.



## CHAPTER 151

## FISH, OYSTERS AND GAME

**AN ACT Requiring Certain Boats Using a Dredge or Rake to Catch Clams or Crabs to Apply for a License and Pay a Fee Therefor.**

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

Section 1. Any boat in this State using a dredge or rake to catch clams or crabs shall apply to the collector for a license for that purpose and pay to the said collector as a license fee One Dollar (\$1.00) per gross ton custom house measurement, but in no case shall the said license fee be less than Five Dollars (\$5.00).

Provided, nevertheless, that it shall be unlawful to use any boat in this State to catch clams or crabs, unless such boat is owned, and has been owned continuously by a resident or residents of the State of Delaware, for a period of one year immediately preceding the application for and granting of such license; except in the case of a new boat built in this State within less than one year of the time of such application for and granting of such license, and owned by a resident or residents of this State continuously from the time of its being built.

Section 2. Any person applying for a license as set forth in Section 1 of this Act shall obtain said license on or before the first day of April, in each and every year.

Section 3. Any resident of the State of Delaware who has applied for a license and is operating a boat pursuant to that license and whose boat is lost by reason of a storm, fire or other cause over which he had no control shall be permitted to purchase another boat in order to continue his work, and the Oyster Revenue Collector of the State of Delaware upon his application shall forthwith issue to him a license and shall not make a charge for said license, provided said boat purchased as aforesaid is not

FISH, OYSTERS AND GAME

of greater tonnage than the boat lost which had been previously licensed the same year.

Section 4. This Act shall not be construed so as to apply to that part of the Bay bottom now under lease for dredging or propagating oysters.

Section 5. Any person or persons violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not more than Three Hundred Dollars (\$300.00) or be imprisoned for a term of not more than three months at the discretion of the Court.

Approved March 16, 1933.

## CHAPTER 152

### SUMMER RESIDENTS DEFINED

**AN ACT to Amend Chapter 74 of the Revised Code (1915) of the State of Delaware in Reference to the Definition of Summer Residents as Contemplated by the Game and Fish Laws.**

*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 1915 of the State of Delaware as amended by Chapter 176, Volume 30, Laws of Delaware, be and the same is hereby further amended by striking out all of 2415. A. Sec. 58. A. and inserting in lieu thereof the following new section to be styled 2415. A. Sec. 58. A.

2415. A. Sec. 58. A. Summer Residents Defined: Non-residents of Delaware who own or lease property at the seaside and bayside summer resorts of this State, and their friends, relatives and patrons while temporarily sojourning at such resorts, shall, while fishing in salty or brackish waters, or in waters which ebb and flow, be classed as residents only during the months of June, July, August and September.

Approved April 4, 1933.

## CHAPTER 153

### FISH, OYSTERS AND GAME

#### **AN ACT Making It Lawful to Fish for Carp During the Open Season in Meadows and Ditches 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. On and after the approval of this Act it shall be lawful for any person to fish, by means of a mesh net of any kind provided the said mesh is not over two and one-half inches in size, for Carp during the open season for Carp in Meadows and Ditches in New Castle County provided the said person obtains the consent of the owner of the said land where said Carp are caught.

Section 2. Any person found guilty of fishing upon any of the meadows or any of the ditches as set forth in Section 1 of this Act without first having obtained the consent of the owner of said land, or fishing with a mesh net greater than two and one half inches shall be fined not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars.

Approved April 20, 1933.

## CHAPTER 154

### FISH, OYSTERS AND GAME

#### **AN ACT to Amend Chapter 74 of the Revised Code of the State of Delaware Providing for Fishing With Nets Between Saturday Midnight and Midnight Sunday.**

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

Section 1. That Chapter 74 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of paragraph 2536, Section 179 and by inserting in lieu thereof a new paragraph to be designated paragraph 2536, Section 179.

2536, Sec. 179. Fishing With Nets Between Saturday Midnight and Midnight Sunday ; Prohibited ; It shall be unlawful to fish with nets in any of the waters of this State between the hours of twelve o'clock midnight of every Saturday and twelve o'clock midnight of the Sunday next ensuing ; provided that Shad and pound nets lawfully standing may remain in the water during said hours but no fish shall be taken therefrom. Any person violating any of the provisions of this Section shall, upon conviction thereof be subject to a fine of One Hundred (\$100.00) Dollars together with a forfeiture of all nets, boats and other appliances used.

Approved April 20, 1933.

## CHAPTER 155

## FISH, OYSTERS AND GAME

**AN ACT to Amend Chapter 74, Revised Code of the State of Delaware, Providing for Closed Season on Ring Necked Pheasants.**

*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 is hereby amended by striking out all of paragraph 2376 A, Section 19 A, and by substituting in lieu thereof a new section to be known as paragraph 2376 A, Section 19 A.

"2376 A. Sec. 19 A. Ring Necked Pheasants; Closed Season:—That from and after the passage of this Act until November 15, 1935, it shall be unlawful for any person in this State to hunt, kill, take or destroy, sell or expose for sale, or have in his possession after the same has been killed, any ring necked pheasant, except for scientific or propagating purposes.

If any person shall be found within the State hunting, wilfully killing, taking or destroying, selling or exposing for sale, or having in his possession after the same has been killed, any ring necked pheasant, except for scientific or propagating purposes, such person shall be deemed guilty of a common nuisance, and shall be fined Twenty-Five Dollars (\$25.00) and costs for each offense, and, failing to pay forthwith any fine imposed under the provisions of this Section, together with the costs of prosecution, unless an appeal be taken, such person shall be committed to the County Jail or Workhouse of the County in which such offense was committed, for thirty days, unless said fine and costs be sooner paid."

Approved April 25, 1933.

# TITLE THIRTEEN

## Insane

### CHAPTER 156

#### TRANSFER OF ALMSHOUSE PROPERTY TO THE DELAWARE STATE HOSPITAL

**AN ACT** authorizing and directing the transfer of the Alms House property at Farnhurst, from The Trustees of the Poor of New Castle County to The State Board of Trustees of the Delaware State Hospital at Farnhurst.

WHEREAS, it is provided by Chapter 189, Volume 37, Laws of Delaware, that when the State Welfare Home for the care and support of indigent persons resident in the State of Delaware, with its appointments and equipments, shall have been completed and is ready for occupancy, the inmates in the several Alms Houses in this State shall be transferred to said Home, and the said Alms Houses as such shall be abolished; and

WHEREAS, it is further provided by said Chapter 189, Volume 37, Laws of Delaware, that when the said Alms Houses shall have been abolished, the jurisdiction and control over the properties, including all lands, buildings and improvements, and all personal property of every kind and description, shall forthwith pass to the respective Counties in which said Houses are located; and that The Trustees of the Poor in each County shall execute and deliver such conveyances, or other instruments of writing, as may be required to effectuate the transfer to the said County of such jurisdiction and control; and

WHEREAS, The State Board of Trustees of the Delaware State Hospital at Farnhurst is in need of additional property and buildings for the care of insane in the State of Delaware; and

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WHEREAS, The State Board of Trustees of the Delaware State Hospital at Farnhurst desires to acquire, from The Trustees of the Poor of New Castle County, the Alms House property at Farnhurst, at such time as the said property shall no longer be needed for poor purposes, as provided in said Chapter 189, Volume 37, Laws of Delaware; and

WHEREAS, the financial situation of the said State Hospital, to purchase the said property from The Trustees of the Poor of New Castle County for a fair price, is such that such a procedure seems impossible; THEREFORE,

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

Section 1. That, when the inmates in the Alms House at Farnhurst shall be transferred to the State Welfare Home for the care and support of indigent persons in the State of Delaware, and the said Alms House as such shall be abolished, as provided for in Chapter 189, of Volume 37, Laws of Delaware, The Trustees of the Poor of New Castle County shall then be authorized, fully empowered and directed to immediately and without delay execute and deliver such deed or deeds of conveyance and other instruments of writing as may be required to effectuate the transfer of all of the said Alms House property at Farnhurst, both real and personal, to the State Board of Trustees of the Delaware State Hospital at Farnhurst, for and in consideration of the sum of Twenty Thousand Dollars (\$20,000.00).

Section 2. That, any and all Acts or parts of Acts inconsistent with any of the provisions of this Act be and the same are hereby repealed to the extent only of such inconsistency.

Approved June 5, 1933.



# TITLE FOURTEEN

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## Regulations Concerning Trade

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### CHAPTER 157

#### GENERAL PROVISIONS RESPECTING TRADE

**AN ACT to Amend Chapter 77 of the Revised Code of the State of Delaware, Relating to General Provisions Respecting Trade.**

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

That Chapter 77 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 2626 Section 6 the following section, to be known as 2626A, Section 6A:—

2626A, Sec. 6A. No action shall be brought whereby to charge the personal representatives or heirs of any deceased person upon any agreement to make a will of real or personal property, or to give a legacy or make a devise, unless such agreement shall be reduced to writing, or some memorandum or note thereof shall be signed by the person whose personal representatives or heirs are sought to be charged, or some other person thereunto by him lawfully authorized in writing. This Section shall not apply to any agreement made prior to the 1st day of May, 1933.

Approved April 6, 1933.

## CHAPTER 158

## UNIFORM SALES ACT

**AN ACT to Amend Chapter 77 of the Revised Code of the State of Delaware by Providing An Act to Make Uniform the Law of Sales of Goods.**

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

Section 1. That Chapter 77 of the Revised Code of Delaware be and the same is hereby amended by inserting at the end of 2644-B the following:

## PART 1.

## FORMATION OF THE CONTRACT

2644-C. Section 27. Contracts to Sell and Sales. (1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

(2) A sale of goods in an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

(3) A contract to sell or a sale may be absolute or conditional.

(4) There may be a contract to sell or a sale between one part owner and another.

2644-D Section 28. Capacity—Liabilities for Necessaries. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessities are sold and delivered to an infant or to a person who by reason of mental incapacity or drunkenness

## UNIFORM SALES ACT

is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section means goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

## FORMALITIES OF THE CONTRACT

2644-E Section 29. Form of Contract of Sale. Subject to the provisions of this act, and of any statute in that behalf, contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

2644-F. Section 30. Statute of Frauds. (1) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller, especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery

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of the goods, expresses by words or conduct his assent to becoming the owner of these specific goods.

## SUBJECT MATTER OF CONTRACT

2644-G. Section 31. Existing and Future Goods. (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

2644-H. Section 32. Undivided Shares. (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

## UNIFORM SALES ACT

2644-I. Section 33. Destruction of Goods Sold. (1) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

(2) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(a) As avoided, or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible.

2644-J. Section 34. Destruction of Goods Contracted to be Sold. (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:

(a) As avoided, or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so

## UNIFORM SALES ACT

much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

## THE PRICE

2644-K. Section 35. Definition and Ascertainment of Price.

(1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

2644-L. Section 36. Sale at a Valuation. (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by parts IV and V of this act.

## CONDITIONS AND WARRANTIES

2644-M. Section 37. Effect of Conditions. (1) Where the obligation of either party to a contract to sell or a sale is sub-

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ject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the non-performance of the condition as a breach of warranty.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligations to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

2644-N. Section 38. Definition of Express Warranty. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

2644-O. Section 39. Implied Warranties of Title. In a contract to sell or a sale, unless a contrary intention appears, there is—

(1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass:

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale:

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor

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of any third person, not declared or known to the buyer before or at the time when the contract or sale is made:

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law, goods in which a third person has a legal or equitable interest.

2644-P. Section 40. Implied Warranty in Sale by Description. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description, and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods, corresponds with the sample if the goods do not also correspond with the description.

2644-Q. Section 41. Implied Warranties of Quality. Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In the case of a contract to sell or a sale of a specified



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article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to the quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

## SALE BY SAMPLE

2644-R. Section 42. Implied Warranties in Sale by Sample. In the case of a contract to sell or a sale by sample:

(a) There is an implied warranty that the bulk shall correspond with the sample in quality.

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 73 (3).

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

## PART II

## TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER

2644-S. Section 43. No Property Passes until Goods are Ascertained. Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in Section 32.

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2644-T. Section 44. Property in Specific Goods Passes when Parties so Intend. (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

2644-U. Section 45. Rules for Ascertaining Intention. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in goods is to pass to the buyer.

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Rule 3. (1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

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(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in Section 46. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents.

Rule 5. If the contract to sell required the seller to deliver the goods to the buyer, or at particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

2644-V. Section 46. Reservation of Right of Possession or Property when Goods are Shipped. (1) Where there is a con-

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tract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.

(4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is indorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts, making the transfer wrongful.

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2644-W. Section 47. Sale by Auction. In the case of a sale by auction—

(1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2) A Sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3) A right to bid may be served expressly by or on behalf of the seller.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

2644-X. Section 48. Risk of Loss. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that—

(a) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

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(b) Where delivery has been delayed through the fault of either the buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

## TRANSFER OF TITLE

2644-Y. Section 49. Sale by a Person not the Owner.

(1) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Nothing in this act, however shall affect:

(a) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

2644-Z. Section 50. Sale by the One having a Voidable Title. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

2644-AA. Section 51. Sale by Seller in Possession of Goods Already Sold. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under

## UNIFORM SALES ACT

2644-W. Section 47. Sale by Auction. In the case of a sale by auction—

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(3) A right to bid may be served expressly by or on behalf of the seller.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

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(a) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

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(b) Where delivery has been delayed through the fault of either the buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

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## 2644-Y. Section 49. Sale by a Person not the Owner.

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(2) Nothing in this act, however shall affect:

(a) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

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any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

2644-BB. Section 52. Creditors' Rights Against Sold Goods in Sellers' Possession. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

2644-CC. Section 53. Definition of Negotiable Documents of Title. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

2644-DD. Section 54. Negotiation of Negotiable Documents by Delivery. A Negotiable document of title may be negotiated by delivery—

(a) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to the bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any specified person, and in such case the document shall thereafter be negotiated only by the endorsement of such indorsee.

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2644-EE. Section 55. Negotiation of Negotiable Documents by Indorsement. A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer, or to another specified person. Subsequent negotiations may be made in like manner.

2644-FF. Section 56. Negotiable Documents of Title Marked "Not Negotiable". If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable", "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title or placing thereon the words "not negotiable", "non-negotiable", or the like.

2644-GG. Section 57. Transfer of Non-Negotiable Documents. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

2644-HH. Section 58. Who May Negotiate a Document. A negotiable document of title may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the document the bailee issuing it undertakes to deliver the goods to the order of such person, or if at the time of negotiation the document is in such form that it may be negotiated by delivery.

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2644-II. Section 59. Rights of Person to Whom Document has been Negotiated. A person to whom a negotiable document of title has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

2644-JJ. Section 60. Rights of Person to Whom Document Has Been Transferred. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferer, the title to the goods, subject to the terms of any agreement with the transferer.

If the document is non-negotiable, such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferer or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferer, or by a notification to such bailee by the transferer or a subsequent purchaser from the transferer of a subsequent sale of the goods by the transferer.

2644-KK. Section 61. Transfer of Negotiable Document Without Indorsement. Where a negotiable document of title is

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transferred for value by delivery, and the indorsement of the transferer is essential for negotiation the transferee acquires a right against the transferer to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

2644-LL. Section 62. Warranties on Sale of Document. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

- (a) That the document is genuine;
- (b) That he has a legal right to negotiate or transfer it;
- (c) That he has knowledge of no fact which would impair the validity or worth of the document, and
- (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

2644-MM. Section 63. Indorser not a Guarantor. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

2644-NN. Section 64. When Negotiation Not Impaired by Fraud, Mistake or Duress. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the document was negotiated or a person to whom the docu-

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ment was subsequently negotiated paid value therefor in good faith without notice of the breach of duty or loss, theft, fraud, accident, mistake, duress or conversion.

2644-00. Section 65. Attachment or Levy upon Goods for which a Negotiable Document has been issued. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

2644-PP. Section 66. Creditors' Remedies to Reach Negotiable Documents. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

## PART III.

## PERFORMANCE OF THE CONTRACT

2644-QQ. Section 67. Seller must Deliver and Buyer Accept Goods. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

2644-RR. Section 68. Delivery and Payment are Concurrent Conditions. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must

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be ready and willing to pay the price in exchange for possession of the goods.

2644-SS. Section 69. Place, Time and Manner of Delivery.

(1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, and if not his residence; But in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods, at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

2644-TT. Section 70. Delivery of Wrong Quantity. (1)

Where the seller delivers to the buyer a quantity of goods less

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than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

2644-UU. Section 71. Delivery in Instalments. (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2) Where there is a contract to sell goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is

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severable, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

2644-VV. Section 72. Delivery to a Carrier on Behalf of the Buyer. (1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 45, Rule 5, or unless a contrary intent appears.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

2644-WW. Section 73. Right to Examine the Goods. (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.



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(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with words "collect on delivery" or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

2644-XX. Section 74. What Constitutes Acceptance. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

2644-YY. Section 75. Acceptance does not Bar Action for Damages. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

2644-ZZ. Section 76. Buyer is not Bound to Return Goods Wrongly Delivered. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

2644-AAA. Section 77. Buyer's Liability for Failing to Accept Delivery. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take de-

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livery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the right against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

## PART IV.

## RIGHTS OF UNPAID SELLER AGAINST THE GOODS

2644-BBB. Section 78. Definition of Unpaid Seller. (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act.

(a) When the whole of the price has not been paid or tendered.

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

2644-CCC. Section 79. Remedies of an Unpaid Seller. (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—

(a) A Lien on the goods or right to retain them for the price while he is in possession of them;

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(b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them;

(c) A right of resale as limited by this act;

(d) A right to rescind the sale as limited by this Act;

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

## UNPAID SELLER'S LIEN

2644-DDD. Section 80. When Right of Lien may be Exercised. (1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit, but the term of credit has expired;

(c) Where the buyer becomes insolvent;

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

2644-EEE. Section 81. Lien after Part Delivery. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

## UNIFORM SALES ACT

2644-FFF. Section 82. When Lien is Lost. (1) The unpaid seller of goods loses his lien thereon—

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof;

(b) When the buyer or his agent lawfully obtains possession of the goods.

(c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

## STOPPAGE IN TRANSITU

2644-GGG. Section 83. Seller may stop Goods on Buyer's Insolvency. Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

2644-HHH. Section 84. When Goods are in Transit. (1) Goods are in transit within the meaning of section 83.—

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

## UNIFORM SALES ACT

(2) Goods are no longer in transit within the meaning of section 83.

(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

2644-III. Section 85. Ways of Exercising the Right to Stop. (1) The unpaid seller may exercise his right of stoppage in transitu either by retaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

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(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must re-deliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

## RESALE BY THE SELLER

2644-JJJ. Section 86. When and how Resale may be Made.

(1) Where the goods are of perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, and unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

## UNIFORM SALES ACT

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

## RESCISSION BY THE SELLER

2644-KKK. Section 87. When and How the Seller May Rescind the Sale. (1) An Unpaid seller having the right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

2644-LLL. Section 88. Effect of Sale of Goods Subject to Lien or Stoppage in Transitu. Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu.

## UNIFORM SALES ACT

## PART V.

## ACTION FOR BREACH OF THE CONTRACT

## REMEDIES OF THE SELLER

2644-MMM. Section 89. Action for the Price. (1) Where under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of section 90 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

2644-NNN. Section 90. Action for Damages for Non-Acceptance of the Goods. (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.



## UNIFORM SALES ACT

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

2644-000. Section 91. When Seller May Rescind Contract of Sale. Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

## REMEDIES OF THE BUYER

2644-PPP. Section 92. Action for Converting or Detaining Goods. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

2644-QQQ. Section 93. Action for Failing to Deliver Goods. (1) Where the property in the goods has not passed

## UNIFORM SALES ACT

to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery.

(2) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

2644-RRR. Section 94. Specific Performance. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

2644-SSS. Section 95. Remedies for Breach of Warranty.

(1) Where there is a breach of warranty by the seller, the buyer may, at his election—

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty.

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

## UNIFORM SALES ACT

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elected to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the endorsement of such lien, allowed to an unpaid seller by section 79.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of event, from the breach of warranty.

## UNIFORM SALES ACT

(7) In the case of breach of warranty of quality, such loss in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

2644-TTT. Section 96. Interest and Special Damages. Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

## PART VI.

## INTERPRETATION

2644-UUU. Section 97. Variation of Implied Obligations. Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

2644-VVV. Section 98. Rights may be Enforced by Action. Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

2644-WWW. Section 99. Rule for Cases not Provided for by this Act. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress, or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

2644-XXX. Section 100. Interpretation Shall Give Effect to Purpose of Uniformity. This act shall be so interpreted and

## UNIFORM SALES ACT

construed, as to effectuate its general purpose to make uniform the laws of those states which enact it.

2644-YYY. Section 101. Provisions not Applicable to Mortgages. The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

2644-ZZZ. Section 102. Definitions. (1) In this act, unless the context or subject matter otherwise requires—

“Action” includes counterclaim, set-off and suit in equity.

“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counterclaim is asserted.

“Delivery” means voluntary transfer of possession from one person to another.

“Divisible contract to sell or sale” means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertained by computation.

“Document of title to goods” includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

“Fault” means wrongful act or default.

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"Fungible goods" means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

"Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in sections of this act relating to documents of title means an order by indorsement on the documents.

"Persons" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right of set-off or counterclaim.

"Property" means the general property in goods and not merely a special property.

"Purchaser" includes mortgagee and pledgee.

"Purchases" includes taking as a mortgagee or as a pledgee.

"Quality of goods" includes their state or condition.

"Sale" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in the interest of such person.

## UNIFORM SALES ACT

"Specific goods" means goods identified and agreed upon at the time a contract to sell or a sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of titles are taken either in satisfaction thereof, or as security therefor.

(2) A thing is done "in good Faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

(3) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4) Goods are in a "Deliverable State" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

2644-AAAA. Section 102-a. Act does not apply to the Existing Sales or Contracts to Sell. None of the provisions of this act shall apply to any sale, or to any contract to sell made prior to the taking effect of this act.

2644-BBBB. Section 102-b. No Repeal of Uniform Warehouse Receipts Act. Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of the Act to Make Uniform the Law of Warehouse Receipts.

2644-CCCC. Section 103. Inconsistent Legislation Repealed. All acts or parts of acts inconsistent with this act are hereby repealed except as provided in Section 102B.

UNIFORM SALES ACT

2644-DDDD. Section 104. Time When the Act Takes Effect. This act shall take effect on the First day of June one thousand nine hundred and thirty-three.

2644-EEEE. Section 105. Name of Act. This act may be cited as the Uniform Sales Act.

Approved April 11, 1933.



## CHAPTER 159

## MECHANICS' LIENS

**AN ACT to Amend Chapter 79 of the Revised Code of Delaware (1915) in Reference to Mechanics' Liens; Providing, That Persons Entitled to Such Liens May Also Maintain Personal Actions for the Same Debt.**

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

Section 1. That Chapter 79 of the Revised Code be, and the same is hereby amended by adding a new Section in Article 1 of the said Chapter 79 which said new Section shall follow the Section designated as 2843, which said new Section shall be designated as 2843 A and shall be as follows:

Nothing in this Chapter contained shall be construed to impair or otherwise affect the right of any person to whom any debt may be due for work and labor done or materials furnished in the erection, alteration or repair of any building house or structure, to maintain any personal action against the owner or owners or reputed owner or owners of said building house or structure or against any contractor or against the same and other contracting parties for the same or for any greater or less demand before, concurrently with, or after the proceedings for obtaining the lien upon the said building house or structure as provided in this chapter and the judgment whether for the plaintiff or defendant or any of the defendants in such personal action shall in no wise impair, alter or affect the said lien or the proceedings or judgment or execution provided for in this chapter.

When the claimant shall proceed under this chapter for availing himself of his lien and shall likewise institute any personal action for the same demand or any part thereof or for a demand of which the amount for which he claims a lien is a part it shall be no objection in either suit that some of the parties defendant in the one suit are not also parties defendant in the other suit **PROVIDED, HOWEVER**, that in any such personal action or in the suit to avail himself of said lien which ever is last

## MECHANICS' LIENS

docketed, the plaintiff shall file an affidavit setting out the demand in each of said suits and stating to what extent the respective demands are identical. And the judgment in either of said actions shall not be pleaded as a bar in the other of said actions.

And whenever any moneys shall be applied on the judgment on either of said demands pursuant to the execution thereof or pursuant to any other execution proceedings the said Superior Court may order all or any part thereof to be credited also on the judgment in the other of said demands according to the equity of the matter as the same shall appear to the Court.

Approved April 11, 1933.

## CHAPTER 160

## WEIGHTS AND MEASURES

**AN ACT to Amend Chapter 82 of the Revised Code of the State of Delaware, as Amended, Relating to Weights and Measures, by Specifying Fuels Covered Thereby, Providing for the Sale by Weight of Coal, Coke, Charcoal, Coal Briquets, Petroleum Carbon, or Other Patent Fuel, and Providing for the Appointment of Certified Weighmasters in Connection With Carrying Out the Provisions Hereof.**

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

Section 1. That Chapter 82 of the Revised Code of the State of Delaware as amended by Chapter 216, Volume 28, Laws of Delaware, and as further amended by Chapter 180, Volume 32, Laws of Delaware, and as further amended by Chapter 250, Volume 36, Laws of Delaware, be and the same is hereby further amended by adding, after the words "Coal, Coke and Charcoal", wherever the same appear in the sections styled 2934 A Sec. 21 A. and 2934 B Sec. 21B., the words "coal briquets, petroleum carbon or other patent fuel".

Section 2. That Chapter 82 of the Revised Code of the State of Delaware as amended by Chapter 216, Volume 28, Laws of Delaware, and as further amended by Chapter 180, Volume 32, Laws of Delaware, and as further amended by Chapter 250, Volume 36, Laws of Delaware, be and the same is hereby further amended by repealing the Section styled 2934 C Sec. 21 C., and inserting in lieu thereof and by adding thereto the following sections to be numbered and styled as 2934 C Sec. 21 C., 2934 D Sec. 21 D., and 2934 E Sec. 21 E.

2934 C Sec. 21 C. All coal, coke, charcoal, coal briquets, petroleum carbon or other patent fuel, regardless of quantity, shall be sold by weight and shall be weighed by a certified weighmaster appointed by the Regulator of Weights and Measures of the County. No person, firm or corporation shall sell or deliver or cause or permit to be sold or delivered any coal, coke, charcoal,

## WEIGHTS AND MEASURES

coal briquets, petroleum carbon or other patent fuel without each such sale or delivery being accompanied by a delivery ticket, said delivery ticket to be given to the purchaser or the purchaser's representative or to an agent of the person receiving such coal, coke, charcoal, coal briquets, petroleum carbon or other patent fuel, and in all cases an exact copy or duplicate of the ticket delivered to the purchaser shall be retained by the person, firm or corporation making such sale or delivery. On said delivery ticket there shall be distinctly and indelibly stated the quantity or quantities in pounds of coal, coke, charcoal, coal briquets, petroleum carbon or other patent fuel contained in the cart, wagon, truck or other vehicle or container used in making delivery, the date of sale, the name of the purchaser thereof, the name and address of the dealer from whom purchased, together with an impression of the official seal or stamp of the Weighmaster who performed the weighing. The provisions of this Section shall not apply to coal, coke, charcoal, coal briquets, petroleum carbon or other patent fuel sold for delivery to one destination by the entire car or cargo direct from the vessel or car containing the same and accepted by the purchaser on the original bill of lading or invoice as proof of weight; nor shall the provisions of this Section apply to sales in quantities of fifty pounds or less in paper bags, sacks or packages.

2934 D Sec. 21 D. The regulator of weights and measures of each County shall appoint as a certified Weighmaster in and for the County any persons who shall possess the qualifications hereinafter provided and shall make application for such appointment, assigning to each appointee an official number.

Any person shall be appointed a weigh-master who shall be a person of good character and shall have been a resident of this State for not less than six months prior to his appointment, and who shall own and be engaged in, or shall be an employee or agent of a firm or corporation owning and engaged in, the business of conducting and maintaining a yard for the sale and delivery of coal, coke, and kindred fuel, with storage facilities and delivery equipment, including a platform scale with a minimum capacity

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of five tons, and duly licensed to transact such business within this State. Certificates shall be issued to individuals only and not to firms or corporations, but any firm or corporation may have as many of their members or employees certified as they may desire. The term of appointment of each weighmaster shall be three years, but any weighmaster may have his certificate revoked by the Regulator of weights and measures by whom he was appointed for misconduct in office, or in case any such weighmaster shall cease to possess the qualifications specified for his original appointment. For each appointment so made the Regulator of weights and measures shall receive from the appointee a fee of \$5.00 for the use of the State. All fees so received shall be paid over to the State not later than the tenth of the month following the month when received. Each weighmaster shall provide himself, at his own expense, with a seal or stamp containing on the outer margin his name, the name of the County in which he was appointed, followed by the word "Delaware", and shall also contain the words "Public Weigher" and his official number. No weighmaster shall delegate his authority to another person. No weighmaster shall receive any salary or other compensation from the State for the performance of his duties, but each weighmaster may charge and retain for the owner of the scale used for weighing a fee of not exceeding Twenty-Five Cents (\$.25) for each weighing performed for any person or corporation other than the owner of the scale, said fee to be paid by the dealer, trucker or seller of the coal, coke, charcoal, coal briquets, petroleum carbon or other patent fuel so weighed. The regulator of weights and measures shall have power to adopt regulations, not inconsistent with this Act, to make effective the provisions of this Section and the three next preceding Sections of this Statute.

2934 E Section 21 E. Any person, firm or corporation who shall violate any of the provisions of the four next preceding Sections shall forfeit and pay a fine of not less than \$25.00, in the discretion of the court. If any person shall pretend or assume to

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exercise the power or duty of a weighmaster without being duly authorized so to do, he shall forfeit and pay a fine of not less than \$100.00 or shall be imprisoned, or both, in the discretion of the court. This Act shall take effect thirty days after its approval.

Approved June 5, 1933.

# TITLE FIFTEEN

## Domestic Relations

### CHAPTER 161

#### MARRIAGE

AN ACT to Amend Chapter 85 of the Revised Code (1915) of the State of Delaware, as Amended, in Reference to Marriage Licenses.

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

Section 1. That paragraph 2996. Sec. 5 of the Revised Code (1915) of the State of Delaware as amended by Chapter 236, Volume 37, Laws of Delaware, be, and the same is hereby further amended by repealing all of Chapter 236, Volume 37, Laws of Delaware, and by inserting after the third paragraph of 2996. Sec. 5 of the Revised Code (1915) the following new paragraph as follows:

There shall be endorsed on the back of the marriage license, when issued, the following information, said information being certified to by the person issuing the license to be correct.

"Single . . . . .  
Widow or Widower  
Divorced—Yes or No

If so, from whom

Cause "

Approved May 2, 1933.

## CHAPTER 162

## ADOPTION

**AN ACT to Amend Chapter 88 of the Revised Code of Delaware,  
as the Same Relates to the Law of Adoption.**

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

Section 1. That 3063. Sec. 3, 3064. Sec. 4, and 3065. Sec. 5, of Article 2 of Chapter 88 of the Revised Code of Delaware be and the same are hereby stricken out and new sections inserted in lieu thereof as follows:

3063. Sec. 3. No adoption proceeding or order therein shall be valid or recognized by any Court in this State as respects persons who are residents of the State of Delaware, whether such persons be the adopters or adoptees, unless the adoption proceedings so taken shall be in substantial compliance with the adoption laws of this State; provided, however, that this shall not apply to any adoption proceedings or order therein taken as respects persons who are not residents of the State of Delaware at the time of the commencement of such adoption proceedings and or at the time of entering of the order therein or pertaining thereto.

3064. Sec. 4. Proceedings For; Jurisdiction of Orphans Court; Contents of Petition of Adoption; Investigation:—A resident of this State who is over twenty-one years of age and not married, or a husband and wife residents of this State (if not legally separated) jointly, may petition the Orphan's Court of the county in which the petitioner or petitioners reside for an order authorizing the petitioner or petitioners to adopt a minor child or children not theirs by birth, and, if desired, for authority to change the name of such child or children. A written consent, duly acknowledged, must be given to such adoption by the child or children if of the age of fourteen years or over, and by each of his or her known living parents who is not hopelessly insane or otherwise incapacitated from giving such consent, or is not habitually addicted to the use of drugs or intoxicating



## ADOPTION

liquors, or has not abandoned such child or children, or has not lost custody of the child or children to the order of a court; or if the parents are dead or disqualified, as aforesaid, then by a legal guardian, or if there be no such guardian, then by a suitable person appointed by the Orphans Court to act in the proceedings as the next friend of such child or children. If such parents or guardian join in said petition, it shall be deemed a consent in writing.

The petition shall state the name of the petitioner or petitioners, the place of residence thereof, the name and age of the child or children, whom it is sought to adopt, the name of the parents of such child or children, if living; if the parents are not living, the name of the guardian or person having custody of such child or children at the time of the commencement of the adoption proceedings. Such petition must state that the petitioner or petitioners are financially able and morally fit to have the care, supervision, and training of said child or children whom it is sought to adopt. If it is desired to change the name of said child or children, the petition shall so state. The petition filed in adoption causes shall be in substantially the following form:

## PETITION FOR ADOPTION

To the Hon. . . . . Judge of the Orphans

Court of the County of . . . . .

Your petitioners, the undersigned, residents of the county of . . . . . respectfully apply for an order permitting them to adopt as their own child . . . . . , a minor child aged . . . . . years, who is the child of . . . . . and who is now . . . . .

Your petitioners represent that they are financially able and morally fit to have the care, supervision and training of said child, and desire that the name of the said child shall be changed to . . . . .

ADOPTION

.....  
.....  
Petitioners.

Address of petitioners:  
.....  
.....

Address of Parents and Guardians:  
.....  
.....

Address of Child:  
.....  
.....

I, the undersigned, ..... of the above  
mentioned child, do hereby consent to the adoption prayed for.

.....  
Mother, Father, Legal Guardian,  
Next Friend.

Witness ..... Address .....  
.....  
.....

I, the undersigned ..... the above  
mentioned child, being aged 14 years or over, do hereby consent  
to the adoption above prayed for.

.....  
Child.

Witness ..... Address .....  
.....  
.....

To the Clerk of the Orphan's Court:

Enter an order of reference to .....  
for investigation and report.

.....  
Judge Orphans' Court

## ADOPTION

### INVESTIGATION AND PROCEDURE

Upon the filing of the foregoing petition, the Court shall by appropriate order direct an agent of the State Board of Charities or some person accredited by the State Board of Charities, to make a careful and thorough investigation of the matter and report his findings in writing to the said Court. The person so directed to make such investigation shall make inquiry, among other things, as to:

a. Information why the parents or guardian of the child or children desire adoption.

b. Whether or not such parents or guardians have abdicated control over the child or children, or whether conditions would make this advisable.

c. Whether any person, organization, or agency of any sort which has had any part in the negotiations has received or expects to receive any fee in connection therewith except for the due professional performance of legal or medical services.

d. Information regarding the foster home; to include the emotional, moral, financial, intellectual, and health standards of such home, and religious affiliations.

e. Data on the physical and mental conditions of the child or children.

f. Summary on the suitability of the child to the home, including suitability of Religious affiliation.

g. Whether the placement is for the best interests of the child.

The order for reference for investigation, and the report shall be in the following forms.

ADOPTION  
ORDER OF REFERENCE

In the Orphan's Court of the county of .....  
..... 19 .....

In the Matter of the Proposed Adoption of an Infant .....

This day came ..... and .....  
his wife, residents of the county of ..... and filed  
their joint petition praying leave to adopt a minor child, bearing  
the name of ..... not theirs by birth, under  
the age of twenty-one years, to-wit: of the age of .....  
the child of .....  
and for a change of name of said child to .....  
to which petition is attached the written consent, duly acknowl-  
edged of .....

Whereupon it is ordered that .....

do make a careful and thorough investigation of this matter, and  
report the findings in writing to this Court, and in such investiga-  
tion shall make the inquiries required by the Act of the General  
Assembly.

A copy, Teste:

Clerk.

REPORT ON PROPOSED ADOPTION

To the Hon.  
county of

Judge of the Orphans' Court of

Report on the findings of .....  
upon the petition of ..... and .....  
his wife, in reference to the proposed adoption of .....  
of the age of ..... as required by the Act of the  
General Assembly.

## ADOPTION

### INVESTIGATION AND PROCEDURE

Upon the filing of the foregoing petition, the Court shall by appropriate order direct an agent of the State Board of Charities or some person accredited by the State Board of Charities, to make a careful and thorough investigation of the matter and report his findings in writing to the said Court. The person so directed to make such investigation shall make inquiry, among other things, as to:

a. Information why the parents or guardian of the child or children desire adoption.

b. Whether or not such parents or guardians have abdicated control over the child or children, or whether conditions would make this advisable.

c. Whether any person, organization, or agency of any sort which has had any part in the negotiations has received or expects to receive any fee in connection therewith except for the due professional performance of legal or medical services.

d. Information regarding the foster home; to include the emotional, moral, financial, intellectual, and health standards of such home, and religious affiliations.

e. Data on the physical and mental conditions of the child or children.

f. Summary on the suitability of the child to the home, including suitability of Religious affiliation.

g. Whether the placement is for the best interests of the child.

The order for reference for investigation, and the report shall be in the following forms.

# ADOPTION

## ORDER OF REFERENCE

In the Orphan's Court of the county of ..... 19 .....

In the Matter of the Proposed Adoption of an Infant .....

This day came ..... and .....  
 his wife, residents of the county of ..... and filed  
 their joint petition praying leave to adopt a minor child, bearing  
 the name of ..... not theirs by birth, under  
 the age of twenty-one years, to-wit: of the age of .....  
 the child of .....  
 and for a change of name of said child to .....  
 to which petition is attached the written consent, duly acknowl-  
 edged of .....

Whereupon it is ordered that .....

do make a careful and thorough investigation of this matter, and  
 report the findings in writing to this Court, and in such investiga-  
 tion shall make the inquiries required by the Act of the General  
 Assembly.

A copy, Teste:

Clerk.

## REPORT ON PROPOSED ADOPTION

To the Hon.  
 county of

Judge of the Orphans' Court of

Report on the findings of .....  
 upon the petition of ..... and .....  
 his wife, in reference to the proposed adoption of .....  
 of the age of ..... as required by the Act of the  
 General Assembly.

## ADOPTION

1. Information why the parents or guardian of the child or children desire adoption.

2. Whether or not such parents or guardians have abdicated control over the child or children, or whether conditions would make this advisable.

3. Whether any person, organization, or agency of any sort which has had any part in the negotiations has received or expects to receive any fee in connection therewith except for the due professional performance of legal or medical services.

4. Information regarding the foster home. To include the emotional, moral, financial, intellectual, and health standards of such home, and religious affiliations.

5. Data on the physical and mental conditions of the child or children.

6. Summary on the suitability of the child to the home, including suitability of Religious affiliation.

7. Whether the placement is for the best interests of the child.

Respectfully submitted

..... Investigator.

3065. Section 5. Order of Adoption; Interlocutory Order; Final Order; Revocation of: If the Court is satisfied at a hearing, at which all interested persons may be present or represented, that the natural parents or guardians have just cause for desiring to be relieved of the the care, support, guardianship of said child, or have abandoned the child, or are morally unfit to retain its custody; that it appears from the investigation made that the petitioner or petitioners is or are duly qualified, especially in the particulars set forth, to have the care, supervision and training of such child or children; that such child or children is or are suitable for adoption in this private family

## ADOPTION

home, that such family and the child are suited to one another by religious affiliation; that such change of name and guardianship is for the best interests of said child or children; that no person or agency of any sort which has had any part in the negotiations has received or expected to receive any fee in connection therewith except for the due professional performance of legal or medical services, then in such case the Court shall make an interlocutory order, setting forth its findings and decreeing that from the date of the final order of adoption in such case, if such final order be entered, as hereinafter provided, such child or children to all legal intents and purposes whatsoever, will be the child or children of the petitioner or petitioners, and its or their name may be thereby changed. Such final order of Adoption shall not be granted until the child or children shall have lived for one year in the proposed home under the care and protection, and as the child in fact, of such petitioner or petitioners; and shall have been visited during said period at least once in every three months by the person who was previously designated by the Court to make the investigation required by this Section; if such person is unavailable for any reason, then by a person having the same qualifications as such person. At any time before the entry of the final order of adoption the Court may revoke its interlocutory order for good cause either of its own motion or on the motion of the natural parents or guardians of such child or by the original petitioner or petitioners or the child itself by its next friend; provided, however, no such revocation shall be entered unless and until ten days notice in writing shall have been given to the original petitioner or petitioners (unless he or they make the motion), or have removed from the State or unless the original petitioner or petitioners, if residents of the State, shall have been given an opportunity to be heard; and further provided that desire to withdraw consent once given as part of the petition in the proceedings shall not be considered good cause for revocation of the said interlocutory order.

The Interlocutory Order shall be in the following form:



## ADOPTION

## INTERLOCUTORY ORDER OF ADOPTION

In the Orphan's Court of the county of .....  
 ..... 19

In the matter of the petition of .....  
 and ..... , his wife, for the proposed  
 adoption of ..... an infant.

The court having duly considered the report of  
 the investigator in this matter, as to the proposed  
 adoption of ..... an infant of the age of .....  
 doth order and declare that from the date of the final order of  
 adoption in this case, if such final order be afterwards entered,  
 the said child, to all legal intents and purposes, will be the child  
 of the said petitioners, and that its name be thereby changed to  
 as provided by the Act of  
 the General Assembly.

And the court doth allow the said petitioners to have the  
 care and custody of said infant, to live in the proposed home,  
 for the period of one year from this date, without molestation  
 of any sort, except as this court shall allow or as may be re-  
 quired by law.

A copy, Teste:

Clerk.

Upon the expiration of the period of one year, the Judge,  
 being satisfied that all proceedings have been taken in conformity  
 to the provisions of this act and that the interest of all con-  
 cerned are duly regarded, shall enter the final order of Adoption  
 in the case.

Upon the entry of the final Order of Adoption, the Judge or  
 the clerk of the court shall notify the State Board of Charities  
 of the action taken, giving the names and addresses of the na-  
 tural parents, if known, or of the child's next of kin, the age and  
 the name of such child both before and after Adoption, and the  
 names and addresses of the foster-parents. All papers in any

## ADOPTION

adoption proceeding shall be placed in the custody of the State Board of Charities. They shall be opened for inspection only upon order of the Orphan's Court having jurisdiction of the adoption proceeding. Said Board shall likewise be notified of any subsequent modification or revocation of such order of adoption.

The final order of Adoption shall be in the following form:

## FINAL DECREE OF ADOPTION

In the Orphan's Court of the county of .....  
 Upon the petition of .....  
 and ..... his wife, and with the consent of .....

.....  
 the Court doth allow the said petitioners to adopt as their own child ..... , not theirs by birth, a .....  
 infant, under the age of twenty-one years, to-wit; of the age of .....  
 ..... And the court being fully satisfied as to the fitness and propriety of such adoption, and as to the financial ability of the said petitioners to bring up and properly educate the said child, doth declare that from this date the said child, to all legal intents and purposes, is the child of the said petitioners, and that the said child shall be named .....  
 A copy, Teste; .....

Clerk.

The natural parents or previous guardian shall, by such final order of Adoption, be divested of all legal rights and obligations in respect to the child, and the child shall be free from all legal obligations of obedience and maintenance in respect to them. Such child shall, from and after the entry of the interlocutory order herein provided for, be, to all intents and purposes, the child and heir at law of the person so adopting him or her, unless and until such order is subsequently revoked, entitled to all the rights and privileges and subject to all the obligations of a child of such person begotten in lawful wedlock; but on the decease of such person and the subsequent decease of such adopted child without issue, the property of such adopting parent

## ADOPTION

still undisposed of shall descend to his or her next of kin, and not to the next of kin of such adopted child.

If, at any time after the final order of the court permitting such adoption and change of name, the adopting parents, the child himself if of 21 years of age, or any individual or agency believes that for just cause an adoption should be revoked, the Judge of the Orphan's Court shall require an agent of the State Board of Charities or some person accredited by the State Board of Charities, to make a complete investigation of the reasons for annulment and submit his findings in writing to the Court, which shall then hear the testimony of all concerned. If it shall appear, based on these findings and giving due consideration to the intention of this act to provide a means whereby Adoption shall create a permanent and lasting relationship not to be placed in jeopardy, nor terminated except for obvious and grave causes, that the revocation sought is manifestly just and proper and for the best interests of the child, the court may, in its discretion, vacate said final order of Adoption and change of name. Thereupon, such child shall be restored to the position and name which it held before such final order of adoption.

And the Court shall see that all the property rights of such child, as well as of the person or persons adopting it, are protected, and may make such order as may be proper in the premises so that no injustice may be done.

Approved April 25, 1933.

## CHAPTER 163

## RECORDS OF ADOPTION

**AN ACT to Amend Chapter 88 of the Revised Code (1915) of the State of Delaware Requiring a Report of the Records of Adoption to be Deposited with the State Registrar.**

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

Section 1. That 3065 Sec. 5 of Chapter 88 of the Revised Code (1915) of the State of Delaware be and the same is hereby amended by adding after the first paragraph of 3065 Sec. 5 a new paragraph as follows :

In the event of any Court in any County of Delaware having sanctioned the adoption of any individual under conditions of the assumption on the part of the individual of any name or names other than those under which the birth of the individual is or may be registered with the State Registrar, the Clerk of the Court in which such application was made shall immediately report the circumstance to the State Registrar, the report indicating both the name given to the child at its birth, and the name given to it by the Court permitting or legalizing the adoption, the date of the adoption and such other matters relating thereto as may be required.

Approved April 4th, 1933.

## CHAPTER 164

## FOUNDLING CHILDREN

**AN ACT to Amend Chapter 25 of the Revised Code (1915) of the State of Delaware in Reference to Certificate of Foundling Children.**

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

Section 1. That Chapter 25 of the Revised Code (1915) of the State of Delaware, as amended by Chapter 41, Volume 32, Laws of Delaware, be and the same is hereby further amended by adding immediately after 808 A. Sec. 73 A. the following new section to be styled 808 B. Sec. 73 B.

808 B. Sec. 73 B. In the event of there being discovered a foundling child, the identity of the parents of which cannot be discovered, any person, hospital, institution or association assuming responsibility for the care and upbringing of such foundling child shall deposit with the State Registrar a certificate, on the birth certificate form in use by the State Registrar, indicating the name which has been given to the child, its sex, color, and approximate date of birth. There shall also be deposited with this certificate a statement indicating the date on which the child was found, the circumstances attending its finding, and a complete and correct list of any articles of apparel or use found with or on the foundling, with a detailed description of each article, which statement shall be preserved by the Registrar to assist in any effort of identification which might in the future be made.

Approved April 21, 1933.

## CHAPTER 165

## CERTIFICATES OF BIRTH OF ILLEGITIMATE CHILDREN

**AN ACT to Amend Chapter 25 of the Revised Code (1915) of the State of Delaware, as Amended, in Reference to Certificates of Birth of Illegitimate Children.**

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

Section 1. That Chapter 25 of the Revised Code (1915) of the State of Delaware, as amended by Chapter 41, Volume 32, Laws of Delaware, be and the same is hereby further amended by adding the following after paragraph six of 808 Sec. 73 of said Chapter:

Provided however, nothing in this Chapter shall be taken as indicating that in any form report of the birth of an illegitimate child, or on any certificate of birth of such illegitimate child, the name of the reputed father of said child shall be stated, unless and in each case there be attached to such form or such certificate of birth a written statement of the reputed father acknowledging the paternity of such child. In the event of a birth certificate of an illegitimate child being received by the State Registrar without such an acknowledgment, the State Registrar is hereby authorized to attach a statement to the effect that up to the time of making of the statement, such an acknowledgment had not been received; and in the event of a request being made to the State Registrar for a certified copy of the registration of a birth, to which registration such a statement by the Registrar, is not attached, the State Registrar is authorized to issue a certified copy on which the name of the reputed father shall not appear.

Approved April 21, 1933.

## CHAPTER 166

## WORKMEN'S COMPENSATION

**AN ACT to Amend Article 5, Chapter 90, Revised Code of Delaware, Called and Cited as the Delaware Workmen's Compensation Law of 1917, as Amended.**

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

Section 1. That 3193 V. V. Section 141, Article 5, Chapter 90, of the Revised Code of Delaware, as amended, be and the same is hereby further amended, by adding at the end of the first paragraph thereof the following words, to wit: "and excepting officers and employees of the "The City of Milford", a municipal corporation of the State of Delaware, who shall have been neither elected for a term of office for a fixed and definite duration or to complete the unexpired portion of any such term".

Section 2. That 3193 V. V. Section 141, of Article 5, Chapter 90, of the Revised Code of Delaware, as amended, be and the same is hereby further amended, by adding at the end of the second paragraph thereof, the following words, to wit: "and the said election by The City of Milford shall be by and be under the control of the City Council of the said municipal corporation".

Approved April 20, 1933.

## CHAPTER 167

## WORKMEN'S COMPENSATION

**AN ACT to Amend Article 5, Chapter 90, Revised Code of Delaware Called and Cited as the Delaware Workmen's Compensation Law of 1917, as Amended.**

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

Section 1. That 3193 V. V. Section 141, of Article 5, Chapter 90, of the Revised Code of Delaware, as amended, be and the same is hereby further amended, by adding at the end of the first paragraph thereof the following words, to wit: "and excepting officers and employees of the "Mayor and Council of Middletown", a municipal corporation of the State of Delaware, who shall have been neither elected for a term of office for a fixed and definite duration or to complete the unexpired portion of any such term".

Section 2. That 3193 V. V. Section 141, of Article 5, Chapter 90, of the Revised Code of Delaware, as amended be and the same is hereby further amended, by adding at the end of the second paragraph thereof, the following words, to wit: "and the said election by the Mayor and Council of Middletown shall be by and be under the control of the said Mayor and Council of Middletown".

Approved May 26, 1933.



## CHAPTER 168

### MASTERS, APPRENTICES AND EMPLOYEES

#### **AN ACT Requiring all Contractors and Sub-Contractors Contracting to Do any State, County or Municipal Work in the State of Delaware to Give Bond and Pay all Daily Labor in Full Once Each Week.**

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

Section 1. That on and after the approval of this act all contractors or sub-contractors entering into a contract to do any State, County or Municipal work within this State shall give bond with sufficient surety in such sum of money equal to the estimated amount of daily labor required under the terms of the contract and all contractors and sub-contractors are required to pay all daily labor in full once each week.

Approved April 25, 1933.

## CHAPTER 169

## MASTERS, APPRENTICES AND EMPLOYEES

**AN ACT Prohibiting Architects, Engineers, Contractors, Sub-contractors and their Agents from paying out, using or appropriating moneys and funds received for the erection, construction, alteration, completion and repair of buildings and for additions thereto before first paying in full or pro rata all claims due to Surveyors, Engineers and Persons Furnishing Labor and Material.**

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

Section 1. That all moneys or funds whatsoever received by an architect, engineer, contractor or sub-contractor for the erection, construction, completion, alteration or repair of any building or for additions to a building, are hereby declared to be trust funds in the hands of the architect, engineer, contractor or sub-contractor. It shall be unlawful for any architect, engineer, contractor or sub-contractor of his, her or its agent to pay out, use or appropriate any of said moneys or funds until the same have first been applied to the payment of the full amount of all claims due and owing by such architect, engineer, contractor or sub-contractor to surveyors, engineers and to all persons, firms, corporations or partnerships furnishing labor and material, including fuel, to such architect, engineer, contractor or sub-contractor for the erection, construction, completion, alteration or repair of, or for additions to, such building, whether or not the said labor or material enter into or become component parts of the building or addition thereto.

Section 2. Any architect, engineer, contractor, sub-contractor or his, her or its agent who pays out, uses, appropriates or consents to the paying out, use or appropriation of any such moneys or funds prior to paying in full all the claims of surveyors, engineers and all persons, firms, corporations or partnerships furnishing labor or materials, including fuel, as aforesaid, or prior to paying all such claims pro rata to the full extent of

## MASTERS, APPRENTICES AND EMPLOYEES

the moneys or funds received for the aforesaid purposes, shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or be sentenced to imprisonment for a term not exceeding three years, or both.

Section 3. The failure of an architect, engineer, contractor or sub-contractor to pay in full or pro rata from time to time the full extent of the moneys and funds received by him, her or it all of the claims of surveyors, engineers and of all persons, firms, corporations or partnerships furnishing labor and material, including fuel, as required by this act within thirty days after the receipt of any moneys or funds for the erection, construction, completion, alteration or repair of any such building or any addition thereto, shall be prima facie evidence of the payment, use or appropriation of the trust moneys and funds for purposes other than the payments of claims of surveyors, engineers and of all persons, firms, corporations or partnerships furnishing labor and material, including fuel.

Section 4. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved April 25, 1933.

## CHAPTER 170

## EMPLOYMENT OF DELAWARE LABOR ON ALL PUBLIC WORKS

**AN ACT in Relation to Preference in Employment of Delaware Labor on all Public Works in the State of Delaware or in any County or Municipality Thereof.**

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

Section 1. In the construction of all Public Works for a city, county, or the state, or by persons contracting with a city, county, or the state, preference in employment of laborers, workmen or mechanics, shall be given to bonafide legal citizens of the State of Delaware. Persons other than such citizens may be employed only when citizens of the State of Delaware are not available. Each contract for the construction of Public Works for a city, county, or the state, shall contain a stipulation that any person, company or corporation who violates the provisions of this section shall pay a penalty to the State Treasurer equal to the amount of compensation paid to any person, in violation of this Act.

Section 2. The contractor and all of his subcontractors shall furnish, upon written or verbal demand of any officer or agent of the city, county, or the state, responsible for the fulfillment and execution of the contract, a bonafide list of the names and the bonafide legal residences of all their employees.

Section 3. Any violation of the provisions of this Act shall constitute a misdemeanor, and upon conviction, shall be punished, for the first and each and every subsequent offense, by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

Approved April 11, 1933.

## CHAPTER 171

## CONTRACTORS ON PUBLIC BUILDING PROJECTS

**AN ACT Requiring Contractors on all Public Building Projects to Name their Sub-Contractors.**

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

Section 1. That any contract in excess of Five Thousand Dollars (\$5,000.00) in amount, for the construction, alteration or repair of any public building of the State of Delaware, shall be awarded only to bidders whose bids are accompanied by a statement containing the names and addresses of the sub-contractors whose services the bidder intends to utilize in the performance of the work.

Such contracts shall also contain provisions for withholding from, or payment by, the contractor of such penalties as may be fixed in the contract for failure to utilize such sub-contractors, in the performance of the work. Sums assessed or paid as penalties for such failure may be remitted or refunded, in whole or in part, by the head of the department, bureau, agency, or independent establishment of the State of Delaware which has made the Contract on behalf of the State of Delaware, but only in case it is shown to his satisfaction that substitution for a sub-contractor was justified by reason of the inability or unwillingness of such sub-contractor to properly perform the work.

Section 2. That no claim for the remission or refund of any penalty shall be granted under this Act unless application therefor is filed within one year after the liability of the contractor accrues. If any such application for refund of any sum paid as a penalty is denied, or if no application for such refund is filed within the period provided for filing application under this section, such sum shall revert to the State Treasury.

Section 3. That this Act shall take effect thirty days after its passage, but shall not affect any contract then existing or

CONTRACTORS ON PUBLIC BUILDING PROJECTS

any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this Act.

Section 4. That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed only to the extent of such inconsistency.

Approved April 20, 1933.

## CHAPTER 172

## MINIMUM WAGE RATES ON PUBLIC BUILDING CONTRACTS

**AN ACT Requiring Minimum Rate of Wages in Public Building Specifications and Contracts.**

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

Section 1. That specifications upon which contracts are entered into for the construction, alteration or repair of any public work, for which the State of Delaware appropriates any part of the funds, shall, as far as possible, contain the minimum rate of wages which may be paid by the contractor, or his sub-contractors, for the work performed by laborers and mechanics employed on such public work, and such laborers or mechanics shall be paid not less than such minimum wage or wages.

Section 2. That every contract entered into upon such specifications shall stipulate a penalty of an amount equal to three times the difference between the minimum wage contained in said specifications and the wage actually paid to each such laborer or mechanic for each day during which he had been employed at a wage less than that prescribed in said specifications. Every officer or person designated as inspector of the work to be performed under any such contract, or to aid in the enforcing of the fulfillment thereof, shall, upon observation or investigation, report to the department, board, or commission which made the contract award, all violations of minimum wage stipulations, and the day or days of such violation. All such penalties shall be withheld and deducted, for the use of the State, from any moneys due the contractor, by the officer or person whose duty it shall be to authorize the payments of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications is by the contractor or by any of his sub-contractors.

Section 3. That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed only to the extent of such inconsistency.

Approved April 21, 1933.

# TITLE SIXTEEN

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## Titles to Real Property

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### CHAPTER 173

#### DEFECTIVE ACKNOWLEDGMENTS

#### **AN ACT to Make Valid the Record of Certain Deeds Having Defective Acknowledgments.**

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

Section 1. That the record of any deed dated prior to the first day of January, A. D. 1933, and which was duly signed and sealed by the parties therein named as grantors, notwithstanding said deed had not been acknowledged before an officer authorized by the Laws of Delaware to take acknowledgments, or otherwise had not been properly acknowledged, or the private examination of any married woman, party thereto, or the said acknowledgment or private examination had not been taken and certified in conformity with the requirements of the Laws of this State in force at the time of its execution, shall be and the same is hereby made valid and effectual in law as if said deed had been correctly acknowledged and certified, and the said record, the original deed, or any office copy thereof, shall be admitted as evidence in all Courts of this State, and shall be valid and conclusive evidence, as if said deed had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

Approved March 28, 1933.



## CHAPTER 174

## CONVEYANCES

**AN ACT to Amend Chapter 92 of the Revised Code of Delaware Relating to Conveyances.**

*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 42 of the said Chapter 92 of the Revised Code of Delaware, Article 9 thereof, being Section 3238 thereof, be amended by striking out said Section and inserting in lieu thereof the following:

3238. Sec. 42. Deeds by Foreign Corporations Valid; Effect of; Record of to be Evidence; Property Held by:—All deeds to lands in Delaware heretofore or hereafter executed and delivered by corporations, created by and existing under the laws of the states and territories of the United States of America other than Delaware or created by and existing under the laws of any foreign state or nation are hereby made valid, good and effective to convey the fee simple or other estate purported to be conveyed in such deeds, with the same force and effect as if the corporation grantor had been a corporation lawfully created by and existing under the Laws of the State of Delaware; and such deeds, when recorded, or any office copy thereof, shall be admitted as evidence in all courts of this State, and shall be valid and conclusive evidence, with the same force and effect as if such deeds had been properly executed, acknowledged and delivered by corporations created by and existing under the Laws of the State of Delaware. A foreign corporation owning lands in Delaware may exercise all rights and privileges of ownership thereof to the same extent as if such corporation were a corporation lawfully created by and existing under the Laws of the State of Delaware.

Approved March 29, 1933.

## CHAPTER 175

## CROP LOANS

**AN ACT Permitting the Farmers of the State of Delaware to Borrow Funds From the Secretary of Agriculture of the United States, or Any Other Person, Firm or Corporation, and Providing a Means of Securing Said Loans.**

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

Section 1. Upon and after the approval of this Act any farmer of this State may enter into an agreement with and borrow funds for crop production purposes from the Secretary of Agriculture of the United States pursuant to existing or future acts of Congress, or any other person, firm or corporation, and may give as security therefor his promissory note or notes secured by chattel mortgage or mortgages upon his crop or crops, either planted or to be planted within one year from the date of the execution of such mortgage or mortgages.

Section 2. The mortgage or mortgages so entered into as aforesaid shall be in such form or forms as the Secretary of Agriculture shall prescribe, or in such form or forms as are now in use in the State of Delaware in cases of chattel mortgages. Such mortgages shall be entitled to be recorded in the office of the Recorder of Deeds for the County in which the crops are to be grown and shall be indexed and recorded in a well-bound book to be known as "Crop Mortgage Book" in abstract form for a fee of fifty cents.

Section 3. Each chattel mortgage so entered into as aforesaid shall be a first lien upon the crop or crops either planted or to be planted specified therein for a period of one year subsequent to the execution of said mortgage and shall remain a first lien for a period of one year only, and shall be effective against the mortgagor or subsequent purchasers and creditors.

Section 4. The receipt of the Secretary of Agriculture of the United States, or of any other person, firm or corporation

## CROP LOANS

evidencing repayment of any loan received by a mortgagor hereunder shall be sufficient authority for the Recorder of Deeds to mark any such mortgage satisfied.

Section 5. Such chattel mortgage, upon the default of the mortgagor in payment of the mortgage debt and interest, or upon breach of the covenants contained in such mortgage may be foreclosed in the same manner as provided by law for the foreclosure of real estate mortgages.

Approved April 4, 1933.

# TITLE SEVENTEEN

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## Administration of Estates

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### CHAPTER 176

#### REVOCATION OF WILLS

**AN ACT to Repeal 3251, Sec. 13 of Chapter 93 of the Revised Code of Delaware (1915), Relating to the Revocation of Wills.**

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

Section 1. That Chapter 93 of the Revised Code of Delaware (1915) as amended be and the same is hereby further amended by striking out and repealing all of 3251 Section 13 of said Chapter.

Approved April 6, 1933.

## CROP LOANS

evidencing repayment of any loan received by a mortgagor hereunder shall be sufficient authority for the Recorder of Deeds to mark any such mortgage satisfied.

Section 5. Such chattel mortgage, upon the default of the mortgagor in payment of the mortgage debt and interest, or upon breach of the covenants contained in such mortgage may be foreclosed in the same manner as provided by law for the foreclosure of real estate mortgages.

Approved April 4, 1933.

# TITLE SEVENTEEN

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## Administration of Estates

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### CHAPTER 176

#### REVOCATION OF WILLS

**AN ACT to Repeal 3251, Sec. 13 of Chapter 93 of the Revised Code of Delaware (1915), Relating to the Revocation of Wills.**

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

Section 1. That Chapter 93 of the Revised Code of Delaware (1915) as amended be and the same is hereby further amended by striking out and repealing all of 3251 Section 13 of said Chapter.

Approved April 6, 1933.

## CHAPTER 177

## REGISTER OF WILLS

**AN ACT to Amend Chapter 98, Revised Code of Delaware, Relating to Settlement of Personal Estates and Register of Wills.**

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

Section 1. That Chapter 98 of the Revised Code of Delaware (1915) be and the same is hereby repealed by striking out and repealing all of 3335. Sec. 2. and substituting in lieu thereof a new section to be known as 3335. Sec. 2. as follows:

3335. Sec. 2. Caveat; Bond for Cost, Proceedings Upon: A caveat against the allowance of an instrument as a will shall be received at any time before its proof, but unless the caveator or caveators shall within ten days after the filing of such caveat give bond to the State, jointly, and severally if more than one caveator, with such sureties and in such penal sum not less than \$500.00 and not more than \$5,000.00 as the Register of Wills may determine, conditioned for the payment of any and all costs occasioned by such caveat which may be decreed against such caveator or caveators, such caveat shall be considered as abandoned and shall be dismissed and proceedings may be had in all respects as though no such caveat had been filed. The bond having been given, the said Register shall appoint a time for hearing and award citations for the parties interested, and order service or publication of notice to the parties not within the State as in the first section. If, when a caveat is received, a time be appointed and process issued, it shall not be necessary to adjourn the taking of the proof and hearing; but an adjournment may be decreed, and other process awarded, or order made.

The said Register shall have authority to determine the costs occasioned by such caveat and decree the payment of such costs

## REGISTER OF WILLS

by the caveator or caveators. In cases where the said Register is personally interested in any question raised by said caveat the word "Register of Wills" or "Register" wherever used in this Section shall be interpreted as meaning "Orphans' Court".

Approved May 16, 1933.



## CHAPTER 178

## SURVIVING SPOUSES SHARE IN DECEDENT'S ESTATE

**AN ACT to Amend Chapter 93 of the Revised Code of Delaware, as Amended, by Providing for the Surviving Spouse's Share in a Decedent's Estate.**

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

Section 1. That Chapter 93 of the Revised Code of the State of Delaware, as amended, be further amended by striking out 3263, Section 25, Article 7 thereof and substituting in lieu thereof a new section to be styled 3263, Section 25, as follows:

3263. Sec. 25. The descent or devolution of the estate, real or personal, of a married person, who shall before his or her marriage have made his or her last will and testament, and shall not have made provision for his or her spouse by will or otherwise, shall be subject to the rights of the surviving husband or widow; that is to say,

(a) If the testate leave a widow, she shall have the same part of his estate, real and personal, as she would have been entitled to if he had died intestate.

(b) If the testate leave a husband, he shall have the same part of her estate, real and personal, as he would have been entitled to if she had died intestate.

In either case, the part to which the surviving spouse shall be entitled shall be assigned and distributed in the same manner as if the deceased spouse had died intestate, providing that when there are several devisees of such real estate, or several legatees of such personal estate, such assignment and distribution to the surviving spouse shall be so made that each devisee, or legatee, shall contribute a just portion thereof.

Subsequent marriage shall not revoke the last will and testament of a person who by such last will and testament, or otherwise, shall have made provision for his or her surviving spouse.

Approved April 6, 1933.

## CHAPTER 179

## REVIEW OF THE PROBATE OF WILLS

**AN ACT to Amend Article I of the Revised Code of Delaware (1915) Relating to Review of the Probate of Wills, by the Repeal of 3336, Sec. 3, and by Substituting in Lieu Thereof a New Section, to be Known as 3336, Sec. 3.**

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

Section 1. That Chapter 98 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing all of 3336 Sec. 3. and by substituting in lieu thereof a new section to be known as 3336, Sec. 3, as follows:

3336. Sec. 3. Review, When Ordered; Bond for Costs; Proceedings Upon: Any person interested who shall not voluntarily appear at the time of taking the proof of a will, or be served with citation or notice as provided in Sec. 1, shall at any time within one year after such proof have a right of review which shall on his petition be ordered by the Register, but unless the petitioner or petitioners shall, within ten days after such review shall have been ordered by the Register, give bond to the State, jointly and severally if more than one petitioner, with such sureties and in such penal sum not less than \$500.00 and not more than \$5,000.00 as the Register may determine, conditioned for the payment of any and all costs occasioned by such review which may be decreed against such petitioner or petitioners, such petition shall be considered as abandoned and shall be dismissed and proceedings may be had in all respects as though no such review had been ordered. Upon such review there shall be the same proceedings as upon a caveat; and the allowance of the will and granting of letters may be affirmed or the will rejected and the letters revoked. The Register shall have authority to determine the costs occasioned by such review and decree the payment of such costs by the petitioner or petitioners. In cases where the Register is personally interested in any question raised by said petition, the word "Register" wherever used in this section shall be interpreted as meaning "Orphans' Court".

Approved April 6, 1933.

## CHAPTER 180

## SETTLEMENT OF ESTATES

**AN ACT to Amend Article 2 of Chapter 98 of the Revised Code of Delaware (1915), Requiring Non-Residents of the State of Delaware to File Power of Attorney With the Register of Wills Before the Issuance of Letters Testamentary or of Administration, by Inserting a New Section to be Known as 3343 (a), Sec. 10 (a).**

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

Section 1. That Chapter 98 of the Revised Code of the State of Delaware, as heretofore amended, be and the same is hereby further amended by inserting immediately following 3343, Sec. 10, therein the following new section to be known as 3343 (a), Section 10 (a):

3343 (a), Sec. 10 (a). In case of the grant of Letters Testamentary or of Administration, the person designated as such Executor or Administrator, if a non-resident of the State of Delaware, or if a corporation not incorporated under the laws of the State of Delaware, shall file in the office of the Register of Wills, before the issuance of such Letters, an irrevocable power of attorney, designating the Register of Wills and his successors in office as the person upon whom all notices and process issued by any Court in the State of Delaware may be served, with like effect as personal service in relation to any suit, matter, cause or thing affecting or pertinent to the estate in which the letters are issued. It shall be the duty of said Register of Wills forthwith to forward, by registered mail, to the address of such Executor or Administrator, which shall be stated in said power of attorney, any such notices or process so served upon said Register of Wills, as aforesaid.

Approved April 6, 1933.

## CHAPTER 181

## SETTLEMENT OF ESTATES

**AN ACT to Amend Article 3 of Chapter 98 of the Revised Code of Delaware (1915), Relating to the Presumption of Notice of a Decedent's Debts, by the Repeal of 3374 Section 41 and Substituting Therefor a New Section, to be Known as 3374 Section 41.**

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

Section 1. That Chapter 98 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing all of 3374, Section 41, and substituting in lieu therefor a new section to be known as 3374, Section 41, as follows:

3374. Sec. 41. Of what Debts Notice Presumed:—An executor, or administrator, shall be deemed to have notice of judgments, decrees, recognizances and mortgages of record in any county of this State, unless there have been a failure to insert them in the index of the docket wherein they stand; except judgments and recognizances before a justice of the peace, of which he shall not be charged with notice, unless actual notice be given.

Approved April 6, 1933.

## CHAPTER 182

## SETTLEMENT OF ESTATES

**AN ACT to Amend Article 4 of Chapter 98 of the Revised Code of Delaware (1915) Relating to the Transfer of Securities of a Decedent's Estate, by the Repeal of 3396, Sec. 63, and by Substituting in Lieu Thereof a New Section, to be Known as 3396, Sec. 63.**

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

Section 1. That Chapter 98 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing all of 3396 Sec. 63 and substituting in lieu thereof a new Section to be known as 3396, Sec. 63, as follows:

3396, Sec. 63. Certificate of appointment of Fiduciaries; Sufficiency for Transfer of Corporate Securities. When stocks, bonds, or other securities of any incorporated company are transferred or assigned by executors, administrators, trustees, guardians, or other fiduciaries, the production of a certificate from the proper public official, under the seal of his office, setting forth such executor, administrator, trustee, guardian, or other fiduciary has been duly appointed such, and setting forth that such executor, administrator, trustee, guardian, or other fiduciary has authority to direct such transfer, assignment, or re-issue, shall be sufficient in law to authorize the officers of such company to transfer or re-issue such stocks, bonds, or other securities to such person or persons as such executor, administrator, trustee, guardian, or fiduciary may in writing direct, without liability on the part of any such company or its officers for the breach of trust, misconduct, or misapplication or mismanagement of property by such executor, administrator, trustee, guardian, or other fiduciary.

Approved April 6, 1933.

## CHAPTER 183

## SETTLEMENT OF ESTATES

**AN ACT to Amend Article 4 of Chapter 98 of the Revised Code of Delaware (1915) Relating to Publication of Notice of Administration and the Effect Thereof With Respect to Claims Against the Estate of Decedents, by the Repeal of 3398, Sec. 65, and by Substituting in Lieu Thereof a New Section, to be Known as 3398, Sec. 65.**

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

Section 1. That Chapter 98 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing all of 3398 Sec. 65 and by substituting in lieu thereof a new Section to be known as 3398, Sec. 65, as follows:

3398, Sec. 65. Notice of Administration; Publication of; Effect with Respect to Claims Against the Estate of a Decedent: The Register may and on application shall make and register an order directing an executor or administrator, by advertisements to be posted and published as specified in such order, to give notice of the granting of letters and the date thereof, and requiring all persons having claims against the decedent to exhibit the same to such executor or administrator or abide by the law in this behalf.

The order shall require the advertisements to be posted, within forty days from the grant of letters, in the County Court House and in at least two other public places in the county wherein the decedent resided at the time of his death and, if deemed expedient, to be inserted within the same period in one or more newspapers to be designated therein and reinserted in such newspaper or newspapers not less frequently than once a week for a period of not less than three weeks.

If an executor or administrator shall observe the directions of such order, all claims against the estate of the decedent,

## SETTLEMENT OF ESTATES

whether due, not due or contingent, not presented to such executor or administrator in writing with an affidavit provided for in Sec. 43 of this Chapter and of which he shall not have notice as provided in Sec. 41 of this Chapter within one year after the date of the granting of letters to such executor or administrator shall be forever barred; and any claim not so barred which shall have been rejected by an executor or administrator shall be forever barred unless an action or suit be commenced thereon within three months after the executor or administrator shall have notified the claimant of such rejection by a writing delivered to him in person or mailed to his last address known to the executor or administrator. The foregoing shall not apply to claims for legacies or distributive shares of an estate of a decedent.

The Register shall have authority to take the deposition of a witness or witnesses to prove that the directions in the above mentioned order have been complied with.

Approved April 6, 1933.

## CHAPTER 184

## SETTLEMENT OF ESTATES

**AN ACT to Amend Article 4 of the Revised Code of Delaware, (1915) Relating to Decrees of Distributions of Decedents' Estates, by Inserting a New Section, to be Known as 3403 (a), Sec. 70 (a).**

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

Section 1. That Chapter 98 of the Revised Code of Delaware (1915) be and the same is hereby amended by adding thereto a certain new section immediately following 3403 Section 70, to be known as 3403 (a) Sec. 70 (a) to read as follows:

3403 (a) Sec. 70 (a). Decree of Distribution; Publication of Notice and Effect thereof: An executor or administrator or any person claiming to have an interest in the estate to be distributed may, at any time after any account has been filed by an executor or administrator, apply for a decree of distribution to the Register of Wills, who shall, if it appear to the Register that the estate or any part thereof may then be distributed, make such a decree determining the distribution of the estate then available for distribution to the person or persons who are by law entitled to the same. If it appear that a portion of the estate may then be distributed and the balance of the estate is reserved for contingent liabilities against the estate, such decree may, if the Register deem proper, determine the distribution of such balance if and to the extent that the same may thereafter become available for distribution. Upon the making of any decree of distribution, the Register shall order notice of the making of such decree to be posted in the County Court House in the County where the decedent resided at the time of his death and published in such newspaper or newspapers, at such intervals, not less frequently than once a week, and for such period, not less than three weeks, as he may designate in such order, and if the provisions of such order be complied with such decree of distribution shall become final and conclusive upon the executor or administrator, legatee, distributees and all persons, other than creditors of the deceased, claiming to have an interest in the dis-



## SETTLEMENT OF ESTATES

tribution of the estate with respect to all matters contained therein, unless within two months after the first notice shall have been published, as aforesaid, an appeal from such decree be taken to the Superior Court. In cases where the Register is personally interested in the estate or portion thereof to be distributed under such decree, the word "Register" wherever used in this section shall be interpreted as meaning "Orphans' Court".

Approved April 6, 1933.

## CHAPTER 185

## SETTLEMENT OF ESTATES

**AN ACT to Amend Article 9 of Chapter 98 of the Revised Code of Delaware (1915) Relating to the Settlement of Estates, by the Repeal of 3415, Sec. 82, and by Inserting in Lieu Thereof a New Section, to be Known as 3415, Sec. 82.**

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

Section 1. That Chapter 98 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing all of 3415, Section 82, and inserting in lieu thereof a new section to be known as 3415, Sec. 82, as follows:

3415, Sec. 82. Widow's Allowance: The widow of any decedent shall be entitled to receive and the executor or administrator shall pay to her, as soon as conveniently may be during the year of administration, cash up to the amount of \$500.00 out of the estate of the decedent, which payment shall take priority over all unsecured debts, expenses, legacies, taxes, and all other unsecured claims against the estate of the decedent. The foregoing provision shall not affect any other rights to which she may be entitled either under the will of her husband or the provisions of the intestacy laws of this State.

Approved April 6, 1933.

## CHAPTER 186

RIGHTS OF CREDITORS AND ASSIGNEES OF A  
BENEFICIARY OF A TRUST**AN ACT to Amend Chapter 117 of the Revised Code of Delaware (1915) Relating to Rights of Creditors and Assignees of a Beneficiary of a Trust, by Inserting a New Section, to be Known as 3907 (b) Sec. 64 (b).**

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

Sec. 1. That Chapter 117 of the Revised Code of Delaware (1915) be and the same is hereby amended by adding thereto a new section immediately following 3907 (a) Sec. 64 (a), to be known as 3907 (b) Sec. 64 (b) and to read as follows:

3907 (b) Sec. 64 (b). Creditors and assignees of a Beneficiary of a Trust: The creditors of a beneficiary of a trust shall have only such rights against such beneficiary's interest in the trust property or the income therefrom as shall not be denied to them by the terms of the instrument creating or defining the trustor by the laws of this State; provided, however, that if such beneficiary shall have transferred property to the trust in defraud of his creditors the foregoing shall in no way limit the rights of such creditors with respect to the property so transferred. Every interest in trust property or the income therefrom which shall not be subject to the rights of the creditors of the beneficiary, as aforesaid, shall be exempt from execution, attachment, distress for rent, and all other legal or equitable process instituted by or on behalf of such creditors. Every assignment by a beneficiary of a trust of his interest in the trust property or the income therefrom which is, by the terms of the instrument creating or defining the trust unassignable, shall be void.

Approved April 6, 1933.

## CHAPTER 187

## EXECUTIONS

**AN ACT to Repeal 4329, Section 10, of Chapter 133 of the Revised Code of Delaware (1915).**

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

Section 1. That Chapter 133 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing all of 4329, Section 10.

Approved April 6, 1933.

## CHAPTER 188

LIMITATIONS OF EXCEPTIONS TO ACCOUNTS  
OF EXECUTORS

**AN ACT to Amend Chapter 147 of the Revised Code of Delaware (1915) Relating to Limitations of Exceptions to Accounts of Executors, Administrators and Guardians, by the Repeal of 4692, Sec. 7, and by Inserting in Lieu Thereof a New Section, to be Known as 4692, Sec. 7.**

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

Sec. 1. That Chapter 147 of the Revised Code of Delaware (1915) be and the same is hereby amended by striking out and repealing all of 4692 Sec. 7 and substituting in lieu thereof a new Section to be known as 4692, Sec. 7, as follows:

4692, Sec. 7. Exceptions to Accounts; Administration; Guardian: If an executor or administrator shall, within three months after the settlement of any account filed by him with the Register, give notice in writing to all persons entitled to share in the distribution of the estate, or their guardians, respectively, if resident within the State, that such account is lodged in the Office of the Register for inspection, no exceptions to such account shall be received, filed or considered in the Orphans' Court after the expiration of three months after the giving of such notice, and no exceptions to an account of a guardian settled in the Orphans' Court shall be received or filed in the Superior Court after the expiration of three years from the settlement of said account.

Approved April 6, 1933.

# TITLE EIGHTEEN

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## The General Police

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### CHAPTER 189

#### SOLDIERS AND SAILORS

**AN ACT to Amend Chapter 100 of the Revised Code of Delaware, in Reference to the Burial of Indigent Soldiers and Sailors.**

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

Section 1. That Chapter 100 of the Revised Code of Delaware, as amended by Chapter 207, Volume 35, Laws of Delaware, be and the same is hereby further amended by repealing 3474. Sec. 39, thereof, and by inserting in lieu thereof a new Section, as follows:

3474. Sec. 39. The said sum of One Hundred Dollars shall be paid only under the following conditions and in the manner hereinafter stated, viz:

Whenever the Commander of the nearest Post representing the War in which the applicant was engaged, shall be notified of the death of any such indigent soldier, sailor, or marine, and shall upon careful investigation ascertain that the person so dying was not possessed of sufficient means to defray the expenses of interment, the Post Commander shall appear in person before a Notary Public and make affidavit to this effect. The said affidavit together with a copy of the discharge certificate of the said soldier, sailor or marine, or in the event that no copy of discharge certificate is available, then a certified record of service from The Adjutant General, shall constitute a draft on the State Treasurer for the sum of One Hundred Dollars. The State Treasurer shall

## SOLDIERS AND SAILORS

pay all such drafts as shall be drawn in accordance with the requirements of this Section and shall make special report of the same to the Governor to be laid before the General Assembly at the session next after the payment thereof.

Approved April 20, 1933.

## CHAPTER 190

### REGULATION OF SMALL LOANS

#### **AN ACT to Amend Chapter 100 of the Revised Code of Delaware Relating to the Regulation of Small Loans.**

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

Section 1. That Chapter 100 of the Revised Code of Delaware be and the same is hereby amended by inserting after paragraph 3558, Section 123 of said Chapter 100, a new section to be styled Paragraph 3558 A, Section 123 A, as follows :

It shall be unlawful for any person, association, firm, partnership, corporation, trustee, trustee system, association, or a combination of persons, having its principal place of business within or without the State, to advertise in this State, accept as security in any form personal property or wages, solicit, contract or agree with any resident of this State for the loaning of money at a rate of interest or charge in excess of that permitted by this Chapter ; the signing of any contract or other paper, the giving as security wages or of personal property located in this State, the receipt or sending by mail in or from this State of any paper, principal or interest shall be deemed an act within this State and the whole transaction shall be subject to the provisions of this Chapter.

Any violation hereof shall be a misdemeanor and subject to the penalties provided by Paragraph 3558, Section 123 of this Chapter ; and in any action for the recovery or re-payment of the money loaned, the lender shall be entitled to recover only the principal sum loaned together with interest at six per cent per annum, less the total payments made on said loan by the borrower ; nor shall the lender be permitted to make any attachment of wages of the borrower, notwithstanding any contract or agreement to the contrary.

Approved June 15, 1933.



## CHAPTER 191

### GENERAL PROVISIONS RESPECTING POLICE

#### **AN ACT to Amend Chapter 100 of the Revised Code of Delaware, as Amended by Chapter 214, Volume 30, Laws of Delaware, Prohibiting the Sale of Narcotic Drugs.**

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

Section 1. That Article 40 of Chapter 100 of the Revised Code of Delaware, be, and the same is hereby amended by repealing 3595, Section 160, and substituting in lieu thereof the following:

"3595, Section 160. It shall be unlawful for any person to sell, barter, exchange, distribute, give away, or in any manner dispose of, at retail or to a consumer, opium or coca leaves, morphine, cocaine, chloral-hydrate, alpha or betaucaine, heroin, codeine, cannabis indica, cannabis americana, cannabis sativa, loco weed, Canadian hemp, marajuahana, marajuana, and all allied drugs of the same botanical family, or any compound, manufacture, salt, derivative, or preparation thereof, or any synthetic substitute therefor, (hereinafter called narcotic drugs) within this State except upon the original written prescription of a duly licensed physician, dentist, or veterinary surgeon, and pursuant to all the requirements of this Act."

Approved April 11, 1933.

## CHAPTER 192

## JAILS AND WORKHOUSES

**AN ACT to Amend Chapter 101 of the Revised Code of the State of Delaware, in Relation to Jails and Work Houses.**

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

Section 1. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 241, Volume 29, Laws of Delaware, and by Chapter 199, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out 3608E, Section 12E thereof, and substituting in lieu thereof the following:

3608E, Section 12E. Male and Female, Young and Old Prisoners Separately Confined; Record of Conduct; Rules for Diminution of Sentence:—The prisoners in the Kent County jail and in the Sussex County jail shall be so classified that the parts of the jail appropriated to female prisoners shall be apart from those for the confinement of male prisoners. In like manner, prisoners of tender years and those young in crime shall be separated from the old and more hardened criminals. In order that good conduct may be properly rewarded, the Sheriff of Kent County and the Sheriff of Sussex County, as the case may be, shall keep a correct daily record of each prisoner, showing his behaviour, fidelity and compliance with the rules of the jail, to the end that each prisoner may merit diminution of the period of his confinement and recommendation for restoration of citizenship in cases of felony, under the following regulations:

First: For each month, commencing on the first day of his arrival at the jail, during which he has not been guilty of any violation of discipline, or any rules of the jail, and has labored with diligence and fidelity, he shall be allowed a reduction of five days from the period of his sentence.

Second: When a convict has passed one year of his sentence, less the reduction of his sentence as above provided, in

## JAILS AND WORKHOUSES

which he has not been guilty of any violation of discipline or of any of the rules of the jail and has labored with diligence and fidelity, then from that time he shall be allowed a reduction of seven days from each month of said sentence.

Third: When a convict has passed two years of his sentence, less the reduction of his sentence as above provided, then from that time he shall be allowed a reduction of nine days for each month from said sentence.

Fourth: When a convict has passed three or more years of his sentence, less the reduction of his sentence as above provided, then from that time he shall be allowed a reduction of ten days for each month from said sentence.

Fifth: For any violation of the rules and discipline or for want of diligence and fidelity in the performance of work, the convict shall not only forfeit all gained time and earnings for the month in which the delinquency occurs, but, according to the aggravated nature and frequency of his offences, the Sheriff of Kent County or the Sheriff of Sussex County, as the case may be, may deduct a portion or all of his previously earned time and money.

Sixth: If a convict passes the period of his sentence within five days of the completion thereof, without any violation of the rules and discipline, he shall be entitled to a certificate therefor, from the Sheriff of Kent County or the Sheriff of Sussex County, as the case may be, and also to a recommendation from the Sheriff of Kent County or the Sheriff of Sussex County, as the case may be, recommending him for pardon and restoration to citizenship.

Seventh: If a prisoner be prevented from labor by sickness or other infirmity, not intentionally produced by himself or from any cause for which he is not responsible, he shall be entitled by good conduct to the same deduction from his sentence for each month as above provided for.

Approved April 25, 1933.

## CHAPTER 193

## JAILS AND WORKHOUSES

**AN ACT to Amend Chapter 101 of the Revised Code of the State of Delaware, as Amended by Chapter 220, Volume 33, of the Laws of Delaware, and Chapter 251, Volume 37, of the Laws of Delaware, by Providing for the Parole of Certain Prisoners Sentenced to be Confined in the New Castle County Workhouse and the Jails of Kent and Sussex Counties.**

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

Section 1. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the first paragraph of 3608 L, Section 12 L thereof and substituting in lieu thereof the following:

1. That every prisoner who is, or may hereafter be sentenced to imprisonment for one year or longer for any offense against the State, except for rape, assault with intent to commit rape, incest or sodomy, or the possession, use or sale of Morphine, opium, cocaine, chloral-hydrate, or any of their compounds, and is or shall be confined in execution of said sentence in the New Castle County Workhouse or in the Kent County Jail or in the Sussex County jail, after serving one-half of the entire term or terms for which he or she has been sentenced, may be released on parole, when, in the judgment of the Board of Parole, the conditions herein provided for such release have been fully met.

Section 2. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the fourth paragraph of 3608 L, Section 12 L thereof and substituting in lieu thereof the following:

4. That the Board of Parole shall meet, for the transaction of business, once a month for at least ten months of each year at

## JAILS AND WORKHOUSES

the New Castle County Workhouse, at least once every three months at the Kent County jail and at least once every three months at the Sussex County jail, and at such other times and places as they, of their own motion, may decide. The Board of Parole shall establish and publish rules of procedure for the effective enforcement of the provisions of this Act, copies of which may be obtained by any person upon application. The Board shall annually elect one of its members to be president of the Board and also a secretary, who may be the parole officer or a member of the board and who shall serve without additional compensation. Each member of the Board shall receive as compensation for services as such, the sum of ten dollars (\$10.00) per diem for attendance at meetings of the Board, not exceeding twenty meetings each year, and in addition thereto, actual expenses incurred in attending such meetings.

Section 3. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the fifth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

5. That when it shall appear to the Board of Parole from the report of the warden of the New Castle County Workhouse or the report of the Sheriff of Kent County or the report of the Sheriff of Sussex County, as the case may be, and upon hearing an application for a release on parole, that a prisoner who is eligible for release on parole or who will be eligible for release on parole within three months of the hearing of the application of the prisoner for release on parole has reformed and that there is reasonable probability that said prisoner will not violate the laws of the State and that the release of such prisoner will be compatible with the welfare of society, then the Board of Parole may order the release of such prisoner at such time as he may become eligible for release on parole under the provisions of this Chapter, and upon such order, the said prisoner shall be released from confinement in the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, at such time as he may become eligible for release on parole under the

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provisions of this Chapter, subject to the terms and conditions imposed by the Board, of which a written copy shall be given to the prisoner, but such terms and conditions may, at any future meeting of the Board, be altered as they may see fit, and of such alteration the prisoner shall receive a written copy; provided, however, that the Board of Parole may, at any future meeting thereof, if it sees fit so to do, revoke any order for the release of a prisoner on parole, prior to the release of such prisoner from confinement. The terms of every release on parole shall include personal reports to the Board whenever and as required and directed by the Board and the adequate supervision of the prisoner by an officer of the Board and shall require continued good conduct and association satisfactory to the Board, and shall confine the limits of residence beyond which the prisoner shall not be allowed to go without the written permission of the Board. A prisoner at liberty under parole shall be deemed to be still in the legal custody and under the control of the Board of Trustees of the New Castle County Workhouse or the Sheriff of Kent County or the Sheriff of Sussex County, as the case may be subject to the conditions of release granted by the Board of Parole, until the expiration of the term or terms specified in his or her sentence, but the prisoner shall be liable to return to the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, as hereinafter provided, for violation of the terms of the release on parole. In determining the fitness of a prisoner for release on parole, the Board shall examine the prisoner personally, investigate and consider the previous record of the prisoner, the history of the case for which sentence is being served, the record of the prisoner while in the New Castle County Workhouse or in the Kent County jail or the Sussex County jail, as the case may be, the physical and mental condition of the prisoner and the probability of self-support, and shall keep a record of their findings and verdict in each case.

Section 4. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 251, Volume 37, Laws of Delaware, and by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby amended by striking out paragraph

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5 A of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

5A. That whenever the physical or mental condition of any prisoner confined in the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, demands treatment which the Board of Trustees of the New Castle County Workhouse or the Sheriff of Kent County or the Sheriff of Sussex County, as the case may be, cannot furnish, the said Board of Trustees of the New Castle County Workhouse or the Sheriff of Kent County or the Sheriff of Sussex County, as the case may be, may, if such action seems necessary to save the life of such prisoner, recommend that the case be considered by the Board of Parole at a regular or special meeting. When such case is so considered, the Board of Parole, if satisfied that removal from the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, is necessary to save the life of such prisoner, may order the release of such prisoner on parole without regard to the time already served by such prisoner. The Board of Parole shall parole in such case, only when arrangements have been made for the treatment of the prisoner in some institution. The Board of Parole may impose any conditions in case of parole as aforesaid, and may revoke the parole without hearing at any time and for any cause, and order the return of the prisoner to the New Castle County Workhouse, the Kent County jail or the Sussex County jail, as the case may be.

Section 5. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the sixth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

6. That the reduction from the period of sentence and recommendation for restoration of citizenship, in cases of felony, for good conduct during confinement, which is or may be provided by the laws of this State, shall be allowed also to a prisoner while on parole, and the fulfillment of the conditions of pa-

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role shall be regarded as equivalent to good conduct during confinement for which a reduction of the term of the sentence shall be granted, and for which the prisoner shall be entitled to a certificate and also a recommendation from the Board of Parole recommending him for pardon and restoration to citizenship; but the violation of the terms of parole, such as shall require the return of the prisoner to the New Castle County Workhouse, or the Kent County Jail or the Sussex County jail, as the case may be, by order of the Board of Parole, shall, upon the order of the Board, cause the forfeiture of all good time previously allowed in reduction of the term of sentence for good conduct, and the forfeiture of the right to a certificate and also to a recommendation from the Board of Parole, recommending the prisoner for pardon and restoration to citizenship.

Section 6. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the seventh paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

7. That it shall be the duty of the Clerk of the Court committing any prisoner to the New Castle County Workhouse or to the Kent County jail or to the Sussex County jail, as the case may be, for one year or more, to prepare and send to the Board of Parole within thirty days after such commitment, a certified copy of the record entries, including docket entries and minutes of the Court on file, relating to the case, and it shall be the duty of the police and of the law officers of the State, upon request, to furnish the Board of Parole with any information at their disposal in regard to any prisoner who shall become eligible for parole.

Section 7. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the ninth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:



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9. That when the parole officer shall have satisfactory evidence that a prisoner on parole has violated his or her conditions of release on parole, it shall be his duty to arrest and return the said prisoner to the New Castle County Workhouse or to the Kent County jail or the Sussex County jail, as the case may be, or when evidence shall be produced to the president of the Board of Parole that such a violation has taken place, he shall issue an order for the arrest and return of said prisoner to the New Castle County Workhouse or to the Kent County jail or to the Sussex County jail, as the case may be, and such an order shall be sufficient warrant to any officer authorized to serve process in this State to arrest and return said prisoner to the New Castle County Workhouse or to the Kent County jail or to the Sussex County jail, as the case may be, as though said prisoner had unlawfully escaped, and it shall be the duty of any such officer receiving such warrant to use the utmost diligence in securing the person of such prisoner.

Section 8. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the tenth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

10. That at the next meeting of the Board of Parole held at the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, after the return of any prisoner to the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, for alleged violation of the conditions of parole, said prisoner shall be given the opportunity of appearing before the Board of Parole and in case the prisoner can establish his or her innocence of violating the terms of parole or in case the Board finds there is reasonable doubt of such violation, the original order of release on parole shall again become effective and the prisoner shall be continued on parole with any change of conditions that the Board may deem advisable, but if the prisoner shall be deemed guilty, he or she shall be returned to the New Castle County Workhouse

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or to the Kent County jail or to the Sussex County jail, as the case may be, for the unexpired portion of the sentence to be served. A prisoner who has violated parole and been returned to the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, may, after a period of three months, be released again on parole, but no prisoner who has twice violated the terms of his or her parole shall again become eligible for parole and shall serve the balance of the term of his or her sentence in the New Castle County Workhouse or in the Kent County jail or in the Sussex County jail, as the case may be. A prisoner who fails to report to the Parole Board, as required, and changes his or her place of residence, so as not to be found by the parole officer, shall be reported to the next meeting of the Board by the parole officer and shall be declared to be delinquent and subject to arrest wherever and whenever found, as a prisoner who has unlawfully escaped and no part of the time from the date of declared delinquency to the date of return to the New Castle County Workhouse or to the Kent County jail or to the Sussex County jail, as the case may be, shall be counted as part of the time to be served under the sentence and the date of the termination of the sentence shall be extended, so that after arrest, at any time, the unexpired portion of the term remaining after the date of delinquency up to the date of return to the New Castle County Workhouse or to the Kent County jail or to the Sussex County jail, as the case may be, shall be served to complete the sentence originally imposed.

Section 9. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the eleventh paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

11. That in case a prisoner escapes the supervision of the Board of Parole and cannot be found, the Board of Parole shall notify the Warden of the New Castle County Workhouse or the Sheriff of Kent County or the Sheriff of Sussex County, as the case may be, and it shall thereupon become their duty to forth-

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with take such steps for the pursuit and arrest of such prisoner and to proceed against him or her as against a prisoner who has escaped from the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, and to secure his or her return to custody.

Section 10. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the twelfth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

12. Any prisoner who shall violate the conditions of his or her parole within the term for which he or she has been sentenced, shall be guilty of a misdemeanor and upon conviction thereof, shall be imprisoned for a period not exceeding one year, in addition to the unexpired portion of the term of the original sentence or sentences.

Section 11. That Chapter 101 of the Revised Code of the State of Delaware as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the thirteenth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

13. That all the necessary expenses incurred in the administration of this Act shall be paid by the State of Delaware and in view of this, the per capita payments made to the Board of Trustees of the New Castle County Workhouse or to the Sheriff of Kent County or to the Sheriff of Sussex County, as the case may be, for the maintenance of prisoners, shall cease for each prisoner when said prisoner is at liberty under the supervision of the Board of Parole.

Approved April 25, 1933.

## CHAPTER 194

## JAILS AND WORKHOUSES

**AN ACT to Amend Chapter 101 of the Revised Code of Delaware by Providing for the Parole of Certain Prisoners Whose Sentences Have Been Commuted by the Governor of This State.**

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

Section 1. That Chapter 101 of the Revised Code of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by adding after Paragraph 2 of 3608 L, Section 12 L, a new paragraph to be known as paragraph 2 A, as follows :

2 A. That whenever the sentence imposed upon any prisoner has been commuted by the Governor upon the recommendation in writing of the majority of the Board of Pardons after full hearing and said prisoner is otherwise eligible for release on parole, said prisoner may be released on parole after serving one-half of his or her commuted sentence or sentences or after serving fifteen years of a sentence commuted to life imprisonment, as the case may be, when, in the judgment of the Board of Parole, the conditions herein provided for such release have been fully met.

Approved April 25, 1933.

## JAILS AND WORKHOUSES

with take such steps for the pursuit and arrest of such prisoner and to proceed against him or her as against a prisoner who has escaped from the New Castle County Workhouse or the Kent County jail or the Sussex County jail, as the case may be, and to secure his or her return to custody.

Section 10. That Chapter 101 of the Revised Code of the State of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the twelfth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

12. Any prisoner who shall violate the conditions of his or her parole within the term for which he or she has been sentenced, shall be guilty of a misdemeanor and upon conviction thereof, shall be imprisoned for a period not exceeding one year, in addition to the unexpired portion of the term of the original sentence or sentences.

Section 11. That Chapter 101 of the Revised Code of the State of Delaware as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the thirteenth paragraph of 3608 L, Section 12 L thereof, and substituting in lieu thereof the following:

13. That all the necessary expenses incurred in the administration of this Act shall be paid by the State of Delaware and in view of this, the per capita payments made to the Board of Trustees of the New Castle County Workhouse or to the Sheriff of Kent County or to the Sheriff of Sussex County, as the case may be, for the maintenance of prisoners, shall cease for each prisoner when said prisoner is at liberty under the supervision of the Board of Parole.

Approved April 25, 1933.

## CHAPTER 194

## JAILS AND WORKHOUSES

**AN ACT to Amend Chapter 101 of the Revised Code of Delaware by Providing for the Parole of Certain Prisoners Whose Sentences Have Been Commuted by the Governor of This State.**

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

Section 1. That Chapter 101 of the Revised Code of Delaware, as amended by Chapter 220, Volume 33, Laws of Delaware, be and the same is hereby further amended by adding after Paragraph 2 of 3608 L, Section 12 L, a new paragraph to be known as paragraph 2 A, as follows:

2 A. That whenever the sentence imposed upon any prisoner has been commuted by the Governor upon the recommendation in writing of the majority of the Board of Pardons after full hearing and said prisoner is otherwise eligible for release on parole, said prisoner may be released on parole after serving one-half of his or her commuted sentence or sentences or after serving fifteen years of a sentence commuted to life imprisonment, as the case may be, when, in the judgment of the Board of Parole, the conditions herein provided for such release have been fully met.

Approved April 25, 1933.

## CHAPTER 195

## JAILS AND WORKHOUSES

**AN ACT to Amend Chapter 101 of the Revised Code of the State of Delaware relating to the sentence and committment of prisoners from Kent and Sussex Counties to the New Castle County Work House.**

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

Section 1. That 3611 Section 15 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of the third paragraph of the said Section and by substituting in lieu thereof the following:

"All persons convicted in Kent County of offenses against the laws of this State and sentenced to a term of imprisonment of ten years or less shall be committed to the custody of the Sheriff of Kent County and imprisoned in the Kent County Jail for carrying into effect sentences imposed.

"All persons convicted in Sussex County of offenses against the laws of this State and sentenced to a term of imprisonment of ten years or less shall be committed to the custody of the Sheriff of Sussex County and imprisoned in the Sussex County Jail for carrying into effect sentences imposed.

At every term of the Court of General Sessions and at every Court of Oyer and Terminer held in Kent and Sussex Counties, all prisoners, that may be sentenced or committed by said Courts for a term of more than ten years, may, in the discretion of said Court be committed to the custody of The Board of Trustees of the New Castle County Workhouse for carrying into effect sentences imposed. The Levy Court of Kent County and the Levy Court of Sussex County shall pay for the support and maintenance of the prisoners committed from each of said Counties, as

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by law provided. All the statutory provisions, relating to said New Castle County Workhouse, shall apply to the prisoners sentenced and committed as aforesaid, and said prisoners shall be subject to all the conditions which apply to persons committed to said Workhouse from New Castle County."

Approved June 1, 1933.



## CHAPTER 196

## JAILS AND WORKHOUSES

**AN ACT requiring the Board of Trustees of the New Castle County Workhouse to deliver prisoners committed to said New Castle County Workhouse from Kent and Sussex Counties to the Sheriffs of the respective Counties.**

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

Section 1. That the Board of Trustees of the New Castle County Workhouse be and they are hereby ordered, required, and directed to deliver to the Sheriff of Kent County at the first session of the Courts of General Sessions and Oyer and Terminer sitting in Kent County, after the approval of this Act, all prisoners in the Custody of said Board sentenced from Kent County that have remaining to be served ten years or less of their sentence, and to the Sheriff of Sussex County, at the first session of the Courts of General Sessions and Oyer and Terminer sitting in Sussex County, after the approval of this Act, all prisoners in the custody of said Board sentenced from Sussex County that have remaining to be served ten years or less of their sentence.

Section 2. The Sheriff of Kent County shall upon delivery of said prisoners to his custody, immediately bring them before the bar of the Court of General Sessions or Court of Oyer and Terminer as the case may be sitting in Kent County to be re-sentenced and committed to the custody of the Sheriff of Kent County to be by him confined in the Kent County Jail for the residue of their terms; and the Sheriff of Sussex County shall upon delivery of said prisoners to his custody, immediately bring them before the bar of the Court of General Sessions or Court of Oyer and Terminer as the case may be, sitting in Sussex County to be re-sentenced and committed to the custody of the Sheriff of Sussex County, to be by him confined in the Sussex County Jail, for the residue of their terms.

Section 3. The Judges of the State of Delaware who would sit in the Court of Oyer and Terminer in the Counties of Kent

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and Sussex at the June and July terms 1933 of said Court in case a session thereof were held be and they are hereby authorized and directed to call and hold a session of said court of Oyer and Terminer in said Counties during the June and July Terms 1933 of the Court of General Sessions in said Counties for the purpose of carrying out the provisions of this Act.

Approved May 26, 1933.

# TITLE NINETEEN

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## Courts

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### CHAPTER 197

#### JUVENILE DELINQUENTS

**AN ACT to Amend Chapter 116 of the Revised Code of the State of Delaware by providing for the establishment of a Juvenile Court for Kent and Sussex Counties and for the regulation of the care, treatment, and control of delinquent, incorrigible, and dependent children in Kent and Sussex Counties.**

*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 116 of the Revised Code of the State of Delaware shall be and the same is hereby amended by adding thereto the following new sections to be known as 3844, Section 29, 3845, Section 30, 3846, Section 31, 3847, Section 32, 3848, Section 33, 3849, Section 34, and 3850, Section 35:

3844, Section 29. There is hereby created a special Court for Kent and Sussex Counties, to be known as the Juvenile Court of Kent and Sussex Counties, which shall have sole and exclusive jurisdiction in all cases in Kent and Sussex Counties relating to Children, including juvenile delinquents, truants, neglected, incorrigible, dependent, and unprotected children, and all other cases where the custody or legal protection of children is in question, provided, however, that said Juvenile Court of Kent and Sussex Counties shall not have probate jurisdiction.

3845, Section 30. The Judge of the Court of Common Pleas for Kent County shall be ex-officio the Judge of the Juvenile Court of Kent and Sussex Counties.

3846, Section 31. The place provided by the Levy Court of Kent County for the holding of the Court of Common Pleas for

## JUVENILE DELINQUENTS

Kent County shall also be used for the holding of the Juvenile Court of Kent and Sussex Counties when the latter Court sits in Kent County. It shall be the duty of the Levy Court of Sussex County to provide some suitable place in the Sussex County Court House, or such other place as the said Levy Court shall provide, for the holding of the said Juvenile Court of Kent and Sussex Counties when the latter Court sits in Sussex County. All expenses of the Juvenile Court of Kent and Sussex Counties for books, records, writs, and other papers necessary for the said Court to function in Kent and/or Sussex Counties shall be paid by the respective Levy Courts of Kent and/or Sussex Counties upon bills presented to the same, verified by the Judge of the Juvenile Court of Kent and Sussex Counties.

3847, Section 32. The Clerk of the Court of Common Pleas for Kent County shall act as the clerk of the Juvenile Court of Kent and Sussex Counties when the said Court sits in Kent County, and the Clerk of the Peace of Sussex County shall act as Clerk of the Juvenile Court of Kent and Sussex Counties when the said Court sits in Sussex County. In each County, a special record book, or books, shall be kept by the Court for all cases under its jurisdiction, to be known as "The Juvenile Court Records"; and the docket or calendar of the Court, upon which shall appear the case or cases, shall be known as "The Juvenile Court Docket." The Clerks of the Juvenile Court of Kent and Sussex Counties shall, in their respective Counties, annually submit to the Court of General Sessions a report in writing upon blanks to be furnished by the Levy Courts of the respective Counties, showing the number and disposition of delinquent, dependent, or neglected children brought before the said Court, together with such other useful information regarding such cases, and the parentage of such children as may reasonably be obtained at the trial thereof, provided, that the name or identity of any such child or parent shall not be disclosed.

3848, Section 33. The Judge of the Juvenile Court of Kent and Sussex Counties shall have authority to appoint or designate one or more discreet persons, men or women, of good moral char-

## JUVENILE DELINQUENTS

acter to serve as probation officers during the pleasure of the Court. One of said Probation Officers so appointed shall be designated as Chief Probation Officer, and shall possess, and is hereby vested with all the power and authority of the Sheriff of Kent or Sussex Counties to make arrests and authority to go into the home of any delinquent child.

When any child is to be brought before the Court, it shall be the duty of the Probation Officer to make investigation of such case and to be present in Court to represent the interests of the child when the case is heard, to furnish to the Court such information and assistance as the Court or Judge may require and to take charge of any child before and after the trial, as may be directed by the Court; and in all cases before final disposition of the case is made there shall be a social and psychological study of the child and in more serious cases, a psychiatric study with the assistance of a mental hygiene clinic.

3849, Section 34. All fines and costs collected by the clerks of the Juvenile Court of Kent and Sussex Counties shall be paid to the county treasurer of the county in which they are collected.

3850, Section 35. Sections 13, 14, 19, 20, 21, 22, 22A, 24, 25, 25A (as enacted in Chapter 253, Volume 29, Laws of Delaware), 26, and 27 of this Chapter shall apply to the Juvenile Court of Kent and Sussex Counties and to the care, treatment, and control of delinquent, incorrigible, and dependent children in Kent and Sussex Counties with the same force and effect and to the same extent as they now apply to the Juvenile Court for the City of Wilmington and New Castle County, and to the care, treatment, and control of delinquent, incorrigible, and dependent children in New Castle County.

Section 2. Nothing in this Act shall be construed to affect the jurisdiction of Justices of the Peace in Kent and Sussex Counties.

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Section 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Section 4. This act shall become effective on the first day of July A. D., 1933.

Approved May 2, 1933.

## CHAPTER 198

## APPLICATION OF RULES AGAINST PERPETUITIES

**AN ACT with reference to the application of rules against perpetuities to powers of appointment.**

*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 of Delaware (1915) be and the same is hereby amended by adding thereto a new section immediately following 3907 Sec. 64, to be known as 3907 (a) Section 64 (a) and to read as follows:

3907 (a) Sec. 64 (a). Powers of Appointment; Effect of Rules against Perpetuities on: Every estate or interest in property, real or personal, created through the exercise, by will, deed or other instrument, of a power of appointment, irrespective of whether such power is limited or unlimited as to appointees, irrespective of the manner in which such power was created or may be exercised, and irrespective of whether such power was created before or after the passage of this Act, shall for the purpose of any rule of law against perpetuities, remoteness in vesting, restraint upon the power of alienation or accumulations now in effect or hereafter enacted be deemed to have been created at the time of the exercise and not at the time of the creation of such power of appointment; and no such estate or interest shall be void on account of any such rule unless such estate or interest would have been void had it been created at the date of the exercise of such power of appointment otherwise than through the exercise of a power of appointment.

Approved April 6, 1933.

## CHAPTER 199

## COURT OF COMMON PLEAS

**AN ACT to amend an act creating a Court of Common Pleas for Kent County.**

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

Section 1. That Section 17 of Chapter 262, Volume 37, Laws of Delaware, be amended by striking out the period after the word "Peace" at the end of the first paragraph on Page 848 and inserting a semi-colon in lieu thereof and adding immediately thereafter the following proviso:—

"Provided, however, that in all such cases of election like proceedings shall be had in said Court of Common Pleas as are had in cases originating in said Court."

Section 2. That Chapter 262 of Volume 37, Laws of Delaware, be amended by adding after Section 18 thereof a new Section to be known as Section 19 of said Act.

"Section 19. The Court of Common Pleas for Kent County shall have concurrent jurisdiction to hear, try and determine the following offenses when committed in Kent County:

Discharging gun or pistol in or near Town &c., as provided in 3440 Sec. 5 of the Revised Code of Delaware, 1915, as amended.

Lewdly playing with female child under sixteen years, as provided in 4708 Sec. 12 of the Revised Code of Delaware, 1915, as amended.

Attempting to burn as provided in 4726 Sec. 6 of the Revised Code of Delaware, 1915, as amended.



## COURT OF COMMON PLEAS

Unlawful and Wilful Breaking and Entering No Intent Being charged, as provided in 4733, Section 13 of the Revised Code of Delaware, 1915, as amended.

Entering Enclosure and Taking Fruit, Vegetables, &c., if attached to the soil as provided in 4743, Sec. 23, Revised Code of Delaware, 1915, as amended.

Entering Enclosure and Gathering Fruit as provided in 4744 Sec. 24 Revised Code of Delaware, 1915, as amended.

Injury to Holly, Cedar, or Evergreen Trees and Saplings, without owner's consent, as provided in 4748 Sec. 28, Revised Code of Delaware, 1915, as amended.

Conversion of Property as Bailee, as provided in 4749 Sec. 29 of the Revised Code of Delaware, 1915, as amended.

Secretion, Destruction or Removal from County of Property levied upon or seized under Execution, Attachment Process or Distress for Rent as provided in 4756 Sec. 36, Revised Code of Delaware, 1915, as amended.

Issuance of Worthless Cheques &c for Valuable Consideration, as provided in 4758 Sec. 38 Revised Code of Delaware, 1915, as amended.

Threats to Destroy or Injure Building, Factory, or Warehouse, in or near which persons reside or work, as provided in 4765 Sec. 45 Revised Code of Delaware, 1915, as amended.

Discharge of Firearm in Public Road, as provided in 4801, Sec. 8 Revised Code of Delaware, 1915, as amended.

Pointing Firearms as provided in 4802 Sec. 9 Revised Code of Delaware, 1915, as amended.

Approved April 21, 1933.

# TITLE TWENTY

## Justices of the Peace

### CHAPTER 200

#### JUSTICES OF THE PEACE

**AN ACT Requiring Justices of the Peace to File in the Prothonotary's Office of their Respective Counties Abstracts of Judgments and Date of Issuance of Executions.**

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

Section 1. On and after the approval of this Act it shall be the duty of each Justice of the Peace of the State of Delaware upon issuing an execution on a judgment of record in his office to file within two days after the date of issuance of said execution, Sundays and legal holidays excepted, a certified abstract of said judgment and execution in the office of the Prothonotary in the County where said execution was issued under the hand and seal of said Justice of the Peace showing the name of the Justice of the Peace, the plaintiff or plaintiffs, the defendant or defendants, the amount of the judgment, the date of issuance of the said execution, and the name of the person to whom the said writ was issued. The jurisdiction of the Justice of the Peace and of the Constable over said judgments and executions, shall be and remain as heretofore.

Section 2. In event an execution is issued in due form of law and an abstract of the record, as outlined in Section 1 of this Chapter, is not filed in the appropriate office within two days from the date of its issuance, Sundays and legal holidays excepted, the said execution shall lose its priority over a subsequent execution issued in due form of law and filed in the appropriate office within the purview of this Act.

## JUSTICES OF THE PEACE

Section 3. Upon the filing of the said abstract under the hand and seal of the Justice of the Peace as set forth in Section 1 of this Act the Prothonotary of the County wherein said abstract is filed shall forthwith record same in a docket or book to be designated and marked "Records of executions from Justices of the Peace".

Section 4. Each Justice of the Peace shall receive as costs twenty cents (\$0.20) for each abstract so filed as set forth in Section 1 of this Act upon presenting a bill to the Levy Court of their respective counties.

Section 5. The Levy Courts of each County, Sussex, Kent and New Castle shall provide the Prothonotaries of the respective Counties with a book or books, docket or dockets with cross indexes to be known, designated and marked "Records of Executions from Justices of the Peace".

Section 6. Upon the failure of any Justice of the Peace to file in the office of the Prothonotary in his County a certified abstract of a judgment and execution as provided in Section 1 of this Act the said Justice of the Peace shall be liable to the party losing such priority in execution to a sum not exceeding Five Hundred Dollars (\$500.00) to be recovered by suit in debt.

Approved April 11, 1933.

# TITLE TWENTY-ONE

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## Civil Actions, Pleading and Practice

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### CHAPTER 201

#### PLEADING AND PRACTICE IN CIVIL ACTIONS

#### **AN ACT to Amend Chapter 128 of the Revised Code of the State of Delaware Relating to Actions of Debt and Covenant.**

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

That Chapter 128 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting immediately after 4177, Section 14, the following section to be known as 4177A, Section 14A:—

4177A. Section 14A. Covenant and Debt; Distinction between Immaterial:—In all actions of covenant, it shall be no objection to maintaining such actions that, but for this section, the form thereof should have been debt; and in all actions of debt it shall be no objection to maintaining such actions that, but for this section, the form thereof should have been covenant.

Approved April 11, 1933.

## CHAPTER 202

### PLEADING AND PRACTICE IN CIVIL ACTIONS

#### **AN ACT to Amend Chapter 128, of the Revised Code of Delaware, relating to Pleading and Practice in Civil Actions.**

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

Section 1. That 4204, Section 41, of Chapter 128 of the Revised Code of Delaware, be and the same is hereby amended by striking out said 4204, Section 41, of Chapter 128, and inserting in lieu thereof the following:

4204. Section 41. Counsel Fees; Judgment for; in what Cases Recoverable; Limit of:—In all causes of action, suits, matters or proceedings brought for the enforcement of any note, bond, mechanics lien, mortgage, or other instrument of writing, if the plaintiff or lien holder in said action, suit or proceeding shall recover judgment in any sum, he shall also be entitled to recover reasonable counsel fees, which shall be entered as a part of the decree or judgment in said action, suit or proceeding; providing, however, that such counsel fees shall not in any such action, suit, or proceeding, exceed five percentum of the amount decreed for principal and interest; and further provided, that such Counsel Fees shall not be entered as a part of such decree or judgment, unless the note, bond, mortgage or other instrument of writing sued upon shall, by the terms thereof expressly provide for the payment and allowance thereof, except in the cases of mechanics liens in which no express agreement shall be necessary in order to entitle the lien holder to his reasonable counsel fees.

Section 2. This Act shall be effective and applicable to all causes of action, suits, matters of proceedings brought after the passage and approval hereof.

Approved May 26, 1933.

# TITLE TWENTY-TWO

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## Proceedings in Special Cases

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### CHAPTER 203

#### LANDLORD AND TENANTS

**AN ACT relating to the Landlord and Tenant and Imposing certain duties on incoming and outgoing Tenants.**

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

Section 1. On and after the approval of this Act it shall be the duty of any Tenant Farmer in the State of Delaware who is surrendering possession of a farm on or before January first of each and any year to husk, shock and house all corn on said farm before giving up possession on said premises.

Section 2. In the event the outgoing tenant, or the tenant giving up possession does not cut and shock the corn fodder on said farm, then the incoming tenant may be privileged to enter upon said farm and cut and shock the said corn fodder.

Section 3. In the event the said outgoing tenant, or the tenant giving up possession cuts, shocks, husks and reshocks said corn he shall be privileged to feed the entire amount of said corn fodder grown on said farm that year, provided the said corn fodder as aforesaid is feed upon the farm on which said corn was grown and in no event may the said tenant giving up possession move from said farm any corn fodder without first having obtained consent of the landlord or owner of said farm.

Section 4. In the event that the tenant giving up possession, or the outgoing tenant does not cut and shock said corn, then in that event the incoming tenant shall be privileged to

## LANDLORD AND TENANTS

enter upon said farm and cut and shock said corn when said corn is ripe and shock same and as compensation for cutting and shocking the said corn the outgoing tenant shall leave on said farm one-half of the corn fodder grown on said farm that year for said incoming tenant to use for feeding purposes.

Section 5. In the event the incoming tenant shall cut and shock the said corn as referred to in this Act and the tenant giving up possession, or the outgoing tenant does not leave one-half of said corn fodder for the use of feeding purposes of the incoming tenant, then in that event the tenant giving up possession, or the outgoing tenant shall be liable to the incoming tenant for double the value of all of the fodder used on said farm by the tenant giving up possession, or the outgoing tenant over and above one-half of the amount of said corn fodder grown on said farm.

Approved May 9, 1933.

# TITLE TWENTY-THREE

## Limitation of Actions

### CHAPTER 204

#### LIMITATIONS OF APPEALS AND EXCEPTIONS

**AN ACT to Amend Chapter 147, 4688 Section 3 of the Revised Code of the State of Delaware, Relating to Limitation of Appeals and Exceptions.**

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

Section 1. That 4688 Section 3 of Chapter 147 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Section, and inserting in lieu thereof the following:

"4688. Sec. 3. Appeals from Final Decree of Chancellor: No appeal from a final decree of the Chancellor shall be received or entertained in the Supreme Court, unless the praecipe therefrom shall be duly filed in the office of the clerk thereof within six months after the signing of said decree."

Approved April 20, 1933.



# TITLE TWENTY-FOUR

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## Crimes and Punishments

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### CHAPTER 205

#### OFFENSES AGAINST PRIVATE PROPERTY

#### **AN ACT to Amend Chapter 150 of the Revised Code of the State of Delaware Relating to Offenses Against Private Property.**

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

Section 1. That Chapter 150 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting after the end of 4762 Sec. 42 thereof the following three sections, to be known respectively as 4762A, Sec. 42A; 4762B, Sec. 42B; 4762C, Sec. 42C.

4762A. Sec. 42A. Use of Spurious Coins for Fraudulent Operation of Vending Machines, etc.:—Any person who, by means of any token, slug, false or counterfeited coin, or by any other means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any vending machine, coinbox telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or in connection with the sale, use or enjoyment of property or service, knowingly shall operate or cause to be operated, or shall attempt to operate or attempt to cause to be operated, any vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America, or whoever shall take, obtain, accept or receive, from or by means of any such machine, coinbox telephone or other receptacle, any article of value or service or the use or enjoyment of any telephone, telegraph or other facility or service, without depositing in, delivering to and pay-

## OFFENSES AGAINST PRIVATE PROPERTY

ment into such machine, coin-box telephone or receptacle the amount of lawful coin of the United States of America required therefor by the owner, lessee or licensee of such machine, coin-box telephone or other receptacle, shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars (\$200.00), or by imprisonment of not more than sixty (60) days, or by both in the discretion of the court.

4762B. Sec. 42B. Manufacture, etc, of Such Spurious Coins:—Whoever, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any vending machine, coin-box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America in furtherance of or in connection with the sale, use or enjoyment of property or service or the use or enjoyment of any telephone, telegraph or other facilities or service, or whoever knowingly or having cause to believe that the same is intended for fraudulent or unlawful use on the part of the purchaser, donee or user thereof, shall manufacture for sale, sell or give away any token, slug, false or counterfeited coin or any device or substance whatsoever intended or calculated to be placed, deposited or used in any such vending machine, coin-box telephone or other receptacle, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment of not more than six (6) months, or by both in the discretion of the court.

4762C. Sec. 42C. Jurisdiction of Municipal Court:—The Municipal Court of the City of Wilmington shall have concurrent jurisdiction over all violations of the two preceding sections within the corporate limits of the City of Wilmington.

Approved April 21, 1933.

## CHAPTER 206

## OFFENSES AGAINST PRIVATE PROPERTY

**AN ACT to Amend Chapter 150 of the Revised Code of the State of Delaware Relating to Offenses Against Private Property.**

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

Section 1. That Chapter 150 of the Revised Code of the State of Delaware be and the same is hereby amended by inserting after the end of 4766, Sec. 46 thereof, the following four sections to be known respectively as 4766A, Sec. 46A; 4766B, Sec. 46B; 4766C, Sec. 46C; 4766D, Sec. 46D.

4766A. Sec. 46A. Divulging Contents of Telegraph or Telephone Messages:—That it shall not be lawful for any person connected with any line of telegraph or telephone within this State, whether as operator, or in any capacity whatsoever, to use or cause to be used, or make known or cause to be made known, the contents of any dispatch or message, of whatsoever nature, which may be sent or received over any line of telegraph or telephone in this State, without the consent or direction of either the party sending or receiving the same; and all dispatches or messages which may be sent from any point in this State for transmission to any other point, shall be so transmitted without being made public or their purport in any manner divulged at any intermediate point, on any pretense whatever; and in all respects the same inviolable secrecy, safe-keeping and conveyance shall be maintained by the officers and agents employed in the several telegraph and telephone lines in this State, in relation to all dispatches or messages which may be sent or received, as is now enjoined by the laws of the United States in reference to the ordinary mail service; Provided, That nothing in this section contained shall be so construed as to prevent the publication at any point of any dispatch or message of a public nature, which may be sent by any person or persons with a view to general publicity; and provided further that nothing in this Section contained shall be construed to prevent the production by any employee of any telegraph or telephone company of any dispatch or message or other document or record of any such

## OFFENSES AGAINST PRIVATE PROPERTY

telegraph or telephone company before any Court in this jurisdiction pursuant to lawful process issued from said Court.

4766B. Sec. 46B. Penalty for Making Known Contents of Message:—That in case any person, operator, or who may in any other capacity be connected with any telegraph or telephone line in this State, shall use or cause to be used, or make known or cause to be known, the contents of any dispatch or message sent from or received at any point in this State, or in any wise unlawfully expose another's business or secrets, such person shall be deemed guilty of a misdemeanor, and upon being duly convicted thereof shall, for every such offense, be subject to a fine of not less than one hundred dollars or imprisonment not exceeding six months, or both or either in the discretion of the court.

4766C. Sec. 46C. Injury to Telegraph or Telephone Property; Disclosure of Messages, etc.:—Any person or persons who shall displace, remove, injure or destroy any telegraph or telephone line, wire, cable, pole, conduit, manhole, pier, abutment or coinbox belonging to a telegraph or telephone company, or any other apparatus, material or property appurtenant thereto; or cut, break, tap or make any connection with any telegraph or telephone line, wire, cable or instrument belonging to a telegraph or telephone company; or who shall read, take copy, make use of, disclose, publish or testify concerning, any dispatch or message, communication or report intended for another passing over such telegraph or telephone line, wire, or cable, in this State; or who shall prevent, obstruct or delay, by any means or device whatsoever, the sending, transmission, conveyance or delivery, in this State of any dispatch or message, communication or report by or through any telegraph or telephone line, wire or cable, under the control of any telegraph or telephone company doing business in this State; or who shall use any apparatus unlawfully to do or cause to be done any of the acts hereinbefore mentioned; or who shall aid, employ or conspire with any person or persons unlawfully to do, or permit or cause to be done, any of the acts hereinbefore mentioned, such person or persons shall be deemed guilty of a misdemeanor, and upon being duly con-

## OFFENSES AGAINST PRIVATE PROPERTY

victed thereof, shall, for every such offense, be subject to a fine of not less than \$500. or imprisonment not exceeding one (1) year, or both or either, in the discretion of the court; Provided, That nothing in this Section shall apply to an employee or authorized agent of a telegraph or telephone company.

4766D. Sec. 46D. The Municipal Court of the City of Wilmington shall have concurrent jurisdiction over any violation of the three foregoing sections occurring within the corporate limits of the City of Wilmington.

Approved April 21, 1933.

## CHAPTER 207

GENERAL PROVISIONS CONCERNING CRIMES AND  
PUNISHMENTS**AN ACT to Amend Chapter 155 of the Revised Code of the State of Delaware Relating to General Provisions Concerning Crimes and Punishments.**

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

Section 1. That Chapter 155 of the Revised Code be amended by the insertion of a Section to be known as 4847 A. Sec. 42 A. to read as follows:

"4847 A. Sec. 42 A. Whenever an indictment shall have been found and returned in the Court of General Sessions, the trial whereof shall be in the Court of Oyer and Terminer, the said indictment shall be removed from the Court of General Sessions to the Court of Oyer and Terminer by order of said Court of Oyer and Terminer directed in open Court to the Clerk of the Court of General Sessions, upon motion of the Attorney General without the issuance of a writ of certiorari.

Approved May 2, 1933.

CHAPTER 208

PRIVATE ACT

**AN ACT to Supplement the Act Entitled "An Act to Incorporate  
Diamond State Savings Association", being Chapter 311,  
Volume 37, Laws of Delaware.**

Approved February 13, 1933.

## CHAPTER 209

## PRIVATE ACT

**AN ACT to amend an Act entitled "An Act to Incorporate the Security Trust and Safe Deposit Company", passed at Dover March 25, 1885, as amended, granting to said corporation the right to increase the number of its Board of Directors.**

Approved February 21, 1933.



## CHAPTER 210

## SENATE JOINT RESOLUTION

Be it Resolved by the Senate, the House of Representatives concurring therein, that Karlene H. Carpenter, and Harry G. Little be and they are hereby selected and authorized to act and to serve as Bill Clerk and Assistant Bill Clerk respectively of the Senate, and that Owen K. Moore and Edward S. Cordrey, be and they are hereby selected and authorized to act and to serve as Bill Clerk and Assistant Bill Clerk respectively for the House of Representatives during the Session of the One Hundred and Fourth General Assembly of the State of Delaware.

Approved March 13, 1933.

## CHAPTER 211

## SENATE JOINT RESOLUTION

Providing for the Celebration of the One Hundred and Fiftieth Anniversary of the Naturalization of Thaddeus Kosciuszko and his Appointment as Brevet Brigadier General of the Continental Army.

WHEREAS, on October 13, 1933, will occur the one hundred and fiftieth anniversary of the naturalization as an American citizen and appointment of Thaddeus Kosciuszko as Brevet Brigadier General of the Continental Army; and

WHEREAS, the services rendered by him were of great value and assistance to the cause of American independence and of such high importance that on October 13, 1783, he was granted citizenship as an American citizen and was appointed Brevet Brigadier General; and

WHEREAS, it is but fitting and proper that recognition should be given to the memory of Brigadier General Thaddeus Kosciuszko, whose illustrious service in the war for American independence is well known to all who are familiar with our history; therefore

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that the Governor is hereby directed to issue a proclamation, calling upon the citizens and public officials of the State of Delaware to display the flag of the United States at their homes and suitable public places, on October 13, 1933, in honor of the one hundred and fiftieth anniversary of granting naturalization as an American citizen and appointment of Thaddeus Kosciuszko as Brevet Brigadier General of the Continental Army;

That October 13, 1933, shall be designated and known as General Kosciuszko Citizenship Day, and the Governor is directed to request its observance as provided in this resolution;

That there is hereby established a commission to be known as the Delaware Kosciuszko Sesquicentennial Commission, to be

## SENATE JOINT RESOLUTION

composed of ten commissioners as follows; Six persons to be appointed by the Governor, two senators to be appointed by the President Pro Tempore of the Senate, and two Representatives to be appointed by the Speaker of the House of Representatives, of the State of Delaware;

That the commission is authorized to arrange an appropriate observance and celebration to take place in the month of October, 1933, in the State of Delaware of the one hundred and fiftieth anniversary of granting naturalization as an American citizen and appointment of Thaddeus Kosciuszko as Brevet Brigadier General of the Continental Army, in such manner as it deems advisable, in any observance or celebration of such anniversary which may be held in the State of Delaware during the year of 1933.

That the members of the Commission shall serve without pay, and no expense shall be incurred in the State of Delaware with reference to the said celebration.

That the Commission shall select a chairman from among its members.

Approved April 20, 1933.

## CHAPTER 212

## SENATE JOINT RESOLUTION

**AUTHORIZING the President Pro Tempore of the Senate and Speaker of the House of Representatives to appoint a commission to investigate the purchase and sale of milk and granting the commission certain powers.**

WHEREAS Milk is an essential human food and should be available in ample quantity and at reasonable prices to our people, and

WHEREAS There appears to be an unreasonable spread between the price paid by milk distributors to producers and the retail price paid by consumers, and

WHEREAS The returns to dairy farmers at the present low wholesale prices is slowly forcing this once prosperous class into the class of dependents, and

WHEREAS It is essential that producers of milk receive a just share of the retail price of milk which they produce, and

WHEREAS The regulations adopted by the State of Delaware and neighboring states with respect to the production of milk are burdensome and expensive particularly to the small producer,

**THEREFORE BE IT RESOLVED** By the Senate and House of Representatives of the State of Delaware in General Assembly met: That the President Pro Tempore of the Senate shall appoint three members of the Senate and the Speaker of the House of Representatives shall appoint three Members of the House who together shall constitute a joint legislative committee and whose duty it shall be to study and investigate (a) the production, preparation, distribution and marketing of milk; (b) the wholesale and retail prices of milk; (c) the milk laws and regulations of this and neighboring states and (d) whether any

## SENATE JOINT RESOLUTION

discriminations are practiced against milk produced in the State of Delaware and to take the testimony of such witnesses as may be deemed necessary to ascertain the full facts which will enable the committee to draft and report proper legislation designed to aid the dairy farmer in securing a reasonable price for milk produced, and

BE IT FURTHER RESOLVED That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the same force and effect as subpoenas issued out of the courts of this State. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee or to produce any books, papers, records and documents shall be subject to the penalties provided by the laws of this State in such cases.

BE IT FURTHER RESOLVED That the members of the aforesaid commission shall receive no compensation for their services, but each such member shall be entitled to his reasonable expenses actually incurred in the performance of his official duties, said expenses to be paid by the State Treasurer upon warrants signed by all of the members of the said commission out of any money in the general fund of the State Treasury not otherwise appropriated.

Approved March 28, 1933.

## CHAPTER 213

## SENATE JOINT RESOLUTION

**SENATE JOINT RESOLUTION Adopting the Report of a Commission appointed for the purpose of studying and investigating the Packing and Marketing of Delaware Food Products, and Providing for the Printing of said Report.**

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

Section 1. That the Report of the Commission appointed pursuant to a Joint Resolution creating a Commission for the purpose of studying and investigating the packing and marketing of food products and defining the powers of said Commission, approved April 2, 1931, is hereby received and adopted.

Section 2. The said Commission is hereby continued and further authorized to have printed a supply of the said Report for use in the schools and such other interested organizations as may be deemed advisable by the Commission, the cost of the said printing to be paid from the unexpended balance to the credit of the said commission.

Approved April 20, 1933.

## CHAPTER 214

## SENATE JOINT RESOLUTION

**APPROPRIATING Certain Money out of the State Treasury to  
Pay Certain Claims Against the State of Delaware.**

*Be it resolved by the Senate of the State of Delaware, the  
House of Representatives concurring therein:*

That the following amounts be and the same are hereby appropriated out of any money in the general fund of the State Treasury not otherwise appropriated, for the payment of certain claims against the State of Delaware, and the State Treasurer is hereby authorized and directed to pay to the respective persons hereinafter named the respective amounts set opposite their respective names, viz:

Hugh A. George Co., Supplies for Supreme Court .....	\$223.00
The Diamond State Telephone Company, Balance due from Special Session .....	\$ 6.95

Approved June 15, 1933.

## CHAPTER 215

## SENATE CONCURRENT RESOLUTION

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:*

That the Senate and House of Representatives meet in joint session in the Senate Chamber on Monday, January 9th, 1933, at 3 o'clock P. M. for the purpose of announcing the vote for Governor and Lieutenant Governor of the State of Delaware at the last general election, held on November 8, 1932.



## CHAPTER 216

## SENATE CONCURRENT RESOLUTION

WHEREAS, all experienced persons know that in each State, legislative problems continually increase, both in number and in complexity.

WHEREAS, it is obvious that in order to solve such problems most effectively, each legislature must give systematic, scientific and business-like consideration to the actual FACTS which have a bearing upon each question—to the extent that such facts have been determined by reliable research.

WHEREAS, each legislature must give similar consideration to the methods and experience of other jurisdictions in dealing with problems similar to its own.

WHEREAS, no such problems can be dealt with adequately until facilities are established to assist every inquiring legislator to secure the most accurate information and the most expert advice which are available.

WHEREAS, experience indicates the necessity for an interstate legislative reference bureau to serve as a clearing house of information between all of the legislative reference services which are now being conducted by numerous states, and also to serve as a clearing house of information between the legislatures and all other agencies which are engaged in the study and analysis of legislative problems, such as governmental departments, political science departments of universities, competent reputable associations, and all other sources of information.

WHEREAS, experience also indicates that in certain States which do not maintain substantial legislative reference services, there is an imperative need for such an interstate legislative reference bureau, which will assist the legislators of those States to secure whatever information they desire in analyzing the legislative problems which they must determine, and to make more readily accessible for them, without cost, the valuable material

## SENATE CONCURRENT RESOLUTION

which is at all times available from the legislative reference libraries and bureaus of various other states, and from many other reliable sources.

WHEREAS, every individual legislator in the United States shares the responsibility for improving the present inadequate and unsatisfactory condition of the legislative processes, but neither any individual legislator, nor any group of legislators from one State, can bring about such improvement without the cooperation of legislators of other States.

WHEREAS, such an interstate legislative reference bureau cannot be maintained by any one State alone, without the cooperation of the legislatures of other States.

WHEREAS, in order to set the machinery in motion to secure the necessary cooperation of the forty-eight legislatures, members of each legislature are working together in the development of the project of the American Legislators' Association.

WHEREAS, the said American Legislators' Association has now established in the vicinity of the University of Chicago, the Interstate Legislative Reference Bureau, which by explicit pledge is without color of politics, partisanship or propaganda, is conducted without profit, and is engaged upon three principal purposes:

FIRST: to procure promptly for all inquiring state legislators, and their agents, whatever information or advice they desire in connection with any legislative problem, primarily by assisting them to secure, without cost, the benefit of all researches conducted by governmental departments, universities, associations, legislative reference bureaus, and other agencies throughout the United States.

SECOND: to conduct a systematic study of the legislative processes of each of the States, in order to ascertain the practices which contribute most to efficient and economical organiza-

## SENATE CONCURRENT RESOLUTION

tion and procedure; and to render all possible assistance to each legislature—and to each legislative reference bureau—which is endeavoring to improve its organization.

THIRD: to publish for the benefit of all state legislators the monthly magazine, *State Government*, as well as special Bulletins, and thus to disseminate information which will be helpful to all conscientious students of legislation.

WHEREAS, the American Legislators' Association is promoting acquaintance and mutual understanding among all individuals and organizations officially concerned with the impartial and scientific functioning of the legislatures of the various States, by the organization of Standing Committees and Advisory Boards, and otherwise.

WHEREAS, the character and project of the American Legislators' Association have the endorsement, and its organization has the active cooperation, not only of its membership, which consists entirely of members and ex-members of state legislatures, but also of numbers of other responsible citizens, many of whom, having specialized knowledge, are serving on the Association's Advisory Boards.

NOW, THEREFORE, IT IS HEREBY RESOLVED: That the organization of the American Legislators' Association and of the Interstate Legislative Reference Bureau are hereby commended as legitimate and constructive efforts to assist the legislatures of the various States in the efficient performance of their work.

## CHAPTER 217

## SENATE CONCURRENT RESOLUTION

BE IT RESOLVED BY THE SENATE, the House of Representatives concurring therein, that the President Pro Tempore of the Senate appoint a committee of two (2) members on the part of the Senate to serve with a like committee to be appointed by the Speaker of the House of Representatives, to notify the Governor that both branches of the One Hundred and Fourth General Assembly are duly organized and ready to receive any communications that he may desire to present, or receive any message that he may choose to deliver, at such time as he may designate.

CHAPTER 218

SENATE CONCURRENT RESOLUTION

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:*

That at the close of the legislative day of January 9th, 1933, the two Houses of this General Assembly shall adjourn until 11 o'clock A. M. on Monday, January 16th, 1933.

## CHAPTER 219

## SENATE CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that a Joint Session of the two Houses be held at twelve o'clock noon on Tuesday, January 17th, 1933, in the Senate Chamber, for the purpose of witnessing the administering of the oath of office to Governor-elect Clayton Douglass Buck, and receiving his message to the General Assembly.

CHAPTER 220

SENATE CONCURRENT RESOLUTION

**IN REGARD to Adjournment Until Monday, January 23, 1933.**

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that at the end of the legislative day of January 19th, 1933, both Houses of the One Hundredth and Fourth General Assembly shall adjourn until Monday, January 23, 1933, at 12 o'clock noon.

## CHAPTER 221

## SENATE CONCURRENT RESOLUTION

**IN REFERENCE to the introduction of new business and visiting Institutions.**

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that no new bills other than the omnibus Appropriation Bills and no joint resolutions shall be received at the present session of the One Hundred and Fourth General Assembly after 4 P. M., Eastern Standard Time, on Monday, February 27th, A. D. 1933; and

BE IT FURTHER RESOLVED, That no Institutions of this State be visited by the members of this General Assembly after February 21st, A. D. 1933.



## CHAPTER 222

## SENATE CONCURRENT RESOLUTION

**PROVIDING for Joint Session to hear arguments pro and con in reference to the Temperance Laws.**

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:*

WHEREAS it is a matter of public concern as to whether or not the State Enforcement Laws should or should not be repealed, and

WHEREAS numerous requests have been made to the members of the One Hundred and Fourth General Assembly by the supporters of the wet and dry issues for an opportunity to be heard.

BE IT RESOLVED that the Senate and House of Representatives of the State of Delaware meet in joint session in the Senate Chamber on Monday, January 30th, A. D. 1933, at 1:30 o'clock P. M. for the purpose of hearing arguments in support of and arguments opposing anti-temperance measures, said hearing not to exceed three hours in the aggregate, the supporters of each side to be given one and one-half hours only, the argument in support of anti-temperance measures to be heard first.

BE IT FURTHER RESOLVED that the privilege of the floor be extended to the speakers selected by the supporters of each side of the temperance question.

## CHAPTER 223

## SENATE CONCURRENT RESOLUTION

WHEREAS this day, the thirtieth day of January A. D. 1933, being the fifty-first birthday of the Honorable Franklin D. Roosevelt, President-Elect of these United States, and

WHEREAS it is fitting that this General Assembly take this opportunity to extend to him its heartiest congratulations,

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

That the General Assembly on behalf of all citizens of the State of Delaware, does hereby extend to Franklin D. Roosevelt the heartiest congratulations upon this his fifty-first birthday.

That a copy of this resolution be spread at large upon the Journal, a copy delivered to the press, and a copy sent to the President-Elect, Franklin D. Roosevelt.

## CHAPTER 224

## SENATE CONCURRENT RESOLUTION

**AUTHORIZING the appointment of an Additional Member of the Senate to co-operate with the committee heretofore appointed by virtue of House concurrent Resolution No. 8.**

BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that the President Pro Tempore of the Senate appoint an additional member of the Senate to co-operate with the Committee heretofore appointed by virtue of House Concurrent Resolution No. 8 in reference to making arrangements for the representation of the State of Delaware at Washington on March 4th next at the Inauguration of the Honorable Franklin D. Roosevelt as President.

## CHAPTER 225

## SENATE CONCURRENT RESOLUTION

**MEMORIALIZING** the Congress of the United States to enact House Joint Resolution 191 to commemorate the one hundred and fiftieth anniversary of the naturalization as an American citizen in 1783 of Brigadier General Thaddeus Kosciuszko a hero of the Revolutionary War by issuing special series of postage stamps in honor of Brigadier General Thaddeus Kosciuszko.

WHEREAS, On October 13th, 1933, will occur the one hundred and fiftieth anniversary of the naturalization as an American citizen of Brigadier General Thaddeus Kosciuszko, a hero of the Revolutionary War; and

WHEREAS, the service rendered by him was of great value and assistance to the cause of American Independence and of such high importance that on October 13th, 1783, he was appointed Brevet Brigadier General of the Continental Army, and was granted his naturalization as an American citizen; and

WHEREAS, it is but fitting that proper recognition should be given to the memory of Brigadier General Thaddeus Kosciuszko whose illustrious service in the war for American Independence is well known to all who are familiar with our history; therefore

**BE IT RESOLVED**, by the Senate of the State of Delaware, the House of Representatives concurring therein, that the General Assembly of the State of Delaware hereby respectfully requests and urges His Excellency, Hon. Herbert Hoover, President of the United States, the Senators and Representatives in Congress from the State of Delaware, to respectfully memorialize the Congress of the United States to enact legislation which will provide for the effective carrying out of the provisions of the said Resolution, whereby the Postmaster General would be authorized and directed to issue a special series of postage stamps of the denomination of 3 cents, of such design and for

## SENATE CONCURRENT RESOLUTION

such period as he may determine, commemorative of the one hundred and fiftieth anniversary of the naturalization as an American citizen and appointment of Thaddeus Kosciuszko as Brevet Brigadier General of the Continental Army, on October 13, 1783.

That a copy of this Resolution be sent to President of the United States, Vice-President of the United States, Speaker of the House of Representatives, and to each United States Senator and the Representative in Congress from Delaware.

## CHAPTER 226

## SENATE CONCURRENT RESOLUTION

**A SENATE CONCURRENT RESOLUTION to study appropriate legislation needed to meet conditions in the State in case of modification of Federal prohibition laws or the repeal of the eighteenth amendment.**

WHEREAS the time is imminent when the United States Congress shall have passed a resolution proposing an amendment to the United States Constitution repealing the eighteenth amendment and

WHEREAS it is desirable to have some form of legislation enacted to meet conditions in the State if the Federal prohibition laws are modified or the eighteenth amendment repealed:

BE IT RESOLVED by the Senate and House of Representatives concurring therein that a temporary Commission is hereby created for the purposes herein specified consisting of three persons to be appointed as follows: one member to be appointed by the President Pro Tem of the Senate, one member to be appointed by the Speaker of the House and one member to be appointed by the Governor. Vacancies in the commission occurring from any cause shall be filled by the officer authorized to make the original appointment.

BE IT FURTHER RESOLVED that the commission shall elect a chairman and may elect a vice-chairman from its membership.

BE IT FURTHER RESOLVED that the duty of such Commission shall be to make a thorough examination and study of anticipated liquor problems in the State and conditions to be met by state legislation, and the scope and kind of legislation needed, in the event of a modification of existing Federal prohibition laws, or the repeal of the eighteenth amendment to the United States constitution, or both.

## SENATE CONCURRENT RESOLUTION

BE IT FURTHER RESOLVED that the commission may hold public hearings and shall, if time permits, present to the legislature, during the current session, a bill which in the commissions judgment will best control the manufacture sale and distribution of alcoholic beverages to the end that the cause of temperance will be enhanced, such bill to become effective, or parts thereof, just as soon as the Federal laws are modified or the eighteenth amendment repealed.

BE IT FURTHER RESOLVED that if in the judgment of the commission it finds that there is insufficient time to complete such a bill as referred to in the preceding paragraph then the commission will report its findings to the Governor for consideration when the next legislature convenes.

BE IT FURTHER RESOLVED that the members of this commission shall receive no compensation for their services under this resolution.

## CHAPTER 227

## SENATE CONCURRENT RESOLUTION

**IN REFERENCE to urging the Senate of the United States to Ratify the three pending World Court Treaties.**

WHEREAS, The Senate of the United States now has before it three treaties, already signed by executive authority, which when ratified will complete the adherence of the United States to the World Court; and

WHEREAS, the Delaware Legislature on January 2, 1925, adopted a resolution urging the Senate to settle the question of the entrance of the United States into the World Court; and

WHEREAS, the Senate, on January 27, 1926, by a vote of 76 to 17, provided for our adherence, with five reservations; and

WHEREAS, in the judgment of the Secretary of State, "the objections which caused the Senate reservations have been met" by the pending treaties; and

WHEREAS, both the Republican and the Democratic parties endorsed the completion of our adherence to the Court under the pending treaties, in their platforms of last June; and

WHEREAS, by adhering to the World Court and thus endorsing the principle of judicial settlement of certain classes of international disputes the United States may now contribute a stabilizing influence, in this troubled period, both at home and abroad;

THEREFORE BE IT RESOLVED That the Senate, the House of Representatives concurring therein, urges the Senate of the United States to ratify the three pending World Court treaties at the earliest practicable time; and



## SENATE CONCURRENT RESOLUTION

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Senators Hastings and Townsend of this State, with the request that the resolution be read into the Congressional Record.

## CHAPTER 228

## SENATE CONCURRENT RESOLUTION

**PROVIDING for a Commission to Consider Appropriate Legislation to meet conditions in case of Modification of Federal Prohibition Laws or Repeal of the Eighteenth Amendment.**

WHEREAS, the Congress of the United States has proposed an Amendment to the Constitution repealing the Eighteenth Amendment; and

WHEREAS, legislation appears desirable to meet possible conditions in this State, in case of modification of the Federal Prohibition Laws or the repeal of the Eighteenth Amendment;

THEREFORE, BE IT RESOLVED by the Senate of the State of Delaware, the House of Representatives concurring therein, that a Commission of Five Members is hereby created to consider the above mentioned conditions; one member of the said Commission shall be appointed by the President Pro-Tem of the Senate, one member shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the Governor. Any vacancy in the said Commission shall be filled by the Officer authorized to make the original appointment; and

BE IT FURTHER RESOLVED, that the said Commission shall elect a Chairman and may elect a Vice-President from its membership; and

BE IT FURTHER RESOLVED, that the said Commission make a thorough examination and study of anticipated liquor problems in this State and such legislation as shall be necessary, in case of modification of the Federal Prohibition Laws or the repeal of the Eighteenth Amendment; and

BE IT FURTHER RESOLVED, that said Commission, after due consideration, shall present to the General Assembly, at this Session, if time permits, proposed legislation which, in the

## SENATE CONCURRENT RESOLUTION

judgment of the said Commission, will best meet the situation hereinabove referred to; and

BE IT FURTHER RESOLVED, that if the said Commission finds that there is insufficient time to consider and prepare such proposed legislation for the present Session, then and in such event the said Commission shall report its findings and recommendations to the Governor for consideration at the next Session of the Legislature; and

BE IT FURTHER RESOLVED, that the members of the said Commission shall serve without compensation; and

BE IT FURTHER RESOLVED, that the Governor be and he is hereby requested to return to the Senate, Senate Concurrent Resolution No. 15, in reference to this same subject matter.

## CHAPTER 229

## SENATE CONCURRENT RESOLUTION

**RELATING to Adjournment of both Houses until Monday,  
March 6th, 1933.**

*Be it resolved by the Senate of the State of Delaware, the  
House of Representatives concurring therein:*

That, at the close of the Legislative Day of Thursday,  
March 2, 1933, both Houses of this General Assembly shall ad-  
journ until 12 o'clock noon, on Monday, March 6th, 1933.

## CHAPTER 230

## SENATE CONCURRENT RESOLUTION

**IN REFERENCE to hearing of Women's Joint Legislative Committee.**

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that on Thursday, March 16, 1933, from two to three o'clock P. M., there shall be in the Senate Chamber a hearing of the Women's Joint Legislative Committee, which represents twenty-three women's organizations in the State of Delaware, at which time they are to discuss any and all bills in which they are interested.

## CHAPTER 231

## SENATE CONCURRENT RESOLUTION

**RELATING to the program by the Women's Joint Legislative Committee.**

WHEREAS, the Program presented by the Women's Joint Legislative Committee before a Joint Session of the Delaware Assembly on Thursday, March 16, 1933 was very informative, enlightening, and instructive,

NOW THEREFORE BE IT RESOLVED by the Senate and the House of Representatives of the State of Delaware in General Assembly met:

That the speakers who so ably addressed the Joint Session, and the members of the Women's Joint Legislative Committee be and the same are hereby extended a vote of thanks and appreciation and that a copy of this resolution be forwarded to Mrs. A. D. Warner, Sr., Chairman of the said Women's Joint Legislative Committee.

## CHAPTER 232

## SENATE CONCURRENT RESOLUTION

## UPON THE DEATH of Honorable Thomas F. Gormley.

WHEREAS, in the death of Honorable Thomas F. Gormley, for several years a most valuable and respected member of the State Senate, an original member of the State Board of Charities, and member of the Department of Elections of the City of Wilmington, who served with credit and honor in all of these and in many other important stations in life, the State has lost one of its most valuable citizens; and

WHEREAS, it is most appropriate and fitting that this General Assembly, at its first opportunity, give public expression of its sincere regret and offer its sympathy to the family of the said deceased;

*Therefore, be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:*

That this General Assembly, on its own behalf, and on behalf of all of the citizens of the State of Delaware, does hereby express deep and sincere sorrow and regret at the death of the Honorable Thomas F. Gormley, and hereby emphasizes its and their full and sincere appreciation of his valuable services to his State; and

BE IT FURTHER RESOLVED, that this resolution be spread at large upon the Journal of the Senate, a copy be given to the press, and a copy be sent to the family of the deceased.

## CHAPTER 233

## SENATE CONCURRENT RESOLUTION

WHEREAS, September 18, 1933, will commemorate the two hundredth anniversary of the birth of George Read, one of the greatest and most illustrious of the citizens of this State;

*Therefore, be it resolved, by the Senate of the State of Delaware, the House of Representatives concurring therein:*

That this General Assembly deems it wise and proper to call to mind and memory the great ability and sterling character of George Read, one of the State's most famous sons, his great service not only to his State, but to the old colonies in the trying times when they were fighting for their liberty and independence and welding together the separate and individual States into the federal union of the United States of America; and

BE IT FURTHER RESOLVED: That this General Assembly express the appreciation of the citizens of this State, for the great services of George Read, as one of the great founders of our Federal Government, member of the First Continental Congress, signer of the Declaration of Independence, first Attorney-General of Delaware, President of the State Constitutional Convention in 1776, United States Senator, and finally Chief Justice of Delaware, until his death, on September 21, 1798, at New Castle, Delaware, where his body lies buried in Immanuel Churchyard; and

BE IT FURTHER RESOLVED: That this General Assembly remind the citizens of this State of the debt they owe to George Read and to his colleagues for the heritage that has come down to them from the days of the founding of this State and the Republic of the United States.



CHAPTER 234

SENATE CONCURRENT RESOLUTION

**PROVIDING for a Joint Session of Both Houses of the General Assembly, on April 10, 1933, to Hear Reports of the State Relief Commission.**

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:*

That both houses of this General Assembly convene in joint session, in the Senate Chamber, on Monday, April 10, 1933, at 2:30 P. M., to hear the reports of the State Relief Commission.

**CHAPTER 235****SENATE CONCURRENT RESOLUTION**

**PROVIDING for a Joint Session of Both Houses of the One Hundred Fourth General Assembly on April 11, 1933, to Hear the Report of the Commission Designated to Study Proposed Liquor Legislation.**

**BE IT RESOLVED** by the Senate of the State of Delaware, the House of Representatives concurring therein, that both Houses of this General Assembly convene in joint session in the Senate Chamber on Tuesday, April 11, 1933, at 10 o'clock A. M. to hear the report of the Commission heretofore selected to study proposed liquor legislation in this State.

## CHAPTER 236

## SENATE CONCURRENT RESOLUTION

WHEREAS, the arduous and exacting duties that devolve on the Secretary of the Budget Committee of the two legislative branches of the General Assembly require special ability and celerity in their execution; and

WHEREAS, the Honorable W. Jennings Poore, member of the House of Representatives, ably assisted by his Secretary, Miss Helen Skrivan, has done exceptionally fine and clean cut work as the Secretary of the Budget Committee;

THEREFORE, BE IT RESOLVED by the Senate of the One Hundred and Fourth General Assembly that their deep appreciation and thanks be conveyed to both Mr. Poore and to Miss Skrivan for their fidelity and ability in the discharge of their secretarial duties.

## CHAPTER 237

## SENATE CONCURRENT RESOLUTION

WHEREAS, the Reconstruction Finance Corporation, one of the highly important departments of the United States Government, has done incalculable good in coming to the relief of States, Municipalities, and industries in the present financial unrest; and

WHEREAS, the State of Delaware is deeply interested in everything that pertains to the betterment of our Government, as a whole, notwithstanding this Commonwealth has not been obliged to ask for financial help; and

WHEREAS, John Lyle Harrington, the head of the Engineering Advisory Board of the Reconstruction Finance Corporation, in Washington, is well-known in our State, having addressed the Legislature in joint session several years ago on the subject of the Chesapeake & Delaware Ship Canal;

THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that an invitation be extended to Mr. Harrington, through his friends, Donald R. Morton, Secretary to the President Pro Tem of the Senate, and John Price Hyatt, of Wilmington, to address the General Assembly in joint session, at a time mutually agreeable on what the aforesaid Reconstruction Finance Corporation has been able to accomplish for the rehabilitation of our country and its industries and what it further plans to accomplish to the end that business generally will soon assume normal proportions; and

BE IT FURTHER RESOLVED, that, although the members of our Legislature appreciate the fact that Mr. Harrington is a very busy man in attending to the important duties of his office, which have to do with the expenditure of many millions of dollars for the public good, it is the hope that he will find time, before the adjournment of our body, to honor us with his presence.

## CHAPTER 238

## SENATE CONCURRENT RESOLUTION

BE IT RESOLVED BY THE SENATE the House Concurring therein, that the Session of the Legislative Day Tuesday, May 16th, 1933, be at an end at 4 o'clock A. M. on Wednesday, May 17th, 1933, and that the two Houses of the One Hundred and Fourth General Assembly adjourn sine die at that hour.

## CHAPTER 239

## HOUSE JOINT RESOLUTION

**Authorizing the Designation of a Member of the Senate and a Member of the House of Representatives as Delegates to the Interstate Conference of Legislators and Appropriating Money to Pay the Expenses of said Delegates.**

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:*

WHEREAS, a meeting to be known as the Interstate Conference of Legislators has been called by the American Legislators' Association, to be held on Friday and Saturday, February 3 and 4, 1933, in Washington, D. C., at the Shoreham Hotel, to consider problems of conflicting taxation and to consider means for co-operation between the States in dealing with each other and with the Federal Government in respect thereto; and

WHEREAS, it is apparent that substantial benefits would result to the citizens of all states from a closer contact between the various legislatures, particularly with respect to problems of taxation where the inability of the States to deal with the Federal Government in an orderly and co-operative manner has involved heavy burdens upon the taxpayer, the Federal Government, and each State; and

WHEREAS, the present economic emergency creates an imperative necessity for joint counsel and concerted action; and

WHEREAS, the Senate and House of Representatives of the State of Delaware are invited to send as their delegates to this conference one member of each body as said bodies may determine:

Now, Therefore, Be It Resolved by the Senate of the State of Delaware, the House of Representatives concurring therein, that the President Pro Tempore of the Senate and Speaker of the House of Representatives each be, and they are hereby au-

## HOUSE JOINT RESOLUTION

thorized and directed to name a delegate to attend the said Interstate Conference of Legislators, to be held in Washington, D. C., on February 3 and 4, A. D. 1933, such delegate to be given evidence of his appointment as such delegate to said Conference; and

Be It Further Resolved, that the delegates so appointed make a report to the presiding officer of their respective Houses within ten days after the closing of said Convention; and

Be It Further Resolved that the sum of Fifty (\$50.00) Dollars be and the same is hereby appropriated out of the General Fund of the State Treasury, to be paid by the State Treasurer in sums of Twenty-five (\$25.00) Dollars to each of the said delegates so designated, as aforesaid, upon warrants drawn by the said delegates and approved by the Auditor of Accounts.

Approved February 1, 1933.

## CHAPTER 240

## HOUSE JOINT RESOLUTION

WHEREAS the place of honor being accorded to the State of Delaware at all national assemblages in recognition of its being the first State to adopt the Federal Constitution, it would seem to be required that proper representation be had at the Inaugural ceremony of the President-elect Franklin D. Roosevelt to be held on March 4, 1933, at the National Capitol; and

WHEREAS, a precedent having been set by the General Assemblies of the State of Delaware during the past twenty-four years, it would appear to be most fitting that a continuance of this precedent be had at this time when all sections of the country are enjoying an era of good feeling in regard to this coming National event. Therefore

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

In order that the State of Delaware may be appropriately represented at the Inaugural ceremonies of the Honorable Franklin D. Roosevelt as President of the United States, the sum of Five Thousand Dollars be and the same is hereby appropriated out of any moneys of the State not otherwise appropriated for the purpose of defraying the expenses of a military escort to the Governor of this State and his staff and of such other persons whom the Inaugural Committee of the One Hundred and Fourth General Assembly shall select. In the event that all of the money hereby appropriated be not used the balance shall revert back and become a part of the General Fund of the State of Delaware. Such moneys shall be paid by the State Treasurer upon proper warrants signed by the Chairman and Secretary of the Legislative Inaugural Committee.

Approved February 24, 1933.



CHAPTER 241

HOUSE JOINT RESOLUTION

**IN REFERENCE to Payment for Two Water Coolers Furnished  
to the Senate and House of Representatives.**

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate concurring therein, that the sum of Five Hundred and Seventy-Six Dollars (\$576.00) is hereby appropriated out of the General Fund of the State Treasury, for the purpose of paying for two water coolers furnished to the Senate and the House of Representatives of the State of Delaware by Downes' Music House, Inc., and the State Treasurer is hereby authorized and directed to pay the same to the said Downes' Music House, Inc., upon presentation of proper receipted bill.

Approved March 13, 1933.

## CHAPTER 242

## HOUSE JOINT RESOLUTION

**HOUSE JOINT RESOLUTION** Furnishing the Members of the  
One Hundred and Fourth General Assembly of the State of  
Delaware and Certain Employees Thereof With One Copy  
of the New Revised Code That Is Now Being Compiled.

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

That the State Librarian be and she is hereby authorized and instructed to furnish each member of the One Hundred and Fourth General Assembly of the State of Delaware, each Attorney for the Senate, each Attorney for the House of Representatives, the Secretary of the Senate, and the Chief Clerk of the House of Representatives one copy of the New Revised Code that is now being compiled, as soon as it is printed and ready for distribution.

Approved May 9, 1933.

## CHAPTER 243

## HOUSE JOINT RESOLUTION

**JOINT RESOLUTION Appointing Directors on the Part of the State for the Farmers Bank of the State of Delaware:**

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

There are hereby appointed as Directors of the Farmers Bank of the State of Delaware, for the Branch at Wilmington, on the part of the said State, Aaron Finger, William Coyne, and Leland Lyon; and there are hereby appointed as Directors of the Farmers Bank of the State of Delaware, for the Branch at Dover, on the part of the said State, Cornelius B. Hope, William D. Denney and Albert S. Moore; and there are hereby appointed as Directors of the Farmers Bank of the State of Delaware, for the Branch at Georgetown, on the part of the said State, John G. Townsend, Jr., J. Edward Goslee and Walter B. Hilyard.

**Approved May 9, 1933.**

## CHAPTER 244

## HOUSE JOINT RESOLUTION

**APPROPRIATING Certain Money Out of the State Treasury to  
Pay Certain Claims Against the State of Delaware.**

*Be it resolved by the House of Representatives of the State  
of Delaware, the Senate concurring therein:*

That the following amounts be and the same are hereby appropriated out of any money in the general fund of the State Treasury not otherwise appropriated, for the payment of certain claims against the State of Delaware for printing the Journals of the Senate and House of Representatives of the State of Delaware at the Special Session of the One Hundred and Fourth General Assembly, and the State Treasurer is hereby authorized and directed to pay to the respective claimants hereinafter named the respective sums set opposite their respective names, viz:

W. H. Wellborn, for printing the Senate Journal of the Special Session .....	\$392.00
The Index Publishing Company, for printing the House Journal of the Special Session .....	\$434.00

Approved May 15, 1933.

## CHAPTER 245

## HOUSE JOINT RESOLUTION

**APPROPRIATING Certain Moneys Out of the State Treasury  
to Pay Certain Claims Against the State.**

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate Concurring therein, that the following amounts be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of certain claims against the State of Delaware:

Thomas W. Killen, a/c Supreme Court .....	\$130.50
Austin D. Smith, a/c Supreme Court .....	\$ 52.00
Gideon F. LeGates, a/c Supreme Court .....	\$ 58.00
Robert A. Saulsbury, a/c Supreme Court .....	\$ 6.00

## CHAPTER 246

## HOUSE CONCURRENT RESOLUTION

**EXPRESSING the Sorrow of the General Assembly of the State of Delaware Upon the Death of the Honorable Herbert L. Rice,**

WHEREAS, The All-Wise Providence has seen fit to call to his reward, the Honorable Herbert L. Rice, one of the Judges of the Supreme Court of the State of Delaware, and

WHEREAS, the deceased did, with great distinction, serve the people of this State as a member of the judiciary for many years, and was recognized by all as outstanding, both as a lawyer and a judge, and one who, in his long and honorable career, gave to the citizenry of Delaware the benefits of a learned and efficient service, and

WHEREAS, by the death of Judge Rice, the people of Delaware have sustained a great loss; therefore

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

That the General Assembly of the State of Delaware by this resolution, in its humble manner, desires to express its sorrow at the great loss the State has sustained in the death of Judge Rice and to extend to his bereaved family its sympathy in this hour of its great trouble, and

That a duly certified copy of this resolution be sent to his widow and family.

## CHAPTER 247

## HOUSE CONCURRENT RESOLUTION

**EXPRESSING the Sorrow of the General Assembly of the State of Delaware at the News of the Death of the Honorable Calvin Coolidge, the Late President of the United States;**

WHEREAS, the General Assembly of the State of Delaware just learns with profound sorrow of the death of the Honorable Calvin Coolidge, late President of the United States, and

WHEREAS, the deceased was not only recognized as an eminent leader and statesman in the State of Massachusetts, having served with distinction many positions of trust and responsibility therein, but as well served the people of his country with great fidelity and is recognized by the people of the United States irrespective of party affiliation, as one of the outstanding Americans of the Age, and one who in his long and honorable service, gave the people of his State and Country the benefits of a learned and efficient leadership.

WHEREAS, by the death of Mr. Coolidge, the Country sustains a great and an irreparable loss, therefore

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

That the General Assembly of the State of Delaware by this resolution, in its humble manner, desires to express its sorrow at the great loss the Country has sustained in the death of Mr. Coolidge, and to extend to his bereaved family its sympathy in this hour of its great trouble, and

That a duly certified copy of this resolution be sent to his widow and family.

## CHAPTER 248

## HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of Honorable Bud Coy, who was an honored and respected member and former Speaker of the House of Representatives of the State of Delaware in the One Hundred and Third General Assembly, the State has lost a useful and valued servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer, at its first opportunity, its sympathy to the family of the late Mr. Coy in their bereavement, now therefore

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

That the General Assembly, on behalf of all the citizens of the State of Delaware, does hereby express deep regret at the death of the Honorable Bud Coy, of Georgetown, and emphasizes their full and sincere appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of these resolutions be spread at large upon the Journal, a copy be delivered to the press, and a copy sent to his family.



## CHAPTER 249

## HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of Honorable John Talley, who was an honored and respected member of the House of Representatives of the State of Delaware, in the One Hundred and Third General Assembly, the State has lost a useful and valued servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer, at its first opportunity, its sympathy to the family of the late Mr. Talley in their bereavement, now therefore

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

That the General Assembly, on behalf of all the citizens of the State of Delaware, does hereby express deep regret at the death of the Honorable John Talley, of New Castle County and emphasizes their full and sincere appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of this resolution be spread at large upon the journal, a copy be delivered to the press and a copy sent to his family.

## CHAPTER 250

## HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of the Honorable Henry P. Scott, who was an honored and respected citizen, philanthropist and banker, the State has lost a valuable servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer, at its first opportunity, its sympathy to the family of the late Mr. Scott in their bereavement, now therefore

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

That the General Assembly, on behalf of all the citizens of the State of Delaware, does hereby express its sympathy and regret at the death of the Honorable Henry P. Scott and emphasizes it and their full appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly; and

That a copy of these resolutions be spread at large upon the Journal, a copy be handed to the press, and a copy duly certified, be sent to his family.

## CHAPTER 251

## HOUSE CONCURRENT RESOLUTION

Relative to the proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice-President and Members of Congress, and fixing the time of the assembling of Congress.

WHEREAS at the first session of the Seventy-second Congress of the United States of America it was resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein) that the following article be proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the said Constitution, viz:—

## ARTICLE —————

Section 1. The terms of the President and Vice-President shall end at noon on the 20th day of January and the terms of Senators and Representatives at noon on the 3rd day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January unless they shall by law appoint a different day.

Section 3. If at the time fixed for the beginning of his term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President

## HOUSE CONCURRENT RESOLUTION

or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Section 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

*Therefore, be it resolved by the House of Representatives of the State of Delaware, (the Senate concurring therein):*

Section 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of the State of Delaware and shall be to all intents and purposes a part of the Constitution of the United States.

Section 2. That certified copies of this preamble and concurrent resolution be forwarded by the Governor of this State to the Secretary of State of the United States, and to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Section 3. That the Secretary of the Senate and the Clerk of the House of Representatives be, and are hereby directed, to deliver to the said Governor a certified copy of this resolution at their earliest convenience.

## CHAPTER 252

## HOUSE CONCURRENT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring therein, that it is the sense of the General Assembly that our State be fittingly represented at the inauguration of the Honorable Franklin D. Roosevelt, as President.

BE IT FURTHER RESOLVED that the Speaker of the House appoint a Committee consisting of three members of the House and the President Pro Tem of the Senate appoint a committee consisting of two members of the Senate to cooperate with the Governor of Delaware in making arrangements for the proper representation of our State at Washington on March 4th, next.

## CHAPTER 253

## HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of Honorable James A. Hirons, who was an honored and respected member of the House of Representatives of the State of Delaware in the General Assembly, in the biennium 1907-08, the State has lost a useful and valued servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer, at its first opportunity its sympathy to the family of the late Mr. Hirons in their bereavement, now therefore

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

That the General Assembly, on behalf of all the citizens of the State of Delaware, does hereby express deep regret at the death of the Honorable James A. Hirons, and emphasizes their full and sincere appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of this resolution be spread at large upon the journal, a copy be delivered to the press and a copy sent to his family.

## CHAPTER 254

## HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of William E. Cole, Liepsic, who was an honored and respected official in the Tax Department of the State of Delaware, the State has lost a valuable and useful servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer, at its first opportunity, its sympathy to the family of the late Mr. Cole in their bereavement, now therefore

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

That the General Assembly, on behalf of all the citizens of the State of Delaware, does hereby express deep regret at the death of Mr. William E. Cole of Leipsic, and emphasize it and their full and sincere appreciation of his services to his State:

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of these resolutions be spread at large upon the Journal, a copy be delivered to the press and a copy sent to Mrs. Cole.

## CHAPTER 255

## HOUSE CONCURRENT RESOLUTION

*Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein):*

WHEREAS, the Constitution of the State of Delaware provides "the General Assembly may by general laws exempt from taxation such property as in the opinion of the General Assembly will best promote the public welfare"; and

WHEREAS, the General Assembly, by general laws, has exempted from taxation all real and personal property, belonging to this State, or the United States, or any County of this State, or to any church or religious society and not held by way of investment, or to any corporation created for charitable purposes and not held by way of investment, or to any college or school and used for educational or school purposes, and also the real and personal property belonging to many other like religious, charitable and educational organizations; and

WHEREAS, in New Castle County the value of tax exempted properties is said to be far in excess of \$10,000,000, and it is believed that many of these properties have been exempted in violation of the provisions of the Constitution of this State, therefore

BE IT RESOLVED, that the Speaker of the House of Representatives appoint three members of said House and the President Pro Tempore of the Senate appoint three members of said Senate to constitute a committee to secure for the General Assembly an itemized list of tax-exempted properties in New Castle County and to make an investigation of such exemptions to the end that there may be a proper and legal adjudication of the assessments of property in said county.



## CHAPTER 256

## HOUSE CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate and House of Representatives of General Assembly in the State of Delaware that a joint session be held of the Senate and House of Representatives in the Senate Chamber, 2:30 P. M. Monday, February 13, 1933, to join in the exercises commemorating the anniversary of Abraham Lincoln.

## CHAPTER 257

## HOUSE CONCURRENT RESOLUTION

WHEREAS, considerable interest has been expressed by property owners in the State of Delaware regarding the condition of Ditches and the damage that has resulted therefrom to the farm lands of the State; and

WHEREAS, certain measures have been introduced in the Legislature, for the appropriation of money for the maintenance of said ditches and the transfer of said ditches from Ditch Companies to the State Highway Department of the State of Delaware; now therefore

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

That the President Pro tem of the Senate and the Speaker of the House, each is hereby directed to appoint a Committee of three (3) members of each house to meet as a joint Committee to consider the best means of aiding in the improvement of the ditches of the State of Delaware and that said Committee shall make a report to the respective houses stating the findings of said Committee.

## CHAPTER 258

## HOUSE CONCURRENT RESOLUTION

WHEREAS, November 8, 1932, marked the two hundredth anniversary of the birth of one of the greatest statesmen of the State of Delaware, John Dickinson:

AND WHEREAS, the remains of that illustrious man are resting in Delaware soil in the Friends Meeting House graveyard at Fourth and Washington Streets, Wilmington;

AND WHEREAS, it is the patriotic duty of all Delawareans to recall to memory from time to time the outstanding services rendered to the State and to the Nation by distinguished citizens;

BE IT RESOLVED, that the Senate and the House of Representatives record the appreciation of the citizens of Delaware of the services of John Dickinson to this Commonwealth and to the Nation as one of the principal architects of our present Federal form of government, and remind themselves of the debt they owe to him and to his colleagues for the heritage that has come down to them from the days of the founding of this State and of the Republic of the United States.

## CHAPTER 259

## HOUSE CONCURRENT RESOLUTION

Expressing the sorrow of the General Assembly of the State of Delaware at the news of the sudden death of the Honorable Thomas J. Walsh, the distinguished United States Senator from the State of Montana, and recently appointed Attorney General in the cabinet of the Honorable Franklin D. Roosevelt, President elect of the United States, and

WHEREAS, the General Assembly of the State of Delaware received with profound sorrow the news of the sudden death of Senator Walsh, from the State of Montana, and

WHEREAS, and by reason of his honesty and integrity and extraordinary ability, Senator Walsh was recognized as one of the ablest Statesmen of the times; not only has he served the State of Montana with distinction but likewise he has served his Country as well and was universally looked upon irrespective of party affiliations to be of great assistance in this time of need, and

WHEREAS, by the death of Senator Walsh the Country sustains an irreparable loss; therefore

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

That the General Assembly of the State of Delaware by this resolution, in its humble manner, desires to express its sorrow at the great loss the Country sustains in the death of Senator Walsh and further desires to extend to his bereaved wife and family its sympathy in this hour of sorrow, and

That a duly certified copy of this resolution be sent his widow and family, a copy to be delivered to the press, and a copy spread upon the journal.

## CHAPTER 260

## HOUSE CONCURRENT RESOLUTION

WHEREAS, the hand of tragedy has fallen upon one of the outstanding citizens of our country, Anton Cermak, the Mayor of Chicago, thereby causing a great loss; and

WHEREAS, the late Anton Cermak has rendered to his city and citizens thereof outstanding service appreciated by everyone and in his death the Nation has seen the passing of a hero, now therefore

BE IT RESOLVED by the General Assembly of the State of Delaware that the General Assembly, on behalf of the Citizens of Delaware evidence and express the sorrow and sympathy of the State upon the death of the Honorable Anton Cermak, Chicago, and emphasize their full and sincere appreciation of the sacrifice and heroism of Anton Cermak and that a copy of this resolution duly certified be sent to his family, the city of Chicago and the press.

## CHAPTER 261

## HOUSE CONCURRENT RESOLUTION

WHEREAS, the Senate and House of Representatives of the 104th General Assembly did mutually agree not to accept any business in the way of new bills after Four o'clock on the 27th day of February, A. D. 1933, and

WHEREAS, the Mayor and Council of Delaware City were unable to present a measure for the General Assembly's consideration by Four o'clock February 27th, A. D. 1933, and

WHEREAS, it is imperative that an Act be introduced to permit the Mayor and Council of Delaware City to borrow money for the purpose of issuing bonds, in order to pay certain bonds now outstanding of the Town of Delaware City maturing November 1, 1933, and

WHEREAS, it is imperative that an Act be introduced to permit the farmers of the State of Delaware to borrow funds from the Secretary of Agriculture of the United States, and providing a means of securing said loans, now, therefore,

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

That by mutual consent the original agreement not to introduce new business in the way of new bills after Four o'clock February 27th, A. D. 1933, be amended in order that the following Acts entitled "An Act Authorizing the Mayor and Council of Delaware City to borrow money and issue bonds thereof for the purpose of paying certain bonds of the Town of Delaware City maturing November 1st, 1933", and "An Act Permitting Farmers of the State of Delaware to Borrow Funds from the Secretary of Agriculture of the United States and Providing a Means of securing said Loans", may be introduced and acted upon.

## CHAPTER 262

## HOUSE CONCURRENT RESOLUTION

WHEREAS, science has recently developed a process by which grain, straw and other similar agricultural products may be utilized to produce a substitute or ingredient for a motor fuel; and

WHEREAS, if such process is given wide spread use it will tend to alleviate in measure the distress which is prevalent at the present time with our farmers inasmuch as our farmers will be able to dispose of their excess and surplus crops thereby, all of which will help to give the agricultural sections greater purchasing power, and thereby help to end the depression; and

WHEREAS, it appears that the problem is one of national scope and one that properly belongs in the jurisdiction of the National Congress, now therefore

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

That the National Congress be and it is hereby memorialized to give such aid and impetus as is necessary and fitting to promote the use of the process which utilizes the grain, straw and other agricultural products in producing a substitute or ingredient for gasoline or motor fuel.

## CHAPTER 263

## HOUSE CONCURRENT RESOLUTION

WHEREAS, in the death of Honorable Thomas F. Gormley, who was an honored and respected member of the Senate and of the House of Representatives of the State of Delaware and as well a faithful member of the Department of Elections of the City of Wilmington, the State has lost a useful and valued servant; and

WHEREAS, it is fitting that this General Assembly give public expression and offer, at its first opportunity, its sympathy to the family of the late Mr. Gormley in their bereavement, now therefore

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

That the General Assembly, on behalf of all the citizens of the State of Delaware, does hereby express deep regret at the death of the Honorable Thomas F. Gormley, of Wilmington, and emphasizes their full and sincere appreciation of his services to his State;

That we extend to his family the sincere sympathy of this General Assembly;

That a copy of these resolutions be spread at large upon the journal, a copy be delivered to the press, and a copy sent to his family.



CHAPTER 264

HOUSE CONCURRENT RESOLUTION

BE IT RESOLVED by the House of Representatives of the State of Delaware, the Senate concurring therein that Senate Concurrent Resolution No. 8 relative to the introduction of new business be modified so as to permit the introduction of a bill to be entitled:

**AN ACT to Carry Into Effect the Amendment to Section 4 of Article 1 of the Constitution of the State of Delaware, Relating to Trial by Jury.**

## CHAPTER 265

## HOUSE CONCURRENT RESOLUTION

WHEREAS, it is with profound regret that the General Assembly of the State of Delaware receives the news of the disaster to the Airship "Akron", now therefore

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

That this General Assembly in its humble way extend to the Secretary of the Navy of the United States its deep regret occasioned by the untimely disaster to the Akron and the sincere hope of each member of the General Assembly that loss of life was averted.

That a copy of this resolution be spread upon the Journal, a copy delivered to the Press and a copy sent to the Honorable Claude S. Swanson, Secretary of the Navy.

## CHAPTER 266

## HOUSE CONCURRENT RESOLUTION

WHEREAS the Senate and House of Representatives did agree that no new bills should be introduced for action in either House after the Twenty-seventh day of February, A. D. 1933; and,

WHEREAS, the following condition is found to exist in the Town of Hartley, Kent County, State of Delaware, to-wit:

That in 1917 an Act to incorporate the Town of Hartley was duly adopted by the Legislature wherein said charter of incorporation so set forth "the taxes raised per year must not exceed Three Hundred Dollars", and

WHEREAS, due to the fact that the Town of Hartley found it necessary to have electric lights and issue bonds and that the amount of Three Hundred Dollars (\$300.00) is not sufficient to take care of the annual indebtedness of said Town of Hartley and it is necessary to raise the sum to Five Hundred Dollars (\$500.00) for aforesaid indebtedness: Now, therefore,

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

That the agreement entered into not to introduce new business be and the same is hereby amended for the purpose only of receiving and acting on a Bill to increase the amount that might be raised by tax purposes to take care of the annual indebtedness of the said Town of Hartley.

## CHAPTER 267

## HOUSE CONCURRENT RESOLUTION

WHEREAS, the Congress of the United States has authorized the President to revise all appropriations for the operation of the Federal Government, and

WHEREAS, information has been received that in such revisions there is a possibility that all federal aid to the States be discontinued, and

WHEREAS, if such federal aid were discontinued such action would seriously impair, and possibly eliminate some important functions of State Government in the State of Delaware, and

WHEREAS, these said functions are of vital concern to the agriculture of the State of Delaware in as much as elimination of all federal aid for Experiment Stations would probably cause the closing of the Agricultural Experiment Station of the State of Delaware; elimination of federal aid for Cooperative Extension Work in Agriculture and Home Economics would cause the disintegration of that work; the elimination of federal grants for education in agriculture and mechanic arts would probably result in the abolishment of the School of Agriculture in the University of Delaware; and elimination of all federal grants for vocational agriculture would seriously cripple the vocational school work in the State, and

WHEREAS, the agricultural population would be deprived of all assistance, guidance and instruction in their farming operations at a time when such assistance, guidance and instruction is of paramount importance to their welfare, and

WHEREAS, the State of Delaware is financially unable to replace federal grants in aid by State funds,

BE IT RESOLVED that we, the General Assembly of the State of Delaware, do hereby petition and implore Honorable Franklin D. Roosevelt, President of the United States, that com-

## CHAPTER 266

## HOUSE CONCURRENT RESOLUTION

WHEREAS the Senate and House of Representatives did agree that no new bills should be introduced for action in either House after the Twenty-seventh day of February, A. D. 1933; and,

WHEREAS, the following condition is found to exist in the Town of Hartley, Kent County, State of Delaware, to-wit:

That in 1917 an Act to incorporate the Town of Hartley was duly adopted by the Legislature wherein said charter of incorporation so set forth "the taxes raised per year must not exceed Three Hundred Dollars", and

WHEREAS, due to the fact that the Town of Hartley found it necessary to have electric lights and issue bonds and that the amount of Three Hundred Dollars (\$300.00) is not sufficient to take care of the annual indebtedness of said Town of Hartley and it is necessary to raise the sum to Five Hundred Dollars (\$500.00) for aforesaid indebtedness: Now, therefore,

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

That the agreement entered into not to introduce new business be and the same is hereby amended for the purpose only of receiving and acting on a Bill to increase the amount that might be raised by tax purposes to take care of the annual indebtedness of the said Town of Hartley.

## CHAPTER 267

## HOUSE CONCURRENT RESOLUTION

WHEREAS, the Congress of the United States has authorized the President to revise all appropriations for the operation of the Federal Government, and

WHEREAS, information has been received that in such revisions there is a possibility that all federal aid to the States be discontinued, and

WHEREAS, if such federal aid were discontinued such action would seriously impair, and possibly eliminate some important functions of State Government in the State of Delaware, and

WHEREAS, these said functions are of vital concern to the agriculture of the State of Delaware in as much as elimination of all federal aid for Experiment Stations would probably cause the closing of the Agricultural Experiment Station of the State of Delaware; elimination of federal aid for Cooperative Extension Work in Agriculture and Home Economics would cause the disintegration of that work; the elimination of federal grants for education in agriculture and mechanic arts would probably result in the abolishment of the School of Agriculture in the University of Delaware; and elimination of all federal grants for vocational agriculture would seriously cripple the vocational school work in the State, and

WHEREAS, the agricultural population would be deprived of all assistance, guidance and instruction in their farming operations at a time when such assistance, guidance and instruction is of paramount importance to their welfare, and

WHEREAS, the State of Delaware is financially unable to replace federal grants in aid by State funds,

BE IT RESOLVED that we, the General Assembly of the State of Delaware, do hereby petition and implore Honorable Franklin D. Roosevelt, President of the United States, that com-

## HOUSE CONCURRENT RESOLUTION

plete elimination of federal grants to States for teaching, research, and extension work in agriculture, does not take place. We petition that the President of the United States give serious consideration to the fact that abolishment of all federal grants to the States might result in destroying the School of Agriculture of the University of Delaware, and the cessation of all its functions including research, experimentation, extension work, and collegiate instruction in the science and art of agriculture and that the elimination of aid from the School of Agriculture of the University of Delaware would work an undue hardship upon farmers and the agricultural industry of Delaware.

That a copy of this resolution be sent to the President of the United States and to each United States Senator and Representative in Congress from the State of Delaware.

## CHAPTER 268

## HOUSE CONCURRENT RESOLUTION

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

That Senate Concurrent Resolution No. 8 relative to the introduction of new business be modified so as to permit the introduction of a bill to be entitled:

AN ACT to enable the State of Delaware to share in the benefits of the Act of Congress entitled "AN ACT for the relief of unemployment through the performance of useful public work, and for other purposes," being Public—No 5-73—Congress (S.598) ; empowering the Temporary Unemployment Relief Commission to set aside the sum of Thirty Thousand Dollars for the use of the State Forestry Department in the acquisition of lands for State Forest, State Forest Parks and State Forest Demonstration Areas ; and empowering the State Forestry Department to exercise the right of eminent domain in connection therewith.



## CHAPTER 269

## HOUSE CONCURRENT RESOLUTION

*Be it resolved by the Senate and House of Representatives that:*

Senate Concurrent Resolution No. 8 relative to the introduction of new business be modified so as to permit the introduction of bills to make supplementary appropriations for the maintenance of the several institutions set forth in the General Appropriation Act and also for the St. Michael's Day Nursery and the Delaware Industrial School for Girls at Claymont.

# PROCLAMATIONS OF THE GOVERNOR

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## CHAPTER 270

### STATE OF DELAWARE

### EXECUTIVE DEPARTMENT

### PROCLAMATION

Every year the Nation's burden of property loss by fire, continues to increase. Last year, \$500,000,000 of property was destroyed and thousands of lives lost.

Since a proportionate share of this tremendous toll is borne by our own State, and since the greater part of all fire loss is avoidable if reasonable care is exercised

I, C. D. Buck, Governor of the State of Delaware, designate the week beginning October 4, 1931, as

### FIRE PREVENTION WEEK

and urge that each and every one of our citizens take an earnest, active interest in the occasion. To that end all civic and business associations, school authorities and all other bodies interested in public welfare, should assist in furthering this important observance with greater energy than heretofore.

C. D. BUCK,

Governor.

CHAPTER 271  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, pursuant to a Joint Resolution of the General Assembly of the State of Delaware, approved February 25, 1931, the Governor of the State of Delaware is authorized and directed to issue a proclamation in commemoration of the death of Brigadier General Casimer Pulaski, who died on October 11, 1779, from wounds received at the siege of Savannah, Georgia.

NOW THEREFORE, I, C. Douglass Buck, Governor of the State of Delaware, do hereby designate October 11th, of each year as

"GENERAL PULASKI'S MEMORIAL DAY"

and direct that the flag of the United States be displayed on all public buildings on said day; and I invite the people of Delaware to observe said day in schools and churches, and other suitable places, with appropriate ceremonies in commemoration of the death of this great American hero of the Revolutionary War.

IN TESTIMONY WHEREOF, I, C. Douglass Buck, Governor of the State of Delaware, have hereunto set my hand and affixed the Great Seal of said State, at Dover, this ninth day of October, in the year of our Lord One Thousand Nine Hundred and Thirty-one.

(Great Seal)

By the Governor:

C. D. BUCK.

W. D. DENNEY,

Assistant Secretary of State.

## CHAPTER 272

## STATE OF DELAWARE

## EXECUTIVE DEPARTMENT

## THANKSGIVING PROCLAMATION

In recognition of the Divine Providence which in the past has led our fathers through many difficulties to ever greater achievements, and amid the perplexities of the present year has enabled us, as a people, to carry on with confidence and courage, I, C. D. Buck, Governor of Delaware, do hereby proclaim the day appointed by the President of the United States

THURSDAY

NOVEMBER THE TWENTY-SIXTH  
NINETEEN HUNDRED AND THIRTY-ONE

AS

THANKSGIVING DAY

and commend its observance in our several communities in such manner as will preserve the hallowed traditions of the day, expressing our gratitude to the Almighty Father for the blessings with which He has favored our beloved State, and beseeching His continued guidance in our public and private lives.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto  
(Great Seal) affixed this sixth day of November, in the year of our Lord One Thousand Nine Hundred and Thirty-one and of the Independence of the United States of America, the One Hundred and Fifty-sixth.

By the Governor:

C. D. BUCK.

W. D. DENNEY,

Assistant Secretary of State.

## CHAPTER 273

## PROCLAMATION

## EXECUTIVE DEPARTMENT.

## DOVER, DELAWARE

WHEREAS, Pierre S. duPont, Tax Commissioner on behalf of the Tax Department of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby issue this proclamation according to the provisions of Section 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid are repealed:

A. B. Securities, Inc., Able Construction Company, A. C. Investment Company, Abel's Chain Stores Corporation, The, Abco Coal and Coke Company, A. J. Newell Company, A. J. Deer Company, Inc., Absorbent Knitting Co., Abington Land Company, The, A. P. Rainey & Sons, Inc., A. Rotman & Company, Inc., A. Russo & Co., Abbott-Veitch Vacuum Tank, Incorporated, A. W. Lawson and Company, Inc., Acker Amusement Corp., Acme Auto Glass Company, Acton Corporation, The, Acadia Dairies, Incorporated, Acme Heating Corp., Acme Klenz Corporation, Acme Nine to Ninety-Nine Cents Stores, Inc., Acme Oil Corporation, Acme Production Corporation, Academy Pocket Billiards, Inc., Advance Automobile Accessories Corporation, Adlite Corporation, The, Advance Commercial Co., Adamston Coal Company, Advance Heating & Electric Company, Adams Line Steamers, Incorporated, The, Adline Realty Co., Adams Woolen Manufacturing Company, Inc., Aerolite Alloys Co., Aeronautical Bankers Corporation of America, Airmobile Corporation of America, Agnew Corporation, The, Aer-Cel Duo Brick Corporation, Aero Electric Corporation of America, Aero

## PROCLAMATIONS

Electric Corporation, Aeromotive Engineering Corporation of America, Aeronautic Investments, Inc., Aidmore, Inc., Aerial-Marine and Aeroplane Corporation, Aircraft Manufacturing Corporation, Aircraft Motors Corporation, Aero Navigation Corporation, Aidyne Radio Corporation, Airlox Rubber Company, Alaska Consolidated Fisheries, Inc., Alaska Cannell Coal Company, Alamo Drilling and Leasing Company, Albert E. Jesser, Inc., Aldine Finance Corporation, Alco Gas & Fuel Company, Alaska Gold Nugget Mining Company, The, Alaska Industries Company, Al-In-One Radio Corporation, Alexander Lumsden, Inc., Aleutian Livestock Company, Alexander & McDevitt, Inc., Alexander Motor Co., Inc. of Philadelphia, Alabama Oil and Gas Company, Alexander Securities Company, Alexander Typewriter Company, Allyn-Beall Co., Inc., Allandale Club, Inc., Allegheny County Construction Co., Allan Corporation, The, Allied Commerce Corporation, Allston Coal Company, Allison Drug Stores Corporation, Alliance Equipment, Incorporated, Allied Gelatine Products Corporation, Allied Insurance Brokers, Inc., Allied Industries, Inc., Allen Land & Building Co., Alloy Metals & Manufacturing Corporation, Alligator Manufacturing Company, Allen Process Corporation, Alliance Paint Corporation, Allied Pneumatic Services of America, Inc., Alphuel Products Corporation, Aluminum Cleaner Corporation, Altamont Gas Development Company, Altama, Inc., Altamont Manufacturing Company, Alvarez Mining Co., Alton Superior Printing & Stationery Co., Amusement Business Corporation, The, Amalgamated Garages, Inc., Amalgamated Publishers Corporation, Ammex Petroleum Corporation, Amalgamated Rand Mines, Incorporated, American Aircraft Corporation of Pittsburgh, Pa., American Aviator, Inc., American Aircraft Corporation, The, American Airway Tours, Inc., American Associated Investors Corporation, American Airship Corporation, American Automotive Corporation, American Amplifier Company, American Agema Corporation, American Air Cooler Company, The, American Accumulator Company, American Bronze Ink Company, Inc., American Benzol Corporation, American Business Journals, Inc., American Bankers Signal System, Inc., American Bankshare Investment Trust, Inc., American Bankstocks Corporation, American Bituminous Coal Company, American Banking Machine Corporation, American

## PROCLAMATIONS

Barber Tool Company, American Bankers Investment Corporation, American Commercial Loan Company, American Concert Courses, Inc., The, American Commercial Airship Transportation Corporation, American Crankless Engine Corporation, American Controlled Development Corporation, American Chain Store Company, American Crystal Corporation, American Coach Lines, Incorporated, American Cuptor Corporation, American Consolidated Trading Co., American Colloid Chemical Corporation, American Dairy Farms, Inc., American Dairies, Inc., American Dental Parlors, Inc., Wilmington, Delaware, American Egg Flat Company, American Erban Corporation, American Eagle Export Company, Inc., American Equity Corporation of Wilkes-Barre, American Engineering Corporation of Delaware, American Financial Empire State Corporation, American Fur Growers' Productions, Inc., American Farm Gas Machine Company, Inc., American Fruit Distributors, Inc., American Fuel Saver Co., American Fertilizer and Chemical Works, Inc., American Grate Bar & Foundry Company, Inc., American Greyhound Racing Association, Incorporated, American Gum Corporation, American Gasoline Corporation, American Greenhouse Mfg. Corporation, American General Shipping Corporation, American Home Builders Association, American Hydrocarbon Company, Inc., American Insurance Publication, Inc., The, American Industrial and Finance Corporation, American Industrial Credit Company, American Interstate Corporation, American Inventories Corporation, American Insurance Security Corporation, American Lines, Inc., The, American Light Sales Co., American Laboratories, Inc., American Mortgage Bankers, Inc., American Mining Company, American Motor Transit Corporation, American Mercantile Lumber & Supply Co., American-Mexican Pacific Oil Corporation, American Metals Extension, Inc., American Music Corporation, American Machine Company, American News Traffic Corporation, American Optical Institute, Inc., American Onazote Company, Inc., American Projecting Company, American Reserve System, Inc., 1st Division, American Rota-Floor Corporation, American Railway Supplies Corporation, American Radium Colors, Inc., American Realty Company, The, American Railway Surfacing Machine Corporation, American Small Loan Company of Delaware, American Service Bureau,

## PROCLAMATIONS

Inc., American Shu-Klip Corporation, American Sugar Milling Company, American Statistical Corporation, American Standard Supply Company, American Show Dogs Association, Incorporated, American Standard Corporation, American Standard Timber Corporation, American Shale Reduction Company, American Safety Equipment Corporation, American Society of Culture, Ltd., The, American Trustee & Registrar Corporation, American Telephone "Don't Answer" Co., Inc., American Tire Service, Incorporated, American Tourist Camp Association, American Trust Corporation, American Threadlock Corporation, American Utility Fuel Company, American Utility Engineering Company, American Underwriters, Inc., Anderson Brothers Company, Anatolian Cotton Corporation, Anchor Corporation, The, Anderson Foundation, Incorporated, Ancient Order Knights and Daughter of Jerusalem Hall Association, The, Anchor Oil and Gas Co., Anglo-American Corporation, Andrew Brothers, Inc., Animated Color Advertising, Incorporated, Antley Development Company, Inc., The, Anselite Electric Manufacturing Co., Inc., Anglo-London Mining Corporation, Annette Mining Corporation, Anne McDanough-Galin-Paris-Sheve Methods, Inc., Anderson Sliding Casement & Window Corporation, The, Antillean Sea Island Cotton Co., Anglo-Texas Oil Company, Angle Union Corporation, Anderson Vacuum Corp., Apartment Builder, Inc., Apartment Homes Company, Inc., Aquabike Manufacturing Co., Inc., Apex Products Co. of Wilkes-Barre, Pa., Appraisal Valuation Co., Inc., Artstone Burial Vault Co., Arizona Bagdad Copper Company, Artum Chemical Manufacturing Company of Baltimore, Argonne Cemetery Company, Artercraft Construction Company, Arrott Construction Company, Armostone Corporation, Inc., Aramigo Construction Co., Arthur F. Erickson Corporation of Southern California, Artibonite Irrigation and Development Company, The, Arctic Ice Cream Company, Arizona Imperial Mines Extension, Inc., Arthur Leslie Smith Holding Corporation, Artercraft Light Shop, Inc., Arkwright Natural Gas Company, Inc., Arkel Oil Company, Ar-Rite Flooring Co., Artanna Realty Corporation, Arcade Recreation Company, Inc., Arizona Soap Products Company, Areo Transportation Co. of America, Art Tile Company, Ark United Oil Company, Armstead Ventures, Inc., Associated Business Corporation, Asbury Corporation, The,



## PROCLAMATIONS

Barber Tool Company, American Bankers Investment Corporation, American Commercial Loan Company, American Concert Courses, Inc., The, American Commercial Airship Transportation Corporation, American Crankless Engine Corporation, American Controlled Development Corporation, American Chain Store Company, American Crystal Corporation, American Coach Lines, Incorporated, American Cuptor Corporation, American Consolidated Trading Co., American Colloid Chemical Corporation, American Dairy Farms, Inc., American Dairies, Inc., American Dental Parlors, Inc., Wilmington, Delaware, American Egg Flat Company, American Erban Corporation, American Eagle Export Company, Inc., American Equity Corporation of Wilkes-Barre, American Engineering Corporation of Delaware, American Financial Empire State Corporation, American Fur Growers' Productions, Inc., American Farm Gas Machine Company, Inc., American Fruit Distributors, Inc., American Fuel Saver Co., American Fertilizer and Chemical Works, Inc., American Grate Bar & Foundry Company, Inc., American Greyhound Racing Association, Incorporated, American Gum Corporation, American Gasoline Corporation, American Greenhouse Mfg. Corporation, American General Shipping Corporation, American Home Builders Association, American Hydrocarbon Company, Inc., American Insurance Publication, Inc., The, American Industrial and Finance Corporation, American Industrial Credit Company, American Interstate Corporation, American Inventories Corporation, American Insurance Security Corporation, American Lines, Inc., The, American Light Sales Co., American Laboratories, Inc., American Mortgage Bankers, Inc., American Mining Company, American Motor Transit Corporation, American Mercantile Lumber & Supply Co., American-Mexican Pacific Oil Corporation, American Metals Extension, Inc., American Music Corporation, American Machine Company, American News Traffic Corporation, American Optical Institute, Inc., American Onazote Company, Inc., American Projecting Company, American Reserve System, Inc., 1st Division, American Rota-Floor Corporation, American Railway Supplies Corporation, American Radium Colors, Inc., American Realty Company, The, American Railway Surfacing Machine Corporation, American Small Loan Company of Delaware, American Service Bureau,

## PROCLAMATIONS

Inc., American Shu-Klip Corporation, American Sugar Milling Company, American Statistical Corporation, American Standard Supply Company, American Show Dogs Association, Incorporated, American Standard Corporation, American Standard Timber Corporation, American Shale Reduction Company, American Safety Equipment Corporation, American Society of Culture, Ltd., The, American Trustee & Registrar Corporation, American Telephone "Don't Answer" Co., Inc., American Tire Service, Incorporated, American Tourist Camp Association, American Trust Corporation, American Threadlock Corporation, American Utility Fuel Company, American Utility Engineering Company, American Underwriters, Inc., Anderson Brothers Company, Anatolian Cotton Corporation, Anchor Corporation, The, Anderson Foundation, Incorporated, Ancient Order Knights and Daughter of Jerusalem Hall Association, The, Anchor Oil and Gas Co., Anglo-American Corporation, Andrew Brothers, Inc., Animated Color Advertising, Incorporated, Antley Development Company, Inc., The, Anselite Electric Manufacturing Co., Inc., Anglo-London Mining Corporation, Annette Mining Corporation, Anne McDanough-Galin-Paris-Sheve Methods, Inc., Anderson Sliding Casement & Window Corporation, The, Antillian Sea Island Cotton Co., Anglo-Texas Oil Company, Angle Union Corporation, Anderson Vacuum Corp., Apartment Builder, Inc., Apartment Homes Company, Inc., Aquabike Manufacturing Co., Inc., Apex Products Co. of Wilkes-Barre, Pa., Appraisal Valuation Co., Inc., Artstone Burial Vault Co., Arizona Bagdad Copper Company, Artum Chemical Manufacturing Company of Baltimore, Argonne Cemetery Company, Artercraft Construction Company, Arrott Construction Company, Armestone Corporation, Inc., Aramigo Construction Co., Arthur F. Erickson Corporation of Southern California, Artibonite Irrigation and Development Company, The, Arctic Ice Cream Company, Arizona Imperial Mines Extension, Inc., Arthur Leslie Smith Holding Corporation, Artercraft Light Shop, Inc., Arkwright Natural Gas Company, Inc., Arkel Oil Company, Ar-Rite Flooring Co., Artanna Realty Corporation, Arcade Recreation Company, Inc., Arizona Soap Products Company, Areo Transportation Co. of America, Art Tile Company, Ark United Oil Company, Armstead Ventures, Inc., Associated Business Corporation, Asbury Corporation, The,

## PROCLAMATIONS

Astoria Corporation, Associated Development Corporation, Asiatic Development Company, Incorporated, Associate Home Owners, Inc., Ashland Holding Company, Associated Laundries of New York, Inc., Aschbach Music House, Inc., Associated Metals Corporation, Associated Newspapers, Inc., Associated Optical Stores, Inc., Associated Radio Dealers, Inc., Associated Sports Commissioners, Inc., Associated Service Corporation, The, Atlantic Coast Airways Corporation of Delaware, Atlantic Coast Founding Company, Atlantic Coast Sales Corporation, Atlantic Contracting Company, Atia Corporation, Atlantic Cereal Co., Inc., Atlantic Distilling & Distributing Company of New York, Inc., Atlas Finance and Loan Corporation, Atlantic Hotel Corporation, Athens Hotel Company, Atlantic Investment Corporation, Atlantic Lime Rock Corporation, Atlas Life and Casualty Company, Atlas Mortgage Company of Delaware, Atlas Pressed Sand Brick Corp., Atlas Realty Corporation, Atlantic Realty & Finance Co., Atlantic Speed Ship Co., Inc., Atlantic Shores Sanitarium and Hospital, Inc., The, Atlantic Transfer and Listing Corporation, Austro-American Silver Copper and General Mining Association, Automobile Association for the Colored A. C. A., Automatic Advertising Machine Corporation, Auction Bridge Magazine, Inc., Auto-Coin Radio Corporation, Automobile Club of America, Inc., Aylward & Company, Auto Dealers Acceptance Corporation, Auto Direction Indicator Corporation, Annite Export Corporation, Auto Folding Rim and Products Co., Inc., Automatic Fire Equipment Sales Corporation, Avondale Food Products Co., Automatic Fuel Saving Company, Auto Fender Company, The, Automatic Hat Blocker, Inc., Austin Hospital Association, Autopose, Inc., Automatic Ice Cream Machine Co., Aztec Land & Development Co., Auto-Lek-Test Corp., The, Automatic Money Box & Safety Device Co., Inc., Austin Mill & Lumber Corporation, Auto-Matic Starter Corporation, Aut-O-Cream Vending Machine Company, Automatic Pencil Vending Machine Corporation, Avondale Quarries, Inc., Automobile Re-Finishing Company of America, Inc., Automatic Retaining Valve Co., Automatic Stoker Corporation, Automotive Steel Products Corporation, Auto Sales Co., Carnegie, Pa., Auto Spring Bearing Corporation, Autofount System, Inc., Automotive Standards, Inc., Aubry Sisters Corporation, Auto-

## PROCLAMATIONS

matic Tractor Corporation, "Ayer-Tite" Products Corporation, Auto-Tower Corporation, Automatic Utilities Corporation.

B. & B. Products Co., B. C. J., Incorporated, Bacon & Hesser Coal and Supply Co., B. & J. Manufacturing Company, B. & K. Chemical Co., Inc., B. L. McFadden, Inc., B Line SJS Co., The, B. & M Airways, Incorporated, B. & M. Thrift Plan, Inc., Bagdad Oil Royalty Corp., B. Stanley Simmons, Inc., Bailey Springs, Incorporated, Baker-Eder Automotive Corp., Baker & Ellis, Inc., Baker-Hubbell Laboratories, Inc., The, Balldom Corporation, Balster Engineering Company, Balwin Goodwin and Company, Balboa Hotel Company, Ball Hill Coal Company, Baltimore Mortgage and Discount Corporation, Baltimore-Mexico Mines, Inc., Baldwin Petroleum Company, Balkan States Enterprise Corporation, Bankers Automobile Finance Corporation, Bankers' Bond and Trust Company, Bancengland Corporation, Bank Directory Company, Inc., Banner Finance Company, Bankers Holding Corporation, Bankers Loan and Trust Company of America, Banana Products, Inc., Barbara Development Corporation, Barber Engineering and Construction Co., Barilla Oil Company, Barone Silk Company, Barber, Wood & Company, Inc., Bar Z Mining Company, Barnett Co., The, Barnsdall Employees Royalty Company, Barndt Manufacturing Company, Barrett Brothers and Reily Company, Inc., The, Barr Engineering and Manufacturing Company, Barrett Liniment Company, Inc., Bascon Construction Co., Barth and Company, Incorporated, Bartlett Corporation, The, Barter, Inc., Barter Limited, Inc., Barton Paper Mills, Inc., Basco Service & Finance Corporation, Inc., Bates & Cruickshank, Inc., Battery Replacement Corporation, Bay Counties Investment Properties, Inc., Bayeux Development Co., Bay Minette Veneer & Hamper Co., Inc., Bay duNord Paper Company, Bayshore Investment Company of Texas, Bayuk Tobacco Products, Inc., Beacon Hill Corporation, The, Beacon Hotel Company, Beam-O-Lite Sales Company of Philadelphia, Beam Oil & Gas Company, Beam Process, Incorporated, Bedford Coal and Ice Co., Behr & Company, Beebe, Incorporated, Beggs Oil and Gas Company, Belle Bart Daily Market Forecast, Inc., Belgian Cleaners and Dyers, Inc., Belgium Dry Gingerale, Inc., Bell Finance Company, Incorporated, Belmont Homes, Inc., Bellevue Mushroom Farms,

## PROCLAMATIONS

Inc., Belle-Rea Corporation, Benham Engineering Co., Benjamin Franklin Coffee Co., Inc., Bennett Sales Corporation, Ben Tailoring Co., Bennings Theatre Corporation, Berger's Bulb & Seed Co., Berg Oil Corporation, Berner & Bailly, Inc., Betty Bliss Sweets, Inc., Beverly Building Company, Beverly-Globe Ice Co., Bessalo & Gualano, Inc., Bethel Plumbing & Heating Co., Beverly Real Estate Corporation, Bessemer Tie and Lumber Company, Bi-A-Pak Products Corporation, Bidhamson Corporation, Big 4 Builders, Inc., Big Four Oil Corporation of Michigan, Big Indian Land Company, Inc., Billy Oil & Gas Co., Big Vein Anthracite Collieries, Incorporated, Birmingham Coal and Iron Co., Birmingham Development Company, Bird Islands Trapping Company, Birmingham Leland Hotel Corporation, Black Butte Coal Mining Company, Blanchet Bros. Envelope Co., Inc., Blackburn Corporation, Black Fork Coal Co., Black Hawk Improvement Company, Blampied, Inc., Blaudell Oil Corporation, Black Rock Power & Irrigation Co., Black River Cotton Co., Blaul Studios, Inc., Bloomfield Center Service Company, The, Blocton Coal Corporation, Blue Flame Coal Company, Blount Hotel Company, Blizzard Refrigerating Corporation, Blue Ridge Timber & Realty Corporation, Blue Star Trading Corporation, Boeger-Meyer Machine & Tool Company, Bogota Syndicate, Bolen & Bryne Beverage Corporation, Bonded Credit Corporation, Boner & Company, Incorporated, Boothby Hotel Company, Boline-Johnson Mfg. Co., Bond Press & Publishing Company, Incorporated, Bond Printing Company, Bond and Share Corporation of America, Bond Supply Company, Bond Shears Co., Boston and Arizona Development Co., Inc., Bosmil Engine Corporation, Bordeaux Mineral Water Co., Inc., Boston Market House, Incorporated, Boulevard Apartment Company, The, Bouslog Company, Bove, Inc., Bowman Construction Company, Boyshform Corporation, Boyd Fur Farm Corporation, The, Bowling Green Corporation, Bowling Green Rock Asphalt Company, Boyden Railroad Car Truck Corporation, Braham Piston Corporation, Brazilian Diamond Mining Corporation, Brass Rail Company, The, Bregeat Corporation of America, Brede-Grierson Company, Brier Cliff Land Trust, Inc., Bridgeville Ice Co., Briggs Packing Co. (Inc. 3-2-28) Briggs Packing Co. (Inc. 4-27-27) Bright-Shepherd Company, Incorporated, The Brinkvalve Corporation, Brinmac Drug Company, Broadway

## PROCLAMATIONS

Properties, Inc., Brokerage Sales Corporation, Bronrose Company, Brotherhood of Locomotive Engineers Securities Corporation of Pennsylvania, Brotherhood Management Corporation, Brown Body Corporation, Brownie Corporation, The, Browns Gulch Gold Mining Company, Brownlight Manufacturing Corporation, Brunswick Bay Development Company of Georgia, The, Bryson Construction Company, Buckmiller Engineering & Manufacturing Company; Buckeye Copper Company, Buck Resilient Wheels, Inc., Buffalo Automobile Owners Association, Inc., Bund Company, The, Bull Dog Motors Corporation, Builders Exhibit Company, Bunker Land and Fruit Company, Buell Meter and Gas Testing Company, Buena Oil Corporation, Builders Supply & Development Corporation, Burdett Air Lines, Inc., Bureau of Commercial Service, Inc., Burial Park Investment Company, The, Burkhardt Paper Corporation, Burrow Rubber Company, The, Business Travel, Inc., Butterworth Plush Company, Inc.

California Agate Company, C-B-F Oil Corporation, C. C. Hanner, Inc., Cadiz Chemical Company, Calartex Company, The, C. C. Collins Coal Company, California and Eastern Steamship Company, Calhoun Falls, Incorporated, Caldec, Incorporated, Calmo Mining and Milling Company, California Oil Sales Corporation, C. Robert Kopp, Inc., C. R. Vollmer Co., The, C. R. Crandlmore Patent Developing and Manufacturing Corporation, Cadillac Restaurant Company, The, C. V. Champion & Company, Inc., C. V. McCreight Corporation, California Wyoming Oil Company, Cameron Aerio Corporation, Cameo Glass Products Corporation, Campbell, Heath & Co., Camden Natatorium Corporation, The, Cambria Oil and Gas Company, Capital Adjusting and Finance Co., Canadian Border Commuters Protective Association, Capital Construction and Investment Corporation, Capital City Hotel Corporation, The, Capital Commercial Company, Capital City Garage Company, Capital Control Corporation, Capitol Engineering Company, Canadian Mining Smelting & Transportation Company, Canadian-Newfoundland Mines Company, Canyon Oil Company, Candalite Patents Corporation, Capital Products Company, Inc., Canoles Safety Aircraft Corporation, Carmichael Amusement Company, Carolina Cement Company, Carbonization Company, The, Carbofractor Corporation of New England,

## PROCLAMATIONS

Caracas Group No. 1 Co., Carlsyte Manufacturing Co., The, Caribbean Oil Fields, Inc., Carolina Realty Company, Inc., Carley Sanitary Manufacturing Co., Carolina Shows, Incorporated, Carolina Textile Company, Incorporated, Carson Engineering Company, Carrie Manufacturing Company, Carroll Paint and Varnish Company, Carter Clothing Corporation, Carwymac, Inc., Carter Macy and Company, Inc., Carter Macy Company, Inc., Carter Printing & Industrial Company, Carter Refineries Inc., Cast Stone Corporation, Central American Trading Corporation, Cathedral Apartment Hotel, Inc., The, Central Cities Holding Corporation, Cement Craftsmen, Inc., Central Electric Company, Cedarcroft Fur Farms, Incorporated, The, Century Gasol Company, Central Hill Mining Company, Central Lumber and Millwork Co., Inc., Cedar Line Products Corporation, Cedar Lakes, Inc., Central Louisiana Public Utilities Company, Central Mills Company of Tennessee, Central Mortgage Guaranty Company, Central Mills Corporation, Cerma Plan, Incorporated, Central Stores, Inc., Cecilton Supply Company, Cen-Tex Oil Company, The, Central Tire and Accessory Co., Inc., Chamberlain Aeronautical Corporation, Champion Coal Corporation, Champion Drug Co., Challenge Mfg. Co., The, Chambers Motor Co., Chalmette Products Company, Chain Store Securities Corporation, Chandler Building Corporation, Chandler Chocolate Hardnerer Company, Charpure Sales Corporation Mid West Division, Charles Steamship Company, Checkroll Company, Chattanooga Coal & Clay Products Company, Chatham Corporation, The, Chesapeake Development Company, Cherokee Fur Producers, Inc., The, Cheat River Manufacturing Co., Inc., Chew Street Construction Co., Choctaw Clay Corporation, Chispa de Oro Mining Company, China Fibre Container Company, Chicago Holding Company, Inc., Chilean Mining Corporation, China Specialty Company, Incorporated, Chicago Worlds' Fair Advertising Co., China Well Drilling Corporation, Cinematic Accessories Company, City Auto Finance Company, Cincinnati Bus Terminal Corporation, Citrus County Development Corporation, Cir-Cool Radiator Co., Inc., City Development Corporation, Cinephone Equipment Corporation of Pennsylvania, Citizens Finance Corporation of Baltimore, Cities Gas Company of Louisiana, Cinderella Heel and Arch Support Corporation, Circular International Press, Inc., Citizens Investment Corpora-

## PROCLAMATIONS

tion, The, Civic Improvement Corporation, Chris Koch, Inc., Churchville Manufacturing Company, Cinema Products Corporation, Circular Realty Co., Cityrealty Shares Corporation of America, Citizens Union Investment Company, Clarendon Producing and Refining Company, Clermont Finance Corporation, Cleaver Manufacturing Co., Inc., The, Clediva Realty Co., Inc., Cleveland Yellow Cab Company, The, Clio Gold Estates, Incorporated, Close Investment Corporation, Clusor Incorporated, Climarco Manufacturing Company, The, Cloverleaf Motorvan Service, Inc., Clover Oil & Gas Company, Clopin Sales Corporation, The, Coastal Airways, Inc., Coal Cleaning and Equipment Corporation, Coal Loader Corporation, Coastal Oil and Royalty Corporation, Coats & Sowell, Incorporated, Coffee Service, Inc., Coffield Wash Company, The, Cohen Amusement Company, Cole Black Fox and Fur Farms, Inc., Coliseum Corporation, The, Colby Management Corporation, Colat Manufacturing Co., Collins Process, Inc., Collison Service Corporation, Colonial Art, Incorporated, Color Animation Corporation, Colonial Bankers, Incorporated, Colonial Cosmetic Corporation, Colonial Coal and Coke Company, Colonel Hatfield Petroleum Corporation, Columbia Hotel Corporation, Colorte Plaster Company, Colorado River Company, Colombia Sugar Corporation, Columbia School of Drafting, Inc., Colonial Securities Company, Colonial Union Holding Corporation of North America, Community Advertising Service, Inc., Commercial Acceptance and Finance Corporation, Compact Coffee Corporation, Comerford Construction Co., Inc., Combined Commercial Company, Commonwealth Construction Company, Commodities Corporation, The, Commercial Devices Manufacturing Co., Commercial Engineering Manufacturing Co., Commercial Engineering Laboratories, Inc., Commercial Finance Company, Commerce Financial Investing Corporation, Commonwealth Funding Company, The, Commercial Holding Corporation, Commercial Investment and Foundation Corporation, Community Ice and Utilities Company, Commonwealth Investment Trust, Inc., Community Interest Service Corporation, Community Kosher Stores, Inc., Commonwealth Mortgage Company, Commercial Machine Products, Inc., Commerce Publishing Company, The, Commercial Paper Purchase Corporation, Commonwealth Petroleum Corporation, Combine Quack Grass Digger and Tiller Company, Comac Royalties, Inc., Com-



## PROCLAMATIONS

mercial Research Corporation, Community Thrift Stores Corporation, Congressional Apartment Hotel Company, Concrete Block & Products Corp., The, Confectioners' Equipment Company, Concord Gum Corporation, Congress Petroleum Corporation, Concord Securities Corporation, Concrete Steel Forms Co., Conrad Mathiasen & Company, Inc., Consolidated Bluebird Mines Corporation, Consolidated Butter Sales Co., The, Construction Corporation, The, Consolidated Credit & Collection Association, Consolidated Car Loading & Distributing Corporation, Consolidated Commerce Corporation, Consolidated Department Stores, Inc., Consolidated Electric Sign Corporation, Construction Engineers, Inc., Consolidated Finance and Mortgage Corporation, Consolidated 5 & 10c Manufacturers, Inc., Consolidated Gin & Textile Machinery Co., Inc., Consumers Gas & Oil Co., Consolidated Holding & Development Corporation, Consolidated Hosiery Mills, Inc., Construction and Investment Company, Consolidated Mills Corporation, Consolidated Mining Corporation of America, Consolidated Natural Gas Corporation, Conservation Petroleum Corporation, Consolidated Power and Development Corporation, Consumers Photo Products Company, Consolidated Products Company, Inc., Consumers Realty Corporation, Consolidation Rubber Company, Inc., Consumers Refining Company, Consolidated Vending Corporation, Conshohocken Wax Paper Company, Continental Aircraft Corporation, Continental Building & Farms Supply Co., Inc., Continental Co., The, Convertible Clock Case Company, Contact Cable Corporation, Converse & Co., Inc., Continental Colonization Co., Inc., Continental Engineers & Constructors, Inc., Continental Funding Corporation, Continental Holding & Investment Co., Continental Investment Trust Corporation, Continental Leland Corporation, Continental Mortgage and Investment Co., Continental Mortgage Company, Continental Properties Corporation, Continental Publishing, Co., Inc., Continental Royalties Corporation, Continental Shirt Company, Continental Service Corporation, Continental States Utilities, Inc., Contractors Supply Company, Hersey, Michigan, Continuous Tunnel Kiln Corporation of America, Continental Trading & Supply Company, Cook Automatic Scales & Electric Co., Co-Operative Citrus Growers Association, Inc., The, Co-Operative Exchange

## PROCLAMATIONS

System, Inc., Co-operative Furnace & Range Company, Inc., Cooperative Garage Company, Inc., Copper Electric Company, Copiah Gravel Company, Copemish Gravel Company, Coquille Island Corporation, Copper Production & Metal Co., of Boulder, Okla., The, Copper Welding Corporation, Corona Building and Loan Company, Inc., Corona Chemical Company Incorporated, Cornel Drug Corporation, Corporate Engineering Company, Corporation Finance Company, Corporation Funding and Mortgage Guaranty Company, Cori Gold Mines Company, Coronado Oil and Gas Company, Corporate Practice Publishing Co., Inc., Corporate Securities Holding Corporation, Costa Rican Products, Inc., Cotton Belt Petroleum Company, County Club, The, Covington Development & Canning Co., Cote Fuse Corporation, Covina Food Products Co., "Cover Your Floors" Campaign, Incorporated, The, Crawford All Metal Airplane Company, Cragmere Association, The, Crater Company, Craftsmen Dry Cleaning Company, Craig, Inc., Craft Petroleum Corporation, Crane Ranch, Inc., Crater Razor Company, Crandall's Theatres Operating Co., Crescent Brick and Block Company, Credit Clothing Co., Inc., The, Credit Discount Corporation of America, Crescent Investment, Inc., Crest Motors, Inc., Crescent Manufacturing & Developing Co., Inc., Creek Oil Corporation, Cream of Rye Company, Crescent Service Corporation, Cronin Amusement Corporation, Crosskey Protection & Identification System, Inc., Crystal Dramo-Film Players, Inc., Crucible Electric Steel Corporation, The, Crowley Land & Development Co., Crystal Spring Farms Company, Crown Sulphur and Products Company, Inc., Culver-Bevan Fruit Jar Company, Cumback Currency Company, Cummings Corporation, Cuba Chatauqua Resort Association, Cumberland Muskrat Breeders, Inc., The, Cuban Plantations, Incorporated, Cummins Transportation Co., Curren Brass & Foundry Co., Curadent Corporation of America, Currie-Paxton Corporation, Cut-Rate Furniture Company, Cusack Home Utilities Company, Cyclone Oil Corporation, Custer Oil Co., Cyco Sales Corporation of America.

D. C. Mortgage Investment Company, Daber Coal Company, D. D. Gray, Inc., D. F. Shope Corporation, D. H. Evans Mortgage Corporation, Dailey's, Inc., **D. L. Sloan Corporation**, Dains Manufacturing Company, Da-Nite Light Tester Corporation,

## PROCLAMATIONS

Dakota Oil & Transport Co., Dauphin Bridge Company, Daniels and Daniels, Incorporated, Danziger Development Company, Danke Manufacturing Company, The, Daniel Runkle & Co., Inc., Daughtry Safety Guard Rail Lock Company, Davies Battery and Electric Co., Inc., David Company, David Gardner Gill, Inc., Davis Canning Company, Davis Investment Trust, Inc., Davis and Rianhard, Inc., Day-Lite-Saving Products, Inc., Day-O-Lite Signs Company, Inc., Day Petroleum Corporation, Dea Distributing Corporation, De Forest Spanish Phonofilm Productions, Inc., De Luxe Film Co., Inc., De Mey Construction Company, De Pue Fur Farms, Inc., Dealers' Service Company, Deemer Alloys Corporation, Deep Bay Lumber Company, Decatur Corporation, Deepwater Coal & Iron Corporation, Deepwood Hunt & Country Club, Decimo Industries, Inc., De Jay Products, Incorporated, Deep Well Drilling Machine Co., Delmarvia Auto Service Inc., Delco Appliance Company, Delphi Construction Company, Delaney Clay Products Company, The, Delmarva Exhibition Tent Co., Delicatessens, Incorporated, De Long's Invisible Mender Co., Delmonico Mining Corporation, Deltex Oil Co., Incorporated, Delmar Orchards, Co., Delta Products Company, Deltex Petroleum, Inc., Delahoma Petroleum Company, Delaware Avenue Holding Company, Delaware Advertising Company, Delaware Appliance and Supply Co., Delaware City Fur Company, Delaware County Maytag Co., Inc., Delaware Canal Steel Company, Incorporated, Delaware City Ice Co., Delaware Drilling Company, Delaware Engineering Laboratories, Inc., Delaware Forge and Steel Company, Delaware Land Title Guaranty Company, Delaware Motor Transport Company, Delaware Produce Company, Delaware Seamless Tube Company, Demerara Diamonds, Inc., Depp-Botta Produce Co., Dental Distributing Company, Inc., Denison Tile-Way Corporation, Detroit-Biltmore Corporation, Detroit Business Corporation, The, Desota Chemicals, Inc., Desota Company, The, Des Moines Herald Company, The, Deutscher Trellis and Basket Company, Dewey and Company, Inc., Devereaux Studios Inc., Diamantina Company, Inc., The, Dickinson Cord Tire Corporation, Diamond State Newspaper Corporation, Dickinson Stockholders Syndicate, Diamond State Athletic Club, Dixie Annite, Incorporated, Dioptragraph Corporation of America, Dirigold Corporation, The, Dixie Fire Kindler, Inc., Dirt-

## PROCLAMATIONS

Getter Soap Company, Inc., Dixie Greasless Doughnut Corporation, District Heights Company, Dill Tractor Manufacturing Company, Doctor A. R. Gould, Inc., Dodson Concrete Board Company of Oklahoma, Doctors Cotton Products, Incorporated, Domestic Electric Refrigerator Corporation, Dolores Holding Corporation, Dold Products Corporation, Donora Finance Company, Donald Holding Company, Dona-Mill Motors Corporation, Double A. Oil Company, Double "A" Hair Curler Company, Douthitt and Company, Dorfman Printing Company, Dorothy's Shop, Inc., Doughterty-Sheehan Corporation, Downtown Corporation, Downtown Coal Company, Downer Run Coal Company, Down Town Market Company, Dry America Corporation, Drugs Consolidated, Inc., Dr. Dammert Corporation of America, Drafting & Designing Co., Inc., Dr. Goedrich Chemicals, Inc., Dr. Henry Reid Service Company, Drexel Hill Service Station, Inc., Dr. Herman S. Miller Company, The, Dr. Robert J. Yost Company, Drew Tailoring Corporation, Dragon Tractor Corporation, Du Mont Oil Corporation, Dubus Pump & Machinery Co., Du Ron Distilling & Extract Company, Inc., Duff & Co., Inc., Dunham Body Company, Dunlap Chemical Company, Duncan & Company, Duncan Holding Corporation, The, Dumarks Mining Corporation, Dunlap Stove Stores, Inc., Dupont Auto Works, Inc., Duplex Company of America, Duquesne Engineering and Construction Company, Duquesne Garden Arena Company, Duo-graph, Inc., Duo-Plex Products, Inc., Duquesne Railway Supply Co., Dupont Supply Company, Inc., Dura Company, The, Durmac Furniture and Storage Company, Duval, Inc., Duro-Lite Corporation, Durolith Paint & Varnish Co., Inc.

E. A. Lundy Corporation, Eastern Beverages, Inc., Eastern Bri-Tile Company, The, E. C. Proctor, Inc., E. C. Haus, Inc., Eagle Construction Company, Eastern Credit Protection Corporation, Eagan-Lea Steel & Iron Company, East Lehigh Coal Sales Co., Eagle Motor Company, Eastern Management Corporation, Eastern National Corporation, Earleglades Realty Co., E. Robt. Stackhouse Co., Eagle Remedy Company, Eagle Rubber Company, Inc., E. R. McVan Co., Inc., Eastern States Engineering Corporation, Eastern States Utilities Company, E. T. Moores Enterprises, Inc., Eastern Utilities Corporation, East and West Telephone Com-

## PROCLAMATIONS

pany, E-Z-Freez Corporation, Eberhart Aircraft Products, Incorporated, Economics Building Company, Electopathic College of Medicine & Surgery, Inc., Eclipse Company, The, Eclipse Novelty Company, Inc., Eberson Real Estate Improvement Corporation, Edward A. Sloane & Company, Eggleston Air-Cell Airplane Company, Efficiency Apartment Corporation, Edwina Corporation, Edwin C. Washburn Company, Eggleston Drilling Corporation, Edro Finance Co., Edna Kirby Enterprises, Inc., Edanna Land and Improvement Company, Edwin Nickerson Company, Egerton Towing Company, Egg Advertising Corporation of America, Eicher-Bonner Aircraft, Inc., Edmonds Candy Shops, Incorporated, Edgar Construction Corporation, The, Eddy Coal Company, The, Eisenman and Hannagan, Inc., Eichellberger-Reed Company, Incorporated, Elkton Button Corporation, Electro-Chemical Co., Elk City Development Company, Elf Corporation, Electrical Entertainer Corporation, Electric Egg Meter Corporation, Electra Engineering Corp., Electric Equipment Company, El Fay Cab Manufacturing Co., Inc., Electric Home Laundry Company, Electric Kitchenet Company, Electromatic Mfg. Co., Inc., Elder & Mitnacht, Inc., Elbukan Oil Company, The, El Oro Mining Corporation, Elcar Pittsburgh Sales Co., Electri-Steam Heater Company, Electric Vending Corporation, Electro Vacuum Refrigerator Company, Elm Beneficial Automobile Association, Elsmere Exhibitors' & Breeders' Association, Ellwood Lumber & Manufacturing Company, Elsie Morris Publishing Company, Ellis New Method Embossing Corporation, Elles Realty Corporation, Empire Advertising and Travel Bureau, Inc., Endion Club, The, Engineering Corporation, The, Equator Carburetor Co., Inc., Empire Drug Stores, Incorporated, Equitable Investment Properties, Inc., Enterprise Manufacturing & Oil Co., Inc., Empire Mortgage & Investment Company, Empire Manufacturing Co., Emily Oil Company, Enterprise Publishing Company, The, Empire Public Utilities Company, Enameled Products Company, Engineering-Service-Sales Corp., Empire Sheep and Land Company, Inc., Equity Theatres, Inc., Ehlichman Brothers, Inc., Ernest Coal Mining Company, Erringer System, Inc., Eureka-Harry Oil Corporation, Euchee Indian Oil Company, Eureka Investment & Finance Corporation, Eureka-Jersey Stores, Inc., Esterbrook Lead and Mining Company, Eureka Manufacturing and Sales Company,

## PROCLAMATIONS

Incorporated, Eureka Nevada Southern Railway Company, Euclid Realty Corporation, Eskimo Rose & Manufacturing Company, The, Essex Saw Company, Eureka Secret Canyon Mines, Inc., Eze Cushion Corporation, Ever-Keen Cutlery Corporation, Ezzo Manufacturing Company, Evans Mortuary, Inc., Exhibitors' Purchasing Corporation, Ever-Ready Washing Machine Corporation, Exchange Realty Corporation, Everspark Sparkplug Corporation.

F. A. Clawson & Company, Inc., F. A. Pollmiller Optical Mfg. Corporation, F. A. Wilson-Lawrenson Company, Inc., F. B. Rockliffe Mfg. Co., Inc., The, F. B. Vogel Magazines, Inc., The, F. E. I. Corporation, The, F. E. Lucas Company, Inc., The, F. C. Arthurs Co., Fairmount Homes, Inc., F. H. McLain Manufacturing Company, Fairmount Inn, Inc., Fabric Improvement Corporation, Fairy Lake Corporation, F. Moore, Inc., Fa-Mos-Oda Company, The, Fancy Pack, Inc., Fairmount Vinegar Works, Inc., F. W. Reed, Inc., Farnham Company, Farm Funding Company, Farrow Fountain Company, Farm and Home Loan Association, Farm Investment and Development Company, Farm Investment and Development Company, Unit Number One, Dawson, Minnesota; Farm Securities Company, Farm Utilities Company, Inc., Favorite Dress Co., Faultless Pictures, Inc., Federal Aircraft & Transport Co., Federated Cafeterias, Inc., Federal F. O. B. Auction Company, Inc., The, Federal Iron & Steel Company, Federal Industrial Engineers, Inc., Fermogen Laboratories, Inc., Ferro Metals Cleansing Corporation, The, Federal Oil & Asphalt Company Inc., The, Federal Oil Royalties Corporation, Federal Plumbing Corporation, The, Federal Pneumatic Service Corporation, Federal Power & Land Co. Inc., Federal Records Service Corporation, Fehr-Wentzel Coal Company, Fifth Avenue Playhouse of Chicago, Inc., Fifth Avenue Playhouse Group, Inc., Fi-Bo-Pak Co., Fidelity Coal Mining Company, Fidelity Development Corporation, Fieldey Investment Corporation, Fidelity-National Mortgage Investment Corporation, Fidelity Reserve & Bond Corporation, 57th Street Construction Company, First Avenue Finance Corporation, First Aviation Investors Corporation, First Continental Corporation, The, First Commercial Corporation, The, Fincke Cement Process Company, The, Finance Corporation of

## PROCLAMATIONS

Washington, Fireplace Device Corporation, First Mutual Finance Co., First National Bond and Mortgage Company, First National Investment Trust, Incorporated, Findley Oil & Gas Company, Inc., Finch Road Light Corporation, Finesand Realty Company, Finchley's Thrift Store, Inc., Financial Wall Street Reporter, Inc., Fischers Paramount Theatres Corporation, Fitzcharles Building & Construction Corp., Fleming Homes, Inc., Fleischer Knitting Mills, Inc., Florida Citrus Sales Corporation, Florence Coal Company, Florida West Coast Development Company, Fogle and Beard Corporation, Folcroft Construction Company, Food Dealers Financial Corporation, Food Products Distributing Co., Four Ace Mines Company, Foundation Construction Corporation, Fountain and Candy Topics Publishing Co., Ford City Realty Co., Four-For-One Merchandising Corporation, Ford & Ford Company, Inc., Four Friends Investment Company, Four-In-One Mining Company, Foresite, Incorporated, Ford & Lance, Inc., Forestglen Land Co., Ft. McKavett Oil Company, Founteria Manufacturing Company, Inc., The, 4-M Hotels, Inc., Ft. Madison Paper Company, Fort Meyers Fruit Company, Four Nations Reserve Mining Company, Inc., Founders Petroleum Company, Ford Sales Corporation, Forrest Theatre Corporation, The, Frank Gurak, Incorporated, Francene, Inc., Franklin Petroleum Refining Company, The, Franklin Research University, Inc., Franklin Square Garage, Inc., Frederick A. Healy & Co., Inc., Frank's Auto Part Co., Inc., Freehold Products, Inc., French Quicksilver Mining Company, French Street Realty Company, Fred Shane Company, Fred V. Brook, Inc., Frozone Corporation, Friendly Group Mining Co., Inc., Frieda Hempel, Inc., Frontier Production Company, Frier Steel Company, Funk Bros. Mfg. Co., Furedy Holding Co., Inc., The, Fuller-Kaemmerline Engine Company, Furolin Liquid Fireproofing Company, Fynetone Manufacturing Company, Fussco Oil Corporation, Fur Patents Corporation, Inc.

G. B. System, Inc., G. B. and R. Shoe Company, G. Corporation, The, Galloway Company, The, G. L. Kayden Company, The, G. L. Miller & Company, Inc., G. S. Klingensmith Company, Inc., Gale & Witty, Inc., Gardner Aviation Service, Inc., Gateway Building Corporation, Gatineau Company, Gara Construction Co.,

## PROCLAMATIONS

Inc., Garden Home Construction Company, Inc., Gas Ice, Inc., Garwick, Incorporated, Garden Lawn Company, Incorporated, The, Gardner Motor Sales Company, Inc., Gary Oil and Gas Company, Inc., Gasgo Oil Water Gas Company, Inc., Garcia Petroleum Corporation, Gas Sales Corporation, General Burners Corporation, General Bulb Co., Inc., Gem Baking Co., Inc., Georado Company, The, General Construction Co., Genesee Coal and Mining Corporation, General Contractors and Builders, Incorporated, General Compounding Corporation, General Department Stores, Inc., General Drug Products Corporation, Georgia & Florida Farms Bureau, Inc., General Garages, Inc., General Housing Corporation, Gehris Hat Manufacturing Co., Geo. H. Breymann & Bros., Inc., General Hotel Operating Company, Geo. H. Thompson Soap Corporation, Gennett-Hanaphone Corporation, General Insurance and Holding Company, General Land Investment Corporation, Germain Land and Timber Company, The, General Machine and Die Company, Inc., George M. Weed Royalty Corporation, The, Gene Murphy, Inc., General Mines Corporation, Geological Petroleum Corporation, Geophysical Petroleum Corporation, General Packing Corporation, General Power Door Company, General Pulaski Republican Improvement Club, The, Georgian Restaurant, Inc., The, General Real Estate Jobbing Company, General Refunding Corporation, General Railway Equipment Company, Georgia Realty and Investment Corporation, Gear-Robinson Corporation, The, Gearhart Sales Cabinet Co., Inc., General St. Clair Corporation, General Service Corporation, General Tunnelling Company of America, Inc., Geo. W. Weaver Co., Incorporated, George W. Fenimore Company, Inc., General Window Equipment Company, General Wood Products Company, Gift and Art Stores, Inc., Gible Bleider Oil and Lease Company, Gibson Trissel Company, Incorporated, The, Girard Coal Company, Gilmore Coal and Coke Company, Gittleman's Furs, Inc., Gingermint Gum Corporation, Gilliam-Logan Oil Company, Gill Railway Supply Co., Glendora Alloys Corporation, Glen Angelus Holding Corporation, Glendale Anthracite Collieries, Inc., Glass Bakeries, Inc., Glassgow Co., Gloria Exploration and Development Co., Globe Ice Cream Company, Gleason, Incorporated, Glenside Laundry, Inc., Globe Loan Corporation, Inc., The, Gleason Lunch Company, Globe Miami Copper Company, Glasiron Pro-



## PROCLAMATIONS

ducts Company, Globe Products Company, Inc., Globe Patents Corporation, Glen Rose Oil Company, Gland Rejuvenation and Longevity Bureau of America, Inc., Globe Steel Corporation, Globe Wholesale and Distributing Company, Goebel Equipment Company, The, Golden Butte Mines Company, Gold Creek Park, Inc., Goldstone Consolidated Mining Company, Golden Dragon Restaurant, Inc., Golden Gate Restaurant, Inc., Gold Point Hosiery Co., Goldenwest Petroleum Corporation, Golden State Home Builders, Inc., Golden State Farm Lands Corporation, Golden Star Corporation, Good Hope Mining Corporation, Good-Phil Oil Chain, Inc., Gornish Bros. Inc., Gordon Corporation, The, Gordon Company of Washington, D. C., The, Gore Oil Company, Gotham Realty Corporation, Graham Flying Service, Inc., Graham Investment Company, Graddon Manufacturing Company, Grady & Srodes, Inc., Grant Accessories Corporation, Grape Gardens, Incorporated, Grant Heat Machine Corporation, Grande Motors, Incorporated, Graves Safety Crossing Company, Grant Stores Company of Kentucky, The, Greenberry Beach Company, Green Brothers, Inc., Green County Producing Co., Greenwich Colony Clubs, Inc., Great Eastern Airways, Inc., Great Kronos Inc., The, Great Lakes Holding Corporation, Great Lakes Wall Paper Mills, Inc., Green Mountain Oil Company, Green Mountain Mining & Reduction Company, Greater New York Finance Corporation, Great Plains Petroleum Corporation, Great Plains Royalty Co., Greenwald Packing Company, Great Pennsylvania Oil Company, Great Southern Producing and Refining Company, Greater San Diego Investment Corporation, Great Southern Petroleum Company, Greenwich United Securities, Inc., Great Western Coal and Lumber Company, Great Western Beverage Company, Griffith Robinson, Inc., Grover C. Grant & Company, Grubstake Company, Guelph Amusement Co., Guardian Cons., Holding Co., Gulf Coast Bridge Company, Guardian Development Company, Incorporated, The, Guiana Exploitation Corporation, Gulf Export Lumber Co., Guardian Fiscal Corporation, Guaranty Investment Corporation, Guaranty Mortgage Company of California, Gunter Manufacturing Co., Gulf National Corporation, Guatemala Oil Exploration Corporation, Gypsum Products Sales Corporation, Guardian Realty Company, Gulf States

## PROCLAMATIONS

Realty Company, Inc., Guardian Securities Company, Guaranty Trust Company, Gulf Utilities Company.

H. B. Yardum & Co., Inc., H. & B. Wolf & Co., Inc., H. C. Richter, Inc., H. F. Holbrook Body Corporation, H-M-B Mfg. Co., H. M. Newman & Company, Incorporated, H. & M. Announcer Company, The, Hadley Oil Company, Hacienda San Pedro Company, Haarlem Terminals, In., H. & W. Projector Corporation, H. W. Vandever Co., Hairever Tonic Corporation, Hagy & Whitney, Inc., Halle, Cooper & Peterman Company, Incorporated, Halmack Oil Co., Haldt Transportation Co., Hamilton Amusement Company of America, Hampshire Gardens Development Corporation, Hamilton Hotel, Inc., Hampton Investment Co., Hamlin Motor Corporation, Hammond Oil Corporation, Hammond Oil Products, Inc., Han-A-Phone Company, Inc. of Washington, D. C., Han-A-Phone Company of America, The, Hantzis Electric Corporation, Handler & Massey, Incorporated, Hance Motor Truck Company, Incorporated, Hansen Oil Corporation, Harold A. Martin Coal & Clay Company, Inc., Harman Bleachery Company, Hardinge Oil Heating Service, Inc., Harry C. Leiberman & Manufacturing Company of New Brighton, Pa., Harry M. Herbert, Inc., Harris Marine Engine Company, Harry Orme, Inc., Harrington Theatre, Incorporated, Hartford Bond and Mortgage Corporation, Hartley Corporation, The, Harwhite, Inc., Harvey N. Williams, Inc., Hartman Paper Plate & Products Co., Havana Bridge & Land Company, The, Hawkshaw Motors, Inc., Hayes Moto-Shear Company, Havana Manufacturing Corporation, Hazle Park Roller Coaster Company, Inc., Hayner Petroleum Company, Heating & Building Co., Inc., Health Foods Corporation, Heath Manufacturing Company, Heinafone Corporation, Heman Corporation, Heil's, Incorporated, Hellernd's, Inc., Helm News Service, Inc., Hendrick Commercial Car Corporation, Henlopen Construction Company, Henrod Corporation, The, Henry Coal Company, The, Henne-Kahler Shoe Company, Inc., Henderson Park Corporation, Henderson Tire & Rubber Corporation, Henrod West Virginia Corporation, The, Herring Brothers Cotton Company, Highway Bridges, Inc., Highland Clay Products Company, Hill Crest Production Corporation, Hillsbar Gold Mining Co., Inc., Hilton Manufacturing Company, Inc., Hill and MacMillan, Incor-

## PROCLAMATIONS

porated, Hirth Kovarik Company, Hitchens Products Corp., Hindman Royalties Corporation, Hocking Valley Refining Company, The, Hofmeier-Deegan's Petroleum Company, Hollywood-Argentina Cinema Corp., Hollywood Dry Eastern Corporation, Holland Farm Products Co., Inc., Ho-Lax Co., Inc., Hollywood Mortgage & Finance Corporation, Holly Oil Company, Hollywood Screen Star Style Corporation, Holland Upholstered Furniture Co., Holt Floor Service Corporation, Holstein Harvey, Inc., Holy Land Film Company, The, Home Building & Remodeling Co., Home Clothier's Company, Inc., Honey Candy Company of America, The, Home Development Company, The, Homosassa Development Corporation, Homestead Farms Restaurant Company, Homestead Farms Catering Company, Homestead Farms, Inc., Hope Packing Company, Inc., Home Repairing Guarantee Co., Inc., Hoover Realty Company, The, Homosassa Real Estate and Improvement Company, Home Service Finance Company, Home Savings Company, Horridge & Elcock, Incorporated, Horace L. Day Company, Inc., Horat Metal Products Company, Horn Silver Mining & Development Co., The, Hotel Finance Corporation, Household Furniture Company, Hotel Room Reservation Co., Inc., Howlett Travel Bureau, Inc., Hudson Food Corporation, Hub Mortgage Company, Hugo C. Wurlitzer Co., Hughes and Co., Inc., Humboldt Mining Company, Huron C. Company, The, Huntington Crushed Stone Company, The, Hursh Power Shovel Corporation, Hygienic Anatomical Educational Association, Inc., Hyde & Co., Inc., Hydraulic Power Company, Hygex System, Inc., Hydraulic Stone Machinery Company, The.

Ice Box Dough Co., Idamay Coal Company, Illinois Central Telephone Company, Imperial Contracting Company, Inc., I Deel Sales Corporation, I Fine & Sons Upholstering Corporation, Imperial Food Products Corporation, The, Imperial Gold & Silver Mines, Inc., Industrial Gas Improvement Corporation, Ilseng Gasoline Corporation, Illinois Investment Company, Ilseng Production Company, Imperial Royalties Company, Imperial Royalties Corporation, Imperial Royalties, Inc., Ice Service Company, Inc., Industrial Builders Bond and Mortgage Company, Inland Benton Mining Company, Independent Cleaners & Dyers, Incorporated,

## PROCLAMATIONS

Infusolite Company, Industrial Development & Securities Corporation, Industrial Discount Corporation, Infra Dermo Corporation of America, The, Industrial Development Corporation, Industrial Executive, Inc., The, Investors Holding Corporation, Inland Holding Corporation, Industrial Loan Service, Inc., Indiana-Ohio Telephone Company, Independent Properties, Inc., Inverted Radio Products, Inc., Industrial Realty, Inc., Investors Stocks Corporation, Indiana Securities Corporation, Information Service, Inc., Inland Telephone Utilities Company, Independent Tow Boat Company, Interstate Appliance Corporation, Inter-American Development Corporation, International Auto Equipment Company, Intercontinental Airways Corporation, Inter-American Petroleum Corporation, Interstate Bus Guide Co., Inc., Interstate Building Company, Integrity Bond & Mortgage Company, Interstate Coach Lines, Inc., International Construction & Engineering Company, Inc., International Chromium Limited, Inc., International Cruises, Inc., Inter-City Finance Corporation of America, International Consolidated Investments, Inc., International Cosmetic & Pharmaceutical Co., Inter-City Motor Coach Company, Inc., Inter-County Realty Company, International Consolidated Mines, Inc., International Engineering Research Corporation, Interstate Fox and Fur Company, International Fuel Co., Inc., Interstate Gasoline Company, Intercontinent Gas Corporation, International Hotels, Inc., Intercontinent Holding Corporation, International Holding Corporation, Interstate Investment Co., Inc., Interstate Laundries Corporation, International Motion Picture Corporation, International Mines and Metals Inc., International Mortgage Company of Los Angeles, International N. S. E. Corporation, The, International Oils Limited, Inc., International Piston Ring Mfg. Co., Inc., Interstate Producing Company, International Propeller Company, Interstate Railroad Express Merchandise Distributors, Inc., International Remedy Company, Inter-State Press, Incorporated, International Success Society, Interstate Sales Corporation, International Stores, Inc., Interstate Signal Corporation, International Securities Corporation, International Talkies Corporation, International Whaley Engine Corp., Independent Wireless Telegraph Company, Inc., Iroquis Company of Washington, Irvine Estates, Inc., Italian French Petroleum Corporation, Iona Land Company, Ira Lee Vacuum Cleaner Corporation, Ionic Mercury Contact Com-

## PROCLAMATIONS

pany, Island Petroleum Company, The, Irlin Securities Corporation.

Jayfelt Associates, Inc., J. Arthur Snowden Company, The, J. A. Gammon Restaurant Company, J. A. Zavorski, Inc., Jay Corporation, The, J. C. Neuman & Company, James C. Ball Furniture Company, J. & C. Benkert Paper Novelty Corporation, J. E. Rumfield & Co., Inc., J. F. McIntyre & Sons, Incorporated, J. F. Parker & Company, Inc., Jack Frost Company, The, Jacob H. Goldenberg, Inc., J. Henry Morton & Company, J. H. Cross Company, Jaeger Laboratories, Inc., James McLaughlin, Inc., J. M. Mining and Development Company, Jay Oil Burner & Engineering Corporation, James P. Morris Chili Corp., J. Ritch & Son., Inc., Jabee Sandwich Shoppe, Inc., Jas. S. Mason & Co., Inc., J. W. Turnbull Company, J. W. Holloway Co., The, Jersey Buff & Gray Face Brick Co., Jemms Coal Company, Jermyn Economy Store, Inc., Jefferson Operating Company, Jennings Sanitary Milk Bottle Company, Jefferson Trading Corporation, Jefferson-Wakulla Land Corporation, John A. Conboy Company, John A. Tschantre Sons Company, Johns Construction Company, Inc., John Cort's Theatres, Inc., John F. Sheady Drug Co., Johnstone Laboratories, Inc., John McLaren Woolen Mills, Inc., John McCullough Oil and Gas Company, Jolson Production Corporation, John T. Kiley, Inc., Joseph A. Torrillo, Incorporated, Joseph Hendler Stone Quarry and Construction Company, Joseph Peregoy & Company, Joseph P. O'Neill, Inc., Jones Redditt Company, Joseph Rose & Co., Inc., Joseph Shapiro Company, Inc., The, Joran Tobacco Co., Inc., Junepath Corporation, Juliet Dress Company, Jumiapa Fruit Company, Juniata Oil & Gas Company, Junior Tog Co., Inc., The.

Kaco Corporation, Kalkite Company, The, Kampf-Herbal Corporation, Kamark, Incorporated, K. R. Duffy, Inc., Kalo Storage Battery Corporation, Katherine Gold Mining Company of Delaware, Kaplans', Inc., Kaplan, Miller, Inc., Kania Manufacturing Company, Kawtay Oil Company, Inc., Kansas Oil and Gas Company, Kauffman Tri-Angle Candy Co., Inc., Kehawke Equipment Company, Keeley Institute of New York Inc., Kelvinator-Chicago Company, Kemikal, Inc., Kelp Products Corporation, Kentucky By-Products Coal and Iron Company, The, Kent-Blan-

## PROCLAMATIONS

cato Corporation, Keowee Corporation, Inc., Kenmer Laboratories, Inc., Kennedy Publishing Co., Inc., Keoran Syndicate Limited, The, Kentucky Wagon Manufacturing Company, Keystone Bond and Mortgage Company, Kepple Company, Keystone Manufacturers Service Corporation, Keystone Mushroom Companies, Keystone Refrigerating Corporation, Key Stores Company, Keyon Standardized Mortgage Corporation, Keystone Wood Products Company, Kimball Company of California, Kiamensi Clay Company, Kile Development Company, Killian Homes Corporation, Kiger National Auto Clamp Seal Corporation, The, Kirby Cushion Steel Railroad Tie Company, King Glo-Lite Corporation, Kitty Hawk Aviation Yacht & Hunt Club, Kistler Petroleum Company, King Solomon's Temple Publications, Inc., King Street Furniture Company, Klock Broom Company, Kleen Milk Farms' Dairy, Inc., The, Klamath River Lumber Company, Klaas Sand & Gravel Company, Knox Coulter Apartment, Inc., Knock-Em-Dead Company, Knadler & Lucas Company, Knoxville Old Colony Club, Inc., Koffman Plumbing and Heating Company, Inc., Kone Klutch Machine Co., Kolder Pole Corporation, Kootenai Valley Fur Farming Association, Krakovitz, Inc., Kramer Motors, Inc., Kuechle Magraw and Company, Kugel Products, Inc., Kuechle Sales and Service Co., The.

L. A. Painter Company, L. A. S. Guide Corporation, The, Lake Borgne Fur and Trapping Company, Inc., La Cross Apartment Corporation, Lake-Eberhardt Co., L'Enfant, Inc., L'Enfant-Oley-Martine Mfg. Corporation, Lake Espantosa Club, L. E. and E. C. Stone, Inc., La Fontaine Reproduction Pearls, Inc., L. H. Piercy Co., La Hacienda Sur Mare Corporation, Lackawanna Holding Company, Inc., L. H. Charles & Company, Labor Investment Corporation, L. J. McGhie, Inc., L. J. Himmelspach Construction & Builders Supply Company, Inc., La Jolla Del Costa Hotel Company, L. Levine, Inc., Lake Mitchell Development Corporation, L. M. Railsback Company, Laburnam Oil Corporation, La Porte Rubber Company, L. P. Halladay Co., La Reina Mining Corporation, La Rose Shirt Company, Inc., Lake Shore Developments Inc., Lamar Block Corporation, Lamport Company, Incorporated, The, Lambeth Mfg. Company, Lane Corporation, Lancaster Chocolate and Caramel Company, Land Investment Com-

## PROCLAMATIONS

pany of Washington, Land and Live Stock Company, Land Purchasing Company, Larned Oil Company, Inc., The, Latin-American Advertising Co., Latin American Export Import and Forwarding Corporation, Latin American Exploration Corporation, Las Animas-Durango Company, Latham Chemical Corporation, Latin Union Petroleum Co., Lavodent Co. The, Laundryette Manufacturing Company, The, Lawton Diners, Inc., The, Loco, Inc., Law Kishpaugh & Co., Inc., Law Manufacturing Company, Lazarus Real Estate Corporation, Le' Bron's Health Company, The, Lea-Chandler Co., Leagum Corporation of Delaware, Le Grand Stone Company, The, Leadville Great Hope Gold Mines Company, Lee Benoist & Co., Inc., Leif Ericson Memorial Hotel Association, Leetonia Furnace Company, Ledden Incinerator Company, Lee Mutual Company, Incorporated, Ledbetter Music Publisher, Inc., Lefren Realty Company, The, Lehigh Coal Company, Lehigh Hotel Company, Leicester, Inc., Legnard Shoe Manufacturing Company, Inc., Lehigh Valley Flying Corporation, Leota Laboratories, Incorporated, Lemhi Mining Company, The, Leonard Run Oil & Gas Company, Leroy Glass Corporation, Les-Go Manufacturing Company, Let-ta Poin-ta Manufacturing Co., Lewis Well Testing Company, The, Lewis, Incorporated, Liberty Automatic Heater Corporation, Liberty Burner Corporation, Liberty Court Realty Co., Inc., Liberty Industrial Electric Corporation, Likly Luggage, Incorporated, Liberty Loan Association, Lifo Medicine Company, Liberty Market House Company, Liberty Provision Canning Enterprise Corporation, Lignone Products Company, Life Saving Devices Co., Lincoln Airways, Inc., Lincoln Chemical Corporation, Lineville Iron and Steel Corporation, The, Lindeke Stores, Inc., Livingston Artificial Limb Company, Lloyd-Armstrong Co., Little Beach Holding Corporation of Delaware, Lloyd Building Corporation, Liquid Carblack Company, Incorporated, Liquid Coffee Co., Inc., The, Livelong Company, Inc., The, Liscio Italian Investors Corporation, Little Mildred Mining Company, Llenroe Oil & Gas Co., Inc., Little Star Oil Co., Loan Corporation of North America, Locust Manufacturing Company, Lochnagar Oil & Gas Co., Lomen Bros., Inc., Lolita Holding Company, Long Beach Funding Co., Inc., Lone Eagle Mines, Inc., Lone Eagle Corporation, The, Lohr & Harris, Inc., Long Island Information Service, Inc., Lookout Mountain Holding Company, Lookout Mountain Corporation,

## PROCLAMATIONS

Lookout Mountain Hotel Company, Lorenz Steel Process Company, Long Wear Mfg. Co., Los Angeles Fisheries, Inc., Louisiana Central Gas Company, Love Contract Corporation, Louis J. Ivey & Company, Louisiana Lignite Company, Louisiana-Mississippi River Bridge Company, Lotawana Mining Company, Louis Nathanson Company, Louisiana Press, Incorporated, Loux Radio and Appliance Company, Loudon Speed Drill, Inc., Louis Sanders Corporation of America, Lott Universal Roller Bearing Corporation, Louis V. Barach and Company, Lower California Fisheries Company, Lucky Cigar Stores Co., Inc., Luddington Chair Corporation, Luminotype Enterprises, Inc., Luminous Pigment Company of America, The, Lumber Securities Corporation, Luna Theatrical Enterprises, Inc., Lyknu Polish Manufacturing Company.

M. A. Floyd Construction Co., M. B. Casey Co., Inc., Macphee & Co., M. J. Finn Pump Mfg. Co., M. Levine Company, The, M-P Manufacturing Co., Inc., M. R. Kynaston and Company, Inc., MacLachlan Reduction Process Co., Inc., M. Stoessel Company, Inc., Maccar Truck Sales Company of Wilkes-Barre, Pa., M. T. C. Oil & Gas Company, Magwood Mining Company, Madrillon Operating Company, Mag-Rhu Company, Magnolia State Telephone & Telegraph Company of Mississippi, Magnetic Wonder Products, Inc., The, Majestic Car Corporation, Majestic Diners, Inc., Maino Jack Company, Majestic Music Shop, Inc., Majestic Securities Corporation, Maher Turbine Corporation, Majestic Theatre Company, Malt Beverage Company, Mallery Process Corporation, Manor Building Corporation, Manufacturers Binder Company, The, Maple Crest Dairy Company, Manufacturers Distributors Products Co., Inc., Maple Hill Quarries Company, Manufacturers Industrial Corporation, Mantor, Inc., Manufacturers Kid Corporation, Manifest Oil & Gas Company, Manatee Oil Co., Mantell's Sprinkler Fire Extinguisher Corporation, Manitou Springs Land Company, Manor Tract Development Corporation, Marie Barlow, Inc., Marathon Coffee & Grocery Co., Margo Corporation, Marine Engineers Building Company, The, Marie Investment Company, Marian Mining Company, Maritime Service Stations Limited, Inc., The, Marl Fertilizer and Chemical Corporation, Marrland Hotel Company, Marshall Home Supply Company,



## PROCLAMATIONS

Marrus & Kahn, Inc., Marshall Natural Gas Company, Mars Paper Company, Marmon Wilmington Co., Martinsburg Brick and Tile Corporation, Marvo Co., Martin Chemical Company, Maryland and Delaware Navigation and Aeroplane Corporation, Martin H. Walrath & Son, Inc., Marvel Mining Company, Martin & Mitchell Company, Martin Process Co., Martin Rubber Corporation, Marvelite Sign Corporation, Masonry Construction Co., Inc., Masoncroft, Inc., Mason Knight Corporation, Mascall Oil and Gas Company, Mason Realty Company, Masso Brush Co., Master Battery Manufacturing Co., Inc., Massimiano, Inc., Master School of Musical Arts of California, Inc., Matanzas Blangas Company, Matamoros Kennel Club, Mathiasen Towing Line, In., Mavis Bottling Company of Detroit, Mavis Bottling Company of New Orleans, Mavis Bottling Company of Atlanta, Mayer Brothers and Company, Inc., Mayfield Cola Company, Maxwell Company, Maychem Company, The, Maumee Finishing Co., Max Hoff, Inc., Mayflower Holding Corporation, Maupin Motor Corporation, Matta Motor Car Co., Maytime Products Corporation, Maxwell Paint Corporation, Matthews Welding & Manufacturing Company, Media Contracting Company, Incorporated, Mecca Cofe & Confectionery, Inc., Mechanical Development Corporation, Mechanical Development and Manufacturing Company, Medical & Dental Finance Corporation, Mediterranean Oil Company, Melanite Corporation, Melrose Finance Co., The, Meland Mfg. Co., Inc., Melbar Manufacturing Company, Inc., Menkus Company for Guaranteeing Mortgages, Memphis Duntile Corporation, Memorial Park & Realty Corporation, Memorial Studios, Incorporated, Merchants Auto Garage Corporation, Merchants Delivery, Inc., Meridan Investment Company, The, Mercantile Loan & Trust Company, Merritt Company, Merrill Corporation of Pennsylvania, The, Merritt Health Products Company, Mervine Manufacturing Company, Metropolitan Bond Corporation, Metropolitan Construction Company, Metalrut Company, Meals Foundation, Inc., Metropolitan Guaranty Corporation, Metals Heat Treating and Manufacturing Corporation, Metrodec, Inc., Metropolitan Motor Coach Corporation, Metropolitan Oil Company, Metal Products of America, Inc., Metals Recovery Corporation, Mex-American Oro-Plata Mining Company, Mexia Freestone Oil Corporation, Meyer

## PROCLAMATIONS

& Lorang, Inc., Mexico and Venezuela Oils, Inc., Midwest Advertising Corporation, Midland Bridge Company, Midwest Coal Corporation, Mikesell Company, The, Mid-Continent Utilities Corporation, Mid-Continent Engineering Corporation, Mikut Distributing Co., Inc., The, Michigan Finance Corporation, The, Midwest Fur Farms Co., Midwest Holding Company, Mid-Iron Golf Club, Midland Investment Corporation of America, Midwest Land Development Company, The, Michael Melody Company, Midvale Manganese & Iron Company, Michael Melody & Son Company, Mich-Ohio Oil Company, Muhlheim Oil Company of Monona, Iowa, Midfield Petroleum Corporation, Michigan Park Manor Company, Midcontinent Producers and Refiners Corporation, Michigan Realty Corporation, Michigan Rubber Corporation, Michelucci Sanitarium, Inc., Midwest Service Corporation, Middle South Utilities Company, Miami Shores Estates, Inc., Miami Studios, Incorporated, Michigan Vibrolithic, Incorporated, Milford Athletic and Sport Club, Incorporated, Milburmar Corporation, The, Miles Manufacturing Corporation, Miles Magnetic Motor & Mfg. Co., Milford Theatre Company, Milford-Wright Company, Inc., Miller Buchanan Oil Company, Inc., The, Miller Corporation, The, Millin Drug Company, Millenard Holding Corporation, Miller Manufacturing Company, Miller Motor Company, Miller Rim Products Corporation, Miller Traction Tread Company, Miltiades Melachrino Cigarette Corporation, Mining Developing and Salvage Company, The, Mines Finance Corporation, Minralite, In., Minden & Kearney Pioneer Chain Store Co., Minneapolis Lighting Fixture Company, Mintford Machine & Manufacturing Co., Inc., The, Miners Oil and Gas Company, Minnesota Realty Company, Mining Utilities Corporation, The, Miri-Ko Corporation of America, Missouri Asphalt Corporation, Mississippi Barge Corporation, Mission Beach Amusement Corporation, Mississippi Development Corporation, Mission Hot Springs, Inc., Missouri-Illinois Stores Company, Missouri Rock Asphalt Brick Company, Missouri Underwriting Company, Mississippi Valley Oil & Gas Co., Inc., Mitchell's Service Stations, Inc., Model Clothes Shop, Inc., The, Modern Glass Company, Model Garage, Inc., Modern Products Corporation, Mo-Tone Chemical Corporation, Moingona Corporation, Mohawk Stage Lines Company, The, Molded Wood Products, Incorporated, Montgomery Apartments Corporation, Monarch

## PROCLAMATIONS

Airway Corporation, Monroe Holding Company, Monogram Oil Corporation, Monitor Products Corp., Monarch Products Company, Monarch Sales Co., Inc., Montana Travel Air Sales Company, Moore Container Corporation, Moore & Company Inc., Moore Insurance Redemption Company, Moore-Mines, Inc., Moore-Pace Aero-Tube-Patents Company, Moore-Stanley Co., Moore Sales and Service Co., Morehouse Mustard Mills, Inc., Morgan Eaton & Co., Inc., Morgan Specialty Company, Inc., Morice Twine Mills Corporation, Mortgage Associates, Inc., Mortgage Certificate Corporation, Mortgage Company of America, Mortgage Equity Corporation, Mortgage Fund, Incorporated, Mortgage Holding & Investment Co., Mortgage Procuring Corporation, The, Mortgage and Realty Corporation of Delaware County, Motrest Company, Inc., Mosaic Inlay, Inc., The, Motorists Protective Bureau, Inc., Motor Sales and Service Co., Motor Tourist Camps of America, Inc., Mountaineer Airplanes, In., The, Mountain City Ice & Beverage Company, Mt. Pocono Hotel Corporation, Mount Pleasant Beverage Company, Mountain & Plain Holding Corporation, Multiple Laundry Machine Company, The, Multiple Organization Company, Multi-Power Machine Corporation, Murphy Hotels Corp., Muskrat Breeders, Inc., Murry Hill Coal Mining Company, Music Service Company, Mutual Appliance & Wall Paper Co., Mutual Benefit Automobile Association, Inc., Mutual Building Supply Company, Mutual Operating Company, The, Mutual Plan, Inc., Mutual Properties Corporation, Mutual Service, Inc., Mutual Telegraph and Radio Corporation.

McAvoy Company, West Branch, Inc., McAvoy Company, Inc., North Branch, McAdoo Knitting Company, Inc., McCoy, Incorporated, McCoy Security Company, Inc., McDonald Transportation Co., McElroy Petroleum Inc., McIntyre Investment Company, The, McManus Tegan & McCue Inc., McNeil Company, The, McSweeney Automobile Tractor & Electrical School, Inc.

Naiman's Auto Supply, Incorporated, Narragansett Coaster Company, Narva Coal Company, N. E. Sage, Inc., Naborhood Gasoline & Supply Co., Nagle Plan Company of Delaware, N. Y. Co-Operative Oil & Gas Co., Inc., Nawoc Company, The, Nations 5c & 10c up to \$1.00 Stores, Inc., The, Natrona Oil Company, Inc.,

## PROCLAMATIONS

Natural Powdered Milk Co., National Autofount Corporation, National Auto Racing Assn., Inc., National Autoparts Corporation, National Athletic Club, National Auto Laundries, Inc., National Arcades, Inc., National Automotive Corporation, National Aircraft Materials Corp., National Airplane Manufacturing Company, Inc., National Arenas Syndicate, National Bond & Mortgage Company, National Block and Harvester Corporation, National Battery Company of Minnesota, National Bond and Share Investment Company, National Capital Stock Corporation, The, National Capital Convention Service, Inc., National Concrete Construction Co., National City Title Company, National Cigar Company, Inc., National Corporation Service, Inc., National City Mortgage & Investment Corporation, The, National Commercial Company, National Dalite Corporation, National Dansant, Inc., National Display Service Company, National Diatomite Corporation, National Distributors, Inc., National Development Corporation, National Electrical Utilities Corporation, National Electro Hydrothermal Corp., National Electro Advertising Corporation, National Educational Service, Inc., National Floral Service Corporation, National Flying Association, Incorporated, National Furniture Company, National Finance Company of Minnesota, National Gas Products Corporation, National Gasoline Company, National Hosiery Mills, Inc., National Highway Advertising Co., Inc., National Health Hotels, Inc., National Home Mortgage Company, National Home Funding Corporation, National Industrial Review, Inc., National Lead and Zinc Corporation, National Land Finance Corporation, National Lime Cement and By Products Corporation, National Lime Chemical and Mining Corporaton, National Loan Company of Los Angeles, National Municipals, Inc., National Metal Corporation, National Manufacturers & Sales Corporation, National Motor Sales Corporation, National Manufacturing Corporation of Pacific Coast, National Mortar Company, Inc., National Oil & Gas Royalty Company, National Oil Heater Co., The, National Oil Company of Delaware, National Pier, Incorporated, National Products Company, National Publications, Inc., National Panelstone Corporation, National Potash Corporation, National Paper and Printing Sales Company, National Radio Stores, Inc., National Research Corporation, National Radio and

## PROCLAMATIONS

Broadcasting Corporation, National Road Marker, Inc., National Sales Corporation, National Seating Corporation, National Super-Tire Corporation, National Specialty Corporation, National Specialty Manufacturing Co., Inc., National Service of Supplies, Inc., National Syndicated Theatres, Inc., National Sport Wear Co., National Security Collection Service, Inc., National Trade Publishing Company, National Truss Company, Incorporated, The, National Trading Corporation, National Taxi Advertising, Inc., National Tourists System & Service Co., National Talking Pictures Corporation, National Tube Manufacturers, Inc., The, National Unalterable Check Company, National Venere Products Corporation, Nelco Company, The, Necropolis Corporation of America, The, Negocios Corporations, The, Nelson Realty Company, Neofuel Company, Neon Electrical Company, Inc., Neu-Flame Corporation of the United States, Nenzel Manufacturing Company, The, Nestco Printing Company, The, Nevada Quarries, Inc., Neumann Recoveries Corporation, Neon South-East Company, Nevada Silver Consolidated Co., Inc., New Amsterdam Company, New Brighton Gas Company, New Broad Street Theatre Company, The, New Castle Pennsville Ferries, Inc., New Dress Shoppe, Inc., The, New Era Bumper Corporation, New England Flexible Door Corporation, New England Mortgage Corporation, New England Wire Company, New England Hosiery Shops Inc., New England, New York & Texas Steamship Corporation, New England Housing Corporation, New England Wire Machinery Company, The, New Gordon Hotel Corporation, Newton Hall Company, New Jersey Silver Fox Clubs, New Jersey Oil and Gas Fields, Inc., New Maritime Steamship Co., Inc., New Martinsville and Ohio River Bridge Company, New Orleans Coal and By Products Corporation, New Orleans Pontchartrain Bridge Company, New Plan Corporation, New Process Chemical Co., Newbauer Vertical Airplane Co., Inc., New Wayne Junction Garage, Inc., New World Discount Corporation, Newport Water Company, New York Bankers Securities Corporation, New York Bottling Company, Inc., New York-Chicago Holding Corporation, New York, Chicago and Pacific Airways Co., New York Hollow Tile Corporation, New York Mexican Company, Inc., The, New York & New Jersey Investing Corporation, New York Sylvan Electric

## PROCLAMATIONS

Baths, Inc., Niagara Rota-Floor Garage Company, Nitrat Corporation of America, Nito Corporation of America, Nixon Vending and Change-Making Machines, Inc., Niess Waner Company, The, Najok Company of America, Nodimolite Sales Corporation of New England, No-Tarnish Products Company, Nolin, Inc., Nomlas Realty Co., Non-Scents, Inc., Norman Air Craft Corporation, Nordquist Son and Short, Inc., North American Home Mortgage Company, North American Investment Company, North American Land Corp., North American Royalty Company, North American Finance Service, Inc., North American Mortgage & Building Corporation, The, North American Leasing Corporation, Norrena Corporation, The, Northeastern Coal & Ice Company, Northwest Company, The, North Dakota Coal Products Company, Northwestern Investment Corporation, Northern Kansas Pioneer Chain Store Co., Northwest Land and Finance Corporation, Northern Liberty Loan Association, North Michigan Tours, Incorporated, Norwood Pharmaceutical Co., North Star Investment Company, North Shore Furs Industry, Inc., Northern States Land Co., North and South Line, Inc., The, Northeast Trucking Co., Northwestern Trucking Co., Northwestern Terminal Company, Northern Utilities Service Corporation, Northern Vermont Mineral Corporation, Novelty Foot Wear Corporation, Nowak and Schwartz Leather Company, Nova Scotia Live Stock and Development Company, Ltd., Novo-Tax Company, Inc., Nu-Gas Construction Company, Nu-Gas Corporation, Nu-Lax Products Company, Inc., Nu-Vim Chemical Company.

O'Connor Transatlantic Airways, Inc., O. K. Playing Card Company, Oak Lynne Hall Corporation, Oak Lane Construction Company, Oasis Oil & Gas Company, Ocean Salvage Co., Oetting Bros., Inc., Odolog Corporation, Office Stationery Company, Inc., The, Office Utilities Corporation, Ohio Chain Stores Company, Inc., Oil Desulphurizing Corporation, Oil Delivery Corporation, Oil & Gas Equities, Incorporated, Oil and Gas Corporation, Ohio Illuminating Engineering Corporation, The, Oilshares, Incorporated, Oil Royalty Shares Corporation, Oil Securities Company, Okaw Springs Development Corporation, Okla-Tex Lease & Royalty Company, Oklahoma Textile Mills & Bleachery, Inc., Oil Well

## PROCLAMATIONS

Service Corporation, Oil Wells Renewal Company, Oliver Company, The, Old Colony Candy Company, Old Dominion Anthracite Corporation, Oltex Oil Company, Oliphant Petroleum Company, Omoto Rubber Corporation, Old Sweet Springs, Inc., Olbro Trading Corporation, Opaltine Corporation, The, Onondaga Oil and Gas Corporation, Ophem Oil & Gas Company, Operators Realty Corporation, Orange-Crush Bottling Company of Michigan, Orange Crush Holding Corporation, Oriental Electric Protective Association, Orchids, Incorporated, Oratorio Music Drama Productions, Inc., Oregon Products and Enterprises, Incorporated, Ortho Photo Products Corporation, Oregon-Platinum-Gold Placer Mines Company, Orin Walch Airways, Incorporated, Osage Nation Oil Syndicate, Inc., Otis & Bruce, Inc., Overbrook Construction Company, Ozark Hickory Co., The, Owl Inn, Inc., The, Overton National Finance Corporation, Owosso Nursery, Inc., Over-Sole Rubber Corporation, Ozark Timber & Development Co., Inc., The, Overland Transit, Inc., Overland Trail Tire Sales Company, Oxq-Vaporol Co., Inc.

Pacific Coast Shoes Manufacturing Company, Pacific College of Aeronautics and Engineering, Inc., Pacific Coast Oil Company, Pacific Chemical Research Corporation, The, Pacific Electric and Manufacturing Corporation, Pacific Electric and Development Company, P. H. Kelley and Company, Inc., P. J. Queally Company, Inc., Pacific Mfg. and Supply Corp., Pacific Marine Terminal and Transport Corporation, Pacific Marine Chemicals, Inc., P. P. Morgan Investments, Inc., Pacific States Petroleum, Incorporated, Pacific Southwest Oil Company, Pacific Sulphur Company, Pacific Slope Holding Company, Pacific Steel Tube Company, Pacific State Theatres, Inc., Pacific Terminal Warehouse Co., P. W. Robertson Corporation, Pain Chex Company of America, Paige Jewett Motor Car Company, Inc., Pan-American Mine Development Corporation, Pan-American Mining and Smelting Corporation, Pan-American Oil Development Corporation, Pan American Securities Corporation, Pan-American Timber Development Corporation, Palisades-Bergen Estates, Incorporated, Paperboard and Carton Co., Panama-Coal & Transportation Corporation, Panatone Corporation, Palais D'or Chinese-American Res-

## PROCLAMATIONS

taurant Corporation, Panama Holding Corporation, Palace Laundry Company, Panama-Roosevelt Memorial Association, Palm-dale Springs Sanitarium, Inc., Park Amusement Company, Parkway Company, Inc., Parker Cornell Corporation, Parfumerie de Raymond, Inc., Park Development Company, Paragon Electric Corporation, Par Gold Portable Practice Net Co., Paraffin Heater Engineering Corporation, Paramount Holding Corporation, The, Paramount International Rubber Company, Park Lane Apartment Hotel, Inc., Parkemhue Lumber Company, Inc., Para Land Investment Corporation, Paramount Lumber Company, Paramount Paper Products Corporation of Michigan, Paragon Products Corporation, Parkside Realty Co., Inc., Paramount Rubber Consolidated, Inc., Paradise Stores, Inc., Parkway Stores Company, Parson's Island, Inc., Parry Oil Company of Texas, The, Partos Realty Holding Corporation, Paul Brothers Construction Company, The, Payton Burt and Roach, Inc., Payne County Royalty Company, Patterson Coal and Coke Company, Inc., Pasteur Chamberland Water Filter Company, Paul's Garage, Inc., Patton's Good Food, Inc., Paul Gibbons, Inc., Patterson McNutt Productions, Inc., Pasadena Maryland Company, Paschall Mutual Ass'n, Inc., Patent Purchasing Corporation, Patricia Shoppe, Inc., Pay Service Radio Corporation, Paulco Signal Light Co., Inc., Pearce Brake and Hub Company, Pecan Belt Land Company, Pecano Company, Pee-Dee Marl Exploration Co., Inc., Pecos Mex Oil Corporation, Peerless Machine Corporation, Peat Products Company, Pecos River Development Corporation, Peacock Stores, Inc., The, Pelham Bay and Palisade Realty Co., Inc., Pembroke Lumber Sales Company, Inc., Pelham-Westchester Sanitarium, Inc., Pennsylvania Airways Inc., Penna Brick Hauling Co., Penn-Coal-Oil and Gas Co., Penn China Company, The, Penrod Company, Inc., Pennsylvania Consolidated Oil Company, Pen-Del-Mar, Inc., Peninsula Drug Company, Pennsylvania Engineering Products Co., Inc., Penn Embroidery Company, Inc., Pennsylvania Grand Opera Company, Penn-Jersey Mortgage Guaranty Company, Pennsylvania Lunch, Inc., Penn-Mawr Coal Corporation, Penna Motor Service, Inc., Pennsylvania Motor Parts, Inc., Pennsylvania Natural Gas & Refractory Co., Penstate Oil Company, Pennsylvania Oil and Gas Corporation, Pennsylvania Oil



## PROCLAMATIONS

and Equipment Co., Inc., Pennsylvania Oil Corporation, Penguin Oil Co., Pennsylvania Oil Producers Syndicate, Penn Preserve Co., Pen and Picture Corporation, Pennsylvania Rayon Corporation, Penglades Realty Corporation, Pendergast Sales Company, Pence Springs, Inc., Penn State Theatres, Inc., Penn-Sentinel Oil Co., Inc., Penn State Mint Co., Penn Steel Castings Company, Pennsy Theatre Company, The, Penn Vix Vapor Company, Penny-Zenn Motor Supply Co., Permastone Corporation, The, People's Dairies, Inc., The, Perfection Die Casting Corporation, The, Perry Electrical Register Corporation, Perfect E. Z. Chair Corporation, "Perin Flyers Corporation, Inc.," Perry Knott Corporation, Personal Rating Bureau, Inc., Permanent Railway Tie Corporation, Peron Spaghetti Restaurants, Inc., Peoples Tire Stores Co., Inc., The, Petroleum Light and Heat Company, Phelan Creek Gold Placer Mills Company, Incorporated, Phelps Copper Company, Phenolic Products Corporation, Phenix Sales Company, Philadelphia Artistic Iron Works, Inc., Physical Art and Grace, Inc., Philadelphia Easy Washer Company, Philadelphia-Florida Corporation, Philadelphia General Contracting Company, Philbrin Ignition Company, Philadelphia Investment Association, Inc., Phono-Kinema Syndicate, Inc., Phister-Lancaster Company, Philadelphia-Moon, Incorporated, Philadelphia Motor Transportation Company, Philadelphia Mortgage and Loan Company, Philadelphia Malt Warehousing Corporation, Philadelphia Nojak Company, Philadelphia Pretzel Company, Philadelphia Publicity Bureau, Inc., Photometric Products Corporation, Phoebe Snow Cleaners and Dyers Corporation, Philadelphia Street Bulletin Association, Philadelphia Supply Company, Inc., The, Philadelphia Southern Dental, Inc., Phillips Terrace Apartment House Company, Phor-Us Corporation, Picacho Copper Mining Company, Piedmont Corporation, Piano Finance Corporation, The, Picturetone, Inc., Pillington Apartments Corporation, Pine and Syress Mfg. Co., Pinewald Financial and Community Corporation, Pioneer Fur Farms Company, The, Pioneer Farms Corporations, The, Pioneer Insurance Agency, Incorporated, Pine Land Products Corporation, Pinito Mining Corporation, Pine Tree Lumber Company, Pioneer Underwriters Company, Pittsburgh Gasoline Pump Company, Pittsburgh Realty and Guaranty Company,

## PROCLAMATIONS

Pittsburgh Squab Company, Pittsburgh Type Founders, Inc., Pittsburgh-Texas Gas and Oil Co., Playthings Manufacturing Co., Plastucon Products Co., Plains Realty Co., Pneumoguard Chemical Company, Plymouth Motor Alloy and Mine Drill Company, Inc., Plow Nursery Co., Inc., Plomar Products Corporation, Plymouth Plan Company of America, Inc., Plowman Yarn Company, Polk County Lumber Company, Pontiac Development Company, Polar Oil Company, Polline Products Manufacturing Co., Point to Point Company, Inc., Pollyanna Shops, Inc., Portage Air Service, Inc., The, Porcelain Appliance Corporation, Porcupine Mining & Milling Co., Ltd., Port-O, Inc., Porous Products Corporation, Potomac Building Co., Potomac Fish & Poultry Company, Inc., Potomac Improvement Corporation, Power and Light Utilities Company, The, Potato Products Company, Powder River Land and Livestock Investment Co., Potomac Realty Company, Postal Securities Corporation, Postal Vehicle Garage, Inc., Powell Wood Process Co. (North America) Incorporated, Practical Daily Life Christianity Congress, Inc., Pressed Coal Company, Precision Chain Corporation, Premier Exploration Company, Inc. (Non-Personal Liability), Presidio Development Company, Precision Furnace Corporation, Premier Floral Company, Prentiss Hotel Company, Preferred Investments, Inc., Premier Laboratory Company, Prest Metals Company, Incorporated, Pressing Machine Company, Incorporated, Pressing Machine Service Co., Prevento Products Corporation of America, Pressed Steel Stove Corporation, Professional Assistance Company, Inc., Progressive Agency Corporation, Professional Association, Incorporated, Prudential Airways, Inc., Professional Buildings Corporation of America, Process Coal Company, Producers and Consumers Corporation, The, Progressive Coal Oil and Iron Cement, Inc., Protector Company, Price-Campbell Cotton Picker Corporation, Protective Engineering Corporation, Prudential Funding Corporation of America, Protectu Gas Lighter Corporation, Prince Motor Plow and Cultivator Co., The, Protector Plan, Inc., Psychology Publishing Company Inc., The, Prude Ranches Incorporated, Protected Steel Corporation, Prize Story Publisher, Inc., Purtell Bros. Inc., Pure Cook Products Company, Purity Dairies, Inc., Purchasing and Holding Company, Punjab Realty Co., Pure Rock Asphalt

## PROCLAMATIONS

Company, Puffles Sales Corporation, Public Utilities Management and Engineering Corporation, Public Utilities Gas Company, Pulp and Wood Products Corporation.

Quixet Company, The, Quaker City Service Corporation, Quaker City Crushing & Rendering Co., Inc., Quad City Brick and Lime Company, Quaker City Investment Company, Queen City Motor Corporation, Quicksilver Development Corporation, Quality Products Co., Inc., Quaker Products Fiscal Corporation, Quaker Products Distributing Corporation, Quaker Supply Company.

Radio Corporation Stores, Inc., Radio Corporation of Oklahoma, Radiogram Corporation of America, R. D. Spicer, Inc., R. E. M. By-Product Corporation, Radiation Equipment Mfg. Co., Inc., R. E. Moody, Inc., Ralph H. Feinberg and Co., Inc., R. J. Quinn Mortgage Company, The, R. Krasnow & Sons, Inc., R. L. Motive Parts, Inc., Radio Oil and Gas Co., Inc., The, Radio Stores of America, Inc., Radio Stores Corporation, Raleigh Sand & Gravel Co., Inc., Radio Service Corporation of New York, Ra-Tor Radium Corporation, Radio Utilities Corporation, R. & V. Wagner Ordnance Company, Radio Ventril-O-Fone Corporation, Ransom Coal Co., The, Rayon Company of America, Inc., Raylite Electric Sign Corporation, Rays Products Corporation, Raymond Par Corporation, Red Ant Oil and Gas Company, The, Red Barrels, Inc., Refrigeration Corporation of America, Reeltone Corporation of America, Realty Developers, Inc., Real Estate Construction Co., Reclamation Engineering Corporation, Real Estate Securities Co., Real Estate Exchange, Inc., Recording Laboratories of America, Inc., Reed and Lewis, Incorporated, Read-Riter Company, Inc., Red Rabbit Orchards, Inc., Refiners' Realty Corporation, Reciprocating Rotary Motor Corporation, Rega Safeties, Inc., Refrigeration Service, Inc., Realty Shares Corporation, Refrigeration Utilities Corporation, Red Wing Shoe, Inc., Remington Automatic Quotation Board Corporation, Reorganization Co., Inc., The, Reproducing Corporation, The, Religious Films, Inc., Relay Garford Motors Co., Reid Lawson, Inc., Relax Manufacturing Corporation, Reliance Mortgage & Investment Co., The, Reno Marine

## PROCLAMATIONS

Salvage Corporation, Republic Mortgage and Discount Corporation, Reo Overbrook Company, Reliance Oil & Supply Co., Remen Utilities Corporation, Revere Building Company, Representative Realty Company of Ohio, The, Regan-Tungsten Co., Inc. of Delaware, Rettig Beverage Company, Rhodes Brothers, Inc., Reserve Engineering Corporation, Reserve Insurance Inc., Rhode Island Distributors, Inc., Research Laboratory & Manufacturing Co., Rex Millwork Co., Inc., Rexgold Manufacturing Company, Rex Royalty Company, Rex Seal Canning Company, Richard Burke Contracting Corporation, Richard Investment Corporation, Richhill Oil and Gas Company, Richardson Park Water Company, Rice Products, Inc., Rice Rock Drill Corporation, Richmond Securities Co., Inc., Rice-Taylor Corporation, Ridge Holding Company, Riffo Mfg. Co., Riley Royalty Company, Ring Baby Bottle Company, The, Rio Blanco Power & Development Co., Rio Chama Company, The, Rio Grand Valley Land Oil & Mining Co., Rio Grande Fruit Corporation, The, Rintz, Inc., River Feldspar & Milling Company, The, Roaring Brook Corporation, The, Roberson Manufacturing Corporation, The, Roamer Motors and Aircraft Corporation, Robert Reitze Oil Corporation of Delaware, Robert Reitze Oil Corporation of California, Robert T. Cameron Company, Robins Billiard Academy, Inc., Robert E. Harvey & Company, Inc., Robinson Finance Corporation, Robinson Petroleum Products Corporation, Rock Asphalt Products Corporation, Rochester Corporation, The, Rockcastle Cement and Lime Company, The, Rockwood Ice & Beverage Company, Rocky Mountain Utilities Corporation, Rock Petroleum Company Inc., The, Rogers Automatic Transmission Corporation, Roma Gardens, Inc., Rogers Island, Inc., Romola Income Units, Incorporated, Ramona Mining Corporation, Roepka Pan Machine Corporation, Roe Safety Door Co., Roosevelt Hotel Operating Co., Inc., Rosmer Corporated, Rosenblum Oil Corporation, Ross Research Company, Inc., Ros Rol Company, The, Rossleben Seed Company, Rotor Corporation of America, The, Rotary Oil Company, Rotary Piston Motor Co., Royalties Associates, Inc., Roxana Coal Company, The, Royal Center Oil and Gas Developing Company, Roy D. McCormack, Inc., Royal Kettle Oil Company, Inc., Rube and Dan Mfg. Co., Rumble Seat Cover Company, Run-

## PROCLAMATIONS

syne Corporation, Ruoff and Ruoff, Inc., Ryan Aeronautical Corporation, Rystedt Air Craft Company, The, Ruskin's Apparel Shop, Inc., Ruty Amusement Corporation, Inc., Russell-Rees Rotary Valve Engine Corporation.

S. A. Greenlee & Co., Inc., S. E. Beach Corporation, The, Safety Folding Box and Crate Co., The, Safety Hook Corporation, The, S. Saull, Inc., Safety Service, Inc., Sabine Terminal Oil Corporation, Safe-T First Chemical Corporation, Safety Vacuum Pump Corporation, S. W. Allen Co., The, St. James Company, St. Joe Lime & Stone Co., St. Louis Coke & Iron Corporation, St. Lawrence Lumber, Wood & Stone Products Corporation, St. Regis Baking Co. Inc., Sales Engineering Service Corporation, Salmon River Hunting and Fishing Club, Inc., Salus Style Shop, Inc., Sandherr Automatic Transmission, Inc., Sani-All Electric Coffee Roaster Corporation, Sanitary Bloomer Co., Inc., Santos Business College, Inc., Santa Crux Kennel Club, Sanahide Corporation, Sanford Corporation, The, Santa Cecilia Sugar Corporation, Santa Monica Development Syndicate, Sanative Products, Incorporated, Sanitary Postage Association of America, Sandusky Rim Corporation, Santa Rita Mining Company, Sani-Seat Company, Sanitary Tissue Products Corporation, Sarff Cone Brake Co., Satterlee Engineering Company, Satin-Face Brick Corporation, Saussier, Incorporated, Saville Orchard, Inc., Scanlon Electric Manufacturing Company, Schick Engineering Laboratories, Inc., Schilling and Lake, Inc., Schick Manufacturing Company, Schofield, Inc. of America, Schools Safety Service Devices, Inc., Schurtz System of Refrigeration of Penn., Inc., Scientific Laboratories, Inc., Scientific Neon Corporation, Scott, Davis & Company, Scorpion Lead and Zinc Mining Co., Scott Petroleum Properties, Incorporated, Scott Radio Corporation, Scott-Rice, The, Scutan Company, The, Sectional Brake Lining Corporation, Security Box Co., Sealo Corporation, Securities Corporation of America, Seaboard Fuel Corporation, Seaboard Holding Corporation, Security Loan and Investment Company, Inc., Security Loan & Investment Trust Co., Sealy Mattress Company of Minnesota, Seaboard Oil & Gas Company, Seabank Petroleum Corporation, Seaside Park Amusement Company, The, Seamless Shoe Cor-

## PROCLAMATIONS

poration, Security Service Corporation, Incorporated, Segregated Security Corporation, Segall Specialty Company, Security Underwriting Syndicate, Service Association for Vocational Education, Incorporated, Selheimer & Company, Service Cabs, Inc., Seminole Plantation Co., Selbyville Producers Association, Incorporated, Seville Apts. of Jackson Heights, Inc., The, Servadrink Corporation, The, Sevilla Film Corporation, Sewickley Nash Company, Seville Studios, Inc., 7700 Cabs, Inc., Severn Transportation Co., Shamrock Clay Products, Inc., Shaffer Lumber Company, The, Shamrock Mayonnaise Corporation, Shale-Rubber Products Company, Shamokin Realty Company, Shale Underwriters, Inc., Sharpe Coating Products Corporation, Shapiro Construction Company, Inc., Sharrna Mining Company, Shareholders Trustee Corporation, Sheldon Clark Investment Co., Inc., Sheephead Ranch & Development Co., Inc., Shepard Arms Holding Co., Inc., Sherkman Construction Company, Sheridan Corporation, The, Sherwood Homes, Inc., Shenandoah National Park Hotel, Inc., Sheridan Park, Inc., Sheridan Publishing Company, The, Sherman Travel Service, Incorporated, Shifflet Cumber Realty Corporation, Shifflet, Cumber and Company, Inc., Shilling Lake Co., Shields Stores Syndicate, Inc., Shop for Women, Inc., The, Silver Bell Co., Silent Blue Flame Oil Burner Co., Silkose Company, Silver Cliff Mines Company, Sijours, Inc., Silver King Rubber Company, The, Silk Products Corporation, The, Silverbrook Supply Company, Simon & Company, Simpson Co., The, Sinclair Engine and Foundry Company Inc., Simpson One Per Cent Corporation, Simplex Pile Foundation Company of Pittsburgh, Simplex Radio Supply Co., Simon Weiss & Sons, Inc., Sin Wan Pao Company, Simmons Woodworking Company, Sirtex Oil Company, Sky Signs of America, Inc., Slagle Manufacturing Co., Slagle Radio Company, Silpon Sanitary Desk Cover, Incorporated, Smith & Anderson, Inc., Smith Manufacturing Company, The, Smith Plumbing and Heating Company, Inc., Smythe Anti-Backlash Gear Corporation of America, Smythe Anti-Backlash Gear Corporation, Snappy Hosiery Shops, Inc., Snow Insect Exterminating Machinery Co., Snow Motors, Inc., Snyder Pure Food Co., Inc., Snappy Sales Company, Smyrna Transportation Company, The, Solvit-All Corporation, Soho Coal & Coke Company, Solar

## PROCLAMATIONS

Clinic and Sanitarium, Inc., Soladero Corporation, Sogamoso Oil Company, Sodamat Sales Corporation, Sonoraphone Corporation, Sonora Consolidated Metals Company, Sooner Investment Company, Sotter Brothers Company, South America Consolidated Oil Company, Southwest Bankers Corporation, Southern Bond and Securities Co., Southern Clay Corporation, Southern Copper Company, Southeastern Consolidation Granite Corporation, Southern Cities Supply Corporation, South Coast Estates, Incorporated, Southern Floral Company, Inc., Southeastern Gas Company, Southwark Finance Company, Southwark House Wrecking Co., Inc., Southwest Ice & Cold Storage Company, South Jersey Maytag Company, Southern Metal Corporation, Southern Mortgage Securities Corporation, Southern Mortgage Guaranty Corporation, Southwark Mill and Lumber Company, Southern Maryland Title Insurance Company, Southern Nito Corporation, Southern New England Fuel Corporation, Southern Oil & Gas Company, Southwest Pennsylvania Gas Corporation, Southern Plantation, Incorporated, Southwestern Property and Securities Co., South Pine Oil and Gas Company, South Philadelphia Recreation Company, Sound Pictures, Inc., Southern Resort Company, Southern Silk Yarns Corporation, Southern States Fuel Corporation, Southern Sand and Gravel Company, Inc., Southwest States Utilities, Inc., Southern Tung Oil Company, Southwest Texas Oil Company, Sound Transit & Marine Corporation, Southwest Vacuum Process Smelting Corporation, The, Spee-Dee Incorporated, Speedpak Dispenser Corporation, Spanish Grape Products Corporation, Speak-O-Phone Corporation of America, Specialty Products Corporation, Spiro Film Corporation, Sportland, Inc., Sport Writers and News Syndicate, Inc., Sprengle Bros., Inc., Square Finance Corporation, Spring Hill Light & Water Company, Spruce Hotel, Inc., Spring Mount Trouser Company, Stadium Corporation of America, Stamos Enterprises, Incorporated, Standard Aluminum Company, Standard Appliance Company, Stanley Automotive Products, Inc., Stanlease Corporation, The, Standard Co-Operative Conservatory, Inc., Standard Drug Products, Inc., Standard Fuel Company, Standard Fruit Company, Standard Laboratories, Incorporated, Standard Liquid Testing Devices, Inc., Stan-Mar Estates, Incorporated, Standard Malted Milk Company, Inc., Stand-

## PROCLAMATIONS

ard Milk Products Company, Standard Memorial Co., Stanley Novelty Corporation, Standard Oil Company Texas, Standard Printing Company, Inc., Standard Syrup Company, Standard Service Bureau, Inc., Standard Sanitary Products Company, Standard Uncoupling Lever Corporation, Standard Variety Stores Company, State Automobile Club, The, State Automatic Machinery Company, Statuary Advertising Company, Inc., State Brokerage Corporation, State Bond and Mortgage Co., States-Canadian Corporation, State Developing Company, Inc., States Improvement Company, Star Lock Works Co., Star Lubitory and Service Company, The, Staub Motors, Inc., States Tire and Service Company, States Utilities Company, Stewart Creighton Beauty Products Co., Inc., Steels' Consolidated, Inc., Stewart Deep Tilling Company, Sterrett and Fleming Incorporated, Stewart-Franklin Corporation, Sterling Grate Corporation, Sterling Investment and Securities Corporation, Steger's, Inc., Sterling Mortgage Company, Steel Products Corporation of America, Steelite Piston Corporation, Sterner Shoe Company, Stine Coal Mining Company, Stichbound Hosiery Mills, Inc., Stilwell-Kotrbaty Homes Corporation, Stoneridge Building Company, Stovers Oil Company, Stores of the South, Inc., Storm-Water-Proofing Corporation, Strebler Appliances, Inc., Struthers and Dixon, Inc., Strayers Drug Company, Stroudsburg Ice and Cereal Beverage Co., Structural Service Co., Stronge & Warner Realty Company, Stuyvesant Trust Company, Success Finance Corporation, Suburban Homes, Incorporated, Suchar Holding Corporation, Success Magazine Corporation, Suchar Process Corporation, Sugar Products Corporation, Success Realty Company, Suburban Theatres Corporation, Superior Air Lines, Inc., Superior Aircraft Corporation, Sunset Bond & Share Company, Superlastic Corporation, The, Sural Cement Company, Sunglow Company, Inc., Super Diesel Engine Corporation, Surest Dessert Co., Superior Investors Corporation, Superior Films Corporation, Susquehanna, Incorporated, Sun Light Power Company, Surre-Le-Cordonnier, Inc., Sunset Mining Corporation, Superior Mortgage & Finance Corporation, Sunflower Natural Gas Corporation, Superior Rebound Control, Inc., Sun Ray Bottling Company, Inc., Suwannee River Bridge Company, Superior Rock Asphalt Company, Sunnyland



## PROCLAMATIONS

Steamship Company Inc. Synchrophone Corporation, Synchro-  
tone Corporation of America, Sykes Company, The, Swansdown  
Coffee Company, Swastika Lodge, Inc., Swiftsure Petroleum  
Company, Swinburne Realty Co., System Service Corporation.

Tallahassee Amusement Company, Inc., Talkiefilm Corpora-  
tion of America, Talking Film Corporation, Talmadge Garage,  
Inc., Talk-O-Vision Theatres of America, Inc., Taykaw Oil Co.,  
Taylor's Place, Inc., Tamasopo Petroleum Co., Tate Springs, Inc.,  
Teichmann's Confectionery, Inc., Television Corporation of Amer-  
ica, Tecolote Copper Mines Corporation, Tennessee Collieries Com-  
pany, Incorporated, Telegraphy Correspondence School, Inc., Tela-  
pal Company, Inc., Tepper Construction Company, Tecate Gold  
Mining Company, Terry Manufacturing Company, Texas Leather  
& Manufacturing Company, Temple Malleable Iron and Steel Cor-  
poration, Texi Mexi Manufacturing Co., Inc., The, Terry Oil Com-  
pany, Texas-Oklahoma Gas Company, Terrien Oil Company, Tex-  
tile Patents Corporation, Textbook Publishing Corporation, Ten-  
nessee Phosphate and Fertilizer Co., Texas Rawhide Paving Com-  
pany, Texas Southern Petroleum Corporation of Del., Texas Sig-  
nal Corporation, Texas Sugar Refining Company, Texas Turkey  
Ranches, Inc., Tex-York Land Corporation, Theatre Advertising  
Company, Theatres Corporation of America, Theatre Confec-  
tions, Inc., Thermianic Corporation, Thistle Down Club, Incorpo-  
rated, Theatres Factors, Inc., Thrift & Investment Finance &  
Trust Corporation, Thermatic Manufacturing Co., Inc., Thrift  
Stores, Inc., Thavenot Steamship Co., Inc., Thomas A. Carroll,  
Inc., Thomas J. Whelan, Inc., Thomas Kivlan, Inc., Three N. Ac-  
cessories Company, Thorp Pneumatic Horse Collar Corporation,  
Thomas P. Florida Hotel Company, Three Rivers Lumber & Sup-  
ply Co., Thompson's Restaurant Company, Thompson Spa Com-  
pany, Thompson Spring Corporation, Three Star Food Corpora-  
tion, Thompson Voting Machine Company, Thresher Wild Pigeon  
Target Co., Inc., Tiger Oil and Gas Company, Titan Oil Company,  
Tioughnioga Oil, Gas and Mineral Company, Times Publishing  
Company, Tire Protective Company of Pennsylvania, Inc., Times  
Square Auto Supply Co., Inc., Tire Shop Co., The, Tip-Top, Inc.,  
Tolinche Lumber & Products Company, Toboggan Slide Ferris

## PROCLAMATIONS

Wheel Company, The, Tobacco Utilities Corporation, Towle Air Services, Inc., Tourhavens Corporations, The, Topgin Company, Torridion Company, The, Torchparts Gas Appliance Co., Tourist Protective and Benevolent Association of America, Toyah Valley Sulphur Company, The, Traveler Auto Hotel Corporation, The, Tri-Arc Products, Inc., Trimbath Agency, Inc., The, Travel Air Service Corporation, Trent Anthracite Corporation, Trinity Capital Corporation, Tressler Coal Company, Triggerjack Corporation, Triborough Chemical Corporation, Tridex Dorcas Corporation, Triplex Finance Company, Triangle Mining and Milling Company, Treasure Island, Inc., Trio Mines Company, Triangle Motion Sign Corporation, Trans-Ohio Industrial Gas Corporation, Trans-Oceanic Syndicate of America, Triad Oil Company, Trans-Pacific Expedition, Inc., Triangle Printing Company of Philadelphia, Trade Publication, Inc., Treasure Recovery Corporation, Tri-State Holding Corporation, Tri-State Dairy Products, Inc., Tri-State Paving Co., Inc., The, Trent Superfuel Co. of New York, Tripps Standard Metals Corporation, Tri-State Tale and Mineral Corporation, Triangle Tool Co., Inc., Troy Airways, Inc., Tropical Electric Company, Tru-Lite Manufacturing Co., Trustee Management Corporation, Truck Owner Publishing Company, Inc., The, Tropical Planting Company, Tropical Products Company, Trottier Safety Gas Lock Corporation, True Tone Products Co., Troy West Side Foundry, Inc., Tunnell, Bridge and Road Corporation, Tunxis Corporation, Tulane Hotel, Incorporated, Tulsa Steel Company, Talsahoma Trading Company, Inc., Turley Oil Corporation, Twin City-Chicago Air Line Co., Twin City Terminal Company, Twin Cities Realty Company, Twin City Suburban Investment Company, 20th Century Film Company, Twin Falls Oakley Land and Water Company, Twin Republics Mining Co., 219 West Cheltenham Company, 221 F. Street, Inc., Two Treys Amusement Corporation.

Unitah Chemical Co., Inc., Uj Elect Newspaper Co., Inc., U Need It Corporation, U-Ree-Kah Products Company, U. S. Commercial Body Corporation, U. S. Guide Corporation, U. S. Insulating Corporation, U. S. Axle Company, The, U. S. Broadcasting Corporation, U. S. Aircraft Corporation, U. S. Research & Investment Corporation, U. S. Rivit & Mfg. Co., U. S. Vending Ma-

## PROCLAMATIONS

chine Company, Unity Apartments Corporation, Unity Cleaners and Dyers, Inc., Universal Dairy Corporation, Universal Electric Corporation, Unqua Laundries, Inc., The, Underwriters Plate Glass Service Corporation, Universal Radio Stores, Inc., Universal Royalties Corporation, Universal Safety Signal Manufacturing Co., Universal Securities Holding Corporation, Universal Septic Tank Company, Universal Signal Lights Corporation of America, Unique Trading Corporation, United Aviation Schools, Inc., United Amusement Enterprises, Inc., Union Boat and Truck Lines, Inc., United Bond & Share Co., United Barber System, Inc., Union Chemical Company, United Christian Orthodox Cemeteries, Inc., United Cosmetic Shops, Inc., United Canneries Corporation, United Department Stores, Inc., United Diamond Mining Corporation of America, United Druggists Distillery and Warehouse Co., United Development Company, United Fiscal Agency, Inc., The, United Fish Products Corporation, United Foreign Corporation, United Furniture Auctioneers Company, United Fruit Distributing Co., Union Investigation Service Bureau, Inc., Union League Building Corporation, United Magic Shops, Inc., United Merchants Discount Stamp Co., United Mines and Railway Company, United Motor Fuel Corporation of Washington, United Motors Products Company, United Maritime Corporation, Union National Company, The, United North American Corporation, The, United Photo Engraving Corporation, United Packing Co., United Products Corporation of America, United Retail Dealers Corporation, Union Royalty & Production Company, United Union Sales System, Inc., United Securities Corporation, United Shirt Shops, Inc., United Stainless Steel Corporation, United Stages, Incorporated, United Supply Company, Inc., Union Securities Corporation, United States Aircraft Manufacturing Company, United States Asphalt Equipment Corporation, United States Cotton Trading Corporation, United States Electric Corporation, United States Laundry Corporation, United States Nito Co., The, United States Nut & Washer Company, United States Nut Company, Inc., United States Oil and Gas, Inc. of America, United States Paper Box Manufacturing Corporation, United States Petroleum Corporation, United States Publishing Company of America, United States Press, Inc., United States Service Bureau, Inc., United States Soil Pipe Corporation, United States Securities Corpora-

## PROCLAMATIONS

tion, United Theatres Corporation, Union Trust and Finance Company, United Underwriters, Inc., United Water Works Corporation, Utilities Company of America, United Wholesale Grocery Company, Utilities Equipment Corporation, Utah Lead Company, Utility Motor Service, Inc.

Vacurette-Sanitation Systems, Inc., Valley Bridge Company, Vale Cellulose Company, The, Valverde Exploration Company, Valley Silk Company of Plymouth, The, Valley Vista Cafe, Incorporated, Vaudephone Corporation, Van Ross Tailoring Co., Vanity World's Fair, Inc., Verde Antique Marble Corporation, Veet Corporation, Vern H. Brown Drilling Co., Venezuelan Holding Corporation, Velvet Ice Cream Co., China, Venecin, Inc., Vermont Mortgage Company, Verdun Mines Company, Venezuela Oilfield Operating Company, Inc., Venora Oil and Development Corporation, Victor Apartment Corporation, Vicine Company, The, Victory Coal Mining Company, Victor H. Holland and Company, Victoria Mining Corporation, Vim Products, Inc., Vianna Restaurant, Inc., Vi-Tal-Itty Food Products Corporation, Virona Company, Virginia Hotel Co., Virginia Lee, Inc., Virginia Market Company, Visco Petroleum Corporation, Vita Products, Incorporated, Viso Record Corporation, Vinton Realty Corporation, Virginia Stock Farms, Inc., Vittum Seibel Company, Virginia Valley Milling Co., Vocafilm Corporation of America, Vulcan Record Corporation.

W. A. Wafer, Incorporated, Wabash Bridge Co., Inc., W. B. Huber & Company, Wahle Brick and Tile Company, W. Clair Davitt, Inc., W. E. Warner & Sons, Inc., W. G. Cruikshank, Inc., W. H. West Mortgage Corporation, W. H. Taylor, Incorporated, W. J. Devinney Company, Inc., W. J. Hiss & Company, W. P. Chase Candy Corporation, W. P. Corporation, The, Wade Radio Corporation, Wagner Radio Broadcasting, Incorporated, The, Wager-Thoreson Syndicate Corporation, W. Virden Marshall Incorporated, Wallsend Coal Company, Wagner Enterprises, Inc., Wales-Marks Gas Turbine Company, The, Walk Miller Enterprise, Inc., Walker & Nichols, Inc., Walken Oil Company, Walker Oil Company, Wall Street Telegraph Advisory Service Co., Wall

## PROCLAMATIONS

Street Globe Publishing Corporation, Wallis Service, Inc., Wallace Storage and Carpet-Cleaning Co., Walter C. Blue, Inc., Walter F. Lange Company, The, Waltersburg Gas & Realty Co., Walnut Lane Apartments, Inc., Waner's Base Ball Game, Inc., Warner Petroleum Corporation, Warrior Cement Corporation, Warren Electric Steel Corporation, Warner Electric Products Corporation, Washington Building Material Display Corporation, Washington Bearings Corporation, Washington Cavalier Corporation, Washington Du Pont, Inc., Washington Financial Holding Company, Washington Filling Station, Incorporated, Washington Landscape Company, Washington Park Athletic Association, Washington Publishing Co., Inc., Washington Salvage Co., Inc., Washington Wholesale House, Inc., The, Waters Bros., Inc., Wayside Camps Holding Corporation, Waverly Electrical Appliance Corporation, Way-Helms Co., Weaver-Schofield Co., Weber & Ashbaugh, Incorporated, Webner & Company, Weber & Letten Company, Webb McBride, Inc., Webster Trust Company, Wedglock Wheel & Rim Co., Welsh Process, Inc., Wellington Estates' Lumber Corporation, The, Welockem Garment Gloves, Inc., Wellesley Homes, Inc., Welsh Refractories Company, Inc., Western Amusement Company, Inc., Westville Broadway Realty Company, West Coast Transportation Co., Western Drugs Corporation, Western Hotel Company, The, West Indies Corporation, West Jermyn Coal Company, West Kentucky Bridge and Transportation Co., West Lumber and Pulp Company, Western Manufacturing Corporation, Western North Carolina Land Company, West Philadelphia Loan Society, Inc., West Penn Mortgage Company, West Petroleum Company, The, Westchester-Pocahontas Coal Company, West Philadelphia Auto Sales Corporation, The, Westbury Restaurants and Soda Fountains, Inc., Western Reclamation Corporation, Western Republics Trading Corporation, The, Western Star Oil Lease and Land Company, Western States Loan & Mortgage, Inc., Western Supply Company, Western Toy & Furniture Company, West Virginia Coal and Lumber Company, West Venezuela Oil Company, Wharton & Company, Inc., Whaley Engine Patents, Inc., The, Wheeler Plan Holding and Management Corporation, Whitmore Oiler, Inc., Whitmer-Parsons Pulp and Lumber Company, White Bros. Federal Truck Company, White-Bear Corpora-

## PROCLAMATIONS

tion, White Cross Camp Club, White Contracting Corporation, Whitemarsh Development Company, Whitecar Holding Co., Inc., White Haven Knitting Company, The, White Sweet Shop, Inc., Widescope Camera & Film Corporation, Wichita School Supply Company, Wiggins Hotel Company, The, Wiggins-Elmira Operating Company, Inc., Wilkes-Barre Maid Candy Co., Inc., William Cummings & Company, Wilcox-Cary Oil Company, The, William E. Delany, Jr., Incorporated, Wm. G. Miller & Company, Inc., Wm. G. Drew & Son, Inc., Wm. H. Olmstead, Inc., Wildenberg-Huff Building Corporation, William H. Smith Company, Wilhelm Manufacturing Company, Willis Motors Corp., William M. Graham Oil and Gas Company, Williams and Pawley, Inc., Wildman Rubber Company, Inc., Williams Syrup and Preserve Company, Willard Transportation Corporation of Delaware, The, William T. Russell, Inc., Willetts Wood Products Company, Wilmington Hat Company, Wilmington Jobbing Company, Wilson House Oil Corporation, Windmill Company, The, Winding Stair Oil Co., Inc., Wishon Exploration Company, Wisota Farms Co., Inc., Wise, Kresge, Haight, Inc., Winter Garden Land & Development Co., Inc., Winslow Ink Company of Philadelphia, Wire Transmitting Corporation, Woco Distributing Company, The, Wolverine Soap Products Company, Wonder Manufacturing Co., Woodland Ave. Progressive Assn., Inc., Woodland Beach Company, The, Woods Construction Company, Inc., Woods Coal Company, Wood, McCoy & Segl, Incorporated, Woodside Manufacturing Company, Woodland Orchard Company, Worldwing Co., The, Working Men's Outfitters Co., Working Spirit Builders, Inc., World Wide Patent Enterprises, Inc., Wright Motor Car Corporation of America, Wyoming La Barge and Snider Basin Oil Corporation, Wyoming Oil Products Co., Wyoming Star Fox and Fur Company.

Yale Associates, Inc., Yellowstone Dredging Company, Yellowway Eastern, Incorporated, Yarian Motors Corporation, Yellowway System, Inc., Young & Hawley, Inc.

Zementine Company, Inc., Zisch Engineering Corporation, Zenith Equipment Co., Inc., Zeidman Furniture Stores, Inc., Zied Labor & Life Saver Device, Inc., "Zip" Service, Incorporated,

## PROCLAMATIONS

Zane Soap and Chemical Company, Zimmerman Stove Heater Co., Inc., Zubrin & Company, Zurwood Holding Company, Zwoboda Press Mfg. Co., Zurkow & Son, Incorporated.

IN TESTIMONY WHEREOF, I., C. D. BUCK, Governor  
of the State of Delaware, have hereunto set  
my hand and caused the Great Seal to be  
hereunto affixed this nineteenth day of Janu-  
(SEAL) ary, in the year of our Lord one thousand  
nine hundred and thirty-two and of the In-  
dependence of the United States of America,  
the one hundred and fifty-sixth.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,

Secretary of State.

CHAPTER 274  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

Whereas, a proportionate share of the unemployed wage earners of the United States are resident in the State of Delaware; and

Whereas, the re-employment of some of these is condition precedent to the reestablishment of public confidence, the resumption of normal buying, and general business recovery; and

Whereas, a great voluntary organization has come into being for the purpose of finding employment for as many of the unemployed as may be possible; and

Whereas, around this War Against Depression Campaign organization, many other strong organizations have rallied volunteering their cooperation and committing themselves to this program for employment of Americans and local committees are being formed for the purpose of joining in the campaign;

Now, Therefore, I, C. D. Buck, Governor of the State of Delaware, do call upon and urge the people of our State to join this voluntary effort to find employment for job seekers and suggest to the leaders of communities the propriety of calling together representatives of the organized bodies now engaged in such efforts for the purpose of forming an organization to cooperate in the campaign of the United Action for Employment. The sole purpose of the campaign is to find jobs for the unemployed, utilizing whatever plan seems to best suit the situation but in particular to ask each employer in the several communities throughout the State to employ at least one additional worker.

It would seem proper to state that any campaign, which has enlisted the active cooperation of so many people and which has



## PROCLAMATION

proven its effectiveness as thoroughly as this one, seems to have done, deserves general cooperation. Confident that such a national effort will turn the tide and start our Country on the road to general prosperity and well being, I again call upon our community leaders to enter whole-heartedly in this campaign.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the State of Delaware to be hereto affixed this fifth day of  
(Great Seal) March, in the year of our Lord one thousand  
nine hundred and thirty-two and of the Independence of the United States the one hundred and fifty-sixth.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.

CHAPTER 275

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

Whereas, Two Hundred and Fifty years have elapsed since William Penn first landed on American soil at New Castle on the Delaware River on October twenty-eighth, 1682 (old style), and

Whereas, on that day he did present his deeds of feoffment from his Royal Highness, the Duke of York to John Moll, Esquire and Ephraim Herman, the representatives of His Highness, and in turn received turf and twig, a porringer of water, and soil from the Delaware River, as well as the key to the fort at New Castle, and also a pledge of obedience from the people of the town of New Castle, after which he appointed Justices and gave notice of an Assembly to be held of the Counties of Pennsylvania and the Three Lower Counties thus laying the foundation of a great and enduring plan of government.

Now, Therefore, I, C. D. Buck, Governor of the State of Delaware, recognizing the singular and enduring influence of William Penn upon the origin and perpetuity of Delaware, do hereby invite our people to join with those of the Commonwealth of Pennsylvania and the State of New Jersey in observance of

SATURDAY, THE TWENTY-SECOND, SUNDAY, THE  
TWENTY-THIRD AND MONDAY, THE TWENTY-  
FOURTH DAYS OF THE MONTH OF  
OCTOBER, 1932

for the participation in the William Penn Commemorative Exercises of this two hundred and fiftieth anniversary, and I respectfully urge that on the aforesaid days our citizens, as a mark of respect to that Great Founder and Governor, manifest their ap-

## PROCLAMATIONS

preciation of the many benefits derived from his proper and judicious government. Let there be due observance of the event in our churches, in our schools, in the public press, and in such special meetings as the people of Delaware may plan for the perpetuation of his greatness.

IN WITNESS WHEREOF, I, C. D. BUCK, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be affixed at Dover, this ninth day of September, one thousand nine hundred and thirty-two and of the Independence of the United States the one hundred and fifty-seventh.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.

## CHAPTER 276

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

In accordance with a proclamation recently issued by the President of the United States, I wish to urge that the people of Delaware make the forthcoming Fire Prevention Week—October 9-15, 1932, an "occasion of special significance" and that they endeavor to effect a reduction of at least fifty per cent in the present rate of fire destruction during the ensuing twelve months.

In the State of Delaware, this would mean a saving of many lives, and would also preserve from waste approximately \$700,000.00 of the State's material resources—a matter of large importance under present economic conditions.

Now, Therefore, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim the week of October 9, 1932, to be observed as Fire Prevention Week. I appeal to local officials and organizations in every community, to promptly unite upon specific programs of cooperation, in order to discover and correct existent fire hazards, promote measures of public and private fire protection, extend instruction in fire prevention among adults as well as school children, and arouse the people generally to the need for habits of greater carefulness.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the Great Seal of Delaware, at  
Dover, this twentieth day of September, in  
(Great Seal) the year of our Lord One Thousand nine hundred and thirty-two.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.

## CHAPTER 277

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

Whereas, by Resolution adopted by the Seventy-second Congress, the President of the United States was authorized and requested to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1932, and inviting the people of the United States to observe the day in schools and churches or other suitable places, with appropriate ceremonies of the death of General Casimir Pulaski. And,

Whereas, in pursuance of a Joint Resolution of the General Assembly of the State of Delaware, approved February 25, 1931, the Governor of Delaware was authorized and directed to issue a proclamation in commemoration of this American hero of the Revolutionary War.

Now, therefore, I, C. D. Buck, Governor of the State of Delaware, by authority in me vested, do designate and proclaim

OCTOBER 11, 1932

as

## GENERAL PULASKI'S MEMORIAL DAY

and take this means of urging the people of Delaware to observe said day in schools and churches in a manner appropriate to the occasion.

PROCLAMATIONS

IN TESTIMONY WHEREOF, I, C. D. BUCK, Governor of  
the State of Delaware have hereunto set my  
(Great Seal) hand and affixed the Great Seal, at Dover, this  
first day of October, A. D. 1932.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.

CHAPTER 278  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, Section 16 of Article III of the Constitution of the State of Delaware provides that

"He, (the Governor of the State of Delaware) may on extraordinary occasions convene the General Assembly by proclamation."

AND WHEREAS, due to the financial and business depression throughout the Nation, widespread unemployment exists in the State of Delaware, and as a result thereof an extraordinary occasion within the meaning of said constitutional provision has arisen and now exists;

THEREFORE, by virtue of the authority vested in me by said Section 16 of Article III of the Constitution of the State of Delaware, I, C. D. Buck, 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 Capitol of the said State, on Tuesday, the fifteenth day of November, A. D. 1932, at 12:00 o'clock noon, to consider and act upon the following matters and subjects of legislative business for relief of the existing conditions resulting from said unemployment;

1—To consider ways and means whereby certain moneys may be secured and set aside for the purpose of providing relief for the people of this State from the hardships and suffering caused by unemployment, without the necessity of any additional taxation.

2—To consider an amendment to "An Act in relation to

## PROCLAMATIONS

Building and Loan Associations and regulating the business of such associations" being Chapter 107, Volume 32, Laws of Delaware, to the end that the funds of such associations existing under the laws of this State may be invested in the Home Loan Bank created under the laws of the United States of America in accordance with the provisions of the Act of Congress creating said Home Loan Bank.

IN WITNESS WHEREOF, I have hereunto set my hand  
(Great Seal) and caused the Great Seal of the State of Delaware to be affixed, at Dover, this fourth day of November, in the year of our Lord one thousand nine hundred and thirty-two and of the Independence of the United States the one hundred and fifty-seventh.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,

Secretary of State.



## CHAPTER 279

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

In the belief, shared alike by each succeeding generation from colonial days to the present time, that every blessing, whether of discipline or of material comfort, which has enriched our public and private lives is essentially the gift of a Divine Providence, and that the surest hope for future prosperity lies in a grateful obedience to the Divine will, I, C. D. Buck, Governor of Delaware, do hereby proclaim the day appointed by the President of the United States

## THURSDAY

November the Twenty-fourth  
Nineteen Hundred and Thirty-two  
as

## THANKSGIVING DAY

and invite the citizens of our beloved Commonwealth to dedicate that day to the renewed acknowledgment of the bountiful goodness of God, and to such acts of mutual good will and helpfulness as will best show forth our gratitude to Him who is the Father of all.

IN TESTIMONY WHEREOF, I, C. D. BUCK, Governor of the  
State of Delaware, have hereunto set my  
hand and caused the Great Seal to be here-  
(Great Seal) unto affixed this seventh day of November,  
in the year of our Lord one thousand nine  
hundred and thirty-two and of the Indepen-  
dence of the United States of America, the  
one hundred and fifty-seventh.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.

## CHAPTER 280

## PROCLAMATION

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

C. D. BUCK, Governor of the Said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL  
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and thirty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Auditor of Accounts of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Auditor of Accounts were cast as follows, to wit:

## NEW CASTLE COUNTY

Thomas Marvel Gooden .....	31,991
James Henry Hazel .....	40,340
Eva Santee .....	849
Eugene K. Lomax .....	92

## KENT COUNTY

Thomas Marvel Gooden .....	8,791
James Henry Hazel .....	6,528
Eva Santee .....	18
Eugene K. Lomax .....	23

## PROCLAMATIONS

## SUSSEX COUNTY

Thomas Marvel Gooden .....	12,730
James Henry Hazel .....	10,382
Eva Santee .....	30
Eugene K. Lomax .....	—

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts, the result appears as follows, to wit:

Whole number of votes for Thomas Marvel Gooden .....	53,512
Whole number of votes for James Henry Hazel .....	57,250
Whole number of votes for Eva Santee .....	897
Whole number of votes for Eugene K. Lomax .....	115

NOW THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby declare that James Henry Hazel has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the State,  
 at Dover, the 18th day of November, in the  
 (Great Seal) year of our Lord one thousand nine hundred  
 and thirty-two and of the Independence of  
 the said State the one hundred and fifty-seventh.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,

Secretary of State.

## CHAPTER 281

## PROCLAMATION

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

C. D. BUCK, Governor of the said State

WHEREAS, An Election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and thirty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Treasurer of the State of Delaware;

AND WHEREAS, The official certificates or returns of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Treasurer were cast as follows, to wit:

## NEW CASTLE COUNTY

William L. Morris .....	31,962
George S. Williams .....	40,400
Russell S. Altemus .....	861
Charles Kelly .....	—

## KENT COUNTY

William L. Morris .....	8,845
George S. Williams .....	6,480
Russell S. Altemus .....	18
Charles Kelly .....	15

## SUSSEX COUNTY

William L. Morris .....	12,740
George S. Williams .....	10,359
Russell S. Altemus .....	31
Charles Kelly .....	—

## PROCLAMATIONS

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Treasurer, the result appeared as follows, to wit:

Whole number of votes for William L. Morris .....	53,547
Whole number of votes for George S. Williams .....	57,239
Whole number of votes for Russell S. Altemus .....	910
Whole number of votes for Charles Kelly .....	15

NOW THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that George S. Williams has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Treasurer of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November, in the year of our Lord one thousand nine hundred and thirty-two and of the Independence of the said State the one hundred and fifty-seventh.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,

Secretary of State.

CHAPTER 282  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL  
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and thirty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Attorney General of the State of Delaware.

AND WHEREAS, The official certificates or returns of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties for such Attorney General were cast as follows:

NEW CASTLE COUNTY

John Biggs, Jr. ....	33,108
Daniel J. Layton .....	39,384
Esther Markizon .....	97

KENT COUNTY

John Biggs, Jr. ....	9,004
Daniel J. Layton .....	6,247
Esther Markizon .....	16

SUSSEX COUNTY

John Biggs, Jr. ....	12,702
Daniel J. Layton .....	10,407
Esther Markizon .....	—

## PROCLAMATIONS

AND WHEREAS, The said returns of the election aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Attorney General the result appears as follows, to wit:

Whole number of votes for John Biggs, Jr. ....	54,814
Whole number of votes for Daniel J. Layton .....	56,038
Whole number of votes for Esther Markizon .....	113

NOW THEREFORE, I. C. D. Buck, Governor of the State of Delaware, do hereby declare that Daniel J. Layton has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Attorney General of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 18th day of November, in the year of our Lord one thousand nine hundred and thirty-two and of the independence of the said State the one hundred and fifty-seventh.

(Great Seal)

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,

Secretary of State.

## CHAPTER 283

## PROCLAMATION

## STATE OF DELAWARE

## EXECUTIVE DEPARTMENT

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL  
COME, GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and thirty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and the Laws of the State of Delaware in that behalf, for the purpose of choosing by ballot three Electors for the election of a

PRESIDENT AND VICE PRESIDENT OF THE UNITED  
STATES;

AND WHEREAS, The official certificates or returns of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Electors, were cast as follows, to wit:

## NEW CASTLE COUNTY

Hugh M. Morris .....	32,872
John B. Hutton .....	32,623
Willard F. Deputy .....	32,605
Joseph Warren Marshall .....	39,844
Daniel Mifflin Wilson .....	39,705
Harry V. Lyons .....	39,706



## PROCLAMATIONS

James A. McCelland .....	1,280
I. Strauss .....	1,243
G. J. Tieglanl .....	1,238

John D. Haman .....	113
Harold Sammons .....	109
Nicholas Minutella .....	108

## KENT COUNTY

Hugh M. Morris .....	8,829
John B. Hutton .....	8,778
Willard F. Deputy .....	8,765

Joseph Warren Marshall .....	6,597
Daniel Mifflin Wilson .....	6,513
Harry V. Lyons .....	6,539

James A. McClelland .....	44
I. Strauss .....	43
G. J. Tieglanl .....	45

John D. Haman .....	20
Harold Sammons .....	19
Nicholas Minutella .....	16

## SUSSEX COUNTY

Hugh M. Morris .....	12,618
John B. Hutton .....	12,539
Willard F. Deputy .....	12,515

Joseph Warren Marshall .....	10,632
Daniel Mifflin Wilson .....	10,577
Harry V. Lyons .....	10,592

James A. McClelland .....	52
I. Strauss .....	46
G. J. Tieglanl .....	45

## PROCLAMATIONS

John D. Haman .....	—
Harold Sammons .....	—
Nicolas Minutella .....	—

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for such Electors, the result appears as follows, to wit:

Whole number of votes for Hugh M. Morris .....	54,319
Whole number of votes for John B. Hutton .....	53,940
Whole number of votes for Willard F. Deputy .....	53,885
Whole number of votes for Joseph Warren Marshall .....	57,073
Whole number of votes for Daniel Mifflin Wilson .....	56,795
Whole number of votes for Harry V. Lyons .....	56,837
Whole number of votes for James A. McClelland .....	1,376
Whole number of votes for I. Strauss .....	1,332
Whole number of votes for G. J. Tieglund .....	1,328
Whole number of votes for John D. Haman .....	133
Whole number of votes for Harold Sammons .....	128
Whole number of votes for Nicholas Minutella .....	124

NOW THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that Joseph Warren Marshall, Daniel Mifflin Wilson and Harry V. Lyons have received the highest vote at the election aforesaid, and therefore have been and are duly and legally elected Electors for the election of a President and Vice President of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said  
State, at Dover, the 18th day of November in  
(Great Seal) the year of our Lord one thousand nine hun-  
dred and thirty-two and of the Independence  
of the said State the one hundred and fifty-  
seventh.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.

## CHAPTER 284

## PROCLAMATION

## STATE OF DELAWARE

## EXECUTIVE DEPARTMENT

C. D. BUCK, Governor of the said State

TO ALL PERSONS TO WHOM THESE PRESENTS COME,  
GREETING:

WHEREAS, An election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and thirty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the Seventy-Third Congress of the United States.

AND WHEREAS, the official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such representative were cast as follows, to wit:

## NEW CASTLE COUNTY

Wilbur L. Adams .....	31,072
Reuben Satterthwaite, Jr. ....	34,540
Edgar G. Shaeffer .....	812
Francis Burgette Short .....	6,681
Frank Rhodes .....	94

## KENT COUNTY

Wilbur L. Adams .....	8,559
Reuben Satterthwaite, Jr. ....	5,562
Edgar G. Shaeffer .....	31
Francis Burgette Short .....	1,251
Frank Rhodes .....	16

## PROCLAMATIONS

## SUSSEX COUNTY

Wilbur L. Adams .....	12,067
Reuben Satterthwaite, Jr. ....	8,739
Edgar G. Schaeffer .....	44
Francis Burgette Short .....	2,628
Frank Rhodes .....	—

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the Seventy-third Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for Wilbur L. Adams .....	51,698
Whole number of votes for Reuben Satterthwaite, Jr. ....	48,841
Whole number of votes for Edgar G. Shaeffer .....	887
Whole number of votes for Francis Burgette Short .....	10,560
Whole number of votes for Frank Rhodes .....	110

NOW THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby declare that Wilbur L. Adams has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the Seventy-third Congress of the United States.

PROCLAMATIONS

GIVEN UNDER MY HAND and the Great Seal of the said  
State, at Dover, the 18th day of November,  
(Great Seal) in the year of our Lord one thousand nine  
hundred and thirty-two and of the Independ-  
ence of the said State the one hundred and  
fifty-seventh.

By the Governor:

C. D. BUCK.

CHARLES H. GRANTLAND,  
Secretary of State.

SECRETARY OF STATE'S OFFICE

Dover, Delaware,

August 15, 1933.

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, 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 Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday the third day of January, A. D. 1933 and ended on Tuesday the sixteenth day of May, A. D. 1933, and approved by the Governor.

CHARLES H. GRANTLAND,

Secretary of State.

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