

LAWS
OF THE
STATE OF DELAWARE
ONE HUNDRED AND SIXTH
SESSION OF THE GENERAL ASSEMBLY
COMMENCED AND HELD AT DOVER

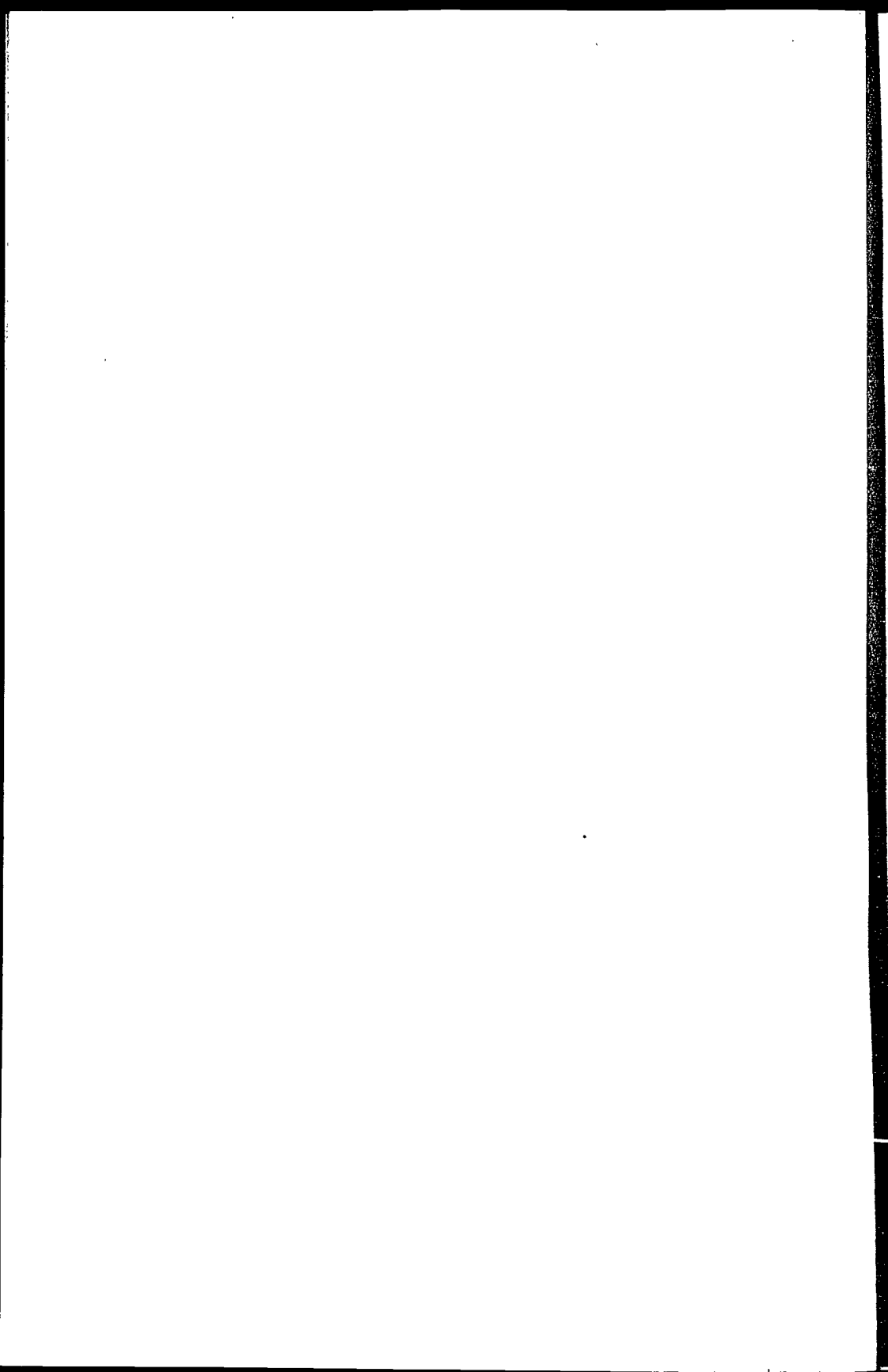
On Tuesday, January 5, A. D.
1937

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDRED AND SIXTY-FIRST

VOLUME XLI

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LAWS of DELAWARE

Constitution of the State of Delaware

CHAPTER 1

AMENDMENT TO CONSTITUTION

AN ACT PROPOSING CERTAIN AMENDMENTS TO ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE JUDICIARY.

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

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

ARTICLE IV

Judiciary

Section 1. The judicial power of this State shall be vested in
a Supreme Court, a Court of General Sessions, a Court of Chancery,
an Orphans' Court, a Register's Court, Justices of the Peace, and
such other courts as the General Assembly, with the concurrence
of two-thirds of all the members elected to each House, shall from
time to time by law establish.

Section 2. There shall be three Justices of the Supreme Court
who shall be citizens of the State and learned in the law. One of
them shall be the Chief Justice who shall be designated as such by
his appointment and who when present shall preside at all sittings
of the Court. In the absence of the Chief Justice the Justice pres-
ent who is senior in length of service shall preside. If it is other-

AMENDMENT TO CONSTITUTION

wise impossible to determine seniority among the Justices, they shall determine it by lot and certify accordingly to the Governor.

There shall be six other State Judges who shall be citizens of the State and learned in the law. One of them shall be Chancellor, one of them President Judge of the Court of General Sessions and of the Orphans' Court and the other four of them Associate Judges of the Court of General Sessions and of the Orphans' Court. Three of the said Associate Judges shall be resident Associate Judges and one of them shall after appointment reside in each County of the State. If it is otherwise impossible to determine seniority of service among the said Associate Judges, they shall determine it by lot and certify accordingly to the Governor.

Section 3. The Justices of the Supreme Court, the Chancellor, and the President Judge and Associate Judges of the Court of General Sessions and of the Orphans' Court shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for the term of twelve years each, and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this Constitution. If a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term. The said appointment shall be such that no more than two of the three Justices of the Supreme Court, in office at the same time, shall have been appointed from the same political party, and no more than three of the five Judges of the Court of General Sessions and of the Orphans' Court, in office at the same time, shall have been appointed from the same political party.

Section 4. The Justices of the Supreme Court, the Chancellor, and the President Judge and Associate Judges of the Court of General Sessions and of the Orphans' Court shall respectively re-

AMENDMENT TO CONSTITUTION

ceive from the State for their services compensations which shall be fixed by law and paid monthly and they shall not receive any fees or perquisites in addition to their salaries for business done by them except as provided by law. They shall hold no other office of profit.

Section 5. The President Judge of the Court of General Sessions and of the Orphans' Court and the four Associate Judges thereof shall compose the Court of General Sessions and the Orphans' Court, as hereinafter prescribed.

Except as hereinafter prescribed with respect to the Orphans' Court, the said five Judges shall designate those of their number who shall hold the said courts in the several counties. No more than three of them shall sit together in either of the said courts. In each of the said courts the President Judge when present shall preside and in his absence the senior Associate Judge present shall preside.

One Judge shall constitute a quorum of the said courts, respectively, except in the Court of General Sessions sitting to try a criminal case involving a charge of capital felony, when three Judges shall constitute a quorum, and except in the Court of General Sessions sitting to try cases of prosecution under Section 8 of Article V of this Constitution, when two Judges shall constitute a quorum, and except in the Orphans' Court sitting to hear appeals from a Register's Court, when two Judges shall constitute a quorum. One Judge may open and adjourn any of said courts.

Section 6. Subject to the provisions of Section 5 of this Article, two or more sessions of the Court of General Sessions and of the Orphans' Court may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts, respectively.

Section 7. The Court of General Sessions shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at

AMENDMENT TO CONSTITUTION

common law and all other the jurisdiction and powers vested by the laws of this State in the formerly existing Superior Court; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of General Sessions of the Peace and Jail Delivery; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of General Sessions; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of Oyer and Terminer.

Section 8. The phrase "Supreme Court" as used in Section 4 of Article V of this Constitution and the phrases "Superior Court," "Court of General Sessions of the Peace and Jail Delivery," "Court of Oyer and Terminer" and "Court of General Sessions" wherever found in the law of this State, elsewhere than in this amended Article IV of this Constitution, shall be read as and taken to mean, and hereafter printed as, the Court of General Sessions provided for in this amended Article IV of this Constitution; and the phrase "Chief Justice" wherever found in the law of this State existing at the time this amended Article IV of this Constitution becomes effective, elsewhere than in this amended Article IV of this Constitution, shall be read as and taken to mean, and hereafter printed as, President Judge of the Court of General Sessions and of the Orphans' Court, as provided for in this amended Article IV of this Constitution.

Section 9. The Orphans' Court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

The Orphans' Court in each County shall, except as hereinafter provided for, consist of the President Judge of the Orphans' Court and the resident Associate Judge of the County. The President Judge when present shall preside. The President Judge shall have the power to designate any other Associate Judge to sit in the Orphans' Court with the resident Associate Judge of the County at any time when the President Judge will not be present and more than one Judge is required to constitute the court; and shall also have the power to designate any other Associate Judge to sit in

AMENDMENT TO CONSTITUTION

the Orphans' Court in any County in place of the resident Associate Judge of the County in case such resident Associate Judge should be absent from the County, incapacitated or disqualified to sit by reason of interest; and shall also have the power to designate any Associate Judge to sit in the Orphans' Court in any County as a third Judge of said court in any case where the opinions of two Judges sitting are opposed.

Section 10. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery.

Upon written request made by the Chancellor to the President Judge of the Court of General Sessions and of the Orphans' Court, or to the senior Associate Judge of said Courts if the said President Judge should be incapacitated or absent from the State, such President Judge or senior Associate Judge, as the case may be, shall be authorized and it shall be his duty to designate one or more of the five Judges of the Court of General Sessions and of the Orphans' Court to sit separately as Acting Vice-Chancellor, or Acting Vice-Chancellors, and hear and decide such causes in the Court of Chancery as the Chancellor may indicate prior to such designation that he desires to be so heard and decided. It shall be the duty of the Judges so designated to serve accordingly as Acting Vice-Chancellors. The Judges hearing and deciding such causes as such Acting Vice-Chancellors shall, upon their decision of a cause, recommend to the Chancellor the decree to be entered therein and all decrees in such causes shall be made by and in the name of the Chancellor.

Section 11. The Supreme Court shall have jurisdiction as follows:

(1) To issue writs of error in civil causes to the Court of General Sessions and to determine finally all matters in error in the judgments and proceedings of said Court of General Sessions in civil causes.

(2) To issue upon application of the accused, after conviction and sentence, writs of error in criminal causes to the Court of

AMENDMENT TO CONSTITUTION

General Sessions in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding \$100, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of General Sessions in such criminal causes; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution.

(3) To receive appeals from the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution and to determine finally all matters of appeal in such cases.

(4) To receive appeals from the Court of Chancery and to determine finally all matters of appeal in the interlocutory or final decrees and other proceedings in chancery.

(5) To receive appeals from the Orphans' Court and to determine finally all matters of appeal in the interlocutory or final decrees and/or judgments and other proceedings in the Orphans' Court.

(6) To issue writs of prohibition, quo warranto, certiorari and mandamus to the Court of General Sessions, the Court of Chancery and the Orphans' Court, or any of the Judges of the said courts, and all orders, rules and processes proper to give effect to the same. The General Assembly shall have power to provide by law in what manner the jurisdiction and power hereby conferred may be exercised in vacation and whether by one or more Justices of the Supreme Court.

(7) To issue such temporary writs or orders in causes pending on appeal, or on writ of error, as may be necessary to protect the rights of parties and any Justice of the Supreme Court may exercise this power when the court is not in session.

(8) To exercise such other jurisdiction by way of appeal, writ of error or of certiorari as the General Assembly may from time to time confer upon it.

AMENDMENT TO CONSTITUTION

Section 12. The Supreme Court shall always consist of the three Justices composing it except in case of a vacancy or vacancies in their number or in case any one or two of them shall be incapacitated or disqualified to sit by reason of interest, in any of which cases the Chief Justice of the Supreme Court, or if he be disqualified or incapacitated, the Justice who by seniority is next in rank to the Chief Justice, shall have the power to designate one or more of the said six other State Judges to sit in the Supreme Court temporarily to fill up the number of that court to three Justices and it shall be the duty of those of said six other State Judges, so designated, to sit accordingly, provided, however, that no one of said six other State Judges shall be so designated to sit in the Supreme Court to hear any cause in which he sat below. Three Justices shall constitute a quorum in the Supreme Court. Any one of the Justices of the Supreme Court may open and adjourn court.

Section 13. In matters of chancery jurisdiction in which the Chancellor is interested or otherwise disqualified, the President Judge of the Court of General Sessions and of the Orphans' Court shall have jurisdiction, or, if the said President Judge is interested or otherwise disqualified, the senior Associate Judge not interested or otherwise disqualified shall have jurisdiction.

Section 14. The President Judge of the Court of General Sessions and of the Orphans' Court or any Associate Judge shall have power, in the absence of the Chancellor from the county where any suit in equity may be instituted or during the temporary disability of the Chancellor, to grant restraining orders, and the said President Judge or any Associate Judge shall have power, during the absence of the Chancellor from the State or his temporary disability, to grant preliminary injunctions pursuant to the rules and practice of the Court of Chancery; provided that nothing herein contained shall be construed to confer general jurisdiction over the case.

Section 15. The Governor shall have power to commission a judge or judges ad litem to sit in any cause in any of said Courts when by reason of legal exception to the Judges authorized to sit

AMENDMENT TO CONSTITUTION

therein, or for other cause, there are not a sufficient number of Judges available to hold such Court. The commission in such case shall confine the office to the cause and it shall expire on the determination of the cause. The judge so appointed shall receive reasonable compensation to be fixed by the General Assembly. A member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

Section 16. The jurisdiction of each of the aforesaid courts shall be co-extensive with the State. Process may be issued out of each court, in either county, into every county. No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.

Section 17. The General Assembly, notwithstanding anything contained in this Article, shall have power to repeal or alter any act of the General Assembly giving jurisdiction to the former Court of Oyer and Terminer, the former Superior Court, the former Court of General Sessions of the Peace and Jail Delivery, the Court of General Sessions, the Orphans' Court or the Court of Chancery, in any matter, or giving any power to either of the said courts. The General Assembly shall also have power to confer upon the Court of General Sessions, the Orphans' Court and the Court of Chancery jurisdiction and powers in addition to those hereinbefore mentioned. Until the General Assembly shall otherwise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any act of the General Assembly, to the former Court of Errors and Appeals or to the former Supreme Court of this State.

Section 18. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, besides the general powers of the Court of Chancery, and the President Judge of the Court of General Sessions and of the Orphans' Court and the Associate Judges of said Courts shall each singly exercise all the powers which any

AMENDMENT TO CONSTITUTION

law of this State vests in the Judges singly of the former Superior Court.

Section 19. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

Section 20. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

Section 21. In civil causes, when pending, the Court of General Sessions shall have the power, before judgment, of directing, upon such terms as it shall deem reasonable, amendments, pleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses who are aged, infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

Section 22. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the costs then accrued and the plaintiff not accepting the same, if upon the final decision of the cause, he shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Section 23. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but, until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias thirty days before the return thereof

AMENDMENT TO CONSTITUTION

shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

Section 24. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good. The Supreme Court, or any Justice thereof, in any proper case, in place of the security hereinabove mentioned, as a condition that such appeal or writ of error shall operate as a supersedeas, or stay as aforesaid, may require that the appellant or plaintiff in error shall give bond, with approved surety, in such amount as the said Court, or any Justice thereof, shall determine, to indemnify the appellee or defendant in error against any loss or damage that may be suffered by reason of such appeal or writ of error.

Section 25. 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.

Section 26. The Prothonotary of each county shall be the Clerk of the Court of General Sessions in and for the County in

AMENDMENT TO CONSTITUTION

which he holds office. He may issue process, take recognizance of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another until a testatum fieri facias being issued shall be entered of record in the office of the Prothonotary of the county wherein the lands or tenements are situated. Such Prothonotary shall perform all duties heretofore performed by the Clerk of the Peace as Clerk of the former Court of General Sessions and the former Court of Oyer and Terminer.

Section 27. The Supreme Court shall have the power to appoint a Clerk to hold office at the pleasure of the said Court. He shall receive from the State for his services a compensation which shall be fixed from time to time by the said Court and paid monthly.

Section 28. The General Assembly may by law give to any inferior courts by it established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say—assaults and batteries, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly may from time to time, with the concurrence of two-thirds of all the members elected to each House prescribe.

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions; provided, however, that there shall be an appeal to the Court of General Sessions in all cases in which the sentence shall be imprisonment exceeding one month, or a fine exceeding one hundred dollars.

Section 29. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four years.

Section 30. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions

AMENDMENT TO CONSTITUTION

of Section 1 or Section 28 of this Article shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law.

Section 31. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the State. Appeals may be taken from a Register's Court to the Orphans' Court. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration, or executors' or administrators' accounts, the cognizance thereof shall belong to the Orphans' Court.

Section 32. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor, or administrator, shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians, respectively, if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant or alleging further charges against him; and the exceptions shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and the law of the land.

Section 33. The style in all process and public acts shall be THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

AMENDMENT TO CONSTITUTION

Section 34. The six State Judges in office at and immediately before the time this amended Article IV of this Constitution becomes effective shall hold their respective offices until the expiration of their terms respectively and shall receive the compensation provided by law. They shall however be hereafter designated as follows:

The Chancellor shall continue to be designated as Chancellor;

The Chief Justice shall hereafter be designated as President Judge of the Court of General Sessions and of the Orphans' Court;

The Associate Judges shall hereafter be designated as Associate Judges of the Court of General Sessions and of the Orphans' Court.

Section 35. All writs of error and appeals and proceedings depending, at the time this amended Article IV of this Constitution becomes effective, in the Supreme Court as heretofore constituted shall be proceeded with in the Supreme Court hereby established, and all the books, records and papers of the said Supreme Court as heretofore constituted shall be the books, records and papers of the Supreme Court hereby established.

All suits, proceedings and matters depending, at the time this amended Article IV of this Constitution becomes effective, in the former Superior Court, and all books, records and papers of the said court, shall be transferred to the Court of General Sessions hereby established and the said suits, proceedings and matters shall be proceeded with to final judgment and determination in the said Court of General Sessions hereby established.

All indictments, proceedings and matters of a criminal nature depending in the former Court of General Sessions and in the former Court of Oyer and Terminer, at the time this amended Article IV of this Constitution becomes effective, and all books, records and papers of said former Court of General Sessions and former Court of Oyer and Terminer shall be transferred to the

AMENDMENT TO CONSTITUTION

Court of General Sessions hereby established, and the said indictments, proceedings and matters depending shall be proceeded with to final judgment and determination in the said Court of General Sessions hereby established.

The Court of Chancery is not affected by this amended Article IV of this Constitution.

CHAPTER 2

AMENDMENT TO CONSTITUTION

AN ACT PROPOSING AN AMENDMENT TO ARTICLE X OF THE
CONSTITUTION OF THE STATE OF DELAWARE, RELATING
TO THE CREATION OF A PUBLIC SCHOOL TRUST FUND.

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):

1. That Article X of the Constitution of the State of Delaware be, and the same is hereby amended by adding thereto a new Section to be known as Section 5 thereof, in the following language, viz:

"Section 5. There shall be created a Public School Trust Fund from moneys collected by the State from estate taxes, and from moneys in excess of One Million Dollars collected in any fiscal year from inheritance taxes, and from moneys and property donated, devised or bequeathed to said Fund, the income from said Fund to be used for the purpose of maintaining the free public schools of the State and for the emergency rebuilding of public school buildings. The General Assembly shall enforce this Section by appropriate legislation."

Jurisdiction and Property of the State

CHAPTER 3

TRANSFER OF CERTAIN PUBLIC LANDS

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO TRANSFER CERTAIN PUBLIC LANDS IN THE VICINITY OF BETHANY BEACH IN EXCHANGE FOR LANDS REQUIRED FOR THE ACTIVITIES OF THE DELAWARE NATIONAL GUARD ADJACENT TO CAMP SITE OF SAID NATIONAL GUARD AT BETHANY BEACH, DELAWARE.

WHEREAS, the State of Delaware now owns and holds title to a certain lot, piece or parcel of land situate in Sussex County, which lies between Bethany Beach and the Indian River, and borders on the Atlantic Ocean; and

WHEREAS, said lot, piece or parcel of land is held by the State of Delaware for the use and benefit of the State and is under the general supervision of the State Highway Department, with power together with the Governor, to execute and deliver good and sufficient deed for any part of the said public lands, being fifty (50) acres or less in extent, whenever the said Commission and the Governor shall deem it advisable to sell any part or all of the said lands; and

WHEREAS, the State of Delaware has secured ninety-eight (98) acres for a camp site, but it now becomes necessary to obtain more land for a rifle range; and

WHEREAS, six desirable lots, pieces or parcels of land owned by the Atlantic Coast and Inland Corporation, a corporation of the State of Delaware, consisting of one hundred and sixty-eight (168)

TRANSFER OF CERTAIN PUBLIC LANDS

acres, more or less, extending northward and adjoining other lands of said corporation, can be secured for such rifle range in exchange for a part of said public land, said six lots being described as follows:

Parcel No. 1. ALL That certain tract, piece or parcel of land situated in Baltimore Hundred, Sussex County, State of Delaware, lying north of the Bethany Beach Canal, and containing approximately five acres of land, more or less, and BEING that portion of a larger tract of land acquired by William P. Short by deed of Capt. William Melson and wife in 1926, which deed is duly recorded at Georgetown, Delaware.

Parcels No. 2, 3, 4 and 5. ALL That certain tract, piece or parcel of land situated in said Hundred, County and State and more fully described as follows, to-wit:

BEGINNING at a cedar post in the Salt Pond, corner for lands this day conveyed to the State of Delaware by said William P. Short and wife; thence N 25°, E 1117 feet to cedar post, corner for the Hall land; thence N 26° E 556 feet to a cedar post, corner for the West land; thence N 23½° E 367 feet to a cedar post; thence due East 1862 feet to a cedar post at the high water mark of the Atlantic Ocean; thence along and with the Atlantic Ocean at high water mark S 2¾° W 1515 feet to a cedar post; thence S 15 minutes E 485 feet to a cedar post; then leaving the Atlantic Ocean due West 820 feet to a cedar post; thence S 15 minutes E 449½ feet to a cedar post corner for lands this day conveyed to "The State of Delaware" by said Short and wife; thence along with one line of said lines N 71½° W 1938 feet home to the place of BEGINNING, containing 117 acres of land, be the same more or less.

Parcel No. 6. ALL That certain tract, piece or parcel of land situated in said Hundred, County and State and more fully described as follows, to-wit:

BEGINNING at a post corner for lands of the State of Delaware and this grantor; thence East along and with Fifth Street to

TRANSFER OF CERTAIN PUBLIC LANDS

the United States Coast Guard Station, a distance of approximately 1000 feet; thence North a distance of approximately 1771 feet to other lands of this grantor; thence West $8^{\circ} 20'$; thence South $17^{\circ} 53' W$. 1829 $\frac{1}{2}$ feet, containing 46 acres of land, be the same more or less; 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 Highway Department be and it is hereby authorized and empowered to enter into and make an agreement with the said Atlantic Coast and Inland Corporation, its successors or assigns, which the said State Highway Department may determine to be advisable and proper, for the conveyance of all or any part of the said lot, piece or parcel of public land belonging to the State of Delaware between Bethany Beach and the Indian River and bordering on the Atlantic Ocean, in consideration for the conveyance to the State of Delaware by the said Atlantic Coast and Inland Corporation of the said lots, pieces or parcels of land consisting of one hundred and sixty-eight (168) acres, more or less, and extending Northward to and adjoining other lands of the said Atlantic Coast and Inland Corporation.

Section 2. That the Governor and the Secretary of State of the State of Delaware are hereby authorized and empowered to execute in the name of and under the Great Seal of the State of Delaware a deed conveying unto the said Atlantic Coast and Inland Corporation, its successors and assigns, any lot, piece or parcel of land belonging to the State of Delaware as hereinbefore described which the said State Highway Department may agree to convey as a consideration for the lots, pieces or parcels of land to be conveyed by the said Atlantic Coast and Inland Corporation to the State of Delaware.

Approved April 19, 1937.

CHAPTER 4

NAME OF CHRISTIANA RIVER CHANGED
TO CHRISTINA RIVERAN ACT TO CHANGE THE NAME OF THE CHRISTIANA RIVER
IN NEW CASTLE COUNTY TO THE CHRISTINA 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 passage and approval of this Act the river in New Castle County now known as the Christiana River shall thereafter be known and designated as the Christina River.

Approved May 3, 1937.

State Revenue

CHAPTER 5

FRANCHISE TAXES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO FRANCHISE TAXES.

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

Section 1. That Section 64 of said Chapter 6 of the Revised Code of Delaware of 1935, being Code Section 98 of said Code, be and the same hereby is amended by striking out said Section 64 and inserting in lieu thereof the following:

Section 64. Rates of Franchise Taxes:—All corporations accepting the provisions of the Constitution of the State of Delaware and coming under the provisions of the General Corporation Law of this State, and all corporations which have heretofore filed or may hereafter file a Certificate of Incorporation under the provisions of said corporation law, shall pay to the State Tax Department as an annual franchise tax whichever of the applicable amounts prescribed by paragraphs (1) or (2), hereinafter set forth, is the lesser:

(1) Where the authorized capital stock does not exceed two hundred and fifty shares, five dollars; where the authorized capital stock exceeds two hundred and fifty shares but is not more than one thousand shares, ten dollars; where the authorized capital stock exceeds one thousand shares but is not more than three thousand shares, twenty dollars; where the authorized capital stock exceeds three thousand shares but is not more than five thousand shares, twenty-five dollars; where the authorized capital stock ex-

FRANCHISE TAXES

ceeds five thousand shares but is not more than ten thousand shares, fifty dollars; and the further sum of twenty-five dollars on each ten thousand shares or part thereof.

(2) Five dollars (\$5.00), where the assumed no-par capital of the corporation, found in the manner hereinafter in this paragraph (2) provided, does not exceed twenty-five thousand dollars (\$25,000.00); ten dollars (\$10.00), where such assumed no-par capital exceeds twenty-five thousand dollars (\$25,000.00) but is not more than one hundred thousand dollars (\$100,000.00); twenty dollars (\$20.00), where such assumed no-par capital exceeds one hundred thousand dollars (\$100,000.00) but is not more than three hundred thousand dollars (\$300,000.00); twenty-five dollars (\$25.00), where such assumed no-par capital exceeds three hundred thousand dollars (\$300,000.00) but is not more than five hundred thousand dollars (\$500,000.00); fifty dollars (\$50.00), where such assumed no-par capital exceeds five hundred thousand dollars (\$500,000.00) but is not more than one million dollars (\$1,000,000.00); and the further sum of twenty-five dollars (\$25.00) for each one million dollars (\$1,000,000.00) or part thereof of such additional assumed no-par capital.

For the purpose of computing the tax in accordance with this paragraph (2), the corporation's assumed no-par capital, whenever the phrase "assumed no-par capital" is used in this paragraph (2), shall be found by multiplying the number of authorized shares of capital stock without par value by one hundred dollars (\$100.00).

To the amount of the tax attributable to the corporation's assumed no-par capital, computed as above prescribed, add one hundred dollars (\$100.00) for each one million dollars (\$1,000,000.00) or fraction thereof in excess of one million dollars (\$1,000,000.00) of an assumed par-value capital, found by multiplying the number of authorized shares of capital stock having par value by the quotient resulting from dividing the amount of the total assets of the corporation, as shown in the manner hereinafter provided, by the

FRANCHISE TAXES

total number of issued shares of all denominations and classes; provided, however, that if the said quotient shall be less than the par value of any denomination or class of authorized shares having par value, the number of the shares of each such class shall be multiplied by their par value for the purpose of ascertaining the assumed par-value capital in respect of such shares and the number of authorized shares having a par value to be multiplied by such quotient, as aforesaid, shall be reduced by the number of such shares whose par value exceeds such quotient; and where, to determine such assumed par-value capital, it is necessary to multiply a class or classes of shares by such quotient and also to multiply a class or classes of shares by the par value of the shares, the assumed par-value capital of the corporation shall be the sum of the products of such multiplications. Whenever the amount of the assumed par-value capital, computed as above prescribed, is less than \$1,000,000.00, the amount of the tax attributable thereto shall be the amount that bears the same relation to \$100.00 that the amount of such assumed par-value capital bears to \$1,000,000.00.

Unless a corporation shall submit to the Secretary of State, at the time of filing its annual report as required by the next preceding Section of this Chapter, a statement under oath made by its President, a Vice-President, its Treasurer, or its Secretary, setting forth the amount of the total gross assets of the corporation, as of the nearest date on which such amount is obtainable, including in such statement its good will valued at the same amount at which it is valued in the books of account of the corporation, it shall pay a franchise tax for the current year computed in the manner prescribed by paragraph (1) of this Section.

In no case shall the tax on any corporation for a full taxable year, by whichever of the said paragraphs (1) or (2) the same is computed, be more than twenty-five thousand dollars nor less than five dollars.

In case the corporation has not been in existence during the whole year, the amount of tax due, at the foregoing rates and as above provided, shall be prorated for the portion of the year during which the corporation was in existence.

FRANCHISE TAXES

In case a corporation shall have changed during the taxable year the amount of its authorized capital stock, the total annual franchise tax payable at the foregoing rates shall be arrived at by adding together the franchise taxes calculated as above set forth as prorated for the several periods of the year during which each distinct authorized amount of capital was in effect.

Every corporation which shall show by a supplemental affidavit attached to its annual report, duly sworn to by its President and Secretary or Treasurer, or two of its Directors, or any two of its incorporators if directors or officers have not been elected, that it has not been engaged in any of the business activities for which it was granted a Certificate of Incorporation shall pay only at the rate of one-half of the amount of taxes scheduled above for such portion of the year as it shall not have been so engaged and at the full rate for the remainder of the year. Any such affidavit shall state fully the pertinent facts upon which the claim for one-half rate is based.

For the purpose of computing the taxes imposed by this section, the authorized capital stock of a corporation shall be considered to be the total number of shares which the corporation is authorized to issue, whether or not the number of shares that may be outstanding at any one time be limited to a less number.

Section 2. No franchise tax assessed or assessable during the calendar year 1937 or any prior year under the provisions of said Section 64 as heretofore existing and no assessment, suit, proceeding or matter of any kind with respect thereto, shall be in anywise affected by this Act; and the provisions of said Section 64 as heretofore existing shall be continued in full force and effect as to all such taxes, assessments, suits, proceedings and matters.

Section 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency, only.

Approved April 9, 1937.

CHAPTER 6

FRANCHISE TAXES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935, RELATING TO FRANCHISE TAXES.

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

Section 1. That Section 64 of said Chapter 6 of the Revised Code of the State of Delaware of 1935, being Code Section 98 of said Code, as amended by the Act approved April 9, 1937, be and the same is hereby further amended by adding at the end of said Section 64 the following new paragraph:

Provided, however, that all corporations as herein defined which are mutual investment companies as defined by Section 48 (e) of the Act of Congress commonly called "The Revenue Act of 1936," as now existing or as hereafter amended, shall pay to the State Tax Department as an annual franchise tax, a tax computed either under paragraph (1) hereof, or a tax computed under paragraph (2) hereof, or a tax at the rate of One Hundred Fifty Dollars per annum for each One Million Dollars, or fraction thereof in excess of One Million Dollars, of the average gross assets thereof during the taxable year, whichever be the least. Said average assets for the purposes of this section shall be taken to be the mean of the gross assets on January 1 and December 31 of the taxable year. Any corporation electing to pay a tax under this proviso shall submit to the Secretary of State at the time of filing its annual report as required by the next preceding section of this Chapter, a statement under oath made by its President, a Vice-President, its Treasurer or Secretary, certifying that such corporation is a mutual investment company as above defined, and stating the amount of its assets on January 1 and December 31 of the taxable year, and the mean thereof. The Secretary of State may investigate the facts set forth in said statement under oath and if it should be found that said corporation so electing to pay under said proviso shall not be a mutual investment company, as above defined, shall assess

FRANCHISE TAXES

upon such corporation a tax under paragraphs (1) or (2) hereof, whichever be the lesser.

Section 2. If this Act or any part thereof should be held unconstitutional such holding shall not affect the provisions of said Section 64, as amended by the said Act approved April 9, 1937.

Approved May 18, 1937.

CHAPTER 7

FRANCHISE TAXES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE 1935 RELATING TO REFUND OF FRANCHISE TAXES.

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

Section 1. That Section 69 of said Chapter' 6 of the Revised Code of Delaware of 1935, being Code Section 103, be and the same is hereby amended by striking out Paragraph (c) of said Section 69 and substituting in lieu thereof the following:

Any corporation may within the period of six months after the assessment or three months after the payment of taxes imposed by this Article apply to the State Tax Board for a refund or reduction of taxes claimed to be erroneously or illegally assessed and thereafter collected, or of interest or penalties claimed to have been assessed and thereafter collected without authority, or of any payment claimed to have been excessive. If the said Tax Board shall determine that the tax, interest and/or penalties assessed are excessive or incorrect, in whole or in part, it shall resettle the same and adjust the assessment of tax, interest or penalties accordingly, and shall notify the corporation and the Secretary of State of such determination and direct the Tax Department to refund to the corporation any amount paid in excess of the proper amount of tax, interest and/or penalties so determined to be due. The said Tax Board shall be further empowered to revise the penalty provided in Section 63 of this Chapter. An appeal may be taken to the Superior Court of the State of Delaware from any decision, determination or final action of the State Tax Board under this section by the State of Delaware or by any corporation affected thereby within sixty days after notification thereof and such Court may by its judgment affirm, modify or reverse the same in whole or in part.

Section 2. All acts or parts of acts inconsistent with the pro-

FRANCHISE TAXES

visions of this act are hereby repealed to the extent of such inconsistency only.

Approved April 16, 1937.

CHAPTER 8

INHERITANCE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO INHERITANCE TAX.

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

Section 1. * *

Section 2. That Section 102 of said Chapter 6 of the Revised Code of Delaware, being Code Section 136 of said Code, be and the same is hereby amended by striking out all of paragraphs in Class B. of Section 102 and substituting in lieu thereof the following paragraphs:

Section 102—Class B. Where the property or any interest or estate therein passes to or for the use of a parent, grandparent, child by birth, wife or widow of a son or the husband or widower of a daughter, a child by legal adoption, or lineal descendant of the testator, intestate grantor, donor or settlor (hereinafter called the decedent), the tax on such property, interest or estate then shall be at the following rates:

On that part of its value exceeding Three Thousand Dollars and not exceeding Thirty Thousand Dollars, one per cent;

On that part of its value exceeding Thirty Thousand Dollars and not exceeding Fifty Thousand Dollars, two per cent;

On that part of its value exceeding Fifty Thousand Dollars and not exceeding One Hundred Thousand Dollars, three per cent;

On that part of its value exceeding One Hundred Thousand Dollars, four per cent;

Section 3. That Section 102 of said Chapter 6 of the Revised Code of Delaware, being Code Section 136 of said Code be and

INHERITANCE TAX

the same is hereby amended by striking out all of the paragraphs in Class C. of Section 102 and substituting in lieu thereof the following paragraphs:

Section 102—Class C. Where the property or any interest or estate therein passes to or for the use of (1) a brother, or sister, either of the whole or half blood, of the decedent or of any brother or sister of the decedent's parent or first cousins of the decedent, or (2) a lineal descendant of any such brother or sister of the whole or half blood of the decedent, the tax shall be at the following rates:

On that part of its value exceeding One Thousand Dollars and not exceeding Twenty-five Thousand Dollars, two per cent;

On that part of its value exceeding Twenty-five Thousand Dollars and not exceeding Fifty Thousand Dollars, three per cent;

On that part of its value exceeding Fifty Thousand Dollars. and not exceeding One Hundred Thousand Dollars, four per cent,

On that part of its value exceeding One Hundred Thousand Dollars, five per cent;

Section 4. That Section 102 of said Chapter 6 of the Revised Code of Delaware, being Code Section 136 of said Code be and the same is hereby amended by striking out all of the paragraphs in Class D. of Section 102 and substituting in lieu thereof the following paragraph:

Section 102—Class D. In case of property or any interest or estate therein passing to or for the use of any person, not described in Class A, Class B or Class C of this Section, the tax shall be at the following rates:

On that part of its value not exceeding Twenty-five Thousand Dollars, five per cent;

INHERITANCE TAX

On that part of its value exceeding Twenty-five Thousand Dollars and not exceeding Fifty Thousand Dollars, six per cent;

On that part of its value exceeding Fifty Thousand Dollars and not exceeding One Hundred Thousand Dollars, seven per cent;

On that part of its value exceeding One Hundred Thousand Dollars, eight per cent.

Section 5. That Section 102 of said Chapter 6 of the Revised Code of Delaware, being Code Section 136 of said Code be and the same is hereby amended by inserting at the end of Section 102 the following:

Section 102. In determining the value of the net estate for distribution the deductions allowable from the fair market value of the estate on date of decedent's death shall be as follows:

- (1) Funeral and burial expenses.
- (2) Debts of decedent owing at the date of death.
- (3) Mortgages unpaid on date of death.
- (4) Commission of Executors and Administrators allowed by Register of Wills.
- (5) Costs of administration including Attorney's fees but not including losses on sales of assets.

Section 6. That Section 104 of said Chapter 6 of the Revised Code of Delaware, being Code Section 138 of said Code be and the same is hereby amended by striking out the third paragraph of Section 104 and substituting in lieu thereof the following:

Section 104. Estates or interest in expectancy which are contingent or defeasible shall be taxed at the highest rate which on the happening of any of the contingencies or conditions named in the will would be possible under the provisions of this Act.

INHERITANCE TAX

If the property so taxed shall ultimately vest in persons taxable at a lower rate or in a person or a corporation exempt from taxation by this Act, upon application to the State Tax Department by such beneficiary for refund of any excess tax that Department, after ascertaining the correctness of the claim, shall recommend payment by the State Treasurer and it shall be lawful for him to pay the amount. Interest on such refunds shall be at the rate of four per cent per annum.

Section 7. That Section 104 of said Chapter 6 of the Revised Code of Delaware, being Code Section 138 of said Code be and the same is hereby amended by striking out the fourth paragraph of Section 104 and substituting in lieu thereof the following:

Section 104. Where any beneficiary has died or may hereafter die before receiving his or her share of the estate to which he or she is entitled, and taxes on said share have not been assessed and paid, then such share shall be taxed only once and the tax shall be assessed on the basis of the relationship of the ultimate beneficiary to the first decedent.

Section 8. That Section 105 of said Chapter 6 of the Revised Code of Delaware, being Code Section 139 of said Code be and the same is hereby amended by striking out the last sentence in the first paragraph of Section 105 and substituting in lieu thereof the following:

Section 105. From fourteen months after date of death, and until paid, said taxes shall bear interest at the rate of four per cent per annum. Where an estate becomes involved in litigation referred to in paragraph 6, Sec. 104, no interest shall be charged until one month after adjudication.

Section 9. That Section 105 of said Chapter 6 of the Revised Code of Delaware, being Code Section 139 of said Code, be and the same is hereby amended by inserting between the fifth and sixth paragraphs the following:

INHERITANCE TAX

Section 105. Any executor or administrator who shall fail to file the aforementioned Inventory, List and Statement with the Register of Wills and with the State Tax Commissioner within three months after the granting of letters testamentary or of administration shall be subject to a penalty of \$1.00 per day for each day delinquent. This penalty shall apply to all estates delinquent as of the effective date of this amendment but shall not apply until one month after notice by the State Tax Department of such delinquency.

Section 10. That Section 106 of said Chapter 6 of the Revised Code of Delaware, being Code Section 140 of said Code, be and the same is hereby amended by inserting at the end of the paragraph the following:

Section 106. No commission shall be allowed by the Register of Wills to any executor or administrator who has not complied with the requirements of Article 10 of Chapter 6 of the Revised Code of Delaware, nor on estates delinquent prior to passage of this Act unless such requirements are complied with on or before January 1, 1938. This penalty shall not apply until one month after notice by the State Tax Department of such delinquency.

Section 11. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency only.

Approved May 19, 1937.

CHAPTER 9

ESTATE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING 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 Section 109 of the said Chapter 6 of the Revised Code of Delaware of 1935, being Code Section 143 of said Code be and the same is hereby amended by striking out the nineteenth paragraph of Section 109 and substituting in lieu thereof the following:

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 State Tax Department, 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 three years from the date of said payment and provided further that in case of the pendency, at the time of said payment or at any time during said three year period, of litigation with respect to the liability for Federal Estate Tax or for Delaware Estate Tax of the Estate on behalf of which such payment for Delaware Estate Tax has been made, as aforesaid, application for the repayment of said amount erroneously paid as Delaware Estate Tax may be made at any time within six months after the final determination of such litigation.

Section 2. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency only.

Approved May 11, 1937.

CHAPTER 10

INCOME TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO INCOME TAX.

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

That Section 116 of said Chapter 6 of the Revised Code of Delaware of 1935, being Code Section 150 of said Code be and the same is hereby amended by striking out the third paragraph of Section 116 (g) (4) and substituting in lieu thereof the following:

Section 116 (g) (4) Amounts in lieu of dividends charged by or paid to the lender of stock borrowed to cover short sales of securities shall be deductible in the year in which so charged or paid; provided, however, that such amounts that have not been currently deducted each year prior to January 1, 1937 shall be considered a part of the cost of the transaction when completed.

Approved May 11, 1937.

CHAPTER 11

INCOME TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF
THE STATE OF DELAWARE OF 1935 RELATING TO IN-
COME TAX.

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

Section 1. That Section 116 of said Chapter 6 of the Revised Code of Delaware of 1935 being Code Section 150 of said Code be and the same is hereby amended by striking out paragraph (b) (2) of Section 116, and substituting in lieu thereof, the following:

Section 116 (b) (2). In the case of personal property acquired by bequest or inheritance; The basis shall be the value of such property as of the date of death of the decedent from whom the property was acquired.

Section 2. That Section 116 of said Chapter 6 of the Revised Code of Delaware of 1935 being Code Section 150 of said Code, be and the same is hereby amended by inserting after Section 116 (b) (3) and before Section 116 (b) (4) thereof, the following additional paragraph:

Section 116 (b) (3A). In the case of personal or real property sold or otherwise disposed of during the period of administration of an estate, the gain derived or loss sustained from the sale, exchange or other disposition of the real or personal property, shall be the difference between the amount realized therefrom and the value of such property as of the date of death of the decedent from whom such property was acquired.

Section 3. That Section 116 of said Chapter 6 of the Revised Code of Delaware of 1935 being Code Section 150 of said Code be and the same is hereby amended by inserting after Section 116 (c) and before Section 116 (d) thereof, the following additional paragraph:

INCOME TAX

Section 116 (c) (1). The basis for ascertaining the gain derived or loss sustained from the sale, exchange or other disposition of capital assets, including property, real or personal, acquired by a person prior to becoming a resident of the State of Delaware, shall be (1) the cost of such property or (2) the fair market value of such property as of January 1, 1920, or (3) the fair market value of such property as of the date such person first became a resident of the State of Delaware, whichever is the highest; provided, that in ascertaining the deductible loss under this paragraph, the loss to be deducted shall in no case exceed the actual loss sustained upon the difference between amount received and the cost of such property.

Section 4. That Section 120, of said Chapter 6 of the Revised Code of Delaware of 1935, being Code Section 154 of said Code be and the same is hereby amended by inserting after Section 120 (g) the following additional paragraph (h).

Section 120 (h). The State Tax Board shall for the purpose of its 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 State Tax Board 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.

Section 5. That Section 124 of said Chapter 6 of the Revised Code of Delaware of 1935 being Code Section 158 of said Code be and the same is hereby amended, by striking out paragraph (h) of Section 124 and substituting in lieu thereof, the following:

INCOME TAX

Section 124 (h). If, after the assessment of the tax, increase, interest, and/or penalty shall have become final, the same or any part thereof shall remain unpaid for ten days, the Tax Department may file with any Justice of the Peace having jurisdiction of the amount thereof and of the person of the taxable, or with the Prothonotary of the Superior Court of the County in which the taxable resides, a certificate of such assessment, stating the amount thereof, the date assessed, and the dates of notice or notices, if any, given to the taxable in connection therewith, together with a brief summary of the proceedings had thereon. It shall thereupon be the duty of such Justice of the Peace or Prothonotary to enter the total amount of such assessment as a judgment in favor of the State of Delaware and the said amount so entered shall thereupon be and constitute a judgment of record in said court with like force and effect as any other judgment in said court. Upon the entry of such judgment, it shall be the duty of the Tax Department forthwith to utilize the most expeditious means provided by law for the collection of the amount thereof; and it is hereby expressly provided that no property, legal or equitable, wages, salaries, deposits or moneys in banks, saving institutions or loan associations, or other property or income of any taxable shall be exempt from execution or attachment process issued upon or for the collection of any judgment.

Section 6. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency only.

Approved May 19, 1937.

CHAPTER 12

MANUFACTURERS

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO MANUFACTURERS.

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

Section 1. That Section 137 of said Chapter 6 of the Revised Code of Delaware of 1935, being Code Section 171 of said Code, be and the same is hereby amended by striking out Paragraph 5 of said Section 137 and substituting in lieu thereof the following:

In case any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, desires to engage as owner or owners, or as agent or agents, in the practice, conduct, pursuit, or carrying on of the business of working raw materials, into products of a different character, finished or unfinished; or of effecting any combination or composition of materials, the inherent nature of which is changed; or of finishing by hand or machinery goods, wares or merchandise or any article or material, he, she, they or it not having been engaged in said practice, conduct, pursuit or carrying on of a business during the year immediately next preceding the aforesaid first day of June shall before commencing a business as defined aforesaid, take out a fractional license, which shall expire on the first day of June next after the date of its issuance, first paying to the said Tax Department the sum of Five Dollars (\$5.00); and at the expiration of said fractional license on the first day of June, he, she, they or it shall obtain an annual license, which shall be valid until the first day of June following upon his, her, they, or it filing with the said Tax Department, a statement in writing, verified by oath or affirmation of such individual, or one member of such co-partnership, firm or association of persons, or of the President, or Treasurer, or Secretary of such corporation, containing the information as to the aggregate gross receipts as hereinbefore provided in this Section, but limited to the period covered by the terms of the said fractional

MANUFACTURERS

license; such individual, co-partnership, firm or corporation, or association of persons, shall pay to the said Tax Department, for the use of the State, at the time of the taking out of the first annual license following the issuance of a fractional license; or if such business shall be discontinued at any time prior to the renewal of the license, the tax at the rates hereinafter provided shall be due and payable at the time of such discontinuance and shall be a lien against the property and assets of such individuals, partners or corporate licensee, a tax for the said fractional period amounting to one-fortieth of one per cent ($1/40$ of 1%) of the aggregate gross receipts as set forth in the said statement covering the period of said fractional license, in addition to the said sum of Five Dollars (\$5.00) originally paid for said fractional license, and the sum of Five Dollars (\$5.00) for the first annual license in addition to a further tax for the said annual license of one-fortieth of one per cent ($1/40$ of 1%) based upon aggregate gross receipts rated on the proportion which the time covered by the fractional license bears to the twelve months covered by said annual license.

Section 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency only.

Approved May 11, 1937.

CHAPTER 13

MERCHANTS

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO MERCHANTS.

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

Section 1. That Section 139 of said Chapter 6 of the Revised Code of Delaware of 1935, being Code Section 173 of said Code, be and the same is hereby amended by striking out Paragraph 5 of said Section 139 and substituting in lieu thereof the following:

In case any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, desires to engage as owner or owners, or as agent or agents, in the business of buying and selling merchandise for cash or by barter, or engage in, prosecute, follow, or carry on a retail or wholesale business by purchasing and selling produce, goods, wares, or any property of whatever description, he, she, they or it not having been engaged in such a business as hereinbefore defined during the year immediately next preceding the aforesaid first day of June, shall, before commencing such business, take out a fractional license, which shall expire on the first day of June next after the date of its issuance, first paying to the said Tax Department the sum of Five Dollars (\$5.00); and at the expiration of said fractional license on the first day of June, he, she, they or it shall obtain an annual license, which shall be valid until the first day of June following, upon the filing with the said Tax Department, by him, her, them or it, of a statement in writing, verified by oath or affirmation of such individual, or one member of such co-partnership, firm or association, or of the President, Treasurer or Secretary of such corporation, containing the information as to the aggregate cost value as hereinbefore provided in this Section, but limited to the period covered by the terms of the said fractional license; such individual, co-partnership, firm or corporation, or association of persons shall pay to the said Tax Department, for the use of the State, at the time of the taking out

MERCHANTS

of the first annual license following the issuance of a fractional license; or if such business shall be discontinued at any time prior to the renewal of the license, the tax at the rates hereinafter provided shall be due and payable at the time of such discontinuance and shall be a lien against the property and assets of such individuals, partners or corporate licensee, a tax for the said fractional period amounting to one-tenth of one per cent ($1/10$ th of 1%) of the aggregate cost value as set forth in the said statement covering the period of said fractional license, in excess of Five Thousand Dollars (\$5,000.00), in addition to the said sum of Five Dollars (\$5.00) originally paid for said fractional license, and the sum of Five Dollars (\$5.00) for the first annual license, in addition to a further tax for the said annual license of one-tenth of one per cent ($1/10$ th of 1%), based upon the aggregate cost value rated on the proportion which the time covered by the fractional license bears to the twelve months covered by said annual license, in excess of Five Thousand Dollars (\$5,000.00).

Section 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency only.

Approved April 27, 1937.

CHAPTER 14
OCCUPATIONAL LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF
THE STATE OF DELAWARE OF 1935 RELATING TO OCCU-
PATIONAL LICENSES.

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

Section 1. That Article 16 of said Chapter 6 of the Revised Code of Delaware of 1935, be and the same is hereby amended by striking out Sections 158 to 164, inclusive, being Code Sections 192 to 198, inclusive, and substituting in lieu thereof the following:

Section 2. 192. Sec. 158. Occupations of Two Classes; Service and Business:—For the purpose of this Article, occupations shall be of two classes, viz: Service Occupations and Business Occupations. It shall be unlawful for any person or persons, firm, co-partnership or corporation to engage in or carry on any trade or business hereinafter mentioned without first having obtained a license therefor from the State Tax Department and paid the sum hereinafter set forth therefor.

Section 3. 193. Sec. 159. Service Occupations Defined:—The occupations that are listed "service occupations," shall include any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, hereinafter termed "person," are hereby specifically defined and shall pay an annual license at the following rates:

Architect, Ten Dollars (\$10.00). Architect shall include every person engaged in the business of designing, planning and technically supervising the construction of any building, edifice or other structural unit.

Attorney-at-Law, Ten Dollars (\$10.00). Attorney-at-Law shall include every individual duly admitted to the Bar of any Court of

OCCUPATIONAL LICENSES

the State of Delaware and engaged in the active practice of such profession.

Auctioneer, Ten Dollars (\$10.00). Auctioneer shall include every person engaged in the business of crying sales of real or personal property on behalf of other persons for profit, except as otherwise provided by the provisions of this Chapter.

Chiropodist, Ten Dollars (\$10.00). Chiropodist shall include every person engaged in the practice of caring for the feet of human beings.

Chiropractor, Ten Dollars (\$10.00). Chiropractor shall include every person engaged in the practice of treating human ailments by means of muscular or bone manipulation.

Conveyancer, Ten Dollars (\$10.00). Conveyancer shall include every person engaged in the business of conveying real property and drafting legal instruments for so doing except attorneys-at-law having a license to practice such profession in this State.

Dentist, Ten Dollars (\$10.00). Dentist shall include every person qualified under the laws of the State of Delaware to practice dentistry and engaged in active practice of such profession.

Distributor, Ten Dollars (\$10.00). Distributor shall include every person engaged in the business of distributing samples, handbills or posters for compensation or on commission.

Drayman, Ten Dollars (\$10.00). Drayman shall include every person engaged in the business of transporting for profit tangible personal property of other persons by means of motor-propelled or horse-drawn vehicles.

Employment Agent, Ten Dollars (\$10.00). Employment Agent shall include every person engaged in the business of hiring or securing positions for other persons for profit.

OCCUPATIONAL LICENSES

Engineer, Ten Dollars (\$10.00). Engineer shall include every person engaged in the practice of the profession of technical engineering, consultant or otherwise, who accepts retainments from the general public for profit including civil, electrical, mechanical, chemical or other branch of technical engineering.

Factor, Ten Dollars (\$10.00). Factor shall include every person engaged in the business of buying and selling or receiving for sale, merchandise for other persons on a commission basis or for profit not coming within the provisions of Section 139 of Chapter 6 of this Revised Code.

Incorporator, Ten Dollars (\$10.00). Incorporator shall include every person engaged in the business of procuring corporate charters, or acting as resident, registration or transfer agent of domestic corporations, except attorneys-at-law having a license to practice such profession in this State.

Keeper of Stallion or Jack, Ten Dollars (\$10.00). Keeper of Stallion or Jack shall include every person engaged in the business of keeping and/or traveling stallions and/or jacks for breeding purposes.

Keeper of Public Baths, Ten Dollars (\$10.00). Keeper of Public Baths shall include every person engaged in the business of maintaining or operating for the use of the general public for profit, an establishment for baths of any kind or description.

Keeper of Livery Stable, Ten Dollars (\$10.00). Keeper of Livery Stable shall include every person engaged in the business of maintaining for the use of the general public for profit a place wherein horses and other animals of like nature are taken care of.

Manicurist, Ten Dollars (\$10.00). Manicurist shall include every person engaged in the business of caring for the hands.

Mercantile Agency, Ten Dollars (\$10.00). Mercantile Agency shall include every person engaged in the business of investigation

OCCUPATIONAL LICENSES

of financial ratings and credit and/or the collection of commercial accounts for other persons except attorneys-at-law having a license to practice such profession in this State.

Optometrist, Ten Dollars (\$10.00). Optometrist shall include every person qualified under the laws of the State of Delaware to practice optometry and engaged in active practice of such profession.

Osteopath, Ten Dollars (\$10.00). Osteopath shall include every person qualified under the laws of the State of Delaware to practice osteopathy and engaged in active practice of such profession.

Physician and/or Surgeon, Ten Dollars (\$10.00). Physician and/or Surgeon shall include every person qualified under the laws of the State of Delaware to practice medicine and surgery and engaged in active practice of such profession.

Public Accountant, Ten Dollars (\$10.00). Public Accountant shall include every person actively engaged in the business of general public accounting.

Real Estate Agent, Ten Dollars (\$10.00). Real Estate Agent shall include every person engaged in the business of buying, selling or renting real estate or collecting rents thereon for the account of other persons upon a commission or for profit.

Textile Renovator, Ten Dollars (\$10.00). Textile Renovator shall include every person engaged in the business, other than in a private capacity, of pressing, cleaning, washing, scouring, bleaching, dyeing, or otherwise reconditioning and/or accepting for reconditioning any article of clothing, or of any woven or knitted fabric of every form and nature, whether the actual reconditioning is done within or without the State of Delaware.

Transportation Agent, Ten Dollars (\$10.00). Transportation Agent shall include every person engaged in the business of selling

OCCUPATIONAL LICENSES

tickets, on behalf of other persons, for transportation by common carriers on a commission basis or for profit.

Warehouseman, Ten Dollars (\$10.00). Warehouseman shall include every person engaged in the business of public storage of tangible personal property, including all services in connection therewith.

Section 4. 194. Sec. 160. Following Service Occupation Without a License, a Misdemeanor; Penalty:—If any individual, co-partnership, firm or corporation, or any association of persons acting as a unit shall engage in, prosecute, follow or carry on any service occupation, as is herein set forth in Section 159 of this Article, within the limits of this State, without having first obtained a proper license therefor, he, she, or they, and the individuals composing such firm or association of persons, and each of them, and the President and Directors of such corporation, and each of them, for every such offense shall be deemed guilty of a misdemeanor and upon conviction thereof, besides being liable to the payment of the license fees, shall be subject to imprisonment for a term not exceeding two years, or a fine not exceeding Five Hundred Dollars (\$500.00), or both, in the discretion of the Court.

Section 5. 195. Sec. 161. Business Occupations Defined:—The occupations that are listed "business occupations," shall include any individual, co-partnership, firm or corporation, or any other association of persons acting as a unit, hereinafter termed "persons," are hereby specifically defined and shall pay an annual license at the rates hereinafter set forth:

Advertising Agency, Twenty-five Dollars (\$25.00). Advertising Agency shall include every person engaged in the business of displaying advertising matter by bill boards, posters or circulars, signs or window display, or shall undertake the writing or composition of advertisements for other persons on a commission, rental or flat basis.

Amusement Conductor, Fifty Dollars (\$50.00). Amusement Conductor shall include every person engaged in the business of

OCCUPATIONAL LICENSES

conducting or maintaining, or furnishing on a commission or other basis mechanical devices for the entertainment of the general public for which a charge is made for the use thereof.

Amusement Park Operator, Two Hundred Fifty Dollars (\$250.00). Amusement Park Operator shall include every person engaged in the business of exhibiting in an arena, park, or other open spaces any two or more amusements, as in this Section defined, including theatrical performances and moving pictures and eating houses but not in the conducting or exhibiting of a circus.

Barber, Five Dollars (\$5.00) for first two chairs and One Dollar (\$1.00) for each additional chair used, but not more than Ten Dollars (\$10.00). Barber shall include every person engaged in the business of shaving the beard and cutting, trimming, washing, waving or otherwise dressing the hair of human beings.

Beautician, Five Dollars (\$5.00) for the first two chairs and One Dollar (\$1.00) for each additional chair used, but not more than Ten Dollars (\$10.00). Beautician shall include any person engaged in the business of doing work which is generally and usually performed by so-called hairdressers, cosmetologists, cosmeticians, beauticians or beauty culturists, and however denominated in so-called hairdressing and beauty shops ordinarily patronized by women, which work is for the embellishment, cleanliness and beautification of women.

Bottler, Twenty-five Dollars (\$25.00). Bottler shall include every person engaged in the business of bottling from the bulk all beverages commonly known as soft drinks, whether said beverages shall be prepared in whole or in part by said bottler.

Broker, One Hundred Dollars (\$100.00). Broker shall include every person engaged in the business of buying and selling for the account of other persons for a commission, or for profit, stocks, bonds, currency, negotiable paper, securities, and any other intangible personal property.

Circus Exhibitor, Five Hundred Dollars (\$500.00) for use within the corporate limits of any City in this State having a popu-

OCCUPATIONAL LICENSES

lation of over 50,000 people; Three Hundred Dollars (\$300.00) for use within one mile of the corporate limits of any City in this State having a population of over 50,000 people; One Hundred Dollars (\$100.00) for use not within one mile of the corporate limits of any City in this State having a population of over 50,000 people. Circus Exhibitor shall include every person engaged in the business of exhibiting in a tent, arena, or other open space feats of horsemanship, acrobatic stunts, freaks, trained or wild animals, and other forms of entertainment commonly known as circus, including the conducting of eating houses and merchandising inside the tents of said Circus Exhibitor.

Dairyman, Ten Dollars (\$10.00). Dairyman shall include every person engaged in the business of buying and selling dairy products excepting such persons as sell their own products or are engaged in the manufacture of such products.

Eating House Keeper, Ten Dollars (\$10.00). Eating House Keeper shall include every person engaged in the business of operating a public place for the sale of food, prepared and/or consumed on the premises, for the accommodation of casual visitors.

Finance Acceptor, Twenty-five Dollars (\$25.00). Finance Acceptor shall include every person engaged in the business of lending money on automobiles, radios and other articles of tangible personal property, the title to which is taken as security by the lender and repayments of the loans are made by installments or otherwise.

General Repairman, Ten Dollars (\$10.00). General Repairman shall include every person engaged in the business of repairing, reconditioning or otherwise restoring to useful service personal property of every kind and description not otherwise provided for under this Act.

Junk Dealer, Ten Dollars (\$10.00). Junk Dealer shall include every person engaged in the business of buying and selling old iron, brass, lead, copper, or other metals, or combinations thereof, paper, old automobile tires, second-hand personal property of any kind or description whatever, commonly known as junk.

OCCUPATIONAL LICENSES

In the application of the provisions of the foregoing definitions, no auctioneer shall be authorized by virtue of the license granted to employ any other person to act as auctioneer in his behalf, except in his own store or warehouse, or in his presence, nor shall the term "auctioneer" apply or extend to judicial or executive officer making sales in pursuance of any execution, judgment, or decree of any court, nor to public sales made by executors or administrators.

Laundry Operator (a), Twenty-five Dollars (\$25.00). Laundry Operator shall include every person engaged in the business of operating a laundry where steam and/or electric power is used or employed on custom work, and/or of securing goods or fabrics to be so laundered whether the actual work of laundering such goods or fabrics is done within or without the State of Delaware.

Laundry Operator (b), Ten Dollars (\$10.00). Laundry Operator shall include every person engaged in the business of operating a laundry where steam and/or electric power is not used or employed on custom work, and/or of securing goods or fabrics to be so laundered whether the actual work of laundering such goods or fabrics is done within or without the State of Delaware.

Motor Vehicle Serviceman, Ten Dollars (\$10.00). Motor Vehicle Serviceman shall include every person engaged in the business of repairing, rebuilding, repainting, or otherwise re-conditioning of motor vehicles or their parts, or storing or rental of garage space in excess of three cars.

Operator of Pool Tables, Billiard Tables, Shuffle Boards or Bowling Alleys, Fifteen Dollars (\$15.00) for the first table, board or alley used; Ten Dollars (\$10.00) for the second table, board or alley; and Five Dollars (\$5.00) for each additional table, board or alley. Operator of Pool Tables, Billard Tables, Shuffle Boards or Bowling Alleys shall include every person engaged in the operation and/or management of pool tables, billiard tables, shuffle boards and/or bowling alleys for the use of the general public anywhere within the State of Delaware.

OCCUPATIONAL LICENSES

Operator of Taxicabs and Buses, Ten Dollars (\$10.00) for the first motor vehicle; Two Dollars (\$2.00) for each additional motor vehicle. Operator of Taxicabs and Buses shall include every person engaged in the operation of motor vehicles in transporting persons for hire in the accommodation of the general public.

Pawnbroker, Ten Dollars (\$10.00). Pawnbroker shall include every person engaged in the business of lending money on pledge of tangible personal property, or purchasing the same on condition of returning it to the seller at a stipulated price, and of selling said property in default of the pawnier.

Photographer, Twenty Dollars (\$20.00). Photographer shall include every person engaged in the business of taking, making and/or developing photographs, or pictures by action of light, for profit or reward.

Showman, One Hundred Dollars (\$100.00). Showman shall include every person engaged in the business of conducting or operating a public theatre, house, or place for the exhibition of stage and/or floor shows, moving pictures, animal shows, or carnivals for private profit, and all other amusements of like character conducted for profit exclusive of boxing and wrestling matches; within the corporate limits of any City in this State having a population of over 5,000 people. Showman, Twenty-five Dollars (\$25.00). Showman shall include every person engaged in the business of conducting or operating a public theatre, house, or place for the exhibition of stage and/or floor shows, moving pictures, animal shows, or carnivals for private profit, and all other amusements of like character conducted for profit exclusive of boxing and wrestling matches, within the corporate limits of any City, town or village in this State having a population of less than 5,000 people.

Undertaker, Ten Dollars (\$10.00). Undertaker shall include every person engaged in the business, and qualified under the law of the State of Delaware to be so engaged, of undertakers and in active conduct thereof.

OCCUPATIONAL LICENSES

Section 6. 196. Sec. 162. Any individual, co-partnership, firm or corporation, or other association of persons acting as a unit desiring to engage in, prosecute, follow or carry on the business of Contracting as herein defined shall obtain a license from the State Tax Department and pay a license fee at the following rates:

Five Dollars (\$5.00) on the gross receipts for such business not exceeding Five Thousand Dollars (\$5,000.00); one-fifth of one per cent ($1/5$ of 1%) for each thousand dollars of gross receipts in excess of Five Thousand Dollars (\$5,000.00) the total amount not to exceed One Hundred Dollars (\$100.00). At the time of engaging in such business such Contractor shall procure said license for fractional period paying therefor the sum of Five Dollars (\$5.00); and at the expiration of said fractional license on the first day of June, he, she, they, or it shall obtain an annual license, which shall be valid until the first day of June following, upon his, her, they or it filing with the said Tax Department, a statement in writing, verified by oath or affirmation of such individual, or one member of such co-partnership, firm or association of persons, or of the President, or Treasurer, or Secretary of such corporation, containing the information as to the aggregate gross receipts as hereinbefore provided in this Section, but limited to the period covered by the terms of the said fractional license; such individual, co-partnership, firm or corporation, or association of persons shall pay to the said Tax Department, for the use of the State at the time of the taking out of the first annual license following the issuance of a fractional license, or if such business shall be discontinued at any time prior to the renewal of the license, the tax at the rates hereinafter provided shall be due and payable at the time of such discontinuance and shall be a lien against the property and assets of such individuals, partners or corporate licensee, a tax for the said fractional period amounting to one-fifth of one per cent ($1/5$ of 1%) of the aggregate gross receipts as set forth in the said statement covering the period of said fractional license, in excess of Five Thousand Dollars (\$5,000.00), in addition to the said sum of Five Dollars (\$5.00) originally paid for said fractional license, and the sum of Five Dollars (\$5.00) for the first annual

OCCUPATIONAL LICENSES

license in addition to a further tax for the said annual license of one-fifth of one per cent ($1/5$ of 1%) based upon aggregate gross receipts rated on the proportion which the time covered by the fractional license bears to the twelve months covered by said annual license, in excess of Five Thousand Dollars (\$5,000.00).

For the purpose of this Section Contractor shall include every person engaged in the business of the construction, alteration, repairing, dismantling or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains, and every other type of structure coming within the definition of real property, including such construction, alteration, or repairing of such property to be held either for sale or rental, and further including all sub-contractors.

Section 7. 197. Sec. 163. If any individual, co-partnership, firm or corporation, or any association of persons acting as a unit shall engage in, prosecute, follow, or carry on a business occupation, as is herein set forth in Sections 161 and 162 of this Act, within the limits of this State, without having first obtained a proper license therefor, he, she, or they, and the individuals composing such firm or company, and each of them, and the President and Directors of such corporation, and each of them, for every such offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof besides being liable to the payment of the license fees, shall be subject to imprisonment for a term not exceeding two years, or a fine not exceeding Five Hundred Dollars (\$500.00), or both, in the discretion of the Court.

Section 8. That Article 16 of said Chapter 6 of the Revised Code of Delaware be and the same is hereby amended, by striking out Section 166, being Code Section 200, and substituting in lieu thereof, the following:

Section 9. 198. Sec. 164. What License Shall Contain and Set Forth:—Every license issued under this Article shall contain and set forth, in the case of service occupations, the name and place of abode of the individual, co-partnership, firm or corporation or other association of persons, the fact that such individual, co-

OCCUPATIONAL LICENSES

partnership, firm or corporation, or other association of persons is engaged in a service occupation as defined in Section 159 of this Article, and the amount of the license fee paid to the State, together with the date of the issuance of the license; and said license shall expire annually upon the first day of June next succeeding the date of issue.

Every license issued under this Article shall contain and set forth, in the case of business occupations, the name and place of business of the individual, co-partnership, firm or corporation, or other association of persons, the fact that such individual, co-partnership, firm or corporation, or other association of persons is engaged in a business occupation as defined in Section 161 of this Article and naming therein the trade, business, pursuit, or occupation for which license is granted, and the amount of the license fees paid to the State, together with the date of the issuance of the license; and said license shall expire annually upon the first day of June next succeeding the date of issue with the exception of the circus exhibitor, whose license shall continue in force for three months from the date of issuance thereof and no longer. A license granted for a business occupation shall not authorize the individual, co-partnership, firm or corporation or other association of persons to engage in, prosecute, follow, or carry on any trade, business, pursuit, or occupation specified in such license in any other place than the place of business set forth in such license, provided, however, that if a licensee changes the location of his place of business during the period for which the license is issued, the license may be transferred to such new location. In every case where more than one of the service occupations set forth in Section 159 of this Article and/or the business occupations set forth in Sections 161 and 162 of this Article shall be pursued or carried on by the same individual, co-partnership, firm or corporation, or other association of persons at the same time, a license must be taken out for each, provided, however, that where more than one license is required, the total of the license fees shall be the fee required as hereinbefore specified for the highest priced license to be issued, plus Five Dollars (\$5.00) for each additional license required to be issued in lieu of the rates hereinbefore prescribed.

OCCUPATIONAL LICENSES

Every circus exhibitor who shall procure a license to conduct a circus shall be authorized and empowered during the term for which such license was granted, to exercise and carry on such business occupation in every county of this State, subject, however, to the provisions and restrictions contained in said license. Every other individual, co-partnership, firm or corporation, or other association of persons, who shall procure either a service occupation or business occupation license shall be authorized and empowered, during the term for which such license was granted, to exercise and carry on such service occupation or business occupation in any county of this State, subject, however, to the provisions and restrictions in this Section set forth.

Approved April 27, 1937.

CHAPTER 15
OCCUPATIONAL LICENSES
CONTRACTORS

**AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO "CONTRACTORS."**

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

Section 1. That 196 Section 162 of Chapter 6 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by striking out paragraph 8 of said section and inserting in lieu thereof the following new paragraph:

(8) Contractor embraces every person engaged in the independent business of constructing, altering or repairing of buildings, roads, bridges, viaducts, sewers, water and gas mains and every other type of structure coming within the definition of real property, including sub-contractors, but not including persons working for wages by the hour, day or week who are responsible to their employer not only for the results of their work but also as to the means and methods of its accomplishment.

Approved April 27, 1937.

CHAPTER 16
OCCUPATIONAL LICENSES
BOTTLERS

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO OCCUPATION LICENSE
FOR BOTTLER.

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

Section 1. That Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the words "for each license as a bottler, the sum of \$25.00" where said words appear in lines 10 and 11 of the second paragraph of 197, Section 163 of said Chapter, and by inserting in lieu thereof the following words:

"for each license as a bottler, the same license fee shall be paid and under the same regulations as that required of a merchant as provided in Article 14 of said Chapter 6."

Approved April 30, 1937.

CHAPTER 17

OPTOMETRISTS AND VETERINARIANS

**AN ACT TO AMEND ARTICLE 17, CHAPTER 6 OF THE REVISED
CODE OF THE STATE OF DELAWARE OF 1935, RELATING
TO OPTOMETRISTS AND VETERINARIANS.**

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

Section 1. That 203. Section 169 be and the same is hereby amended by striking out the words "and fifty cents" appearing in said Section.

Section 2. That 204. Section 170 be and the same is hereby amended by striking out the words "and fifty cents for the use of the County" appearing in said Section.

Section 3. All acts or parts of acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved May 5, 1937.

CHAPTER 18

REFUND OF TAXES ERRONEOUSLY COLLECTED
BY STATE TAX DEPARTMENT

AN ACT TO AMEND ARTICLE 18, CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO REFUNDS OF LICENSE FEES ERRONEOUSLY COLLECTED BY THE STATE TAX DEPARTMENT.

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

That 206. Section 172 be and the same is hereby amended by adding the following Section to be known as 206A. Section 172A.

Section 1. 206A. Section 172A. Refunds of Taxes Erroneously Collected by the State Tax Department.

Any person who has erroneously obtained a license may make application to the State Tax Commissioner for a refund of such amount erroneously paid for such license. The State Tax Commissioner, with the approval of the State Tax Board, shall certify to the State Treasurer the amount of such tax erroneously collected, and the State Treasurer shall be and he is hereby authorized and directed to pay out of any moneys in the treasury to the credit of the General Fund of the State of Delaware such amount erroneously paid for such license.

Section 2. That 206. Section 172 of the Revised Code of the State of Delaware be and the same is hereby amended by adding the following paragraph to be known as 206B. Section 172B.

206B. Section 172B. Violations; Jurisdiction of the Municipal Court of Wilmington and Justices of the Peace in New Castle County:—All violations of Articles 13 to 17, inclusive, of this Chapter, and offenses against the same, are hereby constituted misdemeanors, and the Municipal Court of the City of Wilmington and Justices of the Peace in the several counties shall have jurisdiction to hear, try and determine said misdemeanors or any of them.

Section 3. All acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency only.

Approved April 16, 1937.

CHAPTER 19

REFUND OF LICENSE FEES ERRONEOUSLY COLLECTED
BY STATE TAX DEPARTMENT

AN ACT TO APPROPRIATE THE SUM OF ONE HUNDRED, THIRTY-THREE DOLLARS AND FIFTY-TWO CENTS (\$133.52) TO REIMBURSE CERTAIN PERSONS FOR PAYMENTS ERRONEOUSLY MADE BY THEM TO THE STATE OF DELAWARE FOR MERCHANTS, MANUFACTURERS OR OCCUPATIONAL LICENSE.

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

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay out of any moneys in the treasury to the credit of the General Fund of the State of Delaware, a sum not to exceed One Hundred, Thirty-three Dollars and Fifty-two Cents (\$133.52) to reimburse persons hereinafter named in the respective amounts indicated beside the name of each of such persons for license which the State Tax Commissioner with the approval of State Tax Board shall certify to the State Treasurer as having been erroneously paid:

<i>Name</i>	<i>Amount</i>
Ralph Trivits, S. Market St. and Garaches Lane, Wilmington, Delaware	\$ 12.48
Linton F. Truitt, Elkton, Maryland	10.00
Try-Me-Bottling Company, Seaford, Delaware	6.04
Jonathan G. Moore, Bethel, Sussex County, Dela- ware	10.00
Joseph S. Comerford, 3118 Van Buren Street, Wil- mington, Delaware	10.00
Clicquot Club Company, Millis, Massachusetts	25.00
Elsie B. Lankford, Felton, Delaware	5.00
John E. Pfalzgraff, Bellefonte Service Station, 710 Philadelphia Pike, Wilmington, Delaware	10.00

REFUND OF LICENSE FEES ERRONEOUSLY COLLECTED
BY STATE TAX DEPARTMENT

William A. Berry, Jr., Milford, Delaware	5.00
John C. Gildersleeve, 309 Townsend Street, Wil- mington, Delaware	10.00
Harry T. Jones, Box No. 137, Route No. 3, New- ark, Delaware	10.00
John J. O'Connor, 103 N. Harrison Street, Wil- mington, Delaware	5.00
Elsie Tunnell, Rosedale Beach, Millsboro, R. D., Delaware	5.00
William P. Steinmetz, 233 Walnut Street, Wil- mington, Delaware	10.00
	<hr/>
	\$133.52

Approved April 19, 1937.

CHAPTER 20

GASOLINE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO DISCLOSURE OF THE AMOUNT OF TAX PAID AND OTHER INFORMATION CONTAINED IN REPORTS FILED BY MOTOR FUEL DEALERS.

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

Section 1. That Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 226 Section 192 of said Chapter.

Approved May 17, 1937.

CHAPTER 21

PRO-RATION OF LICENSES FOR A PERIOD OF A YEAR

AN ACT TO AMEND ARTICLE 25, CHAPTER 6 OF THE REVISED
CODE OF DELAWARE, 1935, RELATING TO PRO RATION
OF LICENSES FOR PERIOD OF A YEAR.

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

Section 1. That 240. Section 206 of the Revised Code of the State of Delaware of 1935 be and the same is hereby amended by striking out the third and fourth paragraphs thereof.

Section 2. That Section 210, being Code Section 244, be and the same is hereby repealed.

Section 3. All acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency only.

Approved May 11, 1937.

CHAPTER 22

AUTHORIZING THE STATE OF DELAWARE TO BORROW
\$290,000.00 AND ISSUE BONDS THEREFOR

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW TWO HUNDRED NINETY THOUSAND DOLLARS AND ISSUE BONDS THEREFOR FOR THE PURPOSE OF ERECTING CERTAIN NEW STATE BUILDINGS.

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

Section 1. That the Governor and the State Treasurer and the Secretary of State of the State of Delaware, herein sometimes referred to as the "issuing officers," are hereby authorized, fully empowered and directed, to borrow, upon the faith and credit of the State of Delaware a sum of money not in excess of Two Hundred Ninety Thousand (\$290,000.00) Dollars, One Hundred Thousand (\$100,000.00) Dollars of which shall be used for the erection, construction and equipment of a new State building to be located in the City of Dover, on lands owned by the State of Delaware, which building shall be used to house the Corporation Department and the Motor Vehicle Department of the office of the Secretary of State, and the offices of the Public Archives Commission, a further sum of One Hundred Thousand (\$100,000.00) Dollars to be used for the erection, construction and equipment of certain buildings or annexes at the Delaware State Hospital at Farnhurst, a further sum of Twenty-five Thousand (\$25,000.00) Dollars to be used for the erection, construction and equipment of a sewer disposal plant at Brandywine Sanatorium, Marshallton, and a further sum of Sixty-five Thousand (\$65,000.00) Dollars for the construction and equipment of a State Armory at Milford, and to issue bonds of the State of Delaware in a sum not in excess of Two Hundred Ninety Thousand (\$290,000.00) Dollars for said purposes. The said bonds may be issued at one time or from time to time, and the said "issuing officers" shall determine all matters in connection therewith, subject to the provisions contained in this Act.

AUTHORIZING THE STATE OF DELAWARE TO BORROW
\$290,000.00 AND ISSUE BONDS THEREFOR

Section 2. That the said bonds, issued in accordance with the provisions of this Act, shall be a direct general obligation of the State, and the public faith and credit of the State is hereby expressly pledged for the full and complete payment of the debt, principal and interest. The principal and interest of the said bonds shall be exempt from taxation by the State or by any political subdivision thereof, for any purpose whatsoever.

Section 3. That the said bonds shall be signed in the name of the State of Delaware by the Governor, the Secretary of State, and the State Treasurer, and shall have the great seal of the State impressed thereon. Attached interest coupons shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears on the coupons shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

Section 4. That the said bonds shall recite that they are issued for the purpose set forth in Section One of this Act, and that they are issued in pursuance of this Act and the constitution of this State, and such recital shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any such bonds containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith, and shall be incontestable for any cause.

Section 5. That the said bonds shall be in such form and in such denomination and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption, and exchange, and may contain such other provisions, as may be determined by the said "issuing officers."

Section 6. That the said bonds shall bear interest payable

AUTHORIZING THE STATE OF DELAWARE TO BORROW
\$290,000.00 AND ISSUE BONDS THEREFOR

semi-annually at a rate of interest not exceeding four percentum (4%) per annum.

Section 7. That the said bonds shall mature as the "issuing officers" may determine; provided, however, that beginning after June 30, 1939, not less than Fifteen Thousand Dollars (\$15,000.00) of the principal debt hereby authorized shall be paid each year until the total of the said debt is fully paid.

Section 8. That all money received from the sale of the said bonds authorized under the provisions of this Act shall be deposited by the State Treasurer in a Special Fund, at the Farmers' Bank of the State of Delaware, at Dover, to be opened by him for such purpose, and shall be used exclusively for the purpose set forth in this Act, and shall be allocated to the institutions of the State and the project referred to in Section 1 of this Act, in the amounts and proportions to each, as designated in and allocated by certain Acts of the present General Assembly appropriating to such institutions of the State the money received from the sale of the said bonds authorized by this Act.

Section 9. That the Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Seventh Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of maturity principal and interest of said bonds issued by virtue of this Act and such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellations of the said bonds and the payment of the interest thereon.

Approved April 22 1937.

CHAPTER 23

AUTHORIZING THE STATE OF DELAWARE TO BORROW
\$50,000.00 AND ISSUE BONDS THEREFOR

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE, FOR THE ERECTION, REPAIRS AND IMPROVEMENTS OF BUILDINGS AT INSTITUTIONS OF THE STATE, AND FOR THE PAYMENT OF A PORTION OF THE COST OF CONSTRUCTION OF THE INLET WITH THE INDIAN RIVER AND REHOBOTH BAYS, AND THE ISSUANCE OF BONDS THEREFOR," BY INCREASING THE AMOUNT THEREOF.

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

Section 1. That Section 1, of Chapter 18, Volume 40, Laws of Delaware, be and the same is hereby amended, by adding at the end thereof, the following:

In addition to the sum of money borrowed or authorized to be borrowed, in accordance with this Section, and in addition to the bonds issued or authorized to be issued, in accordance with this Section, the "issuing officers" are hereby authorized to borrow, upon the faith and credit of the State of Delaware, a sum of money not in excess of Fifty Thousand Dollars (\$50,000.00), and to issue bonds of the State of Delaware in a sum not in excess of Fifty Thousand Dollars (\$50,000.00) for the said purpose. The said bonds may be issued at once, or from time to time, and the "issuing officers" shall determine all matters in connection therewith, subject to the provisions contained in this Act, and the proceeds from the sale of the said additional bonds shall be added to the sum of One Hundred Thousand Dollars (\$100,000.00) hereinabove designated in this Section to be used to pay a portion of the cost of construction of the Inlet into Indian River and Rehoboth Bay.

Approved April 22, 1937.

CHAPTER 24

DIVERSION OF FRANCHISE TAX FUNDS

AN ACT APPROPRIATING A PORTION OF THE REVENUE DERIVED FROM PROCEEDS OF THE FRANCHISE TAX TO THE GENERAL FUND.

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

Section 1. On or before the fifteenth day of May, 1937, the Governor of the State of Delaware shall certify to the State Tax Department the amount of money required to meet all appropriations made out of the General Fund of the 106th General Assembly which are required to be paid on or before April 30, 1938, except the appropriations contained in the General Budget Bill, the appropriations contained in House Bill No. 432 relating to Child Welfare, appropriations to Fire Companies, State Aid Hospitals, Delaware Industrial School for Girls, Palmer Home, Layton Home for Aged Colored, Delaware Commission for the Blind, Kent and Sussex Fair Association, and Delaware Society for the Prevention of Cruelty to Animals. Upon receipt of such certification, the State Tax Department shall thereafter pay out of the proceeds derived from the future collection of the franchise tax as established and assessed by Article 8, Chapter 6 of the Revised Code of Delaware, as amended, such sum or sums from said franchise tax, when and as collected, to the State Treasurer, to be by him deposited in the General Fund of the State until the amount so certified shall have been so deposited. And when said amount shall have been so deposited, all collections of said franchise tax thereafter received shall be paid to the State Treasurer, to be used by the State Board of Education as is now provided by law.

On or before the fifteenth day of May, 1938, the Governor of the State of Delaware shall certify to the State Tax Department the amount of money required to meet all appropriations made out of the General Fund by the 106th General Assembly which are required to be paid on or before April 30, 1939, except the appropriations contained in the General Budget Bill, the appropriations

DIVERSION OF FRANCHISE TAX FUNDS

contained in House Bill No. 432 relating to Child Welfare, appropriations to Fire Companies, State Aid Hospitals, Delaware Industrial School for Girls, Palmer Home, Layton Home for Aged Colored, Delaware Commission for the Blind, Kent and Sussex Fair Association, and Delaware Society for the Prevention of Cruelty to Animals. Upon receipt of such certification, the State Tax Department shall thereafter pay out of the proceeds derived from the future collection of the franchise tax as established and assessed by Article 8, Chapter 6 of the Revised Code of Delaware, as amended, such sum or sums from said franchise tax, when and as collected, to the State Treasurer, to be by him deposited in the General Fund of the State until the amount so certified shall have been so deposited. And when said amount shall have been so deposited, all collections of said franchise tax thereafter received shall be paid to the State Treasurer, to be used by the State Board of Education as is now provided by law.

That during the year ending April 30, 1938, and during the year ending April 30, 1939, until the amounts so certified to the Tax Department by the Governor, as aforesaid, shall be deposited to the credit of the General Fund, the provisions of all laws of the State of Delaware, in so far as they relate to and are in conflict with the payment of the proceeds of said 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. And in each of said years when said amounts shall have been so deposited in the General Fund as hereinbefore provided, upon certification by the State Treasurer, the said above mentioned provisions of the Laws of the State of Delaware, so as aforesaid declared to be suspended, shall in each of said years again be in full force, operation and effect.

Approved May 14, 1937.

CHAPTER 25

AUTHORIZING THE STATE OF DELAWARE TO BORROW
MONEYS FROM THE STATE HIGHWAY FUND FOR THE
USE OF THE GENERAL FUNDAN ACT AUTHORIZING THE STATE OF DELAWARE TO BOR-
ROW MONIES FROM FUNDS ALLOCATED TO THE STATE
HIGHWAY DEPARTMENT FOR USE OF THE GENERAL
FUND.

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

Section 1. That for the fiscal year beginning July 1, 1937, and ending June 30, 1938, the State Treasurer is hereby authorized and directed in behalf of the State of Delaware and for the use of the General Fund of this State to borrow from the funds now or hereafter allocated to the State Highway Department the sum of Five Hundred Thousand Dollars (\$500,000.00) or any part thereof; and for the fiscal year beginning July 1, 1938, and ending June 30, 1939, the State Treasurer is hereby authorized and directed in behalf of the State of Delaware and for the use of the General Fund of this State to borrow from the funds now or hereafter allocated to the State Highway Department the sum of Three Hundred Thousand Dollars (\$300,000.00) or any part thereof.

Section 2. On the date of the borrowing of the sums noted above, or any part thereof, there shall be delivered to the State Treasurer a certificate of indebtedness for such sum or sums borrowed, which certificates shall not bear interest. These certificates shall be in non-negotiable form.

They shall be signed in the name of the State of Delaware by the Governor, the Secretary of State, and the State Treasurer and shall have the great seal of the said State impressed thereon or affixed thereto. Said certificates shall be a direct general obligation of the State and the public faith and credit of the State of Delaware is hereby expressly pledged for the full and complete pay-

AUTHORIZING THE STATE OF DELAWARE TO BORROW
MONIES FROM THE STATE HIGHWAY FUND FOR
USE OF THE GENERAL FUND

ment of the debt. The principal of such certificate shall be exempt from taxation by the State or any political subdivision thereof for any purpose.

Such certificate of indebtedness shall recite that it is issued for the purpose set forth in Section 1 of this Act and that it is issued in pursuance of this Act and the Constitution of this State and such recital shall be conclusive evidence of the authority of the State of Delaware to issue such certificate and of its validity. Upon the sale and delivery to said Treasurer of the certificate of indebtedness for which provision is made in this Act, the legality and validity of such certificate shall never thereafter be questioned in any court of law or equity by the State of Delaware or by any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by said certificate of indebtedness.

Section 3. Such certificates of indebtedness shall conform as nearly as possible to the following form, to-wit:

Certificate of Indebtedness to the State Highway
Department

Pursuant to the Constitution of the State of Delaware these presents certify and make known to all whom it may concern that the State of Delaware acknowledges its indebtedness to, and pledges its faith to pay to the State Highway Department in the full sum of \$..... lawful money of the United States of America to be used for the purpose of replenishing the General Fund of the State of Delaware, without interest. This certificate of indebtedness shall be payable at the aforesaid Farmer's Bank at Dover, Delaware, upon presentation thereat and surrender thereof but not within five years of its date of issue, but it may be redeemed at the option of the State of Delaware at face value on the

AUTHORIZING THE STATE OF DELAWARE TO BORROW
MONIES FROM THE STATE HIGHWAY FUND FOR
USE OF THE GENERAL FUND

first day of March or on the first day of September after it shall have been issued two years. This certificate is not negotiable.

In Witness Whereof the Great Seal of
the State of Delaware is hereunto affixed,
and the hands of the Governor and Sec-
retary of State and State Treasurer sub-
scribed this day of
.....in the year of
our Lord One Thousand Nine Hundred
and.....

.....
Governor

.....
Secretary of State

.....
State Treasurer

Section 4. After the creation of the indebtedness of this State as authorized by this Act, for the purpose of amortizing and paying said indebtedness and retiring the certificates of indebtedness evidencing the same, the State Treasurer shall be and he is hereby authorized and directed to apply the Sinking Fund of the State or any other fund which may be specifically provided for that purpose by legislative act.

Section 5. This Act shall become in full force and effect on July 1, 1937.

Approved April 12, 1937.

CHAPTER 26

APPROPRIATING MONEYS OUT OF THE SCHOOL FUND
FOR THE USE OF UNIVERSITY OF DELAWARE, STATE
COLLEGE FOR COLORED STUDENTS, AND OPERATION OF
STATE TAX DEPARTMENT

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO PAY OUT OF THE SCHOOL FUND OF THE STATE OF DELAWARE ANY APPROPRIATION THAT MAY HEREAFTER BE MADE TO THE UNIVERSITY OF DELAWARE, STATE COLLEGE FOR COLORED STUDENTS AND FOR THE OPERATION AND MAINTENANCE OF THE STATE TAX DEPARTMENT.

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

Section 1. That for each of the two fiscal years, beginning July 1, 1937, and ending June 30, 1938, and beginning July 1, 1938, and ending June 30, 1939, the State Treasurer be and he hereby is authorized and directed to pay out of the School Fund of the State of Delaware such sum or sums of money as may be fixed and appropriated by the General Assembly and set up in the general budget bill, for the University of Delaware, State College for Colored Students, and for the operation and maintenance of the State Tax Department, not exceeding the sum of Four Hundred Forty-Five Thousand Dollars (\$445,000.00) for each of said fiscal years.

Approved April 12, 1937.

CHAPTER 27

AUTHORIZING SALE OF STOCK OWNED BY
STATE OF DELAWARE

AN ACT TO PROVIDE FOR THE SALE OF THREE HUNDRED AND TWENTY-SEVEN (327) SHARES OF THE PREFERRED STOCK OF SUNSET OIL COMPANY AND ONE THOUSAND, THREE HUNDRED AND EIGHT (1,308) VOTING TRUST CERTIFICATES FOR THE CAPITAL STOCK OF SUNSET OIL COMPANY OWNED BY THE STATE OF DELAWARE.

WHEREAS, the State of Delaware owns three hundred and twenty-seven (327) shares of Preferred Stock, being Serial No. 214 dated February 19, 1937, of the Sunset Oil Company, a California corporation, and one thousand, three hundred and eight (1,308) shares of Voting Trust Certificates for capital stock, being Serial No. 12794 dated February 19, 1937, of Sunset Oil Company, a California corporation, which shares were received by the State Tax Department in accordance with orders of the United States District Court for the Southern District of California, Central Division in settlement of its claim for franchise taxes due from the predecessor corporation of said Sunset Oil Company, namely, Sunset Pacific Oil Company, a Delaware corporation, filed in the matter of Berryessa Cattle Consolidated Company vs. Sunset Pacific Oil Company, being Consolidated Cause numbered U-100-H in Equity;

WHEREAS, it seems advisable to liquidate and reduce to cash for deposit in the School Fund of the State of Delaware, said preferred shares and said voting trust certificates;

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 Governor and State Treasurer be and they are hereby authorized and directed to sell the said three hundred and twenty-seven (327) shares of Preferred Stock and one thousand, three hundred and eight (1,308) shares of Voting Trust Certificates of the Sunset Oil Company of California at the best price obtainable, but not less than the preferred market price there-

AUTHORIZING SALE OF STOCK OWNED BY
STATE OF DELAWARE

for; and the Governor and State Treasurer are hereby authorized to assign and transfer the said shares to any purchaser or purchasers thereof and to execute in the name of the State all appropriate instruments in writing to effectuate such transfer.

Section 2. That the Governor and State Treasurer be and they are hereby authorized and directed to pay the net proceeds of the sale of such shares into the School Fund of the State.

Approved April 19, 1937.

CHAPTER 28

APPROPRIATIONS FOR EXPENSES OF STATE
GOVERNMENT

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1938, AND JUNE 30, 1939, RESPECTIVELY.

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 the State of Delaware to the respective public officers of the respective departments and divisions of government, and other specified spending agencies, subject to the provisions of Sections 16, 17 and 18, of Chapter 81, of Volume 37, Laws of Delaware, 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 State Treasury, shall revert to the General Fund of the State Treasury. The several sums hereby appropriated are as follows:

For Year Ending June 30
1938 1939

GENERAL GOVERNMENT
LEGISLATIVE

A-1 COMMITTEE ON UNIFORM LAWS

Office Expense	\$ 50.00	\$ 50.00
Travel	175.00	175.00
	<hr/>	<hr/>
	\$ 225.00	\$ 225.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

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	600.00	600.00
	<hr/>	<hr/>
	\$ 14,300.00	\$ 14,300.00

Office Expense	500.00	500.00
Repairs and Replacements	100.00	100.00
Equipment (Chancellor's Reports)	1,600.00	1,600.00
	<hr/>	<hr/>
	\$ 16,500.00	\$ 16,500.00

B-6-12 DEPARTMENT OF JUSTICE

Salaries and Wages

Chief Justice	\$ 10,500.00	\$ 10,500.00
Associate Judges	40,000.00	40,000.00
Kent County Judge for Reporting	200.00	200.00
Court Stenographer	3,000.00	3,000.00
Clerk to Supreme Court	300.00	300.00
Additional	3,250.00	3,250.00
	<hr/>	<hr/>

	\$ 57,250.00	\$ 57,250.00
Office Expense	500.00	500.00
Repairs and Replacements	65.00	65.00
Equipment (Reports)		2,000.00
	<hr/>	<hr/>
	\$ 57,815.00	\$ 59,815.00

B-13 COURT OF COMMON PLEAS FOR KENT COUNTY

Salaries and Wages	\$ 3,600.00	\$ 3,600.00
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B-14 JUSTICES OF PEACE

Office Expense (Bond Premiums)	\$ 400.00	\$ 400.00
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APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

B-15-17 STATE LIBRARIAN

Salaries and Wages

Librarian	\$ 1,800.00	\$ 1,800.00
Clerk	400.00	400.00
Office Expense	150.00	150.00
Repairs and Replacements	200.00	200.00
Equipment	1,500.00	1,000.00
	<hr/>	<hr/>
	\$ 4,050.00	\$ 3,550.00

B-15-17½ STATE LIBRARIAN

Supplies (Legislative)	\$ 5,000.00
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EXECUTIVE

C-1-4 GOVERNOR

Salary of Governor	\$ 7,500.00	\$ 7,500.00
Contingent Expenses	2,500.00	2,500.00
Governor's Conference	100.00	100.00
Governor's Budget	115.00	3,035.00
	<hr/>	<hr/>
	\$ 10,215.00	\$ 13,135.00

ELECTIONS

D-2 LEVY COURTS, REGISTRARS AND ASSISTANTS

Salaries and Wages	\$ 29,000.00
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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

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

State Detectives	7,200.00	7,200.00
Additional	3,300.00	3,300.00
	<hr/>	<hr/>
	\$ 27,500.00	\$ 27,500.00
Office Expense	1,200.00	1,200.00
Travel	1,230.00	1,230.00
Operation	1,800.00	1,800.00
Repairs and Replacements	990.00	990.00
Equipment	90.00	90.00
	<hr/>	<hr/>
	\$ 32,810.00	\$ 32,810.00

E-8 ATTORNEY GENERAL, REQUISITION EXPENSES

Salaries and Wages	\$ 180.00	\$ 180.00
Travel	720.00	720.00
	<hr/>	<hr/>
	\$ 900.00	\$ 900.00

FINANCIAL

F-1-3 SECRETARY OF STATE

Salaries and Wages		
Secretary of State	\$ 6,000.00	\$ 6,000.00
Telephone Operator	1,200.00	1,200.00
Additional	33,700.00	33,700.00
	<hr/>	<hr/>
	\$ 40,900.00	\$ 40,900.00
Office Expense	2,700.00	2,700.00
Travel	500.00	500.00
Repairs and Replacements	900.00	900.00
Equipment	2,000.00	2,000.00
	<hr/>	<hr/>
	\$ 47,000.00	\$ 47,000.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

F-4 STATE BOARD OF ACCOUNTANCY

Salaries and Wages	\$ 100.00	\$ 100.00
Office Expense	150.00	50.00
	<hr/>	<hr/>
	\$ 250.00	\$ 150.00

F-6-8 STATE TREASURER

Salaries and Wages		
State Treasurer	\$ 3,500.00	\$ 3,500.00
Deputy	2,400.00	2,400.00
Additional	4,200.00	4,200.00
	<hr/>	<hr/>
	\$ 10,100.00	\$ 10,100.00
Office Expense	2,835.00	4,260.00
Travel	300.00	300.00
Repairs and Replacements	300.00	300.00
Equipment	200.00	200.00
	<hr/>	<hr/>
	\$ 13,735.00	\$ 15,160.00

F-10-12 STATE AUDITOR, GENERAL ADMINISTRATION

Salaries and Wages		
State Auditor	\$ 4,000.00	\$ 4,000.00
Deputy	2,400.00	2,400.00
Additional	11,460.00	11,460.00
	<hr/>	<hr/>
	\$ 17,860.00	\$ 17,860.00
Office Expense	575.00	575.00
Travel	92.00	92.00
Repairs and Replacements	100.00	100.00
Additional	5,000.00	
	<hr/>	<hr/>
	\$ 23,627.00	\$ 18,627.00

F-13 SPECIAL AUDITING, UNIVERSITY OF DELAWARE

Salaries and Wages	\$ 1,000.00	\$ 1,000.00
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APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

F-14-15 STATE REVENUE COLLECTOR

Salary of Collector	\$ 1,800.00	\$ 1,800.00
Office Expense	40.00	40.00
Travel	500.00	500.00
	<hr/>	<hr/>
	\$ 2,340.00	\$ 2,340.00

F-16-17 STATE INSURANCE COMMISSIONER
GENERAL ADMINISTRATION

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	500.00	500.00
Repairs and Replacements	100.00	100.00
Equipment	100.00	100.00
	<hr/>	<hr/>
	\$ 8,720.00	\$ 8,720.00

F-19-21 OYSTER REVENUE COLLECTOR

Salaries and Wages

Collector	\$ 960.00	\$ 960.00
Additional	6,200.00	6,200.00
	<hr/>	<hr/>
	\$ 7,160.00	\$ 7,160.00
Office Expense	65.00	65.00
Travel	75.00	75.00
Operation	500.00	500.00
Repairs and Replacements	994.00	994.00
	<hr/>	<hr/>
	\$ 8,794.00	\$ 8,794.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

F-22-23 STATE TAX DEPARTMENT

Salaries and Wages

Commissioner	\$ 6,000.00	\$ 6,000.00
Additional	86,000.00	86,000.00
	<hr/>	<hr/>
	\$ 92,000.00	\$ 92,000.00
Office Expense	18,500.00	18,500.00
Travel	1,000.00	1,000.00
Repairs and Replacements	200.00	200.00
Equipment	300.00	300.00
	<hr/>	<hr/>
	\$112,000.00	\$112,000.00

F-24-24 STATE BANK COMMISSIONER

Salaries and Wages

Commissioner	\$ 4,200.00	\$ 4,200.00
Additional	16,650.00	16,650.00
	<hr/>	<hr/>
	\$ 20,850.00	\$ 20,850.00
Office Expense	1,750.00	1,650.00
Travel	3,000.00	3,000.00
Repairs and Replacements	100.00	200.00
Equipment	300.00	300.00
	<hr/>	<hr/>
	\$ 26,000.00	\$ 26,000.00

F-26 STATE LIQUOR COMMISSION

Salaries and Wages	\$ 68,750.00	\$ 68,750.00
Office Expense	15,510.00	15,510.00
Travel	15,400.00	15,400.00
Operation	3,300.00	3,300.00
Repairs and Replacement	700.00	700.00
Equipment	1,340.00	1,340.00
	<hr/>	<hr/>
	\$105,000.00	\$105,000.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

GENERAL GOVERNMENT BUILDINGS

G-1 CUSTODIAN

Salaries and Wages

Custodian	\$ 1,500.00	\$ 1,500.00
Janitors and Watchmen	9,920.00	9,920.00
Additional	1,400.00	1,400.00
	<u>\$ 12,820.00</u>	<u>\$ 12,820.00</u>
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
	<u>\$ 28,000.00</u>	<u>\$ 28,000.00</u>

G-2 STATE INSURANCE COMMISSIONER

Operation	\$ 22,000.00	\$ 22,000.00
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CONSERVATION OF HEALTH AND SANITATION

H-1 STATE BOARD OF HEALTH, GENERAL ADMINISTRATION

Salaries and Wages	\$ 63,300.00	\$ 63,300.00
Office Expense	6,000.00	6,000.00
Travel	1,700.00	1,700.00
Operation	11,750.00	11,750.00
Repairs and Replacements	4,050.00	4,050.00
Equipment	500.00	500.00
	<u>\$ 87,300.00</u>	<u>\$ 87,300.00</u>

H-1½ STATE BOARD OF HEALTH, CORPS OF ORAL HYGIENISTS

Salaries and Wages	\$ 9,947.00	\$ 9,947.00
Office Expense	228.00	228.00
Travel	112.00	112.00
Operation	1,100.00	1,100.00
Repairs and Replacements	513.00	513.00
Equipment	100.00	100.00
	<u>\$ 12,000.00</u>	<u>\$ 12,000.00</u>

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

H-2 STATE BOARD OF HEALTH, PATHOLOGICAL AND
BACTERIOLOGICAL LABORATORY

Salaries and Wages	\$ 8,350.00	\$ 8,350.00
Office Expense	200.00	200.00
Travel	90.00	90.00
Operation	2,093.00	2,093.00
Repairs and Replacements	42.00	42.00
Equipment	75.00	75.00
	<hr/>	<hr/>
	\$ 10,850.00	\$ 10,850.00

H-3 STATE BOARD OF HEALTH, EDGEWOOD SANATORIUM

Salaries and Wages	\$ 13,000.00	\$ 13,000.00
Office Expense	900.00	900.00
Travel	100.00	100.00
Operation	17,000.00	17,000.00
Repairs and Replacements	3,000.00	3,000.00
Equipment	1,000.00	1,000.00
	<hr/>	<hr/>
	\$ 35,000.00	\$ 35,000.00

H-4 STATE BOARD OF HEALTH, BRANDYWINE SANATORIUM

Salaries and Wages	\$ 67,500.00	\$ 67,500.00
Office Expense	3,700.00	3,700.00
Travel	300.00	300.00
Operation	83,000.00	83,000.00
Repairs and Replacements	9,000.00	9,000.00
Equipment	3,500.00	3,500.00
	<hr/>	<hr/>
	\$167,000.00	\$167,000.00

H-5 MEDICAL COUNCIL OF DELAWARE

Salaries and Wages	\$ 450.00	\$ 450.00
Office Expense	100.00	100.00
Travel	50.00	50.00
	<hr/>	<hr/>
	\$ 600.00	\$ 600.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

H-6 STATE BOARD OF PHARMACY

Salaries and Wages	\$ 620.00	\$ 620.00
Office Expense	100.00	100.00
Travel	280.00	280.00
	<hr/>	<hr/>
	\$ 1,000.00	\$ 1,000.00

H-7 STATE BOARD OF DENTAL EXAMINERS

Salaries and Wages	\$ 400.00	\$ 400.00
Office Expense	50.00	50.00
Travel	250.00	250.00
	<hr/>	<hr/>
	\$ 700.00	\$ 700.00

H-8 STATE BOARD OF EXAMINERS OF BARBERS

Salaries and Wages	\$ 400.00	\$ 400.00
Office Expense	20.00	20.00
Travel	20.00	20.00
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	\$ 440.00	\$ 440.00

H-9 STATE BOARD OF VETERINARY EXAMINERS

Expenses of Board	\$ 50.00	\$ 50.00
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H-10 STATE BOARD OF EXAMINERS IN OPTOMETRY

Salaries and Wages	\$ 45.00	\$ 45.00
Office Expense	35.00	35.00
Travel	25.00	25.00
	<hr/>	<hr/>
	\$ 105.00	\$ 105.00

H-11 STATE BOARD OF EXAMINERS OF GRADUATE NURSES

Salaries and Wages	\$ 825.00	\$ 825.00
Office Expense	108.00	108.00
Travel	42.00	42.00
Equipment	25.00	25.00
	<hr/>	<hr/>
	\$ 1,000.00	\$ 1,000.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

H-12 STATE BOARD OF UNDERTAKERS

Salaries and Wages	\$ 150.00	\$ 150.00
Office Expenses	50.00	50.00
Travel	25.00	25.00
	<hr/>	<hr/>
	\$ 225.00	\$ 225.00

H-15 STATE HOUSING COMMISSION

Salaries and Wages	\$ 3,840.00	\$ 3,840.00
Office Expense	1,010.00	1,010.00
Travel	150.00	150.00
	<hr/>	<hr/>
	\$ 5,000.00	\$ 5,000.00

I-3 STATE BOARD OF CHARITIES

Salaries and Wages	\$ 4,090.00	\$ 4,090.00
Office Expense	835.00	835.00
Travel	235.00	235.00
Operation	275.00	275.00
Repairs and Replacements	425.00	425.00
Equipment	120.00	120.00
	<hr/>	<hr/>
	\$ 5,980.00	\$ 5,980.00

I-4 DELAWARE STATE HOSPITAL

Salaries and Wages	\$190,000.00	\$190,000.00
Office Expense	5,000.00	5,000.00
Travel	1,700.00	1,700.00
Operation	165,000.00	165,000.00
Repairs and Replacements	14,000.00	14,000.00
Equipment	9,375.00	9,375.00
	<hr/>	<hr/>
	\$385,075.00	\$385,075.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

I-7-10 MOTHERS PENSION COMMISSION

Salaries and Wages	\$ 7,800.00	\$ 7,800.00
Office Expense	600.00	600.00
Travel	3,000.00	3,000.00
Operation (Pensions)	60,500.00	60,500.00
	<hr/>	<hr/>
	\$ 71,900.00	\$ 71,900.00

I-12 INDUSTRIAL SCHOOL FOR COLORED GIRLS OF DELAWARE

Salaries and Wages	\$ 19,084.00	\$ 19,084.00
Office Expense	675.00	675.00
Travel	610.00	610.00
Operation	19,050.00	19,225.00
Repairs and Replacements	3,000.00	2,000.00
Equipment	855.00	855.00
Additional	500.00	500.00
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	\$ 43,774.00	\$ 42,949.00

I-14 STATE TREASURER

Operation	\$ 4,000.00	\$ 4,000.00
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I-16 DELAWARE COMMISSION FOR FEEBLE MINDED

Salaries and Wages	\$ 44,012.00	\$ 44,012.00
Office Expense	1,575.00	1,575.00
Travel	1,050.00	1,050.00
Operation	89,206.00	89,206.00
Repairs and Replacements	19,582.00	19,582.00
Equipment	7,000.00	7,000.00
Permanent Improvements		
	<hr/>	<hr/>
	\$162,425.00	\$162,425.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

I-17 FERRIS INDUSTRIAL SCHOOL

Salaries and Wages	\$ 35,000.00	\$ 35,000.00
Office Expense	1,700.00	1,700.00
Travel	1,000.00	1,000.00
Operation	74,000.00	74,000.00
Repairs and Replacements	13,465.00	8,465.00
Equipment	4,560.00	4,560.00
Permanent Improvements	500.00	500.00
	<hr/>	<hr/>
	\$130,225.00	\$125,225.00

I-18 OLD AGE WELFARE COMMISSION. PENSION ACCOUNT

Salaries and Wages	\$ 7,500.00	\$ 7,500.00
Office Expense	2,000.00	2,000.00
Travel	2,000.00	2,000.00
Operation	188,200.00	188,200.00
Repairs and Replacements		
Equipment	300.00	300.00
	<hr/>	<hr/>
	\$200,000.00	\$200,000.00

I-20 OLD AGE WELFARE COMMISSION
MAINTENANCE OF WELFARE HOME

Salaries and Wages	\$ 23,500.00	\$ 23,500.00
Office Expense	1,500.00	1,500.00
Travel	200.00	200.00
Operation	35,000.00	35,000.00
Repairs and Replacements	3,000.00	3,000.00
Equipment	1,200.00	1,200.00
Permanent Improvements	600.00	600.00
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	\$ 65,000.00	\$ 65,000.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

I-22 MOSQUITO CONTROL COMMISSION, GENERAL ADMINISTRATION

Salaries and Wages	\$ 8,500.00	\$ 8,500.00
Office Expense	850.00	850.00
Travel	1,700.00	1,700.00
Operation	200.00	200.00
Repairs and Replacements	100.00	100.00
Equipment	650.00	650.00
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	\$ 12,000.00	\$ 12,000.00

I-22½ MOSQUITO CONTROL COMMISSION

Maintenance and Equipment	\$ 10,000.00	\$ 10,000.00
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J-1 UNIVERSITY OF DELAWARE, GENERAL ADMINISTRATION

Salaries and Wages	\$170,000.00	\$170,000.00
Office Expense	1,500.00	1,500.00
Operation	35,400.00	35,400.00
Repairs and Replacements	7,500.00	7,500.00
Equipment	600.00	600.00
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	\$215,000.00	\$215,000.00

J-2 UNIVERSITY OF DELAWARE, CHAIR OF HISTORY

Salaries and Wages	\$ 2,500.00	\$ 2,500.00
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J-2½ UNIVERSITY OF DELAWARE CHAIRS OF PHYSICAL EDUCATION

Salaries and Wages	\$ 4,250.00	\$ 4,250.00
Operation	250.00	250.00
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	\$ 4,500.00	\$ 4,500.00

J-3 UNIVERSITY OF DELAWARE SUMMER SCHOOL FOR TEACHERS

Salaries and Wages	\$ 7,500.00	\$ 7,500.00
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APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

J-4 UNIVERSITY OF DELAWARE
SMITH-LEVER AGRICULTURE EXTENSION

Salaries and Wages	\$ 7,214.53	\$ 7,214.53
Travel	5,500.00	5,500.00
Office Expense	500.00	500.00
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	\$ 13,214.53	\$ 13,214.53

J-5 UNIVERSITY OF DELAWARE
SCHOOL OF AGRICULTURE

Operation	\$ 675.00	\$ 675.00
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J-6 UNIVERSITY OF DELAWARE
U. S. GOVERNMENT APPROPRIATION

Salaries and Wages	\$ 57,554.78	\$ 58,332.07
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J-7 UNIVERSITY OF DELAWARE
AGRICULTURE AND FARM EXPERIMENT STATION

Salaries and Wages	\$ 13,200.00	\$ 12,650.00
Office Expense	400.00	400.00
Travel	200.00	200.00
Operation	5,000.00	5,000.00
Repairs and Replacements	1,800.00	1,800.00
Permanent Improvements	3,000.00
	<hr/>	<hr/>
	\$ 23,600.00	\$ 20,050.00

J-8 UNIVERSITY OF DELAWARE, POULTRY AND ENTOMOLOGY

Salaries and Wages	\$ 4,000.00	\$ 4,000.00
Office Expense	75.00	75.00
Travel	800.00	800.00
Operation	1,125.00	1,125.00
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	\$ 6,000.00	\$ 6,000.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

J-9 STATE COLLEGE FOR COLORED STUDENTS

Salaries and Wages	\$ 22,000.00	\$ 22,000.00
Office Expense	1,400.00	1,400.00
Travel	300.00	300.00
Operation	20,130.00	19,630.00
Repairs and Replacements	9,455.00	5,005.00
Equipment	1,200.00	1,200.00
Permanent Improvements	400.00	250.00
Additional	800.00	800.00
	<hr/>	<hr/>
	\$ 55,685.00	\$ 50,585.00

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-12 STATE BOARD OF VOCATIONAL EDUCATION
GENERAL ADMINISTRATION

Travel	\$ 100.00	\$ 100.00
Operation	1,500.00	1,500.00
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	\$ 1,600.00	\$ 1,600.00

DEVELOPMENT AND CONSERVATION OF
NATURAL RESOURCES

K-1 STATE BOARD OF AGRICULTURE, GENERAL ADMINISTRATION

Salaries and Wages	\$ 7,200.00	\$ 7,200.00
Office Expense	900.00	900.00
Travel	1,350.00	1,350.00
Operation	300.00	300.00
Repairs and Replacements	200.00	200.00
Equipment	50.00	50.00
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	\$ 10,000.00	\$ 10,000.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

K-2 STATE BOARD OF AGRICULTURE
PENINSULA HORTICULTURAL SOCIETY

Office Expense	\$ 450.00	\$ 450.00
Travel	100.00	100.00
Operation	350.00	350.00
	<hr/>	<hr/>
	\$ 900.00	\$ 900.00

K-3 STATE BOARD OF AGRICULTURE
ANALYZING FERTILIZERS AND FEEDS

(5) Salaries and Wages	\$ 12,900.00	\$ 12,900.00
Office Expense	750.00	750.00
Travel	150.00	150.00
Operation	875.00	875.00
Repairs and Replacements	150.00	150.00
Equipment	175.00	175.00
	<hr/>	<hr/>
	\$ 15,000.00	\$ 15,000.00

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	75.00	75.00
Travel	1,400.00	1,400.00
Operation	275.00	275.00
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	\$ 8,250.00	\$ 8,250.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

K-6 STATE BOARD OF AGRICULTURE
BUREAU OF MARKETS

(2) Salaries and Wages	\$ 5,500.00	\$ 5,500.00
Office Expense	920.00	920.00
Travel	850.00	850.00
Operation	225.00	225.00
Repairs and Replacements	200.00	200.00
Equipment	25.00	25.00
	<hr/>	<hr/>
	\$ 7,720.00	\$ 7,720.00

K-7 STATE BOARD OF AGRICULTURE
POULTRY DISEASE

Salaries and Wages	\$ 10,450.00	\$ 10,450.00
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/>
	\$ 15,350.00	\$ 15,350.00

K-8 STATE BOARD OF AGRICULTURE
CATTLE TUBERCULOSIS AND BANG'S DISEASE ERADICATION

Salaries and Wages	\$ 15,250.00	\$ 15,250.00
Office Expense	100.00	100.00
Travel	500.00	500.00
Operation	19,000.00	19,000.00
Repairs and Replacements	350.00	350.00
Equipment	50.00	50.00
	<hr/>	<hr/>
	\$ 35,250.00	\$ 35,250.00

K-9 STATE BOARD OF AGRICULTURE
CORN GROWERS ASSOCIATION

Salaries and Wages	\$ 25.00	\$ 25.00
Office Expense	75.00	75.00
Operation	350.00	350.00
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	\$ 450.00	\$ 450.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

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	\$ 2,400.00	\$ 2,400.00
Office Expense	450.00	450.00
Travel	1,350.00	1,350.00
Operation	225.00	225.00
Repairs and Replacement	90.00	90.00
Equipment	225.00	225.00
	<hr/>	<hr/>
	\$ 4,740.00	\$ 4,740.00

K-12 STATE BOARD OF AGRICULTURE
JAPANESE BEETLE ERADICATION

Salaries and Wages	\$ 7,075.00	\$ 7,075.00
Office Expense	75.00	75.00
Travel	100.00	100.00
Operation	500.00	500.00
Repairs and Replacements	300.00	300.00
Equipment	50.00	50.00
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	\$ 8,100.00	\$ 8,100.00

K-13 STATE BOARD OF AGRICULTURE
APPLE GRADING AND INSPECTION

Salaries and Wages	\$ 2,420.00	\$ 2,420.00
Office Expense	25.00	25.00
Travel	375.00	375.00
Operation	100.00	100.00
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	\$ 2,920.00	\$ 2,920.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

K-13½ STATE BOARD OF AGRICULTURE
CANTALOUPE INSPECTION

Operation	\$ 1,000.00	\$ 1,000.00
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K-15 STATE FORESTRY DEPARTMENT, GENERAL ADMINISTRATION

(3) Salaries and Wages	\$ 7,300.00	\$ 7,300.00
Office Expense	1,120.00	1,120.00
Travel	800.00	800.00
Operation	3,050.00	3,050.00
Repairs and Replacements	500.00	200.00
Equipment	100.00	100.00
	<hr/>	<hr/>
	\$ 12,870.00	\$ 12,570.00

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	1,915.00	1,915.00
	<hr/>	<hr/>
	\$ 5,615.00	\$ 5,615.00
Office Expense	1,135.00	1,135.00
Travel	250.00	250.00
Operation	400.00	400.00
Repairs and Replacements	350.00	350.00
Equipment	100.00	100.00
	<hr/>	<hr/>
	\$ 7,850.00	\$ 7,850.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

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	700.00	700.00
Equipment	200.00	200.00
	<hr/>	<hr/>
	\$ 3,780.00	\$ 3,780.00

L-8 DETENTION HOME FOR JUVENILES

Salaries and Wages	\$ 1,500.00	\$ 1,500.00
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L-9 BOARD OF PARDONS

Salaries and Wages, Lieutenant Governor

Per Diem	\$ 144.00	\$ 144.00
Mileage	108.00	108.00
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	\$ 252.00	\$ 252.00

Witness Fees	25.00	25.00
Travel	25.00	25.00
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	\$ 302.00	\$ 302.00

L-10 DELAWARE SOCIETY FOR PREVENTION OF
CRUELTY TO ANIMALS

Operation	\$ 500.00	\$ 500.00
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APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

L-12 DELAWARE STATE EMPLOYMENT BUREAU
EXPENSES OF BUREAU

Salaries and Wages	\$ 18,423.68	\$ 21,640.00
Office Expense	921.58	1,316.00
Travel	734.10	1,324.00
Repairs and Replacements	790.64	720.00
Equipment	4,130.00
	<hr/>	<hr/>
	\$ 25,000.00	\$ 25,000.00
Supported by Other Income	12,500.00	12,500.00
	<hr/>	<hr/>
	\$ 12,500.00	\$ 12,500.00

L-13 BOARD OF BOILER RULES

Salaries and Wages	\$ 4,500.00	\$ 4,500.00
Office Expense	130.00	130.00
Travel	710.00	710.00
Equipment
	<hr/>	<hr/>
	\$ 5,340.00	\$ 5,340.00

L-15 STATE FORESTRY DEPARTMENT
SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages	\$ 3,120.00	\$ 3,120.00
Office Expense	400.00	400.00
Travel	1,000.00	1,000.00
Operation	2,880.00	2,880.00
Repairs and Replacements	300.00	300.00
Equipment	400.00	400.00
	<hr/>	<hr/>
	\$ 8,100.00	\$ 8,100.00

L-16 REGULATORS OF WEIGHTS AND MEASURES

(3) Salaries and Wages	\$ 4,200.00	\$ 4,200.00
Travel	1,800.00	1,800.00
Operation	100.00	100.00
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	\$ 6,100.00	\$ 6,100.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

L-17 DELAWARE REAL ESTATE COMMISSION

Salaries and Wages	\$ 750.00	\$ 750.00
Office Expense	50.00	50.00
Travel	100.00	100.00
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	\$ 900.00	\$ 900.00

L-18 INDUSTRIAL ACCIDENT BOARD

Salaries and Wages		
(3) Board Members	\$ 9,000.00	\$ 9,000.00
(2) Additional	6,340.00	6,340.00
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	\$ 15,340.00	\$ 15,340.00
Office Expense	2,330.00	2,330.00
Travel	2,200.00	2,200.00
Repairs and Replacements	50.00	50.00
Equipment		
	<hr/>	<hr/>
	\$ 19,920.00	\$ 19,920.00

L-19-21 NATIONAL GUARD, ADJUTANT GENERAL
GENERAL ADMINISTRATION

Salaries and Wages		
Adjutant General	\$ 2,500.00	\$ 2,500.00
(3) Two Clerks	3,600.00	3,600.00
Additional	6,765.00	6,765.00
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	\$ 12,865.00	\$ 12,865.00
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
Permanent Improvements		
	<hr/>	<hr/>
	\$ 21,765.00	\$ 21,765.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

L-22 NATIONAL GUARD, STATE RIFLE RANGE

(1) Salaries and Wages	\$ 2,015.00	\$ 2,015.00
Operation	600.00	600.00
Repairs and Replacements	500.00	500.00
Equipment	85.00	85.00
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	\$ 3,200.00	\$ 3,200.00

L-23 NATIONAL GUARD, BATTERIES, HEADQUARTERS AND BANDS

Salaries and Wages	\$ 1,000.00	\$ 1,000.00
Office Expense	800.00	800.00
Travel	1,000.00	1,000.00
Operation	7,000.00	7,000.00
Repairs and Replacements	1,800.00	1,800.00
Equipment	435.00	435.00
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	\$ 12,035.00	\$ 12,035.00

L-24 NATIONAL GUARD, ALLOWANCE FOR REGIMENTAL BAND

Salaries and Wages	\$ 2,250.00	\$ 2,250.00
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L-25 NATIONAL GUARD, CLOTHING ALLOWANCE TO OFFICERS

Operation	\$ 1,675.00	\$ 1,675.00
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L-26 NATIONAL GUARD, SERVICE OFFICER AND ASSISTANT

Salaries and Wages	\$ 500.00	\$ 500.00
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LIBRARIES

N-1 STATE LIBRARY COMMISSION

Salaries and Wages	\$ 5,200.00	\$ 5,200.00
Office Expense	405.00	405.00
Travel	250.00	250.00
Operation	650.00	650.00
Repairs and Replacements	600.00	600.00
Equipment	2,395.00	2,395.00
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	\$ 9,500.00	\$ 9,500.00

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

N-2a REHOBOTH FREE LIBRARY

Operation	\$	100.00	\$	100.00
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N-2b NEW CASTLE FREE LIBRARY

Operation	\$	250.00	\$	250.00
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N-2c DOVER FREE LIBRARY

Operation	\$	500.00	\$	500.00
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N-2d SEAFORD FREE LIBRARY

Operation	\$	150.00	\$	150.00
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N-2e CORBIT FREE LIBRARY

Operation	\$	300.00	\$	300.00
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N-2f MILFORD FREE LIBRARY

Operation	\$	400.00	\$	400.00
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N-2g FRANKFORD FREE LIBRARY

Operation	\$	100.00	\$	100.00
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N-2h MILTON FREE LIBRARY

Operation	\$	200.00	\$	200.00
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N-2i LEWES FREE LIBRARY

Operation	\$	150.00	\$	150.00
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N-2j NEWARK FREE LIBRARY

Operation	\$	500.00	\$	500.00
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N-2k LAUREL FREE LIBRARY

Operation	\$	150.00	\$	150.00
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N-2l SELBYVILLE FREE LIBRARY

Operation	\$	100.00	\$	100.00
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APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

N-2m SMYRNA FREE LIBRARY

Operation	\$ 250.00	\$ 250.00
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N-2n BRIDGEVILLE FREE LIBRARY

Operation	\$ 150.00	\$ 150.00
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HISTORICAL RECORDS

O-1 PUBLIC ARCHIVES COMMISSION

(4) Salaries and Wages	\$ 5,550.00	\$ 5,550.00
Office Expense	150.00	150.00
Travel	100.00	100.00
Repairs and Replacements	20.00	20.00
Equipment	500.00	500.00
Permanent Improvements	555.00	555.00
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	\$ 6,875.00	\$ 6,875.00

O-2 HISTORICAL SOCIETY OF DELAWARE

Operation	\$ 300.00	\$ 300.00
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O-3 PORTRAIT COMMISSION OF DELAWARE

Repairs and Replacements	\$ 250.00	\$ 250.00
Equipment	250.00	250.00
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	\$ 500.00	\$ 500.00

O-4 LEWES TERCENTENARY COMMISSION EXPENSES OF COMMISSION

Salaries and Wages	\$ 250.00	\$ 250.00
Operation	150.00	150.00
Repairs and Replacements	100.00	100.00
	<hr/>	<hr/>
	\$ 500.00	\$ 500.00

RECREATION AND CELEBRATIONS

P-1 AMERICAN LEGION, OBSERVANCE OF MEMORIAL DAY

Operation	\$ 2,000.00	\$ 2,000.00
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APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

P-2 UNITED SPANISH WAR VETERANS

OBSERVANCE OF MEMORIAL DAY

Operation	\$ 500.00	\$ 500.00
Burial of Indigent Soldiers	500.00	500.00
	<u>\$ 1,000.00</u>	<u>\$ 1,000.00</u>

P-3 VETERANS OF FOREIGN WARS, OBSERVANCE OF MEMORIAL DAY

Operation	\$ 1,500.00	\$ 1,500.00
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P-4 DELAWARE COMMANDER, G. A. R.

OBSERVANCE OF MEMORIAL DAY

Operation	\$ 1,000.00	\$ 1,000.00
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DEBT SERVICE

Q-1 STATE TREASURER

Interest	\$ 14,983.13	\$ 14,251.87
Redemption	25,000.00	30,000.00
	<u>\$ 39,983.13</u>	<u>\$ 44,251.87</u>

MISCELLANEOUS

R-1 SECRETARY OF STATE, STATE DEPARTMENTAL SUPPLIES

Office Expense	\$ 19,500.00	\$ 19,500.00
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F-3½ SECRETARY OF STATE

Motor Vehicle Department	\$ 97,600.00	\$ 97,600.00
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CORPORATION DEPARTMENT

Salaries and Wages	\$ 2,400.00	\$ 2,400.00
Equipment	1,000.00	\$
	<u>\$ 3,400.00</u>	<u>\$ 2,400.00</u>
	<u><u>\$2,766,184.44</u></u>	<u><u>\$2,790,200.47</u></u>

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

Section 2. That if the estimated revenues of the State of Delaware shall prove to be insufficient for the payment of the several appropriations provided for herein, to provide for casual deficiencies of revenue for either of the fiscal years aforesaid, and in order that the appropriations hereinabove enumerated may be promptly paid, the State Treasurer is hereby authorized to issue notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Governor and the Secretary of State, deem necessary to meet and to pay any of said appropriations, or any part of any of said appropriations as to which the revenues of the State of Delaware for either of the fiscal years aforesaid may prove to be insufficient. The said notes or certificates of indebtedness shall be in such denominations, and have such form as the Governor, the Secretary of State, and the State Treasurer may determine, and shall be payable at any period not exceeding one year from the date of the issuance thereof out of any moneys in the treasury of the State not otherwise appropriated. The said notes or certificates of indebtedness shall be numbered consecutively. The principal of said notes or certificates of indebtedness shall be payable at the Farmers' Bank at Dover, on the date of their maturity upon presentation thereat and surrender thereof.

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

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

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

APPROPRIATIONS FOR EXPENSES OF STATE GOVERNMENT

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

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

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

Approved, April 26, 1937.

CHAPTER 29

APPROPRIATION TO AMERICAN LEGION
DEPARTMENT OF DELAWARE

AN ACT APPROPRIATING MONEY TO THE AMERICAN LEGION,
DEPARTMENT OF DELAWARE.

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

Section 1. That the sum of Four Thousand Dollars (\$4,000.00) be and the same is hereby appropriated to the American Legion, Department of Delaware, for operation expenses. The said sum shall be paid by the State Treasurer in two equal annual payments of Two Thousand Dollars (\$2,000.00) each, to the duly elected Finance Officer of the American Legion, Department of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 5, 1937.

CHAPTER 30

APPROPRIATION FOR CARE, MAINTENANCE &
INSTRUCTION OF BLIND BABIES

AN ACT TO PROVIDE FOR THE CARE, MAINTENANCE AND INSTRUCTION OF BLIND BABIES AND BLIND CHILDREN TOO YOUNG OR TOO BACKWARD TO ENTER SCHOOLS FOR THE BLIND, AND TO MAKE APPROPRIATIONS FOR 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 State Board of Education shall have power to provide for the suitable care, maintenance and instruction of Blind Babies of the State and blind children too young or too backward to enter schools for the blind.

Section 2. For the purpose of providing such care, maintenance and instruction the said Board of Education shall have power to contract with any institution having or furnishing facilities for such care, maintenance and instruction in this or any other State at a contract price and to pay transportation to and from said institution.

Provided that such contract shall be made, and by and with the written consent of the parents or the surviving parent of any such blind child, or other relatives, or guardians, if such parents are both dead; or with the Trustee of the Poor of the Poor District in which said child shall be living, if there are no parents or other relatives.

Section 3. Such contract shall continue in force and the care, maintenance and education provided therein shall continue until such blind child attains the age of eight years; provided, however, that the said State Board of Education may in its discretion, cancel such contract and remove such blind child from said institution or school if, in its judgment, such blind child does not improve in such way as to warrant its continuing in the same, or extend the time if the progress of the child requires a longer stay.

APPROPRIATION FOR CARE, MAINTENANCE AND
INSTRUCTION OF BLIND BABIES

Section 4. In order to carry out the provisions of this Act there is hereby appropriated from the general funds in the State Treasury the sum of Seven Hundred Seventy-five Dollars (\$775.00) for the year beginning July 1, 1937, and the sum of Six Hundred Dollars (\$600.00) for the year beginning July 1, 1938. Said funds to be expended by the said State Board of Education for the purposes set forth in this Act and no others.

Section 5. This Act shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved May 20, 1937.

CHAPTER 31

APPROPRIATION TO BRANDYWINE SANATORIUM

AN ACT APPROPRIATING CERTAIN MONEY TO BRANDYWINE SANATORIUM, MARSHALLTON.

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

Section 1. That the sum of Twenty-five Thousand (\$25,000.00) Dollars be and the same is hereby appropriated to the Brandywine Sanatorium, Marshallton, for the erection, construction and equipment of certain buildings.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to Brandywine Sanatorium, Marshallton, by the State Treasurer upon warrant or warrants according to law out of the Special Fund at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of the General Assembly of the State of Delaware, entitled "An Act Authorizing the State of Delaware to Borrow Two Hundred Ninety Thousand Dollars and Issue Bonds Therefor," approved
A. D. 1937.

Approved April 22, 1937.

CHAPTER 32

APPROPRIATION FOR BURIAL OF INDIGENT SOLDIERS,
SAILORS AND MARINESAN ACT APPROPRIATING MONEY FOR THE PAYMENT OF
CERTAIN OUTSTANDING AND UNPAID BILLS OF CER-
TAIN UNDERTAKERS FOR THE BURIAL OF CERTAIN IN-
DIGENT SOLDIERS, SAILORS AND MARINES.

WHEREAS, there have been eighteen deaths of indigent soldiers, sailors and marines, the burial expenses for each of whom amounting to One Hundred (\$100.00) Dollars have not been paid but would have been paid by warrants upon the State Treasury in accordance with 326. Sec. 71 and 327. Sec. 72 of Chapter 8, Revised Code of Delaware, 1935, except for the reason that the total amount of the appropriation for such purposes was exhausted; and

WHEREAS, certain undertakers of this State volunteered to bury the said soldiers, sailors and marines and agreed to wait for the payment of their respective claims for such services until such time as the General Assembly appropriated sufficient money for such purposes, said claims being to date eighteen in all at One Hundred (\$100.00) Dollars each and amounting to the total sum of Eighteen Hundred (\$1800.00) Dollars; and

WHEREAS, there are approximately four months of the fiscal year yet to run before any further appropriations will be available; Now, Therefore,

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

Section 1. That the sum of Twenty-five Hundred (\$2500.00) Dollars be and the same is hereby appropriated for the purpose of paying each and all of the said claims of the said undertakers for the burial of said soldiers, sailors and marines at One Hundred (\$100.00) Dollars each in accordance with the provisions of 326. Sec. 71 and 327. Sec. 72 of Chapter 8, Revised Code of Delaware,

APPROPRIATION FOR BURIAL OF INDIGENT SOLDIERS,
SAILORS AND MARINES

1935, and also to pay for any claims of any undertakers for the burial of any of said soldiers, sailors and marines at One Hundred (\$100.00) Dollars each who may die prior to July 1st, 1937; provided, that no payments shall be made in accordance with the requirements of this Section except and until the Secretary of State has given his approval thereto in writing.

Section 2. That this Act shall be taken to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 5, 1937.

CHAPTER 33

APPROPRIATION TO DELAWARE COLONY

AN ACT MAKING AN APPROPRIATION FOR FURNISHINGS
AND FOR MAINTENANCE OF DAVIES AND FORREST COT-
TAGES 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 thirteen thousand dollars (\$13,000.00) be and the same is hereby appropriated to provide funds for completing the furnishing of Davies and Forrest Cottages at Delaware Colony, and for the operation and maintenance of said cottages for the remainder of the fiscal year.

Section 2. The said moneys shall be applied and used as follows: To complete the furnishing of said two cottages, the sum of three thousand dollars (\$3,000.00); for the operation and maintenance of said cottages from March 1, 1937 to and including June 30, 1937, the sum of ten thousand dollars (\$10,000.00).

Section 3. The money so appropriated, 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 Feebleminded and countersigned by the Secretary of said Commission.

Section 4. This act shall be known as a supplementary appropriation act, and the moneys hereby appropriated shall be paid from the general funds of the State Treasury not otherwise appropriated.

Approved March 12, 1937.

CHAPTER 34

APPROPRIATION TO DELAWARE COMMISSION
FOR THE BLINDAN ACT APPROPRIATING MONEY TO THE DELAWARE COM-
MISSION FOR THE BLIND.

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

Section 1. That the sum of Thirty Thousand Dollars (\$30,000.00) be and the same is hereby appropriated to the Delaware Commission for the Blind for salaries and wages and operation and general expenses.

The said sum shall be paid to the said Commission in two annual payments of Fifteen Thousand (\$15,000.00) Dollars each, for the years ending June 30th, 1938, and June 30th, 1939.

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 Fund of the State Treasury not otherwise appropriated.

Approved April 12, 1937.

CHAPTER 35

APPROPRIATION TO DELAWARE INDUSTRIAL SCHOOL FOR GIRLS

AN ACT APPROPRIATING MONEY TO THE DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

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

Section 1. That the sum of Eighty-one thousand eight hundred twenty-two and no/100 Dollars (\$81,822.00) be and the same is hereby appropriated to the Delaware Industrial School for Girls for salaries and wages and for operation.

The said sum shall be paid to said School in two equal annual payments of Forty Thousand nine hundred eleven and no/100 Dollars (\$40,911.00) for the years ending June 30, 1938, and June 30, 1939.

Section 2. That this Act shall be known as a Supplemental Appropriation Act and the funds hereby appropriated shall be paid out of the general funds of the State Treasury not otherwise appropriated.

Approved April 7, 1937.

CHAPTER 36

APPROPRIATION TO DELAWARE TERCENTENARY
COMMISSIONAN ACT MAKING AN APPROPRIATION FOR THE GENERAL
EXPENSES OF THE DELAWARE TERCENTENARY COMMISSION.

WHEREAS the General Assembly has adopted a Joint Resolution, approved by the Governor February 10, 1937, providing for the appointment of a commission to plan and execute its plan for the celebration of the Three Hundredth Anniversary of the founding of the first permanent civilized settlement in the State of Delaware, and a further supplemental Resolution, approved by the Governor March 5, 1937, relating to the same matter, said commission to be called "The Delaware Tercentenary Commission"; and

WHEREAS the said "The Delaware Tercentenary Commission" has been appointed pursuant to said Joint Resolutions; and

WHEREAS it is necessary that a general appropriation should be made by the State toward the payment of the expenses of the celebration of the Three Hundredth Anniversary of the founding of the first permanent civilized settlement in the State of Delaware, in order that the said Commission may accomplish the purpose for which it was created; now therefore,

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

Section 1. That the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund of the State of Delaware for the purpose of defraying the expenses of the celebration of the Three Hundredth Anniversary of the founding of the first permanent civilized settlement in the State of Delaware, and the preparation therefor, required to be planned and executed by said Commission.

APPROPRIATION TO DELAWARE TERCENTENARY
COMMISSION

Section 2. That the said sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, so appropriated, shall be paid by the State Treasurer from the general fund, from time to time, to the Treasurer of "The Delaware Tercentenary Commission," upon written requests therefor signed by the Honorary President of the said Commission and the Chairman of the Executive Committee thereof.

Section 3. This Act shall be known as a "Supplementary Appropriation Bill."

Approved April 16, 1937.

CHAPTER 37

APPROPRIATION TO DELAWARE STATE HOSPITAL

AN ACT APPROPRIATING CERTAIN MONEY TO DELAWARE
STATE HOSPITAL, FARNHURST.

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

Section 1. That the sum of One Hundred Thousand (\$100,000) Dollars be and the same is hereby appropriated to the Delaware State Hospital, Farnhurst, for the erection, construction and equipment of certain buildings or annexes.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid to Delaware State Hospital at Farnhurst by the State Treasurer upon warrant or warrants according to law out of the Special Fund at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of the General Assembly of the State of Delaware, entitled "An Act Authorizing the State of Delaware to Borrow Two Hundred Ninety Thousand Dollars and Issue Bonds Therefor," approved

A. D., 1937.

Approved April 22, 1937.

CHAPTER 38

APPROPRIATION FOR ERECTION OF NEW
STATE BUILDINGAN ACT TO APPROPRIATE MONEY FOR THE ERECTION OF A
NEW STATE BUILDING IN THE CITY OF DOVER.

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

Section 1. That the Governor of the State of Delaware, be and he is hereby authorized and directed to name within sixty days after the approval of this Act, five persons who, together with the Governor, are hereby created a Commission to erect or construct an additional building on the State property in the City of Dover, as provided in this Act, which Commission shall be known as "The State House Building Commission of 1937." The said Commission shall organize by the election of a chairman and a secretary.

Section 2. The Commission so constituted is hereby authorized, empowered and directed to erect, construct and equip an additional building to be used in connection with other State buildings in the City of Dover, Kent County, State of Delaware, and which building, when erected and equipped as herein provided, shall be used for State Offices and Administrative purposes, preference being given to the needs and requirements of the Corporation Department and of the State Archives Commission, and of the Motor Vehicle Department, and shall be located at such place on the lands owned by the State of Delaware in the City of Dover as the committee in its discretion shall select.

Section 3. The members of the Commission shall receive no salaries or other compensation for their services but shall be reimbursed for actual expenses incurred in connection with their duties as members of said Commission.

All vacancies occurring in the Commission shall be filled by appointment by the Governor of the State.

APPROPRIATION FOR ERECTION OF NEW STATE BUILDING

The duties of the said Commission shall include the erection and completion of the building aforesaid, the equipment of such building with necessary fixtures for heating and lighting, the furnishing and decorating the same and the making of such alteration to the present State House or other State Building as shall be necessary or proper to enable the new building to be used in connection therewith.

Section 4. The Commission, when appointed shall immediately organize and shall employ a capable architect and proceed as speedily as possible to have necessary drawings and specifications prepared for the construction and decoration of said building, said drawings to include plans for lighting, heating, decorating and furnishing the same. Said Commission shall let contracts for the execution of the work authorized by this Act by public advertising to the lowest, best and most responsible bidder, and shall have the right to reject any and all bids; and shall require all contractors to give bonds, satisfactory to said Commission, at least equal to one-half the amount of the respective contracts.

Section 5. The total aggregate cost to the State of Delaware for the construction, equipment and decoration of such building, the performance of all other work hereby authorized, including all fees, commissions, salaries and expenses of all kinds for the Commission, counsellors, and attorneys, engineers, experts, architects, superintendents, clerks and other employees shall amount to the sum of One Hundred Thousand Dollars (\$100,000.00). All payments on account of said work shall be made by the State Treasurer upon warrants drawn by the State Auditor from time to time upon the presentation to him of specifically itemized vouchers approved by the Chairman and Secretary of said Commission. The Commission is hereby authorized and empowered to make application to any federal department, board or agency and to accept from any federal department, board or agency any grant or grants of any funds which may be available to the State of Delaware to cover any of the costs for the construction, erection, equipment and decoration of said building, and if any funds are so received by the Commission hereby created from any federal agency, the cost of

APPROPRIATION FOR ERECTION OF NEW STATE BUILDING

such building may be increased to such an amount as such funds may be available or applicable. Any funds received from any federal department, board or agency may be paid to the State Treasurer, who shall keep the same in a separate fund or account, and such fund shall be used only for the purpose of carrying out the purposes and intent of this Act. Such funds may be drawn and all payments on account of the said work shall be made by the said Treasurer upon warrants drawn by the State Auditor from time to time upon the presentation to him of specifically itemized vouchers approved by the chairman and secretary of said Commission.

Section 6. The said Commission shall use its best endeavor to complete all its duties and work by the first day of January, A. D. 1939. The Commission shall render to the next General Assembly sitting in the year 1939 a full report of its proceedings under the provisions of this Act.

Section 7. That the sum of One Hundred Thousand Dollars (\$100,000.00) be and the same is hereby appropriated out of the State Treasury to be paid by the State Treasurer upon warrants drawn as hereinbefore provided, during the years 1937 and 1938 and until the convening of the General Assembly in 1939.

There is also appropriated out of the State Treasury any sum or sums as shall be paid into the State Treasury by any Federal Department, Board or Agency because of any grant made to the State of Delaware under the provisions of this Act, to be paid by the State Treasurer upon warrants drawn as hereinbefore provided, during the years 1937 and 1938, and until the convening of the General Assembly in 1939.

Section 8. Such portion of the above named sum of One Hundred Thousand Dollars (\$100,000.00) as shall not be expended in accordance with the provisions of this Act, shall revert to the General Fund.

Section 9. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be

APPROPRIATION FOR ERECTION OF NEW STATE BUILDING

paid out of the Special Fund at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the Bonds authorized by an Act of the General Assembly of the State of Delaware, entitled "An Act authorizing the State of Delaware to Borrow Two Hundred Ninety Thousand Dollars and issue Bonds therefor," approved A. D. 1937.

Approved April 22, 1937.

CHAPTER 39

APPROPRIATION FOR EDUCATION OF CHILDREN OF WAR VETERANS

AN ACT TO AMEND CHAPTER 190, VOLUME 40, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 198, VOLUME 37, LAWS OF DELAWARE, APPROPRIATING MONIES 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" BY CHANGING THE AMOUNT OF THE APPROPRIATION PROVIDED FOR IN SAID ACT.

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 190, Volume 40, Laws of Delaware, be and the same is hereby amended by striking out the following words as they appear in the fifth and sixth lines of said Section 1 of Chapter 190 of Volume 40, Laws of Delaware, between the words "of" and "for," to-wit:

"Fifteen Hundred Dollars (\$1500.00)", and inserting in lieu thereof the following words, to-wit:

"Three Thousand Dollars (\$3000.00)."

Section 2. That Section 3 of Chapter 190, Volume 40, Laws of Delaware, be amended by striking out the words "One Hundred Dollars (\$100.00)", as they appear in the twentieth line of said Section 3 between the words "of" and "in", and inserting in lieu thereof the following words, to-wit:

"Two Hundred and Fifty Dollars (\$250.00)."

Approved April 29, 1937.

CHAPTER 40

APPROPRIATION TO CERTAIN FIRE COMPANIES

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 (three-fourths of all members elected to each Branch concurring therein):

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. 1937 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 1937 and 1938, 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 1937 and 1938.

Section 2. That every Fire Company mentioned in Section 1 of this Act receiving money from the State Treasury or from any County of this State, shall, on or before the thirtieth day of June of each of the years 1938 and 1939, file with the State Treasurer an itemized statement of all payments made from moneys paid thereto by the State Treasurer, according to this Act, and also an itemized statement of all payments made from moneys paid thereto by the County Treasurer or the Levy Court of any County in this State, for each of the years 1937 and 1938.

Section 3. That this Act shall be known as 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 April 12, 1937.

CHAPTER 41

APPROPRIATION TO CERTAIN HOSPITALS

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-fourths 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, 1937 and July 1, 1938, the following sums of money:

To Kent General Hospital, Incorporated, at Dover.....	\$11,500.00
To Milford Emergency Hospital at Milford	10,750.00
To Beebe Hospital at Lewes, Incorporated	15,000.00
To Homeopathic Hospital Association of Delaware, at Wilmington	42,750.00
To St. Francis Hospital at Wilmington	18,750.00
To the Delaware Hospital in the City of Wilmington....	49,500.00
To Wilmington General Hospital Association at Wil- mington	28,750.00

Each of said appropriations shall be paid to said respective hospitals in equal quarterly instalments on the first days of July, October, January and April in each of the fiscal years 1937 and 1938.

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 April 30, 1937.

CHAPTER 42

APPROPRIATION FOR RELIEF OF INDIGENT PERSONS

AN ACT TO PROVIDE FUNDS FOR THE STATE OLD AGE WELFARE COMMISSION FOR RELIEF OF INDIGENT PERSONS.

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 the general funds in the State Treasury the sums of Thirty Thousand Dollars (\$30,000) each for the fiscal years ending June 30, 1938 and June 30, 1939 for the use of indigent persons requiring public relief as provided by the latter part of Section 6 of Chapter 189, Volume 37, Delaware Laws, being 1632 Section 29 of Chapter 54 of the Revised Code of Delaware, 1935.

Section 2. That the monies expended by the State Old Age Welfare Commission for such relief shall be a charge against the counties of the State apportioned according to the residence of the persons receiving the same and the payment of such expenditures and the reimbursement of the State to the counties of one-half of the amount expended shall be according to Sections 11 and 12 of said Chapter 189, Volume 37, Delaware Laws, being 1637 Section 34 and 1638 Section 35 of Chapter 54 of the Revised Code of Delaware, 1935.

Approved May 5, 1937.

CHAPTER 43

APPROPRIATION TO INDUSTRIAL SCHOOL FOR COLORED GIRLS OF DELAWARE

AN ACT APPROPRIATING MONEY TO PAY OFF A MORTGAGE COVERING THE ORIGINAL SCHOOL BUILDING AT THE IN- DUSTRIAL SCHOOL FOR COLORED GIRLS 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 Twenty-five Hundred Dollars (\$2500) be and the same is hereby appropriated to the Industrial School for Colored Girls of Delaware for the purpose of paying off a mortgage covering the original school building at the School.

Section 2. 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 April 30, 1937.

CHAPTER 44

APPROPRIATION TO INDUSTRIAL SCHOOL FOR
COLORED GIRLS OF DELAWAREAN ACT APPROPRIATING MONEY FOR REPAIRS OF BUILD-
INGS AND PURCHASE OF A HORSE FOR THE INDUSTRIAL
SCHOOL FOR COLORED GIRLS 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 Fifteen Hundred Dollars be and the same is hereby appropriated to the Industrial School for Colored Girls of Delaware for repairs to buildings, and a reasonable amount thereof with which to purchase a horse to take the place of one that recently died.

Section 2. 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 April 30, 1937.

CHAPTER 45

APPROPRIATION TO KENT AND SUSSEX COUNTY
FAIR, INC.AN ACT APPROPRIATING CERTAIN MONEYS TO KENT AND
SUSSEX COUNTY FAIR, INCORPORATED, FOR PRIZES.

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

Section 1. That the sum of Seven Thousand Dollars (\$7,000.00) is hereby appropriated out of the Treasury of the State of Delaware to the "Kent and Sussex County Fair, Incorporated", a corporation of the State of Delaware, for the fiscal year beginning July 1, 1937, and ending June 30, 1938, and a like sum of Seven Thousand Dollars (\$7,000.00) for the fiscal year beginning July 1, 1938, and ending June 30, 1939. Said appropriation shall be used and expended only for prizes for meritorious achievements in agriculture, stock and poultry raising, and in works of manual training and the domestic arts. Such prizes shall be awarded by a Committee, one member of which shall be named by the Governor from the personnel of the State Board of Agriculture, and the remaining members shall be named by the Kent and Sussex County Fair, Incorporated. Said corporation shall on or before the first day of December in each of said fiscal years, file with the State Auditor a sworn itemized statement showing the name of each person to whom a prize has been awarded, for what each prize was awarded and the amount of each prize, and showing also the grand total of said prizes, which statement shall be sworn to and signed before a Notary Public, by both the President and Treasurer of said corporation; when said statement shall have been audited by the State Auditor and found to be true and correct and according to law he shall authorize and direct the State Treasurer to pay to said corporation in each of said fiscal years the total sum shown to be due for prizes by said itemized list; provided, however, said sum shall not exceed Seven Thousand Dollars (\$7,000.00) for each of said years and should said sum be less than the amount appropriated by this Act, then the unused

APPROPRIATION TO KENT AND SUSSEX COUNTY FAIR, INC.

balance shall each year remain in and revert to the State Treasury and shall in no case be paid to said corporation.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved April 5, 1937.

CHAPTER 46

APPROPRIATION TO LAYTON HOME FOR AGED COLORED PEOPLE

AN ACT APPROPRIATING MONEY TO LAYTON HOME FOR AGED COLORED PEOPLE.

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

Section 1. That the sum of Two Thousand Seven Hundred Dollars (\$2700.00) be and the same is hereby appropriated to the Layton Home for Aged Colored People, for operation expenses.

The said sum of Two Thousand Seven Hundred Dollars (\$2700.00) shall be paid to the said Home in two annual installments of One Thousand Three Hundred and Fifty Dollars (\$1350.00) each for the year beginning July 1, 1937 and ending June 30, 1938, and for the year beginning July 1, 1938 and ending June 30, 1939.

Section 2. This Act shall be known as 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 April 8, 1937.

CHAPTER 47

APPROPRIATION FOR CONSTRUCTION AND EQUIPMENT
OF NEW STATE ARMORY IN THE CITY OF MILFORDAN ACT APPROPRIATING CERTAIN MONEY FOR THE CON-
STRUCTION AND EQUIPMENT OF A NEW STATE ARMORY
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. The State Armory Commission is hereby authorized and directed to select a suitable site in the vicinity of the city of Milford and to prepare, or cause to be prepared, plans and specifications for an Armory and Arsenal building to be erected on such site.

Section 2. When the plans and specifications shall have been prepared and accepted by the State Armory Commission, the said State Armory Commission shall advertise for bids and shall award the contract for the erection of the building to the lowest responsible bidder. The successful bidder shall be required to furnish bond with satisfactory surety in such sum as the said State Armory Commission may deem necessary and proper for the faithful performance of the contract in accordance with the plans and specifications.

Section 3. The title to any land selected and acquired for the site of said Armory and Arsenal building shall be taken in the name of the State of Delaware.

Section 4. In the selection of a suitable site, if the said State Armory Commission shall be unable to agree with the owner or owners of said site as to the purchase price thereof, the said State Armory Commission is hereby vested with full power and authority to institute appropriate condemnation proceedings in the same manner as is now provided for the condemnation of land for highways or other public purposes.

APPROPRIATION FOR CONSTRUCTION AND EQUIPMENT OF
NEW STATE ARMORY IN THE CITY OF MILFORD

Section 5. The said State Armory Commission is authorized to receive money by gift or otherwise to be used and applied in acquiring the aforesaid site and in the erection of the building thereon and in the equipment of the same.

Section 6. The sum of Sixty-five Thousand Dollars (\$65,000) is hereby appropriated to be used and employed for the purpose of obtaining a suitable site and for the erection of said Armory and Arsenal building, and for the equipment thereof. The State Armory Commission is hereby authorized and empowered to draw its warrants upon the State Treasury for such sums of money from time to time to be used in acquiring said suitable site, in the preparation of necessary plans and specifications and in the erection and equipment of said Armory and Arsenal building as do not exceed in the aggregate the sum of Sixty-five Thousand Dollars (\$65,000).

Section 7. That when such building has been completed and accepted, all such Government and State Military property as the Militia of the State of Delaware may desire shall be stored in the aforesaid Armory and Arsenal building and the use and occupation of the aforesaid Armory and Arsenal building shall be turned over to such military organization or organizations of the State of Delaware as the military authorities of the State of Delaware may direct.

Section 8. That when such new building has been completed and accepted, the State Armory Commission shall be and is hereby authorized and empowered and directed to sell at public vendue the present State Armory and Arsenal building and property in the said city of Milford, and the proceeds from such sale shall be forthwith deposited in the State Treasury and shall become a part of the general funds of the State of Delaware, and to this end, the said State Armory Commission is hereby empowered and directed to give a good and sufficient deed to said premises in fee simple to the purchaser or purchasers thereof in the name of the State of Delaware.

APPROPRIATION FOR CONSTRUCTION AND EQUIPMENT OF
NEW STATE ARMORY IN THE CITY OF MILFORD

Section 9. This Act shall be known as and called a Supplementary Appropriation Bill and the money hereby appropriated shall be paid upon warrant or warrants according to law out of the Special Fund at the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the Bonds authorized by an Act of the General Assembly of the State of Delaware, entitled "An Act authorizing the State of Delaware to Borrow Two Hundred Ninety Thousand Dollars and Issue Bonds Therefor," approved

A. D. 1937.

Approved April 22, 1937.

CHAPTER 48

APPROPRIATION FOR OPERATION OF MOTOR VEHICLE DEPARTMENT

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO PAY OUT OF THE STATE HIGHWAY FUND ANY APPROPRIATION THAT MAY HEREAFTER BE MADE FOR THE OPERATION AND MAINTENANCE OF THE MOTOR VEHICLE DEPARTMENT 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 for the fiscal year beginning July 1, 1937 and ending June 30, 1938, and for the fiscal year beginning July 1, 1938 and ending June 30, 1939, the State Treasurer be and he is hereby authorized and directed to pay out of the funds of the State Highway Department of the State of Delaware such sum or sums of money as may be fixed and appropriated by the General Assembly, for the operation and maintenance of the Motor Vehicle Department of the State of Delaware.

Approved April 12, 1937.

CHAPTER 49

APPROPRIATION FOR MOTOR VEHICLE INSPECTION
CAMPAIGN

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO PAY OUT OF THE STATE HIGHWAY FUND UPON WARRANTS SIGNED BY THE MOTOR VEHICLE COMMISSIONER, SUCH SUM OR SUMS AS SHALL BE NECESSARY TO DEFRAY THE EXPENSES OF THE ANNUAL MOTOR VEHICLE INSPECTION CAMPAIGN, NOT TO EXCEED IN THE AGGREGATE, THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) PER YEAR.

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

Section 1. That for the fiscal year beginning July 1, 1937 and ending June 30, 1938, and for the fiscal year beginning July 1, 1938, and ending June 30, 1939, the State Treasurer be and he is hereby authorized and directed to pay out of the funds of the Highway Department of the State of Delaware upon warrants signed by the Motor Vehicle Commissioner, such sum or sums as shall be necessary to defray the expenses of the annual Motor Vehicle Inspection Campaign, not exceeding in the aggregate the sum of \$10,000.00 for the fiscal year ending June 30, 1938 and the sum of \$10,000.00 for the fiscal year ending June 30, 1939.

Approved May 5, 1937.

CHAPTER 50

APPROPRIATION TO PALMER HOME, INC.

AN ACT APPROPRIATING CERTAIN MONEY TO PALMER HOME, INCORPORATED.

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

Section 1. That the sum of Five Thousand and Eight Hundred Dollars (\$5,800.00), be and the same is hereby appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the maintenance and support of the Old Folk's Home at Dover.

The said sum of Five Thousand and Eight Hundred Dollars (\$5,800.00) shall be paid in two annual installments of Twenty-nine Hundred Dollars (\$2,900.00) each, for the year beginning July 1, 1937 and ending June 30, 1938, and for the year beginning July 1, 1938 and ending June 30, 1939.

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 not otherwise appropriated.

Approved April 8, 1937.

CHAPTER 51

APPROPRIATION TO PUBLIC ARCHIVES COMMISSION

AN ACT MAKING AN APPROPRIATION TO THE PUBLIC ARCHIVES COMMISSION FOR THE PURPOSE OF SECURING CERTAIN MATERIAL RELATING TO DELAWARE FAMILIES AND DELAWARE HISTORY.

WHEREAS, Rev. Joseph Brown Turner, of Newark, Delaware, has in his possession certain indexed cards and genealogical material of approximately ten thousand names of people who have lived in Delaware and the Eastern Shore of Maryland and Virginia, including considerable foreign data relating to Delaware families obtained in England, Scotland, and Ireland, in sixteen visits overseas; also, thirty-two volumes of the Maryland Historical Magazine, complete without a break, from the first volume, in 1906, to the present year, the first twenty-three volumes being beautifully bound, and the entire set containing a wealth of printed genealogical data on Eastern Shore and Delaware families; and

WHEREAS, all of this valuable material can be secured by the Public Archives Commission for the total sum of Two Thousand Dollars, a price many times less than the actual value thereof for historical purposes; 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 Two Thousand Dollars be and the same is hereby appropriated to the Public Archives Commission for the purpose of securing the certain indexed cards and genealogical material, including the foreign data relating to Delaware families, and the volumes of the Maryland Historical Magazine, as mentioned and set forth in the preamble of this Act. The said sum, or so much thereof as shall be found necessary to secure the said material, 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.

APPROPRIATION TO PUBLIC ARCHIVES 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 of the State.

Approved April 30, 1937.

CHAPTER 52

APPROPRIATION TO THE SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALSAN ACT APPROPRIATING MONEY TO THE SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS.

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

Section 1. That the sum of One Thousand Dollars (\$1,000.00) be and the same is hereby appropriated to the Society for the Prevention of Cruelty to Animals, for salaries and wages and for operation.

The said sum shall be paid to the said Society in two equal annual payments of Five Hundred Dollars (\$500.00) each for the years ending June 30th, 1938, and June 30th, 1939.

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 not otherwise appropriated.

Approved April 12, 1937.

CHAPTER 53

APPROPRIATION TO SECRETARY OF STATE
FOR DUPLICATOR

AN ACT AUTHORIZING THE SECRETARY OF STATE TO PURCHASE FOR THE USE OF SAID OFFICE AND THE GENERAL ASSEMBLY A DUPLICATOR, AND APPROPRIATING FUNDS THEREFOR.

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

Section 1. That the Secretary of State is hereby authorized to purchase a duplicator machine for use in his office, at a cost not to exceed Five Hundred Dollars (\$500.00), and the State Treasurer is hereby authorized and directed to pay for the said duplicator machine in an amount not exceeding Five Hundred Dollars (\$500.00) out of any moneys in the State Treasury not otherwise appropriated.

Approved April 7, 1937.

CHAPTER 54

APPROPRIATION TO SERVICE BUREAU FOR FOREIGN
BORN RESIDENTSAN ACT AUTHORIZING AN APPROPRIATION FOR THE SERV-
ICE 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 (\$4500.00) Dollars per annum for each of the two years beginning July 1, 1937 and July 1, 1938, 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, 1937.

Approved April 29, 1937.

CHAPTER 55

APPROPRIATION TO STATE COLLEGE FOR COLORED STUDENTS

AN ACT APPROPRIATING CERTAIN MONEY TO STATE COLLEGE FOR COLORED STUDENTS FOR REPAIRS, REPLACEMENTS AND COMPLETION OF CERTAIN BUILDINGS AT SAID SCHOOL.

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 Six Thousand (\$6,000.00) Dollars be and the same is hereby appropriated to State College for Colored Students to be used for repairs, replacements and completion of certain buildings at the said school.

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 Fund of the State Treasury not otherwise appropriated.

Approved May 7, 1937.

CHAPTER 56

APPROPRIATION TO STATE HIGHWAY DEPARTMENT
AN ACT APPROPRIATING MONEY FOR REPAIRS TO THE
WHARF AT LITTLE CREEK.

*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 Five Hundred Dollars (\$500.00), or so much thereof as may be necessary, be and the same is hereby appropriated to the State Highway Department for the purpose of making necessary repairs to the wharf or dock for the landing of boats on the Little River shore at Little Creek.

Section 2. The funds hereby appropriated shall be paid out of the Highway Fund of the State of Delaware.

Approved May 3, 1937.

CHAPTER 57

APPROPRIATION TO STATE HIGHWAY DEPARTMENT

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO ERECT DYKES FROM BROADKILL BEACH TO MISPELLION RIVER ON THE DELAWARE BAY SHORE TO PROTECT THE HIGHWAYS AND LANDS OF CEDAR CREEK AND BROADKILL HUNDREDS FROM INUNDATION BY THE WATERS OF DELAWARE BAY.

WHEREAS, the road between Slaughters Beach and Cedar Beach in Sussex County, and the road between Broadkill Beach and the town of Milton in Sussex County, and the road between Fowler Beach and the State Highway in Sussex County, and the road between Prime Hook and the State Highway in Sussex County are in great danger of seasonal wash-outs due to the spring tides and storms, and

WHEREAS, these roads require immediate protection from the seasonal elements because the wash-outs of the past have greatly handicapped vehicular movement along said roads; 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 Highway Department is hereby authorized, fully empowered, and directed to provide and erect such dykes along the Delaware Bay Shore between Broadkill Beach and Mispillion River, and also such connecting banks between the low dunes at the various places where breaches have been made by the storm conditions during recent years, as in the judgment of the said Department shall be necessary to protect the highways and lands of Cedar Creek and Broadkill Hundreds from inundation by the waters of Delaware Bay—the said Department to use any aid that may be secured from the Civilian Construction Corps in said area.

Section 2. That a sum not in excess of Twenty-five Thousand Dollars is hereby appropriated out of the State Highway Fund

APPROPRIATION TO STATE HIGHWAY DEPARTMENT

for the purpose specified in Section 1 of this Act, and the State Treasurer is hereby directed to pay upon proper vouchers drawn by the State Highway Department on the State Highway Fund for such amounts as may be expended within the limits hereinbefore set forth.

Approved May 5, 1937.

CHAPTER 58

APPROPRIATION TO STATE HIGHWAY DEPARTMENT

AN ACT PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS BY THE STATE HIGHWAY DEPARTMENT OF THE CONSTRUCTION OF AN IMPROVED INLET INTO THE INDIAN RIVER AND REHOBOTH BAYS.

WHEREAS, by virtue of the authority of an Act of the General Assembly of the State of Delaware, entitled "An Act providing for the payment of a portion of the cost by the State Highway Department of the construction of an improved inlet into the Indian River and Rehoboth Bays," approved April 18, 1935, being Chapter 67, Volume 40, Laws of Delaware. There was appropriated to the credit of the State Highway Department the sum of One Hundred and Ten Thousand Dollars (\$110,000.00), of which said sum the Levy Court of Sussex County, Delaware, did deposit to the credit of the State Highway Department the sum of Ten Thousand Dollars (\$10,000 00). Said sum or sums to be used for the construction of an inlet, jetties, approaches and/or other necessary works incident to the project to be located between the Atlantic Ocean and Indian River and Rehoboth Bay. Said construction to be under the supervision of the United States Engineering Department.

AND WHEREAS, said sum or sums appropriated to the State Highway Department along with the Federal Grant is insufficient to pay the cost for the proposed construction.

AND WHEREAS, the Federal Government is willing to increase the Federal Grant for the completion of the proposed project conditioned upon the payment of an additional Fifty Thousand Dollars (\$50,000.00) by the State of Delaware to the credit of the State Highway Department. Said additional sum to be used to complete the proposed project.

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

APPROPRIATION TO STATE HIGHWAY DEPARTMENT

Section 1. That there is hereby appropriated to the State Highway Department, of the State of Delaware, the sum of Fifty Thousand Dollars (\$50,000.00) for the purpose of constructing an inlet, jetties, approaches and/or other necessary work incident to the project to be located between the Atlantic Ocean and Indian River and Rehoboth Bay. The said sum to be appropriated out of the funds to the credit of the State of Delaware in a Special Fund, at the Farmers Bank of the State of Delaware, at Dover, as provided by Chapter 18 of Volume 40, Laws of Delaware, as amended.

Section 2. The said appropriation mentioned in Section 1 is in addition to the appropriation provided by Chapter 67, Volume 40, Laws of Delaware.

Approved May 18, 1937.

CHAPTER 59

APPROPRIATION TO STATE MILITARY BOARD

AN ACT MAKING AN APPROPRIATION TO THE STATE MILITARY BOARD FOR REPAIRS TO BUILDINGS AT THE STATE RIFLE RANGE NEAR NEW CASTLE, 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 Two Thousand (\$2,000.00) Dollars, be, and the same hereby is appropriated to the State Military Board, to be used for repairs upon certain buildings at the State Rifle Range near New Castle, New Castle County, Delaware.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 7, 1937.

CHAPTER 60

APPROPRIATION TO STATE MILITARY BOARD

AN ACT MAKING AN APPROPRIATION TO THE STATE MILITARY BOARD FOR THE REPLACEMENT OF ELECTRIC LIGHTING EQUIPMENT AT THE NATIONAL GUARD CAMP AT BETHANY BEACH, SUSSEX COUNTY, DELAWARE.

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

Section 1. That the sum of Nine Hundred (\$900.00) Dollars be, and the same hereby is appropriated to the State Military Board to be used for the replacement of certain electric lighting equipment at the National Guard Camp at Bethany Beach, Sussex County, Delaware.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 7, 1937.

CHAPTER 61

APPROPRIATION TO UNITED SPANISH WAR VETERANS AN ACT APPROPRIATING MONEY TO THE UNITED SPANISH WAR VETERANS OF 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 all the members elected to each house agreeing thereto):

Section 1. That the sum of One Thousand Dollars (\$1,000.00) be and the same is hereby appropriated to the United Spanish War Veterans of the State of Delaware, for operation expenses. The said sum shall be paid in two equal annual payments of Five Hundred Dollars (\$500.00) each, to the duly elected Finance Officer of the said United Spanish War Veterans of the State of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 5, 1937.

CHAPTER 62

APPROPRIATION FOR PAYMENT OF MATURITIES ON
CERTAIN HIGHWAY IMPROVEMENT BONDS AND
STATE AID ROAD BONDS

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, 1939.

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

Section 1. On or before June 1, 1937, 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, 1937, and ending on June 30, 1939.

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 104 Volume 29, Laws of Delaware, Chapter 23 of Volume 31, Laws of Delaware, Chapter 97 of Volume 33, Laws of Delaware, Chapter

APPROPRIATION FOR PAYMENT OF MATURITIES ON CERTAIN
HIGHWAY IMPROVEMENT BONDS AND STATE
AID ROAD BONDS

104 of Volume 34, Laws of Delaware and Chapter 128 of Volume 40, Laws of Delaware; Sussex County Bonds authorized under the following acts: Chapter 132 of Volume 40, Laws of Delaware, Chapter 131 of Volume 40, Laws of Delaware, and Chapter 105 of Volume 34, Laws of Delaware.

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 said State Aid Road Bonds of each of the said Counties falling due during the period from July 1, 1937, up to June 30, 1939, 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. The moneys hereby appropriated and authorized

APPROPRIATION FOR PAYMENT OF MATURITIES ON CERTAIN
HIGHWAY IMPROVEMENT BONDS AND STATE
AID ROAD BONDS

to be paid out of the State Treasury shall be paid out of the funds
now or hereafter allocated to the State Highway Department.

Approved April 15, 1937..

CHAPTER 63

APPROPRIATION FOR THE PAYMENT OF CERTAIN
SCHOOL BONDS

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF
CERTAIN SCHOOL BONDS MATURING DURING THE FIS-
CAL YEARS BEGINNING JULY 1, 1937, AND ENDING JUNE
30, 1939.

*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-nine Thousand Nine Hundred and Thirty-two Dollars (\$139,932.00), 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, 1937, and ending June 30, 1938; 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 Twenty-four Thousand Nine Hundred Thirty-two Dollars (\$124,932.00), 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, 1938, and ending June 30, 1939.

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:

APPROPRIATION FOR THE PAYMENT OF CERTAIN SCHOOL BONDS

Name of School District or Special School District	Year of Issue	Amount of prin- cipal of bonds maturing during fiscal year be- ginning July 1, 1937 and ending June 30, 1938	Amount of prin- cipal of bonds maturing during fiscal year be- ginning July 1, 1938 and ending June 30, 1939
NEW CASTLE COUNTY			
Arden	1924	\$ 500.00	\$ 500.00
Christiana	1934	1,000.00	1,000.00
Claymont	1922	11,000.00	11,000.00
Claymont	1928	4,000.00	4,000.00
Delaware City	1929	1,000.00	1,000.00
Eden	1934	500.00	500.00
Hockessin	1931	1,000.00	1,000.00
Marshallton	1931	1,000.00	1,000.00
Middletown	1928	2,832.00	2,832.00
Mt. Pleasant No. 2	1931	3,000.00	3,000.00
Newark	1923	6,000.00	6,000.00
New Castle	1928	2,000.00	2,000.00
Newport	1932	1,000.00	1,000.00
Oak Grove No. 130	1927	1,800.00	1,800.00
Odessa	1934	1,000.00	1,000.00
Richardson Park	1924	3,400.00	3,400.00
Rose Hill	1928	1,000.00	1,000.00
Stanton	1928	1,000.00	1,000.00
Townsend	1932	1,000.00	1,000.00
Yorklyn	1931	1,000.00	1,000.00
KENT COUNTY			
Caesar Rodney	1916	1,000.00	1,000.00
Caesar Rodney	1929	1,500.00	1,500.00
Clayton	1929	1,000.00	1,000.00
Dover	1923	8,000.00	8,000.00
Dover	1925	1,000.00	1,000.00
Farmington	1929	300.00	300.00
Felton	1928	1,000.00	1,000.00
Frederica	1930	1,000.00	1,000.00

APPROPRIATION FOR THE PAYMENT OF CERTAIN
SCHOOL BONDS

Harrington	1911	2,000.00	2,000.00
Harrington	1928	500.00	500.00
Harrington	1933	1,000.00	1,000.00
Kenton	1932	500.00	500.00
Leipsic	1929	200.00	200.00
Magnolia	1934	500.00	500.00
Milford	1928	3,000.00	3,000.00
Smyrna	1929	2,500.00	2,500.00

SUSSEX COUNTY

Bridgeville	1929	2,000.00	2,000.00
Delmar	1927	1,000.00	1,000.00
Delmar	1934	1,000.00	1,000.00
Ellendale	1928	1,000.00	1,000.00
Georgetown	1928	3,000.00	3,000.00
Georgetown	1934	1,000.00	1,000.00
Greenwood	1930	1,000.00	1,000.00
Gumboro	1927	500.00	500.00
John M. Clayton (Frank- ford-Dagsboro Consoli- dation)	1931	1,000.00	1,000.00
Laurel	1927	2,000.00	2,000.00
Lewes	1922	2,000.00	2,000.00
Lincoln	1930	700.00	700.00
Lord Baltimore	1931	2,000.00	2,000.00
Millsboro	1927	1,000.00	1,000.00
Milton	1931	2,500.00	2,500.00
Rehoboth	1924	500.00	500.00
Roxana	1934	400.00	400.00
Selbyville	1926
Selbyville	1931	2,000.00	2,000.00
Sycamore	1934	300.00	300.00
Wilmington	1915	15,000.00	(None)
Wilmington	1924	30,000.00	30,000.00
Wilmington	1925	(None)	(None)
Total.....		\$139,932.00	\$124,932.00

APPROPRIATION FOR THE PAYMENT OF CERTAIN
SCHOOL BONDS

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 of 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.

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 12, 1937.

CHAPTER 64

APPROPRIATION TO PAY CLAIM AGAINST THE
STATE OF DELAWARE

AN ACT APPROPRIATING CERTAIN MONEYS TO ALFRED
ROGERS, OF MILLSBORO, DELAWARE, TO PAY CERTAIN
CLAIMS AGAINST 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 Fifteen Hundred Dollars (\$1,500.00) be and the same is hereby appropriated to Alfred Rogers to pay certain claims against the State of Delaware, growing out of loss sustained by fire started on the State property at the Delaware Colony at Stockley.

That the said sum of Fifteen Hundred Dollars (\$1,500.00), herein appropriated, shall be paid out of the General Fund from moneys not otherwise appropriated.

Approved May 5, 1937.

CHAPTER 65

APPROPRIATION TO PAY CLAIM AGAINST THE
STATE OF DELAWARE

AN ACT APPROPRIATING MONEY OUT OF THE STATE TREASURY FOR THE PAYMENT OF A CERTAIN CLAIM HELD AGAINST THE STATE OF DELAWARE BY CANTERA CONSTRUCTION COMPANY.

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

Section 1. The sum of Seven Hundred Sixteen Dollars and Ninety-three Cents (\$716.93) is hereby appropriated out of the School Funds of the State of Delaware unto Cantera Construction Company, a corporation organized and existing under the laws of the State of Delaware in settlement of a claim which it, the said Cantera Construction Company holds against the State of Delaware.

Section 2. This shall be known as a supplementary appropriation act.

Approved May 5, 1937.

CHAPTER 66

APPROPRIATION TO PAY CLAIM AGAINST THE
STATE OF DELAWARE

AN ACT APPROPRIATING MONEY OUT OF THE STATE TREASURY FOR THE PAYMENT OF CERTAIN CLAIMS AGAINST THE STATE.

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

Section 1. That the following amounts be and the same are hereby appropriated out of the Treasury of the State for the payment of certain claims against the State, for damages sustained by reason of the erection and maintenance of an overhead bridge crossing the railroad track of the Pennsylvania Railroad, at Newark, Delaware, opposite the respective dwelling houses and lots of land belonging to the respective claimants hereinafter named, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay, to the respective claimants hereinafter named, the respective amounts of their respective claims set opposite their respective names, to-wit:

William E. Holton, 402 S. College Avenue	\$1,688.00
Jennie Smith, et al, 410 S. College Avenue	1,388.00
Charles R. Holton, 414 S. College Avenue	1,688.00
William J. Holton, 418 S. College Avenue	938.00
Security Trust Company, Trustee, 420-422 College Ave.	1,313.00
Nora W. Bryan, 424 S. College Avenue	4,000.00
Richard A. Whittingham, property adjoining railroad	4,500.00

That the following amounts be and the same are hereby appropriated out of the Treasury of the State for the payment of certain claims against the State, for damages sustained by reason of the erection and maintenance of an overhead bridge crossing the railroad track of the Pennsylvania Railroad, at Newark, Delaware, opposite the respective properties tenanted by the respective

APPROPRIATION TO PAY CLAIM AGAINST THE
STATE OF DELAWARE

claimants hereinafter named, and the Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute warrants for, and the State Treasurer is hereby authorized and fully empowered and directed to pay, to the respective claimants hereinafter named the respective amounts of their respective claims set opposite their respective names, provided that such payments shall meet with the approval of the State Highway Department, to-wit:

Rees S. Jarmon and William Moore, Tenants of the Nora W. Bryan Property, 424 South College Avenue	\$ 700.00
Samuel P. Lockerman, Tenant of Richard A. Whittingham, Property Adjoining Railroad	\$1300.00

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 funds of the State Highway Department, and the Chief Engineer of the said Department is hereby authorized, fully empowered and directed to approve the warrants for the respective claims specified in Section 1 of this Act.

Approved May 18, 1937.

CHAPTER 67

APPROPRIATION TO PAY CLAIM AGAINST THE
STATE OF DELAWARE

AN ACT APPROPRIATING CERTAIN MONEYS TO HORACE J.
EVANS, TRADING AND DOING BUSINESS AS EVANS' GA-
RAGE, IN MILLVILLE, DELAWARE, TO PAY CERTAIN
CLAIMS AGAINST 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 Hundred Eighty-four Dollars and Fifty-one cents (\$184.51) be and the same is hereby appropriated out of the funds of the State Highway Department, to Horace J. Evans, for the payment of his lawful claim against the State of Delaware, and the State Treasurer is hereby authorized and directed to pay the sum forthwith.

Approved May 18, 1937.

CHAPTER 68

APPROPRIATION TO PAY CLAIM AGAINST THE
STATE OF DELAWAREAN ACT TO APPROPRIATE MONEY TO EDWARD H. MITCHELL
AND LEUELLE O. MITCHELL AS COMPENSATION FOR DAM-
AGES SUFFERED THROUGH THE NEGLIGENCE OF THE
STATE HIGHWAY DEPARTMENT.

WHEREAS Edward H. Mitchell and Leuelle O. Mitchell are the owners of a certain tract, piece and parcel of land situated in Kenton Hundred, Kent County and State of Delaware described as follows:

All that certain tract, piece and parcel of land situated in Kenton Hundred, Kent County and State of Delaware, adjoining lands late of the heirs of Samuel Catts, deceased, known as the Rose Hill farm, lands late of Daniel C. Bailey, now of J. Harold Bailey, lands formerly of John W. Thompson, now of C. Stanley Short, lands late of Charles T. Downs, now of J. Elwood Teat, lands of Benjamin Bedwell, lands late of Charles S. Hiron, now of William J. Carter, and lands of others, and containing five (5) acres of land, be the same more or less; the improvements thereon being a two story frame grist mill and two frame dwelling houses, also the mill site or seat known as Kepner's, Central or Massey's Mills, and all that the mill pond, mill branch or branches belonging and appertaining to the said mill site and furnishing the water power thereto, and the mill dam, water and race gates, upland, cripple and low land, and all the lands and premises covered with the waters of said mill pond or necessary to be covered with the waters thereof in order to constitute a sufficient pond for the use of said, mill, the lands on each side of said mill pond and constituting the banks thereof, and all other the lands and premises and rights, easements and appurtenances appertaining to said mill property or used in connection with the same.

AND WHEREAS the mill dam and gates form a part of the Highway system of the State of Delaware and were installed and maintained by said State Highway Department.

APPROPRIATION TO PAY CLAIM AGAINST THE
STATE OF DELAWARE

AND WHEREAS because of the negligence and carelessness of the said State Highway Department said mill dam was washed out on July 5, 1936, and were not replaced until November 7, 1936, thereby causing damage and loss to the said Edward H. Mitchell and Leuelle O. Mitchell.

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

That the sum of Three Thousand Dollars (\$3000.00) be and the same is hereby appropriated out of the State Highway Funds to Edward H. Mitchell and Leuelle O. Mitchell to compensate them for loss and damage to their Mill Property and business.

Approved May 20, 1937.

CHAPTER 69

TRANSFER OF FUNDS TO CREDIT OF THE SCHOOL FUND

AN ACT RELATING TO THE ACCOUNTS OF THE STATE TAX DEPARTMENT FOR PAYMENT OF CHECKS AND ORDERS DRAWN THEREON AND DIRECTING THE TRANSFER OF CERTAIN FUNDS TO THE SCHOOL FUND.

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

Section 1. No check or order issued by the State Tax Commissioner in accordance with the Revised Code of Delaware, 1935, 145, Section 111, Paragraph D, shall be honored or paid by the depository upon which such check or order is drawn.

Section 2. The Farmers Bank of the State of Delaware is hereby authorized, empowered and directed within thirty days after the approval of this Act to transfer to the credit of the State Treasurer for the use of the School Fund, the balances in the following named accounts, to wit:

"Tax Department, State of Delaware, M. Howard Jester, Commissioner," at the Farmers Bank, Dover, Delaware, in the amount of Twenty-one Dollars and Ninety-four Cents (\$21.94):

"M. Howard Jester, Special, State Tax Commissioner", at the Farmers Bank, Wilmington, Delaware, in the amount of Three Dollars (\$3.00):

"Tax Commissioner, Pierre S. duPont Account No. 3" at the Farmers Bank, Dover, Delaware, in the amount of Two Hundred Fifty Dollars and Seventy-two Cents (\$250.72).

Approved April 19, 1937.

Public Arms and Defense

CHAPTER 70

USE OF FINES AND FORFEITURES

AN ACT TO AMEND CHAPTER 8, REVISED CODE OF DELAWARE, 1935, RELATING TO PUBLIC ARMS AND DEFENSE BY PROVIDING FOR USE OF CERTAIN MONEY RECEIVED FROM RENTALS OF ARMORIES AND FROM COURT-MARTIAL.

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

Section 1. That Chapter 8, Revised Code of Delaware 1935, be amended by adding a new section after 283. Sec. 28 of said Chapter 8, to be hereafter known as 283 a. Sec. 28 a. as follows:

283 a. Sec. 28 a. Use of Monies Received From Fines and Forfeitures and From Rentals of Armories:—All fines and forfeitures paid into the Treasury of the State of Delaware under the provisions of Sec. 28 of this Chapter, and all rentals received for the use and occupation of the Arsenal or Armories, shall be kept in a separate fund to be known as "State Armories Account" by the State Treasurer, subject to the order of the State Military Board. The State Military Board is hereby authorized to use said money in making repairs and improvements to the Arsenal or Armories of this State, and for general administrative expenses of said Board.

No order shall be paid by the State Treasurer unless approved by the Adjutant General, nor unless an itemized bill or statement showing in detail the items to be paid under such order shall be attached and the contents thereof duly sworn to or affirmed before an officer authorized by law to administer oaths and affirmations.

Approved April 15, 1937.

CHAPTER 71

RETIRED LIST

**AN ACT TO AMEND CHAPTER 8 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO PUBLIC ARMS AND DE-
FENSE.**

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

Section 1. That Section 43 of Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding the following:

That all officers and enlisted men who shall have served actively twenty-five years or more in the Delaware National Guard, and upon their own request, may be placed upon the Retired List, at the grade next higher to that held by them at the time of their application in recognition of long and faithful service.

Approved April 15, 1937.

The Passing, Publication and Disposal of Laws and Journals

CHAPTER 72

SALE AND DISTRIBUTION OF REVISED CODE, 1935

AN ACT PROVIDING FOR THE SALE AND DISTRIBUTION OF THE REVISED CODE OF DELAWARE, 1935.

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

Section 1. That, upon the delivery to the Secretary of State of the printed and bound copies of the Revised Code of Delaware 1935, the Secretary of State shall distribute the said copies of the said Code as follows:

One copy to the Governor, one Copy to the Lieutenant Governor, one copy to each member of the Senate, one copy to each member of the House of Representatives, one copy to each Attorney for the Senate, and one copy to each Attorney for the House of Representatives.

Section 2. That the Secretary of State, after the distribution of the said copies of the said Code, as authorized and directed by Section 1 of this Act, shall deliver the residue of the copies of the said Code to the State Library and into the custody of the State Librarian.

Section 3. That, upon the delivery to the State Library of the residue of the copies of the said Code, by the Secretary of State, as authorized and directed by Section 2 of this Act, the State Librarian shall deliver one copy of the said Code to each State Officer, and one copy to each County Officer of the respective Counties, of this State. The copies of the said Code, so delivered to the said State and County Officers, shall be kept and remain in their respective

SALE AND DISTRIBUTION OF REVISED CODE, 1935

offices and shall be by them delivered to their successors, as the property of the said offices.

Section 4. That the State Librarian shall also deliver one copy of the said Code to the University of Delaware, one copy to the Historical Society of Delaware, one copy to the New Castle County Law Library, one copy to the Wilmington Institute Free Public Library, and one copy to each of the Free Public Libraries of this State operating under the Delaware State Library Commission.

Section 5. That the State Librarian shall also deliver two hundred copies of the said Code to the Prothonotary of New Castle County, seventy-five copies to the Prothonotary of Kent County, and seventy-five copies to the Prothonotary of Sussex County. The Secretary of State and the State Treasurer shall charge the respective Prothonotaries with the copies of the said Code so delivered, at the rate of Five Dollars per copy which is hereby designated as the selling price per copy of the said Code.

Additional copies of the said Code may be obtained, from time to time, as necessity may require, by the Prothonotaries of the respective Counties, from the State Librarian, for which they shall be charged by the State Treasurer at the price per copy aforesaid. The said Prothonotaries shall be allowed a commission of ten per centum for selling copies of the said Code delivered to them as hereinabove provided.

The said Prothonotaries shall account for all such sales, and for all unsold copies in their hands from time to time and upon going out of office, and shall deliver all unsold copies to their successors in office, and the State Treasurer shall make settlements with the Prothonotaries therefor, from time to time, in the same manner as provided by law relating to the sales of Session Laws.

Section 6. That the State Librarian shall retain in his or her custody the residue of the copies of the said Code, and shall dispose thereof, at the said selling price of Five Dollars per copy. The

SALE AND DISTRIBUTION OF REVISED CODE, 1935

State Librarian shall be charged by the State Treasurer with all copies of the said Code so left in his or her custody for sale, and shall semi-annually, on or about the first days of January and July, account to the State Treasurer for all sales so made by him or her.

Section 7. That all monies received by the State Treasurer from sales of copies of the said Code shall become a part of the General Fund of the State.

Approved January 29, 1937.

CHAPTER 73

DISTRIBUTION OF REVISED CODE, 1935

AN ACT AUTHORIZING THE STATE LIBRARIAN TO FURNISH A COPY OF THE REVISED CODE OF DELAWARE, 1935, TO THE LIBRARY OF CONGRESS, AND TO EACH OF THE DEPARTMENTS, INSTITUTIONS AND AGENCIES 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 State Librarian be and she is hereby authorized and directed to furnish a copy of the Revised Code of Delaware, 1935, to the Library of Congress, and a copy to each and all of the Departments, Institutions and Agencies of this State which are supported in whole or in part by this State.

Approved April 30, 1937.

General Provisions Respecting Public Officers

CHAPTER 74

RELATING TO OFFICIAL SECURITIES OF THE CLERK OF
THE PEACE OF SUSSEX COUNTY

AN ACT TO AMEND CHAPTER 11 OF THE REVISED CODE OF
THE STATE OF DELAWARE, 1935, RELATING TO THE OF-
FICIAL SECURITIES OF THE CLERK OF THE PEACE OF
SUSSEX COUNTY.

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

That paragraph two (2) of Section three (3) of Chapter
eleven (11) of the Revised Code of the State of Delaware, 1935,
be and the same is hereby repealed with respect to the Clerk of
the Peace of Sussex County.

Approved April 12, 1937.

CHAPTER 75

RELATING TO SALARY OF STATE TREASURER

AN ACT TO AMEND CHAPTER 12 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE SALARY OF THE STATE TREASURER.

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

Section 1. That Chapter 12 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 366, Section 4 of said Chapter, and by inserting in lieu thereof the following new Section, to be known as 366, Section 4:

366. Section 4. State Treasurer:—The State Treasurer shall receive as full compensation for all his services as State Treasurer and Trustee of the School Fund, a salary of \$4,000.00 per annum.

Approved April 26, 1937.

CHAPTER 76

RELATING TO DEPUTY STATE TREASURER

AN ACT TO AMEND 399 SEC. 2 OF CHAPTER 15, REVISED CODE OF DELAWARE, 1935, IN RELATION TO DEPUTY STATE TREASURER.

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

Section 1. That 399 Sec. 2 of Chapter 15, Revised Code of Delaware, 1935, be and the same is hereby amended by inserting in the eighth line of said Section between the word "official" and the word "but" the following words:

"and may at all times countersign checks and drafts in the name of the State Treasurer if so authorized by the State Treasurer."

Approved April 12, 1937.

CHAPTER 77

STATE TREASURER

RELATING TO RECEIPT AND DISBURSEMENT OF
FEDERAL GRANTSAN ACT PROVIDING FOR THE RECEIPT AND DISBURSEMENT
OF GRANTS OF MONEY MADE BY THE FEDERAL GOVERN-
MENT OR OTHERWISE.

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

Section 1. That all grants of money made by the Federal Government, or otherwise, to the State of Delaware, shall be payable to the State Treasurer, who shall deposit the same in the State Treasury in a special account to be known and designated as the "Federal Aid Account," and that any money so received from the Federal Government or otherwise for the use by any designated Board, Commission, Department, Agency or Officer, is hereby appropriated to such Board, Commission, Department, Agency or Officer, for the specific purpose for which said money was granted and received, and such money shall be paid out of said special account by the State Treasurer upon warrants executed by the said designated Board, Commission, Department, Agency or Officer, for the use designated, as aforesaid, without any further authority from the General Assembly.

Provided, nevertheless, that in the event that any specific grant of money is made by the Federal Government, or otherwise, for a specific purpose, which is under the direction of a particular board or commission subject to an approved plan, and the Federal Government or other granting authority, shall insist that such grant of money be deposited in a special account, instead of being lumped with other grants, in order that an immediate and accurate accounting can be made of all expenditures by the approved board or commission for the particular purpose under the particular approved plan, then, and in such event, the State Treasurer is hereby authorized to deposit such money in a special account, so designated and

RELATING TO RECEIPT AND DISBURSEMENT OF
FEDERAL GRANTS

so separated from other accounts as to meet with the approval of the Federal Government, or other granting authority, and to be paid out as other grants of money made by the Federal Government or otherwise, as in this Act hereinbefore provided.

Provided, however, that nothing contained in this Act shall affect Federal Grants or Federal aid to the University of Delaware, the Agricultural Experimental Station, and the Division of Agricultural Extension of the University of Delaware.

Approved May 18, 1937.

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CHAPTER 78

RELATING TO DEPUTY AUDITOR OF ACCOUNTS

AN ACT TO AMEND 422 SEC. 11 OF CHAPTER 16, REVISED CODE OF DELAWARE, 1935, IN RELATION TO DEPUTY AUDITOR OF ACCOUNTS.

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

Section 1. That 422 Sec. 11 of Chapter 16, Revised Code of Delaware, 1935, be and the same is hereby amended by inserting in the eighth line of said Section between the word "official" and the word "but" the following words:

"and may at all times countersign checks and drafts in the name of the Auditor of Accounts if so authorized by the Auditor of Accounts."

Approved April 12, 1937.

CHAPTER 79

INSURANCE DEPARTMENT
PROVIDING ADDITIONAL REQUIREMENTS FOR
CERTIFICATE OF AUTHORITY

AN ACT TO AMEND CHAPTER 20, OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO INSURANCE DEPARTMENT, AND PROVIDING ADDITIONAL REQUIREMENTS FOR CERTIFICATE OF AUTHORITY.

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

Section 1. That sub-paragraphs (a) and (b) of paragraph 3, of 470. Sec. 9, of Chapter 20, of the Revised Code of Delaware, 1935, be and the same are hereby amended to read as follows, to wit:

(a) If a capital stock company, it shall have a full paid capital stock of at least One Hundred Thousand Dollars and a surplus of at least Fifty Thousand Dollars; provided, however, that if its charter or certificate of incorporation permits it to transact what is commonly known as marine insurance, or workmen's compensation insurance, or public liability insurance, or to guarantee the fidelity of persons holding positions of trust, or guaranteeing the obligations of others, it shall have a full paid capital stock of at least Two Hundred and Fifty Thousand Dollars and a surplus of at least One Hundred and Twenty-five Thousand Dollars.

(b) If a domestic mutual company, it shall have in force, or bona fide applications for, insurance covering not less than one hundred separate risks in not less than one hundred policies issued or to be issued to not less than one hundred members and shall have collected in cash at least one full annual premium on such policies. It shall also deposit with the Insurance Commissioner good interest bearing or dividend-paying securities with a market value of at least Twenty-five Thousand Dollars; said deposit to remain in trust with the Insurance Commissioner to be applied

INSURANCE DEPARTMENT
PROVIDING ADDITIONAL REQUIREMENTS FOR
CERTIFICATE OF AUTHORITY

toward any default of such mutual company. After said mutual company shall have a cash or invested surplus of at least One Hundred and Fifty Thousand Dollars in excess of all liabilities, the Insurance Commissioner may, upon request of the company, return the deposit so made; and if a foreign or alien mutual company it shall have a cash or invested surplus of at least One Hundred and Fifty Thousand Dollars in excess of all liabilities; provided, however, that no mutual company shall issue policies guaranteeing the fidelity of persons holding positions of trust unless such company shall have a cash or invested surplus of at least Three Hundred and Seventy-five Thousand Dollars in excess of all liabilities.

If a mutual company for reinsurance, it shall have in force, or bona fide applications for, insurance covering not less than one hundred separate risks to be issued to not less than three members, which members shall be insurance companies authorized to do business in the State of Delaware or in any other State of the United States, and shall have collected in cash at least one full annual premium on such insurance or the policies to be issued pursuant to such applications.

Approved May 20, 1937.

CHAPTER 80

INSURANCE DEPARTMENT

RELATING TO MUTUAL BENEFIT ASSOCIATIONS

AN ACT TO AMEND CHAPTER 20 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE INSURANCE DEPARTMENT BY PROVIDING FOR SICK, ACCIDENT AND/OR DEATH BENEFITS TO MEMBERS OR THEIR BENEFICIARIES.

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

Section 1. That Chapter 20 of the Revised Code of Delaware, 1935, be and the same is hereby amended by the addition of another Article to the said Chapter 20, to be designated as follows:

ARTICLE 10

Mutual Benefit Associations

Section 2. That Chapter 20 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by the addition of the following Sections, to-wit:

567A. 107. Mutual Benefit Association Defined:—Any corporation, society, order or association, which has no capital stock, issuing beneficial certificates of protection providing for payment of benefits in case of sickness, disability by accident and/or death of its members, and which accumulates a fund through mutual and voluntary contribution of its members at either stated or irregular intervals with which to discharge its liabilities on the aforesaid certificates and with which to pay the operating expenses, is hereby declared to be a Mutual Benefit Association; provided, however, fraternal benefit societies, as defined in Article 9, Chapter 20, Revised Code of Delaware, 1935, and fraternal organizations exempted by the provisions of Article 6, Chapter 20, Revised Code of Delaware, 1935, shall not be deemed to be a Mutual Benefit Association.

567B. 108. Requirements on Filing Certificate of Incorporation With the Secretary of State:—The Secretary of State shall

INSURANCE DEPARTMENT
RELATING TO MUTUAL BENEFIT ASSOCIATIONS

not file a Certificate of Incorporation for any Mutual Benefit Association unless such certificate shall be accompanied by a certificate duly signed by the Insurance Commissioner of the State setting forth that a deposit of One Thousand Dollars (\$1,000.00) has been made with him in cash or approved securities, that conformity has been made with all of the requirements of this Article, and that the Certificate of Incorporation so presented for filing is in substantial compliance with the provisions of the Insurance Laws of the State of Delaware. The aforesaid deposit shall constitute a portion of the Guaranty Fund hereafter mentioned and shall remain in trust with the aforesaid Insurance Commissioner to answer any default of such Mutual Benefit Association; provided, however, said association may collect the interest, dividends and profits upon such securities and from time to time substitute therefor others of equally good character and value to the satisfaction of the said Insurance Commissioner.

567C. 109. Requirements for Obtaining Certificate of Authority:—No Mutual Benefit Association shall directly or indirectly issue any certificate of protection whatever without first having been duly granted a Certificate of Authority by the Insurance Commissioner in conformity with the following requirements:

1. It shall file with the said Insurance Commissioner
 - (a) Certified copy of its Certificate of Incorporation or charter,
 - (b) Copy of its constitution and by-laws,
 - (c) Copy of all forms of certificates of protection which the association proposes to issue,
 - (d) Certified statement that such association has a membership of at least two hundred and fifty persons, or that it has at least two hundred and fifty bona fide applications for membership accompanied by the initial payments.

INSURANCE DEPARTMENT
RELATING TO MUTUAL BENEFIT ASSOCIATIONS

2. It shall furnish such other information respecting its business or affairs as may be required of it by the said Insurance Commissioner.

567D. 110. Guaranty Fund, How Constituted:—All existing Mutual Benefit Associations having a total membership of one thousand (1,000) or more persons, shall, and are hereby directed to, deposit with the Insurance Commissioner of the State of Delaware the sum of One Thousand Dollars (\$1,000.00) in cash or approved securities upon receipt of a Certificate of Authority, and all such associations having a total membership of less than one thousand (1,000) persons shall and are hereby directed to deposit the sum of Five Hundred Dollars (\$500.00) in cash or approved securities upon receipt of such Certificate of Authority.

With the filing of each annual statement, every Mutual Benefit Association issuing certificates of membership, shall make an additional deposit with the Insurance Commissioner of One Dollar (\$1.00) for each then existing membership above the total membership shown by its last annual statement, and such annual deposits shall continue until there shall be deposited with the said Insurance Commissioner a fund not in excess of Five Thousand Dollars (\$5,000.00); provided, however, said association may collect the interest, dividends and profits upon such securities and from time to time substitute therefor others of equally good character and value to the satisfaction of the Insurance Commissioner.

The aforesaid deposits shall constitute a Guaranty Fund and shall not be withdrawn by any association, as herein defined, except, and it is hereby provided, that the said Insurance Commissioner may withdraw any part or all of such Guaranty Fund upon the order of any Court of Record of the State of Delaware, issued on a final judgment to pay any claim reduced to final judgment by such Court in an action by any member or beneficiary based on the certificate of membership. In the event of such withdrawal, such association making such deposit shall replace the amount withdrawn within six months from the date of withdrawal.

INSURANCE DEPARTMENT
RELATING TO MUTUAL BENEFIT ASSOCIATIONS

Whenever a Mutual Benefit Association discontinues or ceases doing business, it shall make written application to the Insurance Commissioner of this State of its desire to withdraw its Guaranty Fund. Within three months of receipt of such application, the Insurance Commissioner may, in his discretion, make, or cause to be made, an examination of the books and records of such association, and if finding them to be in proper order and all liabilities paid, he shall cancel the Certificate of Authority previously granted to such association, and deliver to such association or its assigns any monies or securities deposited in the Guaranty Fund to the credit of such association.

567E. 111. Benefit Fund, How Created, Uses Of:—Every Mutual Benefit Association shall deposit in a bank or trust company, approved by the Insurance Commissioner of the State of Delaware, a sum not less than fifty per cent. (50%) of all contributions received from whatsoever source as a benefit fund for the payment of claims arising under the certificates of memberships, for the payments to the Guaranty Fund maintained with the Insurance Commissioner and for the payment of legal expenses incurred in adjusting and defending claims, for these purposes and no other.

567F. 112. Certificates of Membership, Approved by Insurance Commissioner, Conditions Thereto:—No certificate of membership providing for sick, accident and/or death benefits to members or their beneficiaries, as hereinafter provided, shall be issued by any Mutual Benefit Association, as hereinbefore defined, unless the same shall first be approved by the Insurance Commissioner of the State of Delaware.

A certificate of membership, among other conditions not contrary to the provisions of this Article, may specify the diseases for which limited benefits may be paid in sickness or death, and may also specify the causes of personal injuries or death therefrom for which no benefits will be paid.

INSURANCE DEPARTMENT
RELATING TO MUTUAL BENEFIT ASSOCIATIONS

A certificate of membership may also restrict the payment of any benefit for sickness, accident and/or death that occurs within a specified time after the issuance of such certificate to the refund of all contributions made by the members or their beneficiaries, less the expense of carrying the same on the books of the association, and the payment of such refund shall fully liquidate all claims of a member against the association by reason of such certificate of membership.

A certificate of membership may also limit the time which shall elapse before any benefits are payable and may fix and determine the minimum and maximum benefits to be paid within limitations approved by the Insurance Commissioner.

567G. 113. Schedule of Benefits:—No certificate of membership issued by any Mutual Benefit Association shall provide for death benefits in excess of One Thousand Dollars (\$1,000.00), and no such certificate shall provide sickness or accident disability benefits in excess of Twenty-five Dollars (\$25.00) per week nor shall such benefits be payable for a period of more than thirteen weeks in any twelve month period. No association shall issue more than one of each of the above type of certificate of membership to any one person. All approved claims for the benefits herein set forth shall be paid by the association within three months after satisfactory proofs of such claims have been filed.

567H. 114. Doing Business in and Outside State:—Any Mutual Benefit Association organized under the General Corporation Laws of the State of Delaware with its principal office situate in this State shall be regarded as doing business in the State of Delaware regardless of whether or not its membership is acquired from residents of this State, other States, District of Columbia or Territories of the United States, and shall make the reports required by the Insurance Commissioner and pay all of the fees herein prescribed.

No domestic Mutual Benefit Association shall issue any cer-

INSURANCE DEPARTMENT
RELATING TO MUTUAL BENEFIT ASSOCIATIONS

tificate of membership in any State or Territory of the United States, District of Columbia or foreign country unless it holds a valid and unrevoked Certificate from the Insurance Commissioner of the State of Delaware.

567I. 115. Agreement, How Constituted:—The Certificate of Membership, the Certificate of Incorporation, and any amendments thereto, the by-laws of the association and the provisions of this Article shall constitute an agreement between the association as a whole or the membership thereof, and the members, and binding on their respective beneficiaries.

567J. 116. Examination by Insurance Commissioner:—The Insurance Commissioner of this State shall have the power and authority, whenever he deems the same expedient, to make or cause to be made an examination of the condition and affairs of every Mutual Benefit Association issuing certificates of membership in this State. For the purpose of such examination, the said Insurance Commissioner may employ such person or persons to conduct or to assist therein as he may deem advisable. All proper charges and expenses incurred in such examination shall be paid by the association. The expense of such examination shall be fixed by the Insurance Commissioner, but shall not exceed the sum of Twenty-five Dollars (\$25.00) for a day of 24 hours, plus traveling expenses incurred.

567K. 117. Annual Statement:—Every Mutual Benefit Association organized in or transacting business in the State of Delaware shall annually, on or before the first day of March, file with the Insurance Commissioner a statement subscribed and sworn to by its President and Secretary, or in their absence by two of its principal officers, showing its financial condition at the close of business on the thirty-first day of December of the year last preceding also showing the total membership at such date, and the record as to fifty per cent. (50%) of all contributions being in deposit in the benefit fund. Such statement shall be in such form as the Insurance Commissioner shall prescribe.

INSURANCE DEPARTMENT
RELATING TO MUTUAL BENEFIT ASSOCIATIONS

567L. 118. Fees, Paid to Whom, When:—Every Mutual Benefit Association, for the purposes of organization, shall be issued a Certificate of Authority by the Insurance Commissioner, which shall be valid until the first day of March following its issuance, and thereafter such association shall be issued such Certificate of Authority annually on the said date to operate the year following. A fee of Twenty-five Dollars (\$25.00) shall be paid by every Mutual Benefit Association to the Insurance Commissioner at the time of issuance of such Certificate of Authority.

Upon the filing of the annual statement by every Mutual Benefit Association the Insurance Commissioner shall be paid a fee of twenty-five Dollars (\$25.00) to cover cost of filing.

The above fees shall be for the use of the State and shall be in lieu of all other taxes except tax on real property.

567M. 119. Investments, How Made:—Each Mutual Benefit Association may invest its funds in any form of investment sanctioned in Section 31 of the Insurance Laws of the State of Delaware relating to Investments of Funds by Domestic Companies.

567N. 120. Mergers, How Effected:—Every Mutual Benefit Association, as herein defined, may merge, insure, reinsure, or accept the transfer of membership or funds with any other like Mutual Benefit Association under such rules and regulations as the Insurance Commissioner shall prescribe.

567O. 121. Continuance of Existing Associations:—Within six months after the approval of this Act any Mutual Benefit Association existing and operating under a Certificate of Incorporation granted by the State of Delaware, desiring to continue its operation may do so by complying with the provisions of this Article.

567P. 122. Violations and Penalties:—All Mutual Benefit Associations desiring to issue certificates of membership, which

INSURANCE DEPARTMENT
RELATING TO MUTUAL BENEFIT ASSOCIATIONS

shall have been granted Certificates of Incorporation by the State of Delaware, must secure a Certificate of Authority from the Insurance Commissioner within ninety days after this Act shall take effect. The Secretary of State or the Attorney General shall have authority and are directed to institute such proceedings as shall be necessary to revoke the Certificate of Incorporation of any such association failing to secure such Certificate of Authority.

Any Mutual Benefit Association or any officer or employee thereof, refusing or neglecting to secure a Certificate of Authority within ninety days after this Act shall take effect shall be deemed to have committed a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment for not more than one year, or both, in the discretion of the Court.

Any Mutual Benefit Association, or any officer or employee thereof, neglecting or refusing to comply with, or violating any of the provisions of this Article, the penalty for which neglect, refusal or violation is not otherwise specified, shall be subject to a fine not exceeding Two Hundred Dollars (\$200.00) upon conviction thereof.

567Q. 123. Saving Clause:—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 any part thereof directly involved in the controversy in which such judgment has been rendered.

Approved May 20, 1937.

CHAPTER 81

STATE BOARD OF AGRICULTURE

RELATING TO GRADING, MARKING AND SALE OF APPLES

AN ACT TO AMEND CHAPTER 21 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE BOARD OF AGRICULTURE BY REPEALING CERTAIN PROVISIONS OF SAID CHAPTER RELATING TO THE GRADING, MARKING AND SALE OF APPLES IN CLOSED PACKAGES, AND INSERTING NEW PROVISIONS IN LIEU THEREOF.

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

Section 1. That 591. Sec. 24. Article 2 of Chapter 21, Revised Code of Delaware, 1935, be and the same is hereby amended by repealing all of said 591. Sec. 24. Article 2 of said Chapter and inserting in lieu thereof the following:

591. Sec. 24. Apples Packed in Closed Packages; How Graded:—Apples packed in this State in closed packages, and intended for sale within or without this State, or for export, shall be graded in accordance with the official standards for grading of apples as now established, or as the same may be hereafter established by the United States Department of Agriculture. All terms used in this Article shall be construed and taken to have the same meaning and effect as those used and accepted by the United States Department of Agriculture in reference to like terms.

Section 2. That 592. Sec. 25. of Article 2, Chapter 21, Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 3. That 593. Sec. 26. Article 2 of said Chapter 21, Revised Code of Delaware, 1935, be and the same is hereby repealed.

Approved May 18, 1937.

CHAPTER 82

STATE BOARD OF AGRICULTURE
RELATING TO PAYMENT OF STATE INDEMNITY
FOR BANG'S DISEASE

AN ACT TO PROVIDE FOR THE PAYMENT OF STATE INDEMNITY FOR BANG'S DISEASE REACTORS, TO COMBINE THE BANG'S DISEASE AND BOVINE TUBERCULOSIS ERADICATION APPROPRIATIONS, AND TO PROVIDE FOR BANG'S DISEASE FREE MODIFIED ACCREDITED AREAS:

WHEREAS, "Bang's Disease," formerly known as "contagious or infectious abortion" in cattle has become a serious menace to the cattle industry in the State, is of vital economic importance to the cattle owners in the State, and has seriously affected the interstate trade in dairy cattle; and,

WHEREAS, the United States Bureau of Animal Industry provides a fund to be expended in Delaware to assist in the control of this disease; and

WHEREAS, the Delaware cattle owners have requested that the Delaware State Board of Agriculture assist them in this project, 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 Thirty Thousand Dollars (\$30,000.00) be appropriated annually to the State Board of Agriculture for the purpose of paying indemnity, not to exceed twenty dollars (\$20.00) on any grade animal or Forty Dollars (\$40.00) on any registered pure bred animal, in addition to the Federal indemnity, on any cattle which react to the Bang's Disease test, under State-Federal supervision.

Section 2. That this fund be added to the appropriation provided for the "Eradition of Bovine Tuberculosis and Bang's

STATE BOARD OF AGRICULTURE
RELATING TO PAYMENT OF STATE INDEMNITY FOR
BANG'S DISEASE

Disease," and that such combined appropriation be entitled "The Control and Eradition of Contagious and Communicable Diseases of Livestock."

Section 3. That, when any owner of cattle in the State shall place his herd of cattle under State-Federal supervision for the eradication of Bang's Disease, and shall sign the Federal agreements for the testing of his herd, the blood samples from his cattle shall be taken by a veterinarian designated by the Board and tested in the Laboratory of the State Board of Agriculture or a Laboratory officially designated by the Board, by the agglutination test, and all animals which show a positive reaction to this test shall be identified by a "reactor" ear tag and brand, and shall be slaughtered, under Federal or State supervision. Animals showing a suspicious reaction to the Agglutination Test shall be held for sixty (60) days and retested.

Section 4. Any animal condemned for Bang's Disease shall be appraised and slaughtered by direction of the State Board of Agriculture or its duly appointed agent. Such appraisal shall be made in accordance with the market value of the animal by a person designated by the Board. The State indemnity shall be paid out of any funds designated for that purpose, but shall not exceed Twenty Dollars (\$20.00) for any grade animal or Forty Dollars (\$40.00) for any registered pure bred animal. The salvage obtained from the sale of hides and carcasses of these condemned animals shall in all cases revert direct to the owner. The balance of the appraisal, after the deduction of the salvage and the amount of the Federal indemnity, and not exceeding the State indemnity limit, shall be paid by the States; provided, however, that in no case, shall the total of the salvage Federal indemnity, and State indemnity exceed the total appraised value of the animal.

Section 5. The owner shall clean and disinfect the premises where reactors to the Agglutination Test for Bang's Disease have

STATE BOARD OF AGRICULTURE
RELATING TO PAYMENT OF STATE INDEMNITY FOR
BANG'S DISEASE

been found and removed, at his own expense, in accordance with instructions from the representative of the State Board of Agriculture, who shall inspect the said premises.

Section 6. If it is shown beyond a reasonable doubt that Bang's Disease exists in a herd of cattle, and the owner refuses to sign an agreement placing his herd under supervision of the State Board of Agriculture for the eradication of the disease, or refuses to have any reactors to the Bang's Disease test slaughtered at the direction of the Board, the Secretary of the State Board of Agriculture or his agent shall place such premises under quarantine by written notice and no cattle shall be allowed to be removed or any additions made to the herd while it is under such quarantine.

Section 7. When seventy-five per centum (75%) of the cattle owners in any county, hundred, district, or other designated area have tested herds of cattle or have made application to have their herds tested and are sufficiently interested in the work to cooperate with the State Board of Agriculture to the extent of making such county, hundred, district, or other designated area to become a "modified accredited area," and to comply with the State and Federal regulations in order to keep their own herds clean and to bring into such area only cattle which have been tested in accordance with the State and Federal regulations, the State Board of Agriculture shall have power, at such times as it is deemed advisable and expedient by the Board, to serve notice that such area shall be placed under quarantine and shall commence Bang's Disease testing under the area plan without expense to the owner, to the extent of funds available, providing the owners agree to comply with the provisions of this act and all orders, rules, and regulations formulated thereon.

Section 8. When seventy-five per centum (75%) of the cattle owners in any county, hundred, district, or other designated area have tested herds of cattle or have filed petitions and agree-

STATE BOARD OF AGRICULTURE
RELATING TO PAYMENT OF STATE INDEMNITY FOR
BANG'S DISEASE

ments with the State Board of Agriculture for the Bang's Disease testing of their cattle under the area or any other plan of testing approved by the State Board of Agriculture, the State Board of Agriculture "may quarantine all cattle on the premises of the remaining twenty-five per centum (25%) and may quarantine all products from such cattle, so that no cattle or products may be removed from such premises. When the owner of such cattle shall have complied with all rules and regulations or orders of the State Board of Agriculture, the State Board of Agriculture may remove the quarantine."

Section 9. Whenever a county, hundred, district, or other designated area has become enrolled in the area or any other plan of testing approved by the State Board of Agriculture, no cattle shall be brought into or moved within such county, hundred, district, or other designated area except as provided in the rules and regulations prescribed by the State Board of Agriculture.

Section 10. No person or persons shall treat any cattle with a material or substance for the purpose of interfering with a Bang's Disease test, or shall interfere in any way with a representative of the State Board of Agriculture who is making or assisting with a Bang's Disease test or shall alter or change an ear tag or other mark of identification for the purpose of concealing the identity of any cattle, or shall otherwise attempt to interfere with the identification of any cattle.

Section 11. When the percentage of Bang's Disease infected cattle within a county, hundred, district, or other designated area enrolled in the area or any other plan of Bang's Disease testing approved by the State Board of Agriculture, as shown by the last preceding Bang's Disease test of all breeding and dairy cattle within the county, hundred, district, or other designated area is reduced to meet the requirements of a "Modified Accredited Area," as officially defined by the United States Department of Agriculture, the

STATE BOARD OF AGRICULTURE
RELATING TO PAYMENT OF STATE INDEMNITY FOR
BANG'S DISEASE

State Board of Agriculture shall apply to the United States Department of Agriculture for the certification of such county, hundred, district, or other designated area as a "Modified Accredited Area."

Section 12. Any owner of cattle enrolled in the area or any other plan of testing approved by the State Board of Agriculture who fails or refuses to have his animals retested when notified by the State Board of Agriculture shall be considered as violating his agreement and shall become subject to the penalty provided herein.

Section 13. For the proper enforcement of the provisions of this Act, the State Board of Agriculture is hereby authorized and empowered to make and enforce orders, rules and regulations for the control and eradication and to prevent the spread of Bang's Disease or any other contagious or infectious disease to the cattle of the State; and issue any quarantine orders that may be deemed necessary to prevent the entrance of cattle affected with a contagious or infectious disease. Any person or persons violating any of the provisions of this Act or any order, rule or regulation made by the State Board of Agriculture under the provisions of this Act shall be subject to the penalty hereinafter provided.

Section 14. Any person, copartnership, association, or corporation violating any provision of this Act, or any rule or regulation promulgated by the State Board of Agriculture under the authority of this Act, shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the first offense, and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for any subsequent offense, or, in default of fine, to imprisonment for not less than ten (10) days nor more than thirty (30) days, besides the costs of prosecution, to be collected by summary conviction before any Justice of the Peace, as like fines and costs are now collected; provided, however, that any person so convicted shall

STATE BOARD OF AGRICULTURE
RELATING TO PAYMENT OF STATE INDEMNITY FOR
BANG'S DISEASE

have the right of appeal as in like cases before a Justice of Peace. The fines collected under this Act shall be paid forthwith to the State Treasurer and deposited in the General Fund.

Section 15. That, in order that the cattle owners of the State may have immediate benefit of this Act, the State Board of Agriculture is hereby authorized and empowered to begin Bang's Disease testing under the provisions of this Act immediately, paying the State indemnity from the funds already appropriated for the eradication of Bovine Tuberculosis and Bang's Disease, in accordance with the provisions of this Act, in so far as these funds shall permit, until the appropriation provided by this Act becomes available, on July 1, 1937.

Approved April 15, 1937.

CHAPTER 83

STATE BOARD OF AGRICULTURE
RELATING TO TRANSPORTATION AND SHIPMENT
OF LIVE POULTRY

AN ACT TO REGULATE THE TRANSPORTATION AND SHIPMENT OF LIVE POULTRY; LICENSE REQUIRED FOR SAME; REVOCATION FOR LICENSE AND PENALTY FOR VIOLATION THEREOF.

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

Section 1. Any person, firm or corporation engaged in the business of buying and/or selling live poultry, the meat of which is to be used for human consumption, shall annually apply for a license from the State Board of Agriculture. Application to be made on a form prescribed by the State Board of Agriculture. The Board shall make all rules and regulations pertaining to the granting and revoking of said licenses. The fee of each license shall not exceed the sum of One Dollar (\$1.00), to be paid to the State Board of Agriculture to cover the necessary expenses therewith. Said license shall be issued for a period of one year.

The State Board of Agriculture reserves the right to revoke any and all licenses for the violation of any rule or regulation prescribed by the said Board. Notices of revocation shall be sent to the licensee by registered mail. Said notice shall contain the reason for the revocation and will set a time for a hearing. Should the reasons as set out in said notice be sustained, the licenses shall be forthwith revoked.

Section 2. No person, firm or corporation, except the producer thereof, shall transport live poultry other than baby chicks, upon any of the highways of this State unless said person, firm or corporation shall accompany said live poultry, other than baby chicks, with an original or duplicate bill of sale for same. The said bill of sale shall be subject to inspection by the State High-

STATE BOARD OF AGRICULTURE
RELATING TO TRANSPORTATION AND SHIPMENT
OF LIVE POULTRY

way Police at any time or place. This section shall not be construed as applying to common carriers.

Section 3. Any person who shall be convicted of violating any of the provisions of this Act by any Justice of the Peace of the State of Delaware shall be fined not in excess of One Hundred Dollars (\$100.00) or imprisoned for not more than thirty days.

Approved May 18, 1937.

CHAPTER 84

STATE BOARD OF HEALTH
RELATING TO VENEREAL DISEASES

AN ACT TO AMEND CHAPTER 25 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO VENEREAL DISEASES, BY EXTENDING CONCURRENT JURISDICTION TO THE MUNICIPAL COURT OF THE CITY OF WILMINGTON TO HEAR AND DETERMINE VIOLATIONS OF THIS CHAPTER, BEING SECTION 35 OF ARTICLE 1.

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 Delaware, 1935, be and the same is hereby amended, by adding at the end of Article 1, Section 35 thereof, a new and additional paragraph, to be known as paragraph "G", as follows:

The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with other courts of New Castle County to hear, try and finally determine all violations of any of the provisions of this act committed within the corporate limits of the City of Wilmington and to punish all persons convicted of any such violations in the manner provided by law.

Approved April 15, 1937.

CHAPTER 85

STATE BOARD OF HEALTH RELATING TO PROGRAM FOR INDIGENT CRIPPLED CHILDREN

AN ACT TO AMEND ARTICLE 4, CHAPTER 25 OF THE REVISED CODE OF DELAWARE, 1935, DESIGNATING THE STATE BOARD OF HEALTH AS THE AGENCY OF THE STATE TO ADMINISTER A PROGRAM FOR INDIGENT CRIPPLED CHILDREN.

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

Section 1. That Article 4, Chapter 25, of the Revised Code of Delaware, 1935, relating to State Board of Health, be amended by adding at the end of said Article 4 the following new section:

819A. Sec. 76A. State Board of Health to Administer Program for Indigent Crippled Children:—The State Board of Health is hereby designated as the agency for and on behalf of the State of Delaware to administer a program of services for indigent children who are crippled or who are suffering from conditions which lead to crippling of children, and to supervise the administration of such services included in the program not administered directly by it. The purpose of such program shall be to develop, extend and improve services for locating such children and for providing for medical, surgical, corrective and for such other services and care, and for facilities for diagnosis, hospitalization and after-care.

In carrying out the provisions of the preceding paragraph the State Board of Health is hereby authorized:

(a) To formulate and administer a detailed plan or plans for the purposes specified in Paragraph 1 hereof, and to make such rules and regulations as may be necessary or desirable for the administration of such plans and the provisions of this Act. Any such plan shall make provision for:

STATE BOARD OF HEALTH
RELATING TO PROGRAM FOR INDIGENT CRIPPLED CHILDREN

(1) Financial participation by the State subject to the provisions of Sec. 72 Article 4 of Chapter 25 of the Revised Code of Delaware, 1935;

(2) Administration of the plan by the Department, and supervision by the Department of the administration of those services included in the State program which are not administered directly by it;

(3) Maintenance of records and preparation of reports of services rendered;

(4) Cooperation with medical, health, nursing, and welfare groups and organizations, and with any agency of the State charged with the administration of laws providing for vocational rehabilitation of physically handicapped children;

(5) Carrying out the purposes specified in Paragraph 1.

(b) To receive and expend in accordance with such plans all funds made available to the Department by the Federal Government, the State or its political subdivisions, or from other sources, for such purposes.

(c) To cooperate with the Federal Government, through its appropriate agency or instrumentality, in developing, extending, and improving such services, and in the administration of such plans.

(d) To cooperate with any individual or organization which may have been or shall be formed in the State for the purpose of improving services for crippled children.

(e) To expend such portions of its funds as may be necessary for carrying out the State plan in such a way as to meet the matching requirements of the Federal Government or any organ-

STATE BOARD OF HEALTH
RELATING TO PROGRAM FOR INDIGENT CRIPPLED CHILDREN

ization which may have been or shall be formed for the purpose of improving services for crippled children of the State.

In the event of the receipt of funds from the Federal Government or from other sources, it shall be the duty of the State Treasurer:

- A. To receive such funds.
- B. To act as custodian of such funds.
- C. To keep them in a special account to be known as the "Fund for Crippled Children", and
- D. To disburse these funds upon orders signed by the president of the State Board of Health, countersigned by the Executive Secretary of the said Board.

All acts or parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved May 19, 1937.

CHAPTER 86

MEDICAL COUNCIL OF DELAWARE

AN ACT TO AMEND CHAPTER 27 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE MEDICAL COUNCIL OF DELAWARE.

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

Section 1. That 920. Sec. 8, 921. Sec. 9, 922. Sec. 10, 924. Sec. 12, 925. Sec. 13, 926. Sec. 14, and 931. Sec. 19, of Chapter 27, of the Revised Code of Delaware, 1935, be and the same are hereby amended to read as follows:

920. Sec. 8. Expenses, How Paid; Surplus, How Disposed of:—From the fees provided by this Chapter the Medical Council shall pay, not to exceed said income, all proper expenses incurred by its provisions; and if any surplus above said expenses shall remain at the end of any year, it shall be apportioned among said medical Boards pro rata according to the number of candidates examined by each.

921. Sec. 9. Meetings of Boards; Organization; Officers; Quorum; Examination Committee:—An annual meeting of each of the examining boards, respectively, shall be held on the second Tuesday of July. At such meeting of each of the boards, respectively, an organization shall be effected by the election from their own membership of a president and secretary, for the purpose of examining applicants for certificate for license. Each of said Boards of Medical Examiners shall hold one or more stated or special meetings in each year, due notice of which shall be made public at such times and places as they may determine. At said stated or special meetings a majority of the members of either board shall constitute a quorum thereof, but the examination may be conducted by a committee duly authorized by said boards.

922. Sec. 10. Questions for Examination; How Determined:—Each Board of Medical Examiners, not less than one week prior to

MEDICAL COUNCIL OF DELAWARE

such examination, shall submit to the Medical Council of Delaware questions for thorough examinations in anatomy, physiology, hygiene, chemistry, surgery, obstetrics and gynecology, pathology, diagnosis, therapeutics, practice of medicine and materia medica.

924. Sec. 12. Certificates; Medical Council to Issue; When Refused or Revoked; To Whom Issued Without Usual Examination; Record of:—On receiving from either of said Boards of Medical Examiners such official report of the examination of any applicant for certificate for license, the Medical Council shall issue forthwith to each applicant who shall have been returned as having successfully passed the examination, a certificate to that effect.

The Medical Council of Delaware may refuse to issue a certificate for a license to practice medicine and surgery or may cancel or revoke a certificate issued for a license to practice medicine or surgery for the following causes, to-wit:

Material misrepresentation of facts in the application; chronic and persistent inebriety; the practice of criminal abortion; conviction of a crime involving moral turpitude or for publicly advertising special ability to treat or cure chronic incurable diseases, or where any person shall present to the said Medical Council any diploma, license or certificate that shall have been illegally obtained or that shall have been signed or issued unlawfully or under fraudulent representations; in complaints for violating the provisions of this Section, the accused person shall be furnished with a copy of the complaint and given a hearing before the said Medical Council in person or by attorney.

Applicants examined and licensed by State Examining and Licensing Boards of other States, or applicants examined and approved by the National Board of Medical Examiners and who also shall have engaged in active practice in the State from which they apply for a period of at least two consecutive years, upon the payment of One Hundred Dollars to the Treasurer of the Medical Council of Delaware, and on filing with the Secretary of said

MEDICAL COUNCIL OF DELAWARE

Medical Council a copy of his or her license or certificate certified to by the Secretary of such Board, showing also that the standard of requirements of the said Board at the time the said license or certificate was issued, was substantially the same as that required by the said Medical Council of Delaware, and of his or her affidavit as to the personality thereof, may be granted a certificate for a license to practice medicine and surgery by the said Medical Council upon the recommendation of the said Boards of Medical Examiners, without further examination thereby.

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

925. Sec. 13. Candidates; Qualifications; Order for Examination; Second Examination; Graduates Prior to July 1st, 1901, Qualifications; Graduates Prior to July 1st, 1896, Qualifications; Fees:—Any person not authorized to practice medicine and surgery in this State, and desiring to enter upon such practice, shall deliver to the Secretary of the Medical Council, upon the payment of a fee of Twenty-five Dollars, a written application for examination, together with satisfactory proof that the applicant is more than twenty-one years of age; is of good moral character, has completed a standard four-year high-school course, and completed two years of acceptable college work, including English, physics, chemistry, biology, and one foreign language; and has received a diploma conferring the degree of Doctor of Medicine from some legally incorporated medical college which in the opinion of the Medical Council was in good standing at the time of the issuing of the said diploma, and shall have served as an interne for one year in a hospital approved by the Medical Council. Applicants who have received their degree in medicine after the passage of this Act, must have pursued the study of medicine for at least twenty-eight months, prior to the granting of said degree, in some legally incorporated medical college or colleges, approved by the Medical Council. Such proof shall be made upon affidavit. Upon the making of said payment and proof, the Medical Council shall issue to said applicant an order for examination before such one of the State Board of Medical Examiners as the applicant for

MEDICAL COUNCIL OF DELAWARE

certificate may select. In case of failure at any such examination, the candidate, after the expiration of one year and within two years, shall have the privilege of a second examination by the same Board to which application was first made, without the payment of an additional fee, but if after six months and before two years from such examination, said application be withdrawn, the said Twenty-five Dollars shall upon demand be returned. Provided that applicants for license who graduated prior to July 1, A. D. 1901, and have been in continuous and reputable practice for at least five years since graduation, may be admitted to the examinations of one of said Boards, upon certified and satisfactory evidence of good moral character, of three courses of medical lectures in different calendar years, and of a competent academic education, according to the requirements of that time; and provided further, that applicants for license who graduated prior to July 1, A. D. 1896, and have been in continuous and reputable practice for at least ten years, may be admitted to the examination of one of said Boards upon certified and satisfactory evidence of good moral character, of two courses of medical lectures, in different calendar years, and of a competent academic education according to the requirements at that time.

No application will be accepted, either for examination or reciprocity, from a graduate of a foreign medical college, unless said applicant has acquired full American citizenship; has obtained a degree from an American medical college acceptable to the Medical Council; has served one year as an interne in an American hospital acceptable to the Medical Council; and has resided in the State of Delaware for at least one year. Exceptions to these qualifications may only be made on unanimous vote of the Medical Council.

926. Sec. 14. Practicing Medicine Without License, Unlawful; Temporary License; to Whom; Fee:—It shall not be lawful for any person to practice medicine or surgery in this State without having obtained a license therefor as hereinafter provided. But a temporary license, of not less than two weeks nor more than four months, may be granted to a resident and legally qualified physi-

MEDICAL COUNCIL OF DELAWARE

cian of another State to take charge of the practice of a resident and legally qualified physician of this State, during the latter's temporary illness or absence from this State, upon the written request of a physician residing in this State, and the payment to the Secretary of the Medical Council of a fee of Five Dollars for the use of said Council, and when such temporary license is so issued, the physician receiving such license shall have the right to practice medicine in the State of Delaware, for the time specified in said temporary license.

931. Sec. 19. Osteopaths; Examination of; License To:— Any practitioner of the system, method or science of treating diseases of the human body commonly called osteopathy, who is now authorized by the Laws of this State to practice osteopathy in this State, is authorized to continue in such practice without further conforming to, and notwithstanding any of the provisions of this Chapter, upon such practitioner of osteopathy paying to the State, the State license tax prescribed by law for physicians. All other persons proposing to practice osteopathy in this State shall be examined by the Medical Council and some reputable practitioner in Osteopathy in this State to be designated by the Medical Council; and provided further that all such future applicants to so practice shall be examined only upon such questions as shall be selected by the Medical Council and such selected associated practitioner of Osteopathy in anatomy, physiology, hygiene, chemistry, obstetrics and gynecology, pathology, diagnosis, surgery, practice, and principles of Osteopathy, and shall satisfy said Medical Council and such selected associated practitioner of Osteopathy that before beginning the study of Osteopathy, each such applicant has received a diploma from a high school, and that each such applicant has given sufficient study to and has been sufficiently instructed in the subjects last above enumerated. Any person who is the holder of a diploma regularly issued by any legally chartered and regularly conducted school of Osteopathy which maintains a course of study in hours, subjects and terms equal to the hours, subjects and terms maintained by the Association of Osteopathic Colleges, who has been in personal attendance as a student in such legally chartered and regularly conducted school for at least four years,

MEDICAL COUNCIL OF DELAWARE

certificate may select. In case of failure at any such examination, the candidate, after the expiration of one year and within two years, shall have the privilege of a second examination by the same Board to which application was first made, without the payment of an additional fee, but if after six months and before two years from such examination, said application be withdrawn, the said Twenty-five Dollars shall upon demand be returned. Provided that applicants for license who graduated prior to July 1, A. D. 1901, and have been in continuous and reputable practice for at least five years since graduation, may be admitted to the examinations of one of said Boards, upon certified and satisfactory evidence of good moral character, of three courses of medical lectures in different calendar years, and of a competent academic education, according to the requirements of that time; and provided further, that applicants for license who graduated prior to July 1, A. D. 1896, and have been in continuous and reputable practice for at least ten years, may be admitted to the examination of one of said Boards upon certified and satisfactory evidence of good moral character, of two courses of medical lectures, in different calendar years, and of a competent academic education according to the requirements at that time.

No application will be accepted, either for examination or reciprocity, from a graduate of a foreign medical college, unless said applicant has acquired full American citizenship; has obtained a degree from an American medical college acceptable to the Medical Council; has served one year as an interne in an American hospital acceptable to the Medical Council; and has resided in the State of Delaware for at least one year. Exceptions to these qualifications may only be made on unanimous vote of the Medical Council.

926. Sec. 14. Practicing Medicine Without License, Unlawful; Temporary License; to Whom; Fee:—It shall not be lawful for any person to practice medicine or surgery in this State without having obtained a license therefor as hereinafter provided. But a temporary license, of not less than two weeks nor more than four months, may be granted to a resident and legally qualified physi-

MEDICAL COUNCIL OF DELAWARE

cian of another State to take charge of the practice of a resident and legally qualified physician of this State, during the latter's temporary illness or absence from this State, upon the written request of a physician residing in this State, and the payment to the Secretary of the Medical Council of a fee of Five Dollars for the use of said Council, and when such temporary license is so issued, the physician receiving such license shall have the right to practice medicine in the State of Delaware, for the time specified in said temporary license.

931. Sec. 19. Osteopaths; Examination of; License To:— Any practitioner of the system, method or science of treating diseases of the human body commonly called osteopathy, who is now authorized by the Laws of this State to practice osteopathy in this State, is authorized to continue in such practice without further conforming to, and notwithstanding any of the provisions of this Chapter, upon such practitioner of osteopathy paying to the State, the State license tax prescribed by law for physicians. All other persons proposing to practice osteopathy in this State shall be examined by the Medical Council and some reputable practitioner in Osteopathy in this State to be designated by the Medical Council; and provided further that all such future applicants to so practice shall be examined only upon such questions as shall be selected by the Medical Council and such selected associated practitioner of Osteopathy in anatomy, physiology, hygiene, chemistry, obstetrics and gynecology, pathology, diagnosis, surgery, practice, and principles of Osteopathy, and shall satisfy said Medical Council and such selected associated practitioner of Osteopathy that before beginning the study of Osteopathy, each such applicant has received a diploma from a high school, and that each such applicant has given sufficient study to and has been sufficiently instructed in the subjects last above enumerated. Any person who is the holder of a diploma regularly issued by any legally chartered and regularly conducted school of Osteopathy which maintains a course of study in hours, subjects and terms equal to the hours, subjects and terms maintained by the Association of Osteopathic Colleges, who has been in personal attendance as a student in such legally chartered and regularly conducted school for at least four years,

MEDICAL COUNCIL OF DELAWARE

for terms of not less than nine months in each year before graduation, and who shall be of good moral character, shall be eligible to such examination, notwithstanding any of the provisions of this Chapter. Upon successfully passing said examination the applicant to practice osteopathy shall be entitled to receive, and shall receive from said Medical Council, an appropriate certificate entitling him to practice as an Osteopathic physician in this State. The State Tax Commissioner shall, upon the payment of the amount of the State license fee prescribed by law for physicians, issue to any practitioner of Osteopathy authorized by law to practice Osteopathy in this State and to any such person who shall present to him such certificate of the Medical Council, a license signed by the State Tax Commissioner, certifying that such person is authorized to practice as an Osteopathic physician in this State conformably to the Laws thereof. Any person practicing Osteopathy without such a license shall be subject to the penalties provided for in this Chapter. Applicants for examination shall pay the same fees as are required by this Chapter to be paid by applicants to practice medicine and surgery in this State. A certificate issued for a license to practice Osteopathy may be revoked by the Medical Council for the same causes and under the same procedure that certificates to practice medicine or surgery may be revoked under this Chapter.

Approved April 30, 1937.

CHAPTER 87

STATE BOARD OF PHARMACY

AN ACT TO AMEND CHAPTER 28 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, IN RELATION TO THE STATE BOARD OF PHARMACY.

Be it enacted by the Senate and the 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 28 of the Revised Code of the State of Delaware, 1935, be and the same hereby is amended by repealing 944. Sec. 9, and inserting in lieu thereof a new section to be known as 944. Sec. 9, as follows:

944. Sec. 9. Qualifications of Applicants for License as Pharmacist and Assistant Pharmacist:—An applicant to be licensed as a pharmacist shall be not less than twenty-one years of age, shall present to the Board of Pharmacy satisfactory evidence that he is a graduate of a recognized school or college of pharmacy and shall pass a satisfactory examination by or under the direction of the Board of Pharmacy.

An applicant to be licensed as an assistant pharmacist shall be not less than eighteen years of age, shall have a general education sufficient in the judgment of the Board of Pharmacy, shall have not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination by or under the direction of the Board of Pharmacy.

Provided, however, that in the case of persons who have attended a reputable school or college of pharmacy the actual time of attendance at such school or college may, in the discretion of the Board of Pharmacy, be deducted from the time of experience required of pharmacists and assistant pharmacists, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

STATE BOARD OF PHARMACY

Section 2. That Chapter 28 of the Revised Code of the State of Delaware, 1935, be and the same hereby is amended by adding thereto a new section to be known as 956A Sec. 22, as follows:

956A. Sec. 22. It shall be unlawful for any person, copartnership, association or corporation to operate, maintain, open or establish any pharmacy within this State without first having obtained a permit so to do from the State Board of Pharmacy.

The application for such permit shall be made on a form to be prescribed and furnished by the said State Board of Pharmacy and shall be accompanied by a required fee of One Dollar (\$1.00), which amount shall also be paid as the fee for each renewal of such permit.

If it is desired to operate, maintain, open or establish more than one pharmacy, separate applications shall be made and separate permits issued for each.

On evidence satisfactory to the said State Board of Pharmacy: (a) that the pharmacy for which the permit is sought will be conducted in full compliance with the law and with the rules and regulations of the said State Board of Pharmacy; (b) that the location and appointments of said pharmacy are such that it can be operated and maintained without endangering the public health or safety; and (c) that said pharmacy will be constantly under the personal and immediate supervision of a registered pharmacist, a permit shall be issued to such persons, copartnerships, associations or corporations as the said Delaware Board of Pharmacy shall deem qualified to conduct such pharmacy.

No permit shall be issued or continued for the conduct of a pharmacy unless the premises of such pharmacy shall be equipped with proper sanitary appliances and kept in a clean and orderly manner.

If an application shall be refused, the said State Board of Phar-

STATE BOARD OF PHARMACY

macy shall notify the applicant in writing of its decision and the reasons therefor.

Permits issued under the provisions of this section shall be exposed in a conspicuous place in the pharmacy for which issued. Such permits shall not be transferable; shall expire on the last day of December following the date of issue, and shall be renewed annually.

Application blanks for renewal permits shall be mailed by the State Board of Pharmacy to each permittee on or before November 1st in each year, and if application for renewal is not made on or before the following first day of December, the existing permit shall lapse and become null and void on the date of its expiration, and no new permit will be granted except: (a) upon evidence satisfactory to the said State Board of Pharmacy of good and sufficient grounds of the failure to file the application for renewal within the time prescribed; and (b) upon payment of a renewal fee of Five Dollars (\$5.00).

The said State Board of Pharmacy shall make such rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes and enforce the provisions of this section, and is hereby authorized, after due notice and opportunity for hearing, to revoke any permit when examination or inspection of the pharmacy shall disclose that such pharmacy is not being conducted according to law or is being so conducted as to endanger the public health or safety.

Any person, copartnership, association or corporation, to whom the said State Board of Pharmacy has refused to issue a permit, or whose permit has been revoked, may appeal from the decision and order of said State Board of Pharmacy to the Superior Court of the State of Delaware for the County in which the pharmacy or proposed pharmacy in question is or is intended to be located, at any time within thirty (30) days after the date of the receipt by the applicant of the decision of the said State Board of Pharmacy; provided, however, that if the appellant shall give bond with

STATE BOARD OF PHARMACY

surety to be approved by a Judge of said Superior Court in the penal sum of Five Hundred Dollars (\$500.00) conditioned to pay all costs if the decision and order appealed from shall be affirmed, and to abide in all respects with the orders and decrees of said Superior Court on said appeal, the execution of said decision and order shall be stayed pending such appeal.

Any person, copartnership, association or corporation, violating any of the provisions of this section, shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than One Hundred Dollars (\$100.00) for each offense, and each and every day such violation continues shall constitute a separate and distinct offense.

Section 3. That Chapter 28 of the Revised Code of the State of Delaware, 1935, be and the same hereby is amended by adding thereto a new section to be known as 956B. Sec. 23, as follows:

956B. Sec. 23. No drugs, or medicines, toilet preparations, dentifrices or cosmetics shall be manufactured, made, produced, packed, packaged, or prepared within this State, except under the personal and immediate supervision of a registered pharmacist or such other persons as may be approved by the State Board of Pharmacy after an investigation and a determination by the said Board that they are qualified by scientific or technical training and/or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture, make, produce, pack, package or prepare any such articles without first obtaining a permit so to do from the State Board of Pharmacy. Such permit shall be subject to such rules and regulations, with respect to sanitation and/or equipment, as the said Board of Pharmacy may from time to time adopt for the protection of the public health and safety.

The application for such permit shall be made on a form to be prescribed and furnished by the said State Board of Pharmacy, and shall be accompanied by a required fee of One Dollar (\$1.00),

STATE BOARD OF PHARMACY

which amount shall also be paid as the fee for each renewal of such permit. Separate applications shall be made and separate permits issued for each separate place of manufacture, making, production, packing, packaging or preparation.

Permits issued under the provisions of this section shall be exposed in a conspicuous place in the factory or place for which issued; such permits shall not be transferable; shall expire on the last day of December following the date of issue and shall be renewed annually.

Any person aggrieved by any rule or regulation promulgated by the said State Board of Pharmacy under the provisions of this section shall be entitled to have his complaint set down for hearing by said Board. Requests for such hearings shall be made in writing and shall specify in detail the basis for the complaint, and the hearing shall be held within ten (10) days from the date of the receipt of said request by the said board, unless postponed by mutual agreement.

The said board shall have the power to make such rules and regulations with respect to the conduct of such hearings as may be necessary.

Any person aggrieved by any order of the said Board of Pharmacy, passed after such hearing, may appeal therefrom to the Superior Court of the State of Delaware for the County in which such person resides, any time within thirty (30) days after the passage of the said order; and upon said appeal, the Court shall hear and determine the issues raised thereby de novo.

Any person, firm or corporation violating any of the provisions of this section, and any permittee hereunder who shall violate any of the conditions of his permit or any of the rules or regulations adopted by the said State Board of Pharmacy in pursuance of the power hereby conferred, shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than Fifty Dollars (\$50.00) for each offense, and each and every day such violation

STATE BOARD OF PHARMACY

continues shall constitute a separate and distinct offense; and, upon conviction of a permittee hereunder, his permit shall also forthwith be revoked and become null and void.

Nothing in this section shall be construed to apply to those operating retail pharmacies or drug stores.

Section 4. That Chapter 28 of the Revised Code of the State of Delaware, 1935, be and the same hereby is amended by adding thereto a new section to be known as 956C. Sec. 24, as follows:

956C. Sec. 24. Every registered pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Delaware Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess. No permit shall be issued or continued for the conduct of a pharmacy until the provisions of this section shall have been complied with, and any person violating this section shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than Fifty Dollars (\$50.00).

Section 5. That Chapter 28 of the Revised Code of the State of Delaware, 1935, be and the same hereby is amended by adding thereto a new section to be known as 956D. Sec. 25, as follows:

956D. Sec. 25. The members of the State Board of Pharmacy and the duly authorized agents and employees of the Delaware State Board of Health shall have the power to inspect in a lawful manner the medicines or drugs or drug products or domestic remedies which are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, or kept for sale, in the State, and for this purpose shall have the right to enter and inspect during business hours any pharmacy or any other place in the State of Delaware where medicines or drugs or drug products or domestic remedies are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, or kept for sale. The State Board of Pharmacy

STATE BOARD OF PHARMACY

and its duly authorized agents and representatives, and the State Board of Health and its duly authorized agents and representatives, shall have the power to inspect in a lawful manner the medicines or drugs or drug products or domestic remedies which are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, or kept for sale in the State, and for this purpose shall have the right to enter and inspect during business hours any pharmacy or other place in the State of Delaware where medicines or drugs or drug products or domestic remedies are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, or kept for sale.

The State Board of Pharmacy be and it is hereby authorized and empowered to employ such agents, representatives and inspectors as may be necessary to give effect to the provisions of this paragraph and to assure the proper enforcement of the other provisions of this chapter.

Any person who shall in any manner hinder such entry or inspection shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than One Hundred Dollars (\$100.00) for each offense.

Section 6. That Chapter 28 of the Revised Code of the State of Delaware, 1935, be and the same hereby is amended by repealing 955 Sec. 20 and by inserting a new section to be known as 955. Sec. 20, as follows:

955. Sec. 20. Any Justice of the Peace of the State of Delaware, or the Municipal Court of the City of Wilmington, shall have jurisdiction of any offense arising under this Chapter as amended, and each and every section and amended section thereof. Any person, firm or corporation convicted of such offense, before any such Justice of the Peace or the Municipal Court, shall have the right to appeal to the Court of General Sessions in and for the County in which said conviction was had, upon giving bond in the sum of Two Hundred Dollars (\$200.00) to the State of Delaware, with surety satisfactory to the said Justice of the Peace or

STATE BOARD OF PHARMACY

Judge of the Municipal Court, by whom said person was convicted, provided such appeal shall be taken and bond given within three days from the time of said conviction.

Section 7. If any clause, sentence, or 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 April 29, 1937.

CHAPTER 88

STATE BOARD OF EXAMINERS OF UNDERTAKERS

AN ACT TO AMEND 1024, SECTION 7, CHAPTER 32, REVISED CODE OF DELAWARE (1935), RELATIVE TO STATE BOARD OF EXAMINERS OF UNDERTAKERS.

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

Section 1. That 1024, Section 7, Chapter 32, Revised Code of Delaware (1935) be amended by striking out all of said 1024, Section 7 and substituting in lieu thereof the following:

1024. Section 7. Undertaking Business When Unlawful:—It shall be unlawful for any person or persons, firm or corporation, to engage in or assist in the conduct or management of an undertaking business in this State unless he, she, they or it shall have obtained a certificate as hereinbefore provided and no such certificate shall be issued by the said Board of Examiners to any person or persons, firm or corporation engaged in or organized for the purpose of selling, leasing or otherwise disposing of real property, exempted by the laws of this State from taxation, to be used for the interment of human dead bodies.

Section 2. That this Act shall become effective upon approval.

Approved April 7, 1937.

CHAPTER 89

STATE BOARD OF EXAMINERS OF UNDERTAKERS

AN ACT TO AMEND 1023, SECTION 6, CHAPTER 32, REVISED CODE OF DELAWARE (1935), RELATIVE TO STATE BOARD OF EXAMINERS OF UNDERTAKERS.

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

Section 1. That 1023, Section 6, Chapter 32, Revised Code of Delaware (1935), be and the same is hereby amended by striking out all of said 1023, Section 6, and substituting in lieu thereof the following:

1023. Section 6. Certificate to Become Void; When; New Certificate:—When any person, upon whose examination, a certificate was issued to any firm or corporation or to such person for its, his or her undertaking business under the provisions of Section 5 of this Chapter, shall cease to be a member of said firm or corporation or shall be deceased, the right of said firm or corporation to continue in said business shall cease and determine but the estate of a decedent may be continued in the undertaking business, under the supervision and direction of a licensed undertaker of this State, until such time as the estate shall have been settled but not beyond a period of two years from the date of the decedent's death; provided, however, a new certificate may be issued to such firm or corporation in accordance with the provisions of said Section 5, and upon the issuance of said new certificate the said firm or corporation shall again be entitled to all the benefits of this Chapter.

Section 2. All Acts or parts of Acts inconsistent herewith are repealed to the extent of the inconsistency only.

Approved April 7, 1937.

CHAPTER 90

STATE BOARD OF EXAMINERS OF UNDERTAKERS

AN ACT TO AMEND 1022, SECTION 5, CHAPTER 32, REVISED CODE OF DELAWARE (1935), RELATIVE TO STATE BOARD OF EXAMINERS OF UNDERTAKERS.

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

Section 1. That 1022, Section 5, Chapter 32, Revised Code of Delaware (1935), be amended by striking out all of the last paragraph of the said 1022, Section 5 and substituting in lieu thereof the following new paragraph:

Any person or member of a firm or corporation, who shall desire to engage in the undertaking business in this State, shall before applying for examination as hereinafter provided have been a bona fide resident of the State of Delaware for a period of two years prior thereto and have served an apprenticeship of at least two years with a licensed undertaker of this State, who must have registered the name, age and address of the apprentice with the Secretary of the "State Board of Undertakers" at the beginning of the apprenticeship; provided, however, should such apprenticeship have been served with more than one licensed undertaker of this State, such registration must have been made by all of the licensed undertakers concerned.

Section 2. All acts or parts of acts not consistent with this Act be and the same are hereby repealed.

Approved April 7, 1937.

CHAPTER 91

BOARD OF EXAMINERS OF BARBERS

AN ACT TO AMEND CHAPTER 33 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO BOARD OF EXAMINERS OF BARBERS.

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

Section 1. That Chapter 33 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 1034 Section 5 of said Chapter the following new paragraph to read as follows:

Any barber who has successfully passed the examination given by the Board of Examiners of Barbers and who has received a certificate of registration and who shall allow his annual certificate of registration to lapse for any good and sufficient reason and who shall apply for a renewal of his annual certificate of registration shall not be required to take another examination but he shall receive an annual certificate of registration upon the payment of a fee of One Dollar.

Approved April 26, 1937.

CHAPTER 92

PUBLIC ARCHIVES COMMISSION

AN ACT TO AMEND CHAPTER 36 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE 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, 1935, be and the same is hereby amended by adding a new paragraph at the end of 1090. Sec. 7, of said Chapter 36, to be known as 1090A. Sec. 7A.; as follows:

1090A. Sec. 7A. No officer of any court, department, board, commission, or agency of the State of Delaware or of any county or incorporated municipality therein, shall destroy, sell or otherwise dispose of any public record or printed public document, or official correspondence in his care or custody or under his control, or which are no longer in current use without first having advised the Public Archives Commission of their nature, and obtained its written consent. Nothing herein contained shall be construed to allow or permit the destruction or sale of any court, departmental, board, commission or agency minutes, maps, plans or papers having to do with legal titles.

In construing the provisions of this Act and other statutes appertaining thereto, the words "public records" shall mean any written or printed book, document, or paper, map or plan, which is the property of any court, department, board, commission or agency of the State of Delaware or of any county or incorporated municipality therein, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the State of Delaware or of a county or an incorporated municipality has received or is required to receive for recording or filing.

Whoever shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof

PUBLIC ARCHIVES COMMISSION

shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars.

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 May 11, 1937.

CHAPTER 93

PUBLIC ARCHIVES COMMISSION

RELATING TO BOOKS, RECORDS, DOCUMENTS & PAPERS
OF HISTORIC OR PUBLIC INTERESTAN 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:*

Section 1. All books, records, documents, maps and papers of historic or public interest which are in or shall come into the possession of any State department, board, commission or agency shall, upon the termination of such department, board, commission or agency, be transferred to the custody of the Public Archives Commission.

Approved April 30, 1937.

CHAPTER 94

PUBLIC ARCHIVES COMMISSION RELATING TO HISTORIC MARKERS

AN ACT AUTHORIZING THE PUBLIC ARCHIVES COMMISSION TO ERECT HISTORIC MARKERS IN THE STATE OF DELA- WARE.

*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 passage and approval of this Act, 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, and also all monuments, tablets, and markers heretofore or hereafter erected by the Public Archives Commission.

Approved May 11, 1937.

CHAPTER 95

MOTHERS PENSION COMMISSION

AN ACT AMENDING CHAPTER 39 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTHERS' PENSION COMMISSION SO THAT THE PROVISIONS THEREOF MAY CONFORM WITH FEDERAL LAW CONCERNING DEPENDENT CHILDREN.

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

Section 1. That Chapter 39 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of said Chapter 39 and by inserting in lieu thereof the new Chapter 39.

1104. Section 1. Definitions:—As used in this Act: "State Department" means the Mothers' Pension Commission as now created.

"Dependent child" means a needy child under the age of sixteen, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home, or any other person, in loco parentis, designated by the Mothers' Pension Commission and the child or the parent or parents, guardian or guardians has/have been continuous resident/residents of the State of Delaware for a period of one year.

"Assistance" means money payments with respect to a dependent child or children.

"Supplementary Service" means services other than money payments to dependent children and their families in need.

MOTHERS PENSION COMMISSION

1105. Section 2. This Act shall be administered by the Mothers' Pension Commission. The Commission shall consist of nine persons, three from each County, who shall serve without pay, except for travelling expenses actually incurred in the work of the Commission. Members of the Commission shall be appointed for terms of three years. The present members of the Commission shall continue in office until their respective terms shall expire. The Governor shall appoint successors to fill the vacancies caused by the expiration of the terms of the present members of the Commission and of future members of the Commission. In case of a vacancy caused by death, resignation, refusal to serve or otherwise, the Governor shall make appointments to fill such vacancy or vacancies for the balance of the unexpired term; provided, however, that not more than three Commissioners shall reside in any one County.

1106. Section 3. Eligibility for Assistance to Dependent Children:—Assistance shall be granted under this Act to any dependent child who is living in a suitable family home meeting the standard of care and health fixed by the laws of this State and the rules and regulations of the State Department thereunder.

1107. Section 4. Amount of Assistance:—The amount of assistance and supplementary services which shall be granted for any dependent child shall be determined by the State Department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

1108. Section 5. Duties of State Department:—The State Department shall:

- (a) Administer assistance to dependent children under this Act;
- (b) Make such rules and regulations and take such action

MOTHERS PENSION COMMISSION

as may be necessary or desirable for carrying out the provisions of this Act;

(c) Establish minimum standards for personnel employed by the State Department in the administration of this Act and make necessary rules and regulations to maintain such standards;

(d) Cooperate with the Federal Government in matters of mutual concern pertaining to assistance to dependent children;

(e) Make such reports in such form and containing such information as the Federal Government may from time to time require, and comply with such provisions as the Federal Government may from time to time find necessary to assure the correctness and verification of such reports;

(f) Publish an annual report and such interim reports as may be necessary;

(g) Make a report each three months to the Levy Court of each County of all warrants drawn on the respective County Treasurer during the preceding three months.

1109. Section 6. Application for Assistance:—Application for assistance under this Act shall be made to the office of the State Department. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the State Department. Such application shall be made by the person with whom the child will live and shall contain information as to the age and residence of the child and such other information as may be required by the State Department. One application may be made for several children of the same family if they reside with the same person.

1109a. Section 6a. Investigation of Applications:—Whenever the State Department receives a notification of the dependency of a child or an application for assistance, an investigation shall be made by a member of the staff of the State Department and a

MOTHERS PENSION COMMISSION

record shall be made of the circumstances in order to ascertain the dependency of the child and the facts supporting the application.

The investigation shall include a visit to the home of the child and of the person who will have the custody of the child during the time assistance is granted.

1109b. Section 6b. Granting of Assistance:—Upon the completion of such investigation the State Department shall decide whether the child is eligible for assistance under the provisions of this Act, and determine the amount of such assistance and the date on which such assistance shall begin. The State Department shall notify the applicant of its decision. Such assistance shall be paid monthly or more often to the applicant upon order of the State Department.

1109c. Section 6c. Appeal to the State Department:—If an application is not acted upon by the State Department within a reasonable time after the filing of the application, or is denied in whole or in part, or if any award of assistance is modified or cancelled under any provision of this Act, the applicant or recipient may appeal to the State Department in the manner and form prescribed by the State Department. The State Department shall, upon receipt of such an appeal, give the applicant or recipient reasonable notice and opportunity for a fair hearing.

1109d. Section 6d. Periodic Reconsideration and Changes in Amount of Assistance:—All assistance grants made under this Act shall be reconsidered by the State Department as frequently as it may deem necessary. After such further investigation as the State Department may deem necessary, the amount of assistance may be changed or assistance may be entirely withdrawn if the State Department finds that the child's circumstances have altered sufficiently to warrant such action.

1109e. Section 6e. Limitations of Act:—All assistance granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no person shall have any claim for

MOTHERS PENSION COMMISSION

compensations, or otherwise, by reason of a child's assistance being affected in any way by any amending or repealing Act.

1110. Section 7. Payments, How Made, Duty of Receiver of Taxes and County Treasurer; Administration Expenses; Duty of State Treasurer; Limitations:—The amount paid to a beneficiary hereunder shall be on a warrant drawn by the Commission or authorized agent thereof, on the Receiver of Taxes and County Treasurer of the County in which such beneficiary resides. And the said Receiver of Taxes and County Treasurer is hereby authorized and directed to pay the said warrants on the approval of the Comptroller of said County out of any moneys he may have belonging to said County not otherwise appropriated. The Levy Courts of each County are hereby authorized and directed to levy and collect all necessary taxes and make adequate appropriations for the purpose of carrying out the provisions of this Act.

The travelling and administrative expenses of the Commission shall be paid on warrants drawn by the Commission, or authorized agent thereof, on the State Treasurer, and the State Treasurer is authorized and directed to pay said warrants on the approval of the State Auditor, from any money he may have belonging to the State not otherwise appropriated.

1111. Section 8. On the first day of every calendar month, the Receiver of Taxes and County Treasurer of each County shall certify under oath, in duplicate, to the Secretary of the State, and to the State Treasurer, the amount paid out by such County during the preceding month under this Chapter, and the State Treasurer thereupon shall pay to the Receiver of Taxes and County Treasurer of the said County, (1) a sum equal to one-half of the amount paid out by such County for such grants in which the Federal Government does not participate and a sum equal to the State's proportion of the amounts paid out by such County for such grants in which the Federal Government participates, the State's share (exclusive of the Federal Government's share) shall at all times equal such County's share, (2) for the purpose of this Act the sum of \$71,900.00 is appropriated for the year beginning July 1,

MOTHERS PENSION COMMISSION

1937 and ending June 30, 1938 and the like sum of \$71,900.00 is hereby appropriated for the year beginning July 1, 1938 and ending June 30, 1939, out of any moneys in the State Treasury, not otherwise appropriated. The appropriation hereby made shall not be in addition to the appropriation made to the Mothers' Pension Commission under the provisions of the General Appropriation Bill, but shall be construed to be one and the same appropriation.

1112. Section 9. Federal Financial Participation:—The State Treasurer is authorized and directed to receive all money paid to the State by the Secretary of the Treasury of the United States on account of assistance provided under the provisions of this Act, and to make payments from such moneys and moneys appropriated under this or any other Act, in accordance with provisions of this Act, and the provisions of the United States Social Security Act.

Section 2. Repeal of Existing Laws:—All provisions of law in conflict with this Act are hereby repealed.

Section 3. Separability Clause:—If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved May 20, 1937.

CHAPTER 96

STATE BOARD OF CHARITIES

UNIFORM TRANSFER OF DEPENDENTS ACT

AN ACT AUTHORIZING RECIPROCAL AGREEMENTS FOR THE SUPPORT OF POOR AND INDIGENT PERSONS AND TO MAKE UNIFORM THE LAW IN REFERENCE THERETO.

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

Section 1. (Reciprocal Agreements) The State Board of Charities, subject to the approval of the Attorney General, is hereby authorized to enter into reciprocal agreements with corresponding State agencies of other States regarding the interstate transportation of poor and indigent persons, and to arrange with the proper officials in this State for the acceptance, transfer, and support of persons receiving public aid in other States in accordance with the terms of such reciprocal agreements; provided that this State shall not nor shall any county or other political subdivision of this State be committed to the support of persons who are not in the opinion of said State Board of Charities entitled to public support by the laws of this State.

Section 2. (Uniformity of Interpretation) This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Section 3. (Short Title) This Act may be cited as the Uniform Transfer of Dependents Act.

Section 4. (Time of Taking Effect) This Act shall take effect immediately upon approval of the Governor.

Approved May 17, 1937.

CHAPTER 97

STATE BOARD OF CHARITIES

RELATING TO NON-RESIDENT DEPENDENT CHILDREN

AN ACT TO AMEND CHAPTER 41 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO NON-RESIDENT DEPENDENT CHILDREN.

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 Delaware, 1935, be and the same is hereby amended by striking out all of 1126, Sec. 12, of said Chapter 41, and inserting in lieu thereof the following, to be known as 1126, Sec. 12, to-wit:

1126. Sec. 12. Unlawful to Bring or Send Non-Resident Dependent Children Into State for Free or Wage Boarding; Exception; Consent of Board, When Required:—It shall be unlawful for any person or corporation of the State of Delaware and/or 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 placement of such child in any home for free or wage boarding or for the purpose of adoption without the written consent of the State Board of Charities having first been obtained; and such person, agency, institution, association, corporation, board, or commission shall abide by all rules laid down by the State Board of Charities under Section 14 of Chapter 41 of the Revised Code of Delaware, 1935.

Section 2. That all acts or parts of acts inconsistent with the provisions of this Act are hereby repealed only to the extent of inconsistency.

Approved April 30, 1937.

CHAPTER 98

STATE BOARD OF CHARITIES

RELATING TO DEPENDENT AND NEGLECTED CHILDREN

AN ACT RELATING TO DEPENDENT AND NEGLECTED CHILDREN OF THE STATE OF DELAWARE, DEFINING THE WORDS "DEPENDENT" AND "NEGLECTED" IN THEIR RELATION THEREOF; AND MAKING AN APPROPRIATION TO THE STATE BOARD OF CHARITIES FOR THE SUPERVISION, CARE, CUSTODY, BOARD AND PLACEMENT THEREOF.

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

Section 1. That for the purposes of this Act the words "dependent child" shall mean a child under eighteen years of age who is homeless or destitute or without proper support or care through no fault of his or her parent, guardian or custodian; or who lacks proper care by reason of the mental or physical condition of the parent, guardian or custodian.

The words "neglected child" shall mean a child under eighteen years of age who is abandoned by his or her parent, guardian or custodian, or who lacks proper parental care by reason of the fault or habits of said parent, guardian or custodian; or whose parent, guardian or custodian neglects or refuses to provide proper or necessary subsistence, education, medical or surgical care or other care necessary for his health, morals or well-being; or whose parent, guardian, or custodian neglects or refuses to provide the special care made necessary by his or her mental condition; or who is found in a disreputable place, or who associates with vagrant, vicious or immoral persons, or who engages in an occupation dangerous to life or limb, or forbidden by the law of this State, or injurious to the health or morals of himself or herself or others.

Section 2. All dependent or neglected children as defined in this Act, shall be considered for the purposes of this Act, wards

STATE BOARD OF CHARITIES
RELATING TO DEPENDENT AND NEGLECTED CHILDREN

of the State and in need of care and protection, and the State Board of Charities by and through its child welfare department, whether it be a division of Child Welfare, or otherwise, created in accordance with the powers already vested in the State Board of Charities under the provisions of Chapter 41 of the Revised Code of Delaware, 1935, shall exercise such duties as shall be necessary, proper and expedient for the supervision, care, custody, board and placement of said dependent and neglected children.

Section 3. The State Board of Charities is hereby authorized and empowered to utilize services of other child welfare agencies and to allocate and turn over unto said agencies operating within the State of Delaware and rendering child welfare services, any portion of funds appropriated for the purposes of this Act and as may from time to time be deemed necessary, proper and expedient for the supervision, care, custody, board and placement of dependent and neglected children.

Section 4. That for the purpose of properly carrying into effect the provisions of this Act, there is hereby appropriated unto the State Board of Charities the sum of \$70,050 for the year beginning July 1, 1937 and ending June 30, 1938 and there is hereby further appropriated the sum of \$61,850 for the year beginning July 1, 1938 and ending June 30, 1939.

Of the amount appropriated for the year beginning July 1, 1937 and ending June 30, 1938, namely a total of \$70,050, the State Board of Charities is hereby given authority to allocate to the Children's Bureau not more than \$30,000; to the Delaware Children's Home Society not more than \$6,500; and to the St. Michael's Home for Babies and Day Nurseries, not more than \$10,000; and of the amount appropriated for the year beginning July 1, 1938, and ending June 30, 1939, namely \$61,850, the State Board of Charities is hereby given authority to allocate to the St. Michael's Home for Babies and Day Nurseries not more than \$10,000; and to the Delaware Children's Home Society not more

STATE BOARD OF CHARITIES
RELATING TO DEPENDENT AND NEGLECTED CHILDREN

than \$3,500; it being the purpose of this section that the appropriation herein provided for may be distributed to the various agencies in a flexible manner and in accordance with the provisions of this Act.

Section 5. The State Treasurer is hereby directed to pay the amounts appropriated in this Act on warrants of the State Board of Charities, executed by its proper officers.

Section 6. This Act shall be deemed to be a supplementary appropriation act, and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved April 16, 1937.

CHAPTER 99

NOTARIES PUBLIC

AN ACT TO AMEND CHAPTER 42 OF THE REVISED CODE OF DELAWARE, 1935, AND AUTHORIZING THE APPOINTMENT OF NOTARIES PUBLIC FOR ORGANIZATIONS OF VETERANS OF FOREIGN WARS, DEPARTMENT 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 42 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 1136. Sec. 1. thereof, the following:

In addition to the Notaries Public hereinbefore authorized to be appointed, the Governor may, upon the request of the Department Commander, of the Spanish-American War Veterans, of the Veterans of Foreign Wars of the United States, and of the American Legion, appoint one Notary Public for each of the said organizations for a term of four years, without cost to such appointees or to the Commanders or to the organizations, in any such appointments.

Any such Notary, so appointed as aforesaid, shall have no authority to perform any duties with respect to such office or to take affidavits or acknowledgments, except on documents and papers in connection with and for the benefit of the members of such organizations, their families or dependents. The said Notaries Public, so appointed as aforesaid, shall make no charge for any service rendered.

Approved April 30, 1937.

CHAPTER 100

NOTARIES PUBLIC

AN ACT TO AMEND CHAPTER 42 OF THE REVISED CODE OF DELAWARE, 1935, PROVIDING FOR THE APPOINTMENT OF NOTARIES PUBLIC.

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

Section 1. That Chapter 42 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the third paragraph of 1136. Section 1, and inserting in lieu thereof the following:

In addition to the Notaries Public hereinbefore authorized to be appointed, there may be appointed in New Castle County, two hundred and fifty (250) Notaries Public; in Kent County, fifty (50) Notaries Public; and in Sussex County, fifty (50) Notaries Public.

Approved April 19, 1937.

County Government

CHAPTER 101

APPROPRIATION TO CLAYMONT FIRE COMPANY

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO MAKE APPROPRIATIONS TO THE CLAYMONT FIRE COMPANY, OF CLAYMONT, DELAWARE, TO ASSIST IN THE MAINTENANCE OF AN 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 New Castle County is hereby authorized to make appropriations to assist in the maintenance of an ambulance furnished by the Claymont Fire Company, of Claymont, Delaware, for the benefit of the residents of New Castle County, in the sum of Five Hundred Dollars (\$500.00) per year.

Approved April 19, 1937.

CHAPTER 102

APPROPRIATION TO FRANKFORD VOLUNTEER
FIRE COMPANY

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY
TO APPROPRIATE COUNTY MONEYS TO THE FRANKFORD
VOLUNTEER FIRE COMPANY FOR THE MAINTENANCE OF
AN AMBULANCE.

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

Section 1. The Levy Court of Sussex County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to the Frankford Volunteer Fire Company to be used in the maintenance of its Ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Sussex County to the said Frankford Volunteer Fire Company on the first day of June of each year.

Approved April 19, 1937.

CHAPTER 103

APPROPRIATION TO LAUREL FIRE DEPARTMENT

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE MONEY TO THE LAUREL FIRE DEPARTMENT, 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 Sussex County shall and is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually towards the maintenance of the ambulance furnished by the Laurel Fire Department at Laurel, for the benefit of residents of Sussex County.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the said Levy Court of Sussex County to the Treasurer of the said Laurel Fire Department on the first day of May of each year.

Approved April 7, 1937.

CHAPTER 104

APPROPRIATION TO CARLISLE FIRE COMPANY, MILFORD

AN ACT AUTHORIZING THE LEVY COURTS OF KENT AND SUSSEX COUNTIES, TO APPROPRIATE, IN EQUAL AMOUNTS, MONIES TO THE CARLISLE FIRE COMPANY, MILFORD, DELAWARE, FOR THE MAINTENANCE OF ITS 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 be and is hereby authorized to appropriate public monies, in the sum of Two Hundred and Fifty Dollars, (\$250.00), toward the maintenance of the ambulance furnished by the Carlisle Fire Company, of Milford, Delaware, for the benefit of residents of Kent and Sussex Counties.

Section 2. That the Levy Court of Sussex County shall be and is hereby authorized to appropriate public monies, in the sum of Two Hundred and Fifty Dollars, (\$250.00), toward the maintenance of the ambulance furnished by the Carlisle Fire Company, of Milford, Delaware, for the benefit of residents of Kent and Sussex Counties.

Approved April 30, 1937.

CHAPTER 105

APPROPRIATION TO AETNA HOOK, HOSE & LADDER
COMPANY, NEWARK

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE
COUNTY TO MAKE APPROPRIATIONS TO THE AETNA
HOSE, HOOK AND LADDER COMPANY, OF NEWARK,
DELAWARE, TO ASSIST IN THE MAINTENANCE OF AN
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 New Castle County is hereby authorized to make appropriations to assist in the maintenance of an ambulance furnished by Aetna Hose, Hook and Ladder Company, of Newark, Delaware, for the benefit of the residents of New Castle County in the sum of Five Hundred Dollars (\$500.00) per year.

Approved April 15, 1937.

CHAPTER 106

APPROPRIATION TO AETNA HOOK, HOSE & LADDER
COMPANY, NEWARK

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, AND AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE COUNTY MONIES TO AETNA HOSE, HOOK AND LADDER COMPANY OF NEWARK, DELAWARE, FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. That Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding immediately after 1183. Sec. 37, a new Section, to be styled 1183A. Sec. 37A., as follows: .

1183A. Sec. 37A. Appropriation to Aetna Hose, Hook and Ladder Company:—The Levy Court of New Castle County is hereby authorized to appropriate public monies toward the maintenance of the ambulance furnished by Aetna Hose, Hook and Ladder Company of Newark, Delaware, for the benefit of the residents of New Castle County in the sum of Five Hundred Dollars (\$500.00) per year.

Approved May 7, 1937.

CHAPTER 107

APPROPRIATION TO SEAFORD FIRE COMPANY

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, BY AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE COUNTY MONIES TO SEAFORD VOLUNTEER FIRE COMPANY FOR 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 Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new Section thereto, immediately following 1207, Section 61 of said Chapter, said new Section to be known as 1207A, Section 61A:

1207A, Section 61A. The Levy Court of Sussex County be and the same is hereby authorized and directed to appropriate public monies toward the maintenance of the ambulance furnished by Seaford Volunteer Fire Company for the benefit of the residents of Sussex County in the amount of Five Hundred Dollars (\$500.00) per year.

Approved April 7, 1937.

CHAPTER 108

APPROPRIATION TO DAVID C. HARRISON POST NO. 14,
INC., AMERICAN LEGION, SMYRNA

AN ACT TO AMEND SEC. 47, CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONIES TO DAVID C. HARRISON POST, NO. 14, INC., 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 Article 2, Sec. 47, Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 1193. Sec. 47 of Chapter 43 of the Revised Code of Delaware, 1935, and inserting in lieu thereof the following:

1193. Sec. 47. The Levy Court of Kent County be and it is hereby authorized and directed to appropriate public monies toward the maintenance of the ambulance furnished by David C. Harrison Post, No. 14, Inc., American Legion, at Smyrna, for the benefit of the residents of Kent County in the amount of Five Hundred (\$500.00) Dollars per year.

Approved March 18, 1937.

CHAPTER 109

APPROPRIATION FOR FREE LIBRARY OF NEW
CASTLE COUNTY

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO A COUNTY FREE LIBRARY OF NEW CASTLE COUNTY AND APPROPRIATING COUNTY MONEYS THEREFOR.

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

Section 1. That Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out paragraph (1) of 1177 Section 31 of said chapter and inserting in lieu thereof the following new paragraph (1) to read as follows:

1177. Section 31 (1). The Levy Court of New Castle County hereby is authorized and empowered to appropriate public moneys toward the maintenance and support of a free library for the use of residents of New Castle County outside of the City of Wilmington and for all purposes incident thereto in amounts not to exceed in any one year the sum of Twenty Thousand Dollars.

Approved March 18, 1937.

CHAPTER 110

SINKING FUND FOR PUBLIC BUILDINGS, PUBLIC
IMPROVEMENTS AND PUBLIC WORKS GENERALLYAN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE
COUNTY TO CREATE A SINKING FUND FOR PUBLIC
BUILDINGS, PUBLIC IMPROVEMENTS AND PUBLIC WORKS
GENERALLY.

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

Section 1. That the Levy Court of New Castle County be and it is hereby authorized to create a sinking fund for public buildings, public improvements, and public works generally, and for such purposes to open a special bank account in the name of the County Treasurer of said County and to deposit thereto such sums at such times as the said Levy Court may deem advisable, the said fund to be paid out upon warrants as other County monies are paid out according to law, at such times and in such amounts and for the above stated purposes or for any of such purposes, as the said Levy Court shall determine.

Approved May 19, 1937.

CHAPTER 111

APPROPRIATION FOR PUBLIC IMPROVEMENTS IN VARIOUS HUNDREDS OF NEW CASTLE COUNTY

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE FUNDS FOR PUBLIC IMPROVEMENTS IN THE VARIOUS HUNDREDS OF NEW CASTLE COUNTY.

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

Section 1. That the Levy Court of New Castle County be and it is hereby authorized to make appropriations from the funds now remaining to the credit of the various Hundreds in New Castle County for road taxes heretofore collected or from funds hereafter collected for delinquent road taxes, said appropriations to be for public improvements of any kind, whatsoever and the sums so appropriated to be used in said Hundreds from which the said road taxes were collected. The manner and purposes of said appropriations shall be in the discretion of said Levy Court.

Approved May 19, 1937.

CHAPTER 112

AUTHORIZING THE DEMOLITION OF BUILDING IN
BLACKBIRD, NEW CASTLE COUNTY

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO TEAR DOWN OR MOVE A BUILDING OWNED BY THE COUNTY OF NEW CASTLE IN THE TOWN OF BLACKBIRD IN NEW CASTLE COUNTY.

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

Section 1. That the Levy Court of New Castle County be and the same is hereby authorized and directed to demolish and move a certain one story frame building, formerly used as a polling place, located in the town of Blackbird, New Castle County, owned by the said Levy Court.

Section 2. The Levy Court is further authorized to sell the above mentioned land at public or private sale at the best price available.

Approved May 5, 1937.

CHAPTER 113

RELATING TO DRAINAGE OF LOW LANDS IN
SUSSEX COUNTY

AN ACT RELATING TO THE DRAINAGE OF LOW LANDS IN
SUSSEX COUNTY AUTHORIZING THE LEVY COURT OF
SUSSEX COUNTY TO PURCHASE OR RENT MACHINERY
THEREFOR FOR USE BY CIVILIAN CONSERVATION CORPS,
OR ANY OTHER FEDERAL OR STATE AGENCY OR BY
DITCH COMPANIES.

*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 Sussex County is hereby authorized and directed to purchase or rent two or more dredges for use in drainage work in Sussex County. Said dredges when purchased or rented shall be made available by the said Levy Court for use by the Civilian Conservation Corps, or any other Federal or State Agency or by any duly organized ditch company, in drainage work in Sussex County.

Section 2. This Act shall not be construed to authorize the Levy Court of Sussex County to perform any work or labor in connection with said drainage.

Approved April 26, 1937.

CHAPTER 114

PROVIDING FOR ASSESSMENT AND COLLECTION OF TAX
FOR PURPOSES OF FIRE PROTECTIONAN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF
DELAWARE, 1935, BY PROVIDING FOR THE ASSESSMENT
AND COLLECTION OF A TAX FOR PURPOSES OF FIRE
PROTECTION.

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

Section 1. That Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding after 1169. Sec. 23, two new paragraphs, to be known as 1169A. Sec. 23A, and 1169B. Sec. 23B, as follows:

1169A. Sec. 23A. That upon a 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 New Castle County may enter into a contract with any water company to supply water for fire protection in said community on and after the first day of July next following. The said petition shall set forth the boundary lines of the community or village to be supplied, and shall contain a detailed statement as to the water supply, property and services requested. The Levy Court of said county, for the purpose of carrying out any such contract or contracts, shall levy for the supply of such water, property and services necessary or incident to such prevention and extinguishment of such fires, in any such community with respect to which such a contract or contracts have been entered into as aforesaid, an annual tax based upon the full annual cost of such water, property and services, upon all property within the boundary lines of said community or village as set forth in the petition as herein above provided, based upon the assessment for county purposes. Such taxes shall be collected by the same collector, at the same time in the same manner as other county taxes. No such taxes shall be levied against farm land. Final determination as to the extent of the supply, nature, quantity, specifications and character

PROVIDING FOR ASSESSMENT AND COLLECTION OF TAX
FOR PURPOSES OF FIRE PROTECTION

of the property and services above mentioned shall rest with the said Levy Court.

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 Section. If, after payment of all contracts entered into as herein provided, there remains a surplus in the Fire Protection Account, this surplus shall be applied to reduce the Fire Protection Tax Rate for the succeeding taxable year.

1169B. Sec. 23B. 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 1169A. Sec. 23A, of this Article, 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 1169A. Sec. 23A.

Approved April 26, 1937.

CHAPTER 115

PROVIDING THAT COST OF SEWERS CONSTRUCTED BY
LEVY COURT SHALL BE A LIEN UPON
ABUTTING PROPERTIES

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE LEVY COURT OF NEW CASTLE COUNTY, AND PROVIDING THAT THE COST OF SEWERS CONSTRUCTED BY SAID COURT SHALL BE A LIEN UPON ABUTTING PROPERTIES.

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

Section 1. That 1172. Sec. 26, of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of the said Section the following additional paragraphs, to-wit:

When the Levy Court shall have determined and fixed the amount which shall be paid by the owner of any property abutting upon the road in or adjacent to which said sewer is constructed, in accordance with the provisions of 1170. Sec. 24, of this Chapter, the said amount so determined and fixed shall be an assessment upon the said property and shall be a lien upon the said property from the date of such assessment, and such lien shall have priority against any lien, encumbrance or conveyance made or suffered by the owner or owners of said property after the said amount has been so determined and fixed, as aforesaid. The said sum, so determined and fixed, as aforesaid, shall be due and payable upon the date of the said assessment, and if paid within thirty days after the presentation of a bill for such assessment, a discount of five per cent. shall be allowed on the face of the bill so presented; and upon all assessments paid after thirty days, and on or before ninety days, the face of the bill shall be payable; and upon all assessments not paid within ninety days after the date of the presentation of the bill, as aforesaid, interest at the rate of six per centum per annum shall be charged from ninety days after the date of the presentation of the bill, as aforesaid, until the same is paid in full.

PROVIDING FOR ASSESSMENT AND COLLECTION OF TAX
FOR PURPOSES OF FIRE PROTECTION

of the property and services above mentioned shall rest with the said Levy Court.

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 Section. If, after payment of all contracts entered into as herein provided, there remains a surplus in the Fire Protection Account, this surplus shall be applied to reduce the Fire Protection Tax Rate for the succeeding taxable year.

1169B. Sec. 23B. 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 1169A. Sec. 23A, of this Article, 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 1169A. Sec. 23A.

Approved April 26, 1937.

CHAPTER 115

PROVIDING THAT COST OF SEWERS CONSTRUCTED BY
LEVY COURT SHALL BE A LIEN UPON
ABUTTING PROPERTIES

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE LEVY COURT OF NEW CASTLE COUNTY, AND PROVIDING THAT THE COST OF SEWERS CONSTRUCTED BY SAID COURT SHALL BE A LIEN UPON ABUTTING PROPERTIES.

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

Section 1. That 1172. Sec. 26, of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of the said Section the following additional paragraphs, to-wit:

When the Levy Court shall have determined and fixed the amount which shall be paid by the owner of any property abutting upon the road in or adjacent to which said sewer is constructed, in accordance with the provisions of 1170. Sec. 24, of this Chapter, the said amount so determined and fixed shall be an assessment upon the said property and shall be a lien upon the said property from the date of such assessment, and such lien shall have priority against any lien, encumbrance or conveyance made or suffered by the owner or owners of said property after the said amount has been so determined and fixed, as aforesaid. The said sum, so determined and fixed, as aforesaid, shall be due and payable upon the date of the said assessment, and if paid within thirty days after the presentation of a bill for such assessment, a discount of five per cent. shall be allowed on the face of the bill so presented; and upon all assessments paid after thirty days, and on or before ninety days, the face of the bill shall be payable; and upon all assessments not paid within ninety days after the date of the presentation of the bill, as aforesaid, interest at the rate of six per centum per annum shall be charged from ninety days after the date of the presentation of the bill, as aforesaid, until the same is paid in full.

PROVIDING THAT COST OF SEWERS CONSTRUCTED BY LEVY COURT SHALL BE A LIEN UPON ABUTTING PROPERTIES

If, however, any such assessment, or any part of such assessment, shall remain unpaid at the end of one year after the date of the presentation of said bill, as aforesaid, it shall be the duty of the President of the Levy Court of New Castle County to cause to be brought proper proceedings for the enforcement of the said lien and levy the said assessment with interest thereon accrued, and all costs thereon, upon the grounds and buildings of such owner or owners abutting upon any such road in or adjacent to which said sewer is constructed, which such grounds and buildings, or any part thereof, shall be sold by the Sheriff of New Castle County, after like notice given by the said Sheriff as is provided by law in cases of other sales of real estate by the Sheriff, and a deed from the Sheriff shall convey to the purchaser of such grounds and buildings as full and complete a title to said premises, in fee simple or otherwise, as if the same were executed by said owner thereof.

And it shall be the duty of the said Sheriff, out of the purchase money of the said premises so sold as aforesaid, to pay all costs arising from said process and sale to the parties entitled thereto respectively, and to pay the amount of such assessment with accrued interest thereon to the said Levy Court. The residue of said purchase-money shall be immediately deposited in the Farmers Bank, at Wilmington, Delaware, to the credit of the owner or owners of the property so sold.

Approved May 19, 1937.

CHAPTER 116

PROVIDING FOR LIGHTING STREETS OR HIGHWAYS IN
UNINCORPORATED COMMUNITIES IN NEW
CASTLE COUNTY

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO LEVY COURTS, AND PROVIDING FOR LIGHTING STREETS AND/OR HIGHWAYS IN UNINCORPORATED COMMUNITIES OR VILLAGES 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 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding immediately after 1183. Sec. 37, thereof, the following new Sections, to-wit:

1183A. Sec. 37A. In addition to the petitions that may be presented in accordance with 1180. Sec. 34, of this Chapter, like petitions may be presented on or about the first Tuesday in any month, in any year, and the said Levy Court may enter into contract for additional lights or may change the location of any lights theretofore located, and may levy and collect additional tax for the payment of the same.

Approved May 19, 1937.

CHAPTER 117

ASSESSMENT NOTICES AND REPORTS IN KENT COUNTY

AN ACT TO AMEND CHAPTER 44 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO ASSESSMENT NOTICES
AND REPORTS 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 Chapter 44 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of Paragraph 1 of 1306 Section 49 of said Chapter the following new sentence:

Provided, however, that the Notice and Report herein provided for shall apply only to the years in which a general assessment is made, as provided in 1302 Section 45 of this Chapter.

Approved May 5, 1937.

CHAPTER 118

EXEMPTION FROM TAXATION OF LANDS, BUILDINGS
AND CHATTELS OF MOTION PICTURE STUDIOS
AND PLANTS

AN ACT TO AMEND AN ACT ENTITLED "VALUATION AND ASSESSMENT OF PROPERTY," BEING CHAPTER 44 OF THE REVISED CODE OF DELAWARE, 1935, BY EXEMPTING FROM TAXATION THE LANDS, BUILDINGS AND CHATTELS OF ALL MOTION PICTURE STUDIOS AND PLANTS FOR A PERIOD OF FIFTEEN YEARS.

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

Section 1. That, Chapter 44, Article 1, Code Section 1258, Section 1, of the Revised Code of Delaware, 1935, entitled "Valuation and Assessment of Property" be and the same is hereby amended by adding at the end of said Article 1, Code Section 1258, Section 1, a new and additional section as follows:

For a period of Fifteen years from the beginning of operation, motion picture studios and plants which shall be established in this State on or after July 1, 1937, including all lands, buildings and chattels, whether owned by a person, firm or corporation, utilized in connection therewith, and all raw materials going into the finished products of such studios and plants, as well as the finished products or films, shall be exempt from all ad valorem taxation. The exemption herein authorized shall not apply to real estate owned by such motion picture studios and plants except the real estate occupied as the location required to house such motion picture studios and plants and other buildings incidental to the operation of such studios and plants together with such lands as may be required for housing officers and employees, and for warehouses, laboratories, cutting rooms, projection rooms, storage, trackage, shipping facilities, sets and locations.

Section 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved April 19, 1937.

CHAPTER 119

EXEMPTION FROM TAXATION OF NEW CASTLE HISTORICAL SOCIETY

AN ACT TO AMEND CHAPTER 44 OF THE REVISED CODE OF
DELAWARE, 1935, IN REFERENCE TO EXEMPTING FROM
TAXES THE NEW CASTLE HISTORICAL SOCIETY.

*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, 1935, be and the same is hereby amended by striking out the second paragraph of 1258 Section 1 and inserting in lieu thereof the following paragraph:

All and every, the lands, tenements and hereditaments and also the personal estate of the Historical Society of Delaware, a corporation of the State of Delaware and the New Castle Historical Society, a corporation of the State of Delaware, which they now hold, or which they at any time hereafter may acquire, shall be free from all State, County and Municipal Taxes.

Approved April 29, 1937.

CHAPTER 120

RECORDER OF DEEDS—NEW SEAL OF OFFICE

AN ACT TO AUTHORIZE THE RECORDER OF DEEDS OF THE
STATE OF DELAWARE IN AND FOR KENT COUNTY TO
PROCURE A NEW SEAL OF OFFICE.

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

Section 1. That Enoch Y. Williams, Recorder of Deeds of the State of Delaware, in and for Kent County, be and he is hereby authorized to procure a new seal for his office to be made of brass or steel of the dimensions and engraved with the same devices of the present seal, which said seal when completed shall be taken and deemed to be the seal of the Recorder of Deeds of the State of Delaware, in and for Kent County, and shall thereafter be affixed to all writings, papers and records where the seal of the said Recorder of Deeds is required, and the present seal shall then be broken and destroyed by the said Recorder of Deeds in the presence of the Sheriff of Kent County.

Section 2. The Levy Court of Kent County shall pay the necessary costs of procuring said new seal.

Approved April 7, 1937.

CHAPTER 121

RECORDER OF DEEDS—NEW INDICES FOR DEED RECORDS

AN ACT AUTHORIZING THE MAKING OF NEW INDICES FOR THE DEED RECORDS IN THE RECORDER'S OFFICE FOR KENT COUNTY.

WHEREAS, the index or indices of the deed records in the office of the Recorder in and for Kent County are in need of renewing, revising, altering and re-copying, and are so worn, torn and spoiled that further use thereof is impracticable or dangerous for the purpose for which such indices are or may be used; and,

WHEREAS, it is necessary that a new or better system of indices should be made for the deed records of said office; 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 Recorder in and for Kent County be and he hereby is authorized, empowered and directed to make or cause to be made a new and sufficient system of indices according to the system commonly known or designated as permaflex, which system when completed shall be a complete index of the deed records of the said office of Recorder in and for Kent County.

Section 2. That when said system of indices shall have been completed the said Recorder in and for Kent County shall give written notice thereof to the Resident Associate Judge in and for Kent County that a new and sufficient and complete system of deed indices for the deed records in the said office of the Recorder in and for Kent County has been completed and is ready for examination and certification.

Upon receipt of said written notice from the said Recorder by the said Resident Associate Judge, the said Resident Associate Judge of Kent County shall appoint two members of the Bar Association for Kent County as Commissioners, whose duty it shall

RECORDER OF DEEDS—NEW INDICES FOR DEED RECORDS

be to examine such indices as aforesaid and if they approve of the execution and exactness thereof, they shall certify the same to be a true and correct index or indices; and then, and after such certification, the said index or indices shall become and be the index or indices of the deed records of Kent County in lieu of those theretofore in use.

Section 3. After the said Commissioners shall have certified as aforesaid, the Levy Court of Kent County shall pay or cause to be paid to the said Recorder as the officer by whom the said index or indices shall have been made, and to the said Commissioners, a just and reasonable compensation for their services, to be fixed by the said Resident Associate Judge upon application by the said officer and by the said Commissioners; provided, that upon the application by the said officer, or by the said Commissioners, for the fixing of their compensation for said services, they shall present to the said Resident Associate Judge so fixing said compensation a sworn itemized account of the time spent and disbursements made, if any, by said officer or Commissioners respectively in and about the preparation or examination of said records or indices so made or examined by them aforesaid.

Section 4. The Levy Court of Kent County is authorized and directed to pay the necessary expenses in and about the making of the said system of indices, including clerical and stenographic services, and shall also provide the necessary books or records for the making of said system of indices. The said Levy Court is hereby authorized and empowered to accept grants from Federal Government toward the payment of any of the costs of making such indices.

Approved May 19, 1937.

CHAPTER 122

RECORDER OF DEEDS—NEW INDICES FOR MORTGAGES

AN ACT TO AUTHORIZE THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY TO MAKE NEW INDICES FOR MORTGAGES.

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

Section 1. That the Recorder of Deeds in and for Sussex County be and he is hereby authorized and required to make, or cause to be made, pursuant to the Campbell System of Indices, complete indices, both mortgagor and mortgagee, of all the unsatisfied mortgages recorded in his office. In making said indices, the record of said mortgagees shall be examined to ascertain the satisfaction of all mortgages. The Recorder of Deeds is authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex County.

Section 2. That the Levy Court of Sussex County be and it is hereby authorized and directed to appoint, from among the members of the Sussex County Bar, two (2) commissioners, who shall examine said indices after the said Recorder of Deeds shall have completed the same and if they approve the correctness of said indices, they shall certify their approval on each record thereof and upon said certification said indices shall become and be the indices of all the unsatisfied mortgages in said County as the same are of record in the office of said Recorder of Deeds.

Section 3. That the said Recorder of Deeds shall receive for his services in making said indices a just and reasonable compensation to be determined and paid by the Levy Court of Sussex County upon having filed with it the certification of said commissioners of their approval of said indices. The Recorder of Deeds is also authorized to employ necessary clerical assistance at a compensation to be determined and paid by the Levy Court of Sussex County.

RECORDER OF DEEDS—NEW INDICES FOR MORTGAGES

The said commissioners shall also receive for their services a just and reasonable compensation to be determined by and paid by the Levy Court of Sussex County.

Approved April 5th, 1937.

CHAPTER 123

PROVIDING FOR ADDITIONAL POLICE FOR BRANDY-
WINE AND CHRISTIANA HUNDREDSAN ACT TO AMEND CHAPTER 51 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO CONSTABLES, AND PRO-
VIDING FOR ADDITIONAL POLICE FOR BRANDYWINE
AND CHRISTIANA HUNDREDS.

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

Section 1. That paragraph (10), of 1565. Sec. 2, of Chapter 51, of the Revised Code of Delaware, 1935, be and the same is hereby amended to read as follows, to-wit:

(10) The Levy Court of New Castle County shall appoint four Police for Brandywine Hundred, and four Police for Christiana Hundred. They shall be appointed in the month of May, A. D. 1937, and shall hold office during the pleasure of the said Levy Court, and the said Levy Court shall have full authority to fill any vacancy or vacancies that may occur from time to time, by resignation, death or removal or any other cause. All Police appointed under the provisions of this paragraph must reside in the respective Hundreds for which they are appointed, and must have resided therein at least one year immediately preceding their appointment. Two of the said Police, so appointed in each Hundred, as aforesaid, shall be appointed from one of the chief political parties and two of the said Police, so appointed in each Hundred, as aforesaid, shall be appointed from the other chief political party. If any person appointed by virtue of this paragraph shall remove from the place where he is required by law to reside, his office shall thereupon become vacant. Such Police shall have all of the police powers that are now conferred by law upon Constables in New Castle County, and it shall be the duty of all Police appointed under the provisions of this paragraph to see that the peace and good order of the State within the aforesaid Hundreds be duly kept according to their respective powers and authority; to arrest all persons who shall in their or either of

PROVIDING FOR ADDITIONAL POLICE FOR BRANDYWINE
AND CHRISTIANA HUNDREDS

their presence commit any riot, affray, or other breach of the peace, or who shall be riotously assembled, and carry them before a Justice of the Peace in the respective Hundreds aforesaid to be dealt with according to law; to use diligence in arresting murderers, thieves and other felons, and disturbers of the peace, and in case of resistance to their or either of their authority, or other case of necessity, they may command aid of any of the people of the State; to duly prevent all bloodsheds, affrays and breaches of the peace; and to execute all other duties in accordance with law. Such Police shall patrol their respective Hundreds in shifts of two Police in the day-time and two Police in the night-time, in their respective Hundreds, and during such hours, under such conditions and in such manner as may be prescribed by the said Levy Court. The said Police shall be subject to such rules and regulations as the said Levy Court may prescribe, and their compensation shall be fixed by the said Levy Court. The said Levy Court is authorized to expend such sums of money as may be necessary to carry into effect the provisions of this paragraph, the said money to be paid out of the general fund of the County.

Approved April 19, 1937.

CHAPTER 124

STATE OLD AGE WELFARE COMMISSION

AN ACT TO AMEND CHAPTER 54 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE OLD AGE WELFARE COMMISSION.

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

Section 1. That 1609. Sec. 6, of Chapter 54, Revised Code of Delaware, 1935, be and the same is hereby amended to read as follows, to-wit:

1609. Sec. 6. Old Age Person Defined:—An old age person within the meaning and for the purposes of this Article, and under its limitations and restrictions, is hereby defined to be a person, man or woman, sixty-five years of age or over, who is a citizen of the United States and who has resided in the State of Delaware five years during the nine years immediately preceding the application for Old Age Assistance and has resided therein continuously for one year immediately preceding the application; who has no child or any other person capable and responsible for the support of such old age person, without undue sacrifice on the part of such child or other person, or his or her wife or husband or his or her children; who has not deprived himself or herself, directly or indirectly, of any property or income, for the purpose of obtaining assistance from the State, and who by assistance from the State can enjoy the essentials of life, of which he or she would be otherwise deprived.

Section 2. That 1610. Sec. 7, of Chapter 54, Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of the said Section a new and additional paragraph, as follows, to-wit:

"Any applicant or recipient of assistance, who is dissatisfied with the action of the Commission regarding his or her claim for assistance under this Article, may appeal to the President of the

STATE OLD AGE WELFARE COMMISSION

Commission and upon such appeal must be granted an opportunity for a fair hearing."

Section 3. That 1626. Sec. 23, of Chapter 54, Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of the said Section a new and additional paragraph, as follows, to-wit:

"It shall be the duty of the Commission also to report to the Federal Social Security Board, by virtue of cooperating with the Federal Social Security Act, and make such reports containing such information as the said Board may from time to time require."

Section 4. That 1627. Sec. 24, of Chapter 54, Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of the said Section a new and additional paragraph, as follows, to-wit:

"The State Treasurer is authorized and directed to receive all money paid to the State by the Secretary of the Treasury of the United States on account of assistance provided under the provisions of this Article, and to make payments from such monies and monies appropriated under this Article in accordance with the provisions of this Article and under the provisions of the United States Social Security Act."

Approved May 18, 1937.

CHAPTER 125

STATE OLD AGE WELFARE COMMISSION

AN ACT TO AMEND CHAPTER 54 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE OLD AGE WELFARE COMMISSION, BY EMPOWERING THE SAID COMMISSION TO ACQUIRE, IN THE NAME OF THE STATE, BY GIFT OR FOR A NOMINAL CONSIDERATION, THE PROPERTY OF THE MINQUADALE HOME.

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

Section 1. That Chapter 54 of the Revised Code of Delaware, 1935, relating to the State Old Age Welfare Commission, be and the same is hereby amended, by adding at the end of the said Chapter, the following additional Sections, to-wit:

1644A. Sec. 41A. The said Commission shall have power to acquire, in the name of the State, by gift or for a nominal consideration, all of the property, real, personal and mixed of every kind and description, of the Minquadale Home, or under the management or control or held in trust, by the Board of Managers or Directors of the said Minquadale Home, or in any manner belonging to or held in trust for the said Home.

1644B. Sec. 41B. The said Commission shall have full jurisdiction and control over said property when acquired, and may sell and dispose of any or all of the real estate so acquired, by directing a deed or deeds of conveyance to be executed by the Governor and Secretary of State, in the name of the State, and under the Great Seal of the State, in such manner as to convey a good and sufficient title thereto to the purchaser or purchasers, and use or invest the proceeds from such sale as hereinafter stated.

1644C. Sec. 41C. The said Commission shall deposit all cash, stocks, bonds and all other securities or other personal property, when acquired according to this Act, or any cash received from the sale of real estate as aforesaid, with the State Treasurer, to be

STATE OLD AGE WELFARE COMMISSION

by him kept in a special account for the use of the said Commission under the terms of this Act.

1644D. Sec. 41D. The said Commission is authorized and empowered to use any part of the money acquired according to this Act, for the erection of a Unit at the Welfare Home to be known as the Minquadale Hall or by some other suitable name that the said Commission may select to preserve the name and purpose of the said Minquadale Home. This particular Unit or Building or a portion thereof shall be reserved for paid inmates or guests not to exceed twenty in number. This arrangement to be set up on a flexible basis so that, if at any time, there are not twenty paid inmates occupying such Unit, the said Commission can utilize such unoccupied portion for other inmates, until a demand shall be made for the same by paid inmates. It is the intention of this Act that the said Commission shall have full and complete control of all property, real, personal or mixed, with full power and authority to reduce any or all of the said property to cash, if the said Commission shall so determine, and the State Treasurer is to be simply the Custodian of any such cash or securities, kept in a separate and special account, subject to the sale and absolute disposition of the said Commission, to be used by the said Commission in accordance with this Act.

1644E. Sec. 41E. In the event that the said Commission, after acquiring the property of the said Minquadale Home as herein provided for, decides to sell and dispose of any or all of the real estate so acquired, the said Commission shall so notify the Governor and Secretary of State, in writing, giving a proper description of the real estate to be sold, the name of the purchaser and the price agreed upon; and, upon the receipt of such notice, the Governor and Secretary of State, in the name of the State and under the Great Seal, are hereby authorized, fully empowered and directed to execute, acknowledge and deliver, to the purchaser, a good and sufficient deed of conveyance for the said real estate, depositing the proceeds of such sale with the State Treasurer to be by him kept in a special account for the use of the said Commission under the terms of this Act, as aforesaid.

STATE OLD AGE WELFARE COMMISSION

1644F. Sec. 41F. The said Commission may sell and dispose of any bonds or securities, acquired under this Act, and invest or reinvest the money received therefrom as the said Commission shall determine, it being the general intent and purpose of this Act, that the said Commission shall use about Ninety Thousand Dollars of the entire property so acquired, for the erection of the special Unit or Building in this Act heretofore mentioned, and that the remainder of the said property shall be kept and maintained as a permanent investment, the income from which is to be used by the said Commission as the said Commission shall deem best; provided, however, that the said Commission may use their own best judgment in regard thereto, and may use any or all of the said remainder of the said property as the said Commission shall deem best.

Any of the said property, cash or securities, deposited with the State Treasurer, for the use of the said Commission, as in this Act provided for, may be paid out or withdrawn by the said Commission, and the State Treasurer is hereby authorized and directed to pay any warrant or order upon the said fund executed by the said Commission.

Approved May 19, 1937.

CHAPTER 126

GOVERNOR PRINTZ BOULEVARD

AN ACT TO CHANGE THE NAME OF NORTH EAST BOULEVARD IN NEW CASTLE COUNTY TO GOVERNOR PRINTZ BOULEVARD.

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 and approval of this Act the State Highway leading north from the City of Wilmington in New Castle County and now known as the North East Boulevard shall thereafter be known and designated as the Governor Printz Boulevard.

Approved May 3, 1937.

Elections

CHAPTER 127

COUNTING OF VOTES IN ANY MUNICIPAL ELECTION

AN ACT RELATING TO THE COUNTING OF VOTES CAST IN ANY MUNICIPAL ELECTION; REQUIRING THE COUNTING TO BE MADE OPENLY AND PUBLICLY.

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. The Board of Elections or other officer or officers conducting any election held in any municipality of this State, shall deposit all ballots as the same are voted in a ballot box and shall not remove said ballots until the election is closed. When the election is closed, the ballots cast shall then be removed from the ballot box and shall be counted openly and publicly and in the presence of such citizens of said municipality as shall desire to attend.

Section 2. This Act shall be deemed and taken to be an amendment to all charters heretofore granted or hereafter granted to any municipality in the State of Delaware.

Section 3. All acts or parts of acts inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency only.

Approved May 5, 1937.

CHAPTER 128

CREATION OF NEW ELECTION DISTRICT IN
NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE SEVERAL ELECTION DISTRICTS OF THE TENTH REPRESENTATIVE DISTRICT IN NEW CASTLE COUNTY, AND CREATING A NEW ELECTION DISTRICT BY DIVIDING THE SIXTH ELECTION DISTRICT OF THE TENTH REPRESENTATIVE DISTRICT.

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, 1935, be and the same is hereby amended by repealing paragraph N. C. 31 of 1826. Sec. 17 of the said Chapter 60, and by inserting in lieu thereof the following new paragraphs, to-wit:

N. C. 31. The Sixth Election District of the Tenth Representative District is all that portion of New Castle Hundred bounded by a line beginning at a point on the Delaware River, at the dividing line between the City of New Castle and New Castle Hundred; thence with the said dividing line to the center of the public road leading from New Castle to Wilmington; thence by the center line of the said public road to the point of its intersection with a road known as Leander's Avenue; thence Westerly by the center line of the said Avenue three hundred yards to a point; thence North-Northeasterly, by a line parallel with and three hundred yards Westerly from said public road leading from New Castle to Wilmington, to a point in the center line of Garasche's Lane; thence Easterly by the center line of the said Garasche's Lane to the said public road leading from New Castle to Wilmington; thence Southerly by the said public road to the boundary line of New Castle Hundred at Eden Park, City of Wilmington; thence by the said boundary line of New Castle Hundred to the Delaware River; and thence by the said River to the place of beginning.

All persons entitled to vote in the said Sixth Election District shall vote at Rose Hill School House.

Elections

CHAPTER 127

COUNTING OF VOTES IN ANY MUNICIPAL ELECTION

AN ACT RELATING TO THE COUNTING OF VOTES CAST IN ANY MUNICIPAL ELECTION; REQUIRING THE COUNTING TO BE MADE OPENLY AND PUBLICLY.

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. The Board of Elections or other officer or officers conducting any election held in any municipality of this State, shall deposit all ballots as the same are voted in a ballot box and shall not remove said ballots until the election is closed. When the election is closed, the ballots cast shall then be removed from the ballot box and shall be counted openly and publicly and in the presence of such citizens of said municipality as shall desire to attend.

Section 2. This Act shall be deemed and taken to be an amendment to all charters heretofore granted or hereafter granted to any municipality in the State of Delaware.

Section 3. All acts or parts of acts inconsistent with the provisions hereof are hereby repealed to the extent of such inconsistency only.

Approved May 5, 1937.

CHAPTER 128

CREATION OF NEW ELECTION DISTRICT IN
NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE SEVERAL ELECTION DISTRICTS OF THE TENTH REPRESENTATIVE DISTRICT IN NEW CASTLE COUNTY, AND CREATING A NEW ELECTION DISTRICT BY DIVIDING THE SIXTH ELECTION DISTRICT OF THE TENTH REPRESENTATIVE DISTRICT.

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, 1935, be and the same is hereby amended by repealing paragraph N. C. 31 of 1826. Sec. 17 of the said Chapter 60, and by inserting in lieu thereof the following new paragraphs, to-wit:

N. C. 31. The Sixth Election District of the Tenth Representative District is all that portion of New Castle Hundred bounded by a line beginning at a point on the Delaware River, at the dividing line between the City of New Castle and New Castle Hundred; thence with the said dividing line to the center of the public road leading from New Castle to Wilmington; thence by the center line of the said public road to the point of its intersection with a road known as Leander's Avenue; thence Westerly by the center line of the said Avenue three hundred yards to a point; thence North-Northeasterly, by a line parallel with and three hundred yards Westerly from said public road leading from New Castle to Wilmington, to a point in the center line of Garasche's Lane; thence Easterly by the center line of the said Garasche's Lane to the said public road leading from New Castle to Wilmington; thence Southerly by the said public road to the boundary line of New Castle Hundred at Eden Park, City of Wilmington; thence by the said boundary line of New Castle Hundred to the Delaware River; and thence by the said River to the place of beginning.

All persons entitled to vote in the said Sixth Election District shall vote at Rose Hill School House.

CREATION OF NEW ELECTION DISTRICT IN
NEW CASTLE COUNTY

N. C. 31A. The Seventh Election District of the Tenth Representative District is all that portion of New Castle Hundred bounded by a line beginning at a point in the center of a road known as Leander's Avenue at a point three hundred yards West-erly from the center of the public road leading from New Castle to Wilmington; thence West-erly along the center of the said road or avenue to its intersection with the center of the duPont Boulevard leading from Farnhurst to Wilmington; thence with the center of the said duPont Boulevard to the point of its intersection with the road known as McFarlin's Lane; thence with the center of the said Lane to the Christiana River; thence with the center of the said river to a point where the said River reaches the bound-ary line of New Castle Hundred; thence Easterly with the said boundary line of said New Castle Hundred to a point three hun-dred yards West-erly from the said public road leading from New Castle to Wilmington; and thence South-Southwesterly, by a line parallel with and three hundred yards West-erly from the said public road leading from New Castle to Wilmington, to the place of beginning.

All persons entitled to vote in the said Seventh Election Dis-trict shall vote at Minquadale School House.

The person who was elected to the office of Inspector of Elec-tion for the Sixth Election District of the Tenth Representative District in New Castle County, at the General Election held in the year 1936, shall be the Inspector of Election in the Sixth Election District created by this Act, at the General Election in the year 1938, if a resident of the said District; otherwise the Governor shall appoint a qualified voter of the said Election District to hold said office until a successor is elected and qualified.

Approved May 18, 1937.

CHAPTER 129

CHANGE OF VOTING PLACE

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, BY CHANGING THE VOTING PLACE IN THE SECOND ELECTION DISTRICT 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 Delaware, 1935, be and the same is hereby amended by striking out and repealing the second paragraph of N. C. 43 of 1826 Section 17 of said Chapter and by inserting in lieu thereof the following:

All persons entitled to vote in the said Second Election District shall vote at the residence now occupied by Frank Sylvester in the Town of Blackbird.

Approved May 5, 1937.

Corporations

CHAPTER 130

RELATING TO CORPORATIONS WITH RESPECT TO THE LIABILITY OF DIRECTORS FOR THE ILLEGAL PAYMENT OF DIVIDENDS

AN ACT TO AMEND 2067, SECTION 35, OF CHAPTER 65 OF
THE REVISED CODE OF DELAWARE OF 1935 RELATING TO
CORPORATIONS WITH RESPECT TO THE LIABILITY OF
DIRECTORS FOR THE ILLEGAL PAYMENT OF DIVIDENDS.

*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 thereof concurring therein):*

Section 1. That 2067, Section 35 of Chapter 65 of the Revised Code of Delaware of 1935, be and the same is hereby amended by striking out said Section and inserting in lieu thereof the following:

2067. Sec. 35. Dividends; How Declared and Paid; Violations of Section; Penalty; Exoneration from Liability:—No corporation created under the provisions of this Chapter, nor the Directors thereof, shall pay dividends upon any shares of the corporation except in accordance with the provisions of this Chapter. Dividends may be paid in cash, in property, or in shares of the capital stock, in the case of shares with par value at par, and in the case of shares without par value at such price as may be fixed by the Board of Directors. In case of any willful or negligent violation of the provisions of this Section, the Directors under whose administration the same may happen shall be jointly and severally liable, at any time within six years after paying such unlawful dividend, to the corporation and to its creditors, in the event of its dissolution or insolvency, to the full amount of the dividend so unlawfully paid, with interest on the same from the time such liability accrued; provided that any Director who may

RELATING TO CORPORATIONS WITH RESPECT TO THE
LIABILITY OF DIRECTORS FOR THE ILLEGAL
PAYMENT OF DIVIDENDS

have been absent when the same was done, or who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered at large on the books containing the minutes of the proceedings of the Directors at the time the same was done, or forthwith after he shall have notice of the same, or by causing a true copy of such dissent to be published, within two weeks after the same shall have been so entered, in a newspaper published in the County where the corporation has its principal office.

Approved April 13, 1937.

CHAPTER 131

CORPORATIONS

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 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 48 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2080 of said Code, be, and the same is hereby, amended by striking out the first paragraph of said Section 48 and inserting in lieu thereof the following:

"2080. Sec. 48. Service of Legal Process on Corporations:— Service of legal process upon any corporation created under this Chapter shall be made by delivering a copy thereof personally to the president of such corporation, or by leaving the same at his dwelling house or usual place of abode. If the president resides out of the State, service thereof may be made by delivering a copy thereof to the secretary or one of the directors of said corporation, or upon the resident agent in charge of the principal office of the company in this State, or by leaving the same at the dwelling house or usual place of abode of such secretary, director or resident agent (if such resident agent be an individual), or at the principal office or place of business of the corporation in this State. If such resident agent be a corporation, service of process upon it as such agent may be made by serving a copy thereof on the president, vice-president, secretary, assistant secretary, or any director of said corporate resident agent. Service by copy left at the dwelling house or usual place of abode or at the principal office or place of business in this State, to be effective must be delivered thereat at least six days before the return of the process, and in the presence of an adult person, and the officer serving the process shall distinctly state the manner of service in his return thereto; provided, that process returnable forthwith must be served personally."

CORPORATIONS

Section 2. That said Chapter 65 of said Revised Code of the State of Delaware of 1935, be, and the same is hereby, amended by adding thereto a new Section to be known as Code Section 2091A, Section 59A as follows:

"2091A. Sec. 59A. Merger of Parent Corporation and Wholly Owned Subsidiary; Proceedings For:—Any corporation now or hereafter organized under the provisions of this Chapter or existing under the laws of this State, for the purpose of carrying on any kind of business, owning all the stock of any other corporation now or hereafter organized under the provisions of this Chapter or existing under the laws of this State, or now or hereafter organized under the laws of any other State of the United States of America, if the laws under which said other corporation is formed shall permit a merger as herein provided, may file in the office of the Secretary of State a certificate of such ownership in its name and under its corporate seal, signed by its president or a vice-president, and its secretary or treasurer, and setting forth a copy of the resolution of its board of directors to merge such other corporation, and to assume all of its obligations and the date of the adoption thereof; and a certified copy of said Certificate shall be recorded in the office of the Recorder of Deeds of the County in which the principal place of business of the parent corporation is located, and if the other corporation is also a Delaware corporation and its principal place of business is located in a different County, another certified copy of said Certificate shall be recorded in the office of the Recorder of Deeds of such other County. Thereupon, all of the estate, property, rights, privileges and franchises of such other corporation shall vest in and be held and enjoyed by such parent corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by such other corporation, and be managed and controlled by such parent corporation, and except as hereinafter in this section provided, in its name, but subject to all liabilities and obligations of such other corporation and the rights of all creditors thereof. The parent corporation shall not thereby acquire power to engage in any business, or to exercise any right, privilege or franchise, of a kind which it could not lawfully engage in or exercise under the

CORPORATIONS

provisions of the law by or pursuant to which such parent corporation is organized. The parent corporation shall be deemed to have assumed all the liabilities and obligations of the merged corporation, and shall be liable in the same manner as if it had itself incurred such liabilities and obligations. The parent corporation may relinquish its corporate name and assume in place thereof the name of the merged corporation, by including it in a provision to that effect in the Resolution of Merger adopted by the directors and set forth in the Certificate of Ownership, and upon the filing of such Certificate the change of name shall be completed, with the same force and effect and subject to the same conditions and consequences as if such change had been accomplished by proceedings under the appropriate section of this chapter. Any plan of consolidation or merger which requires or contemplates any changes other than those herein specifically authorized with respect to the parent corporation, shall be accomplished under the provisions of Section 59 of this chapter. The provisions of Section 61 of this chapter shall not apply to any merger effected under this Section."

Section 3. That said Chapter 65 of said Revised Code of the State of Delaware of 1935, be, and the same is hereby, amended by adding thereto a new Section to be known as Code Section 2091B, Section 59B as follows:

"2091B. Sec. 59B. Merger and Consolidation of Joint Stock and Other Associations and Corporations; Proceedings For:—The term "joint-stock association", as used herein, shall include any association of the kind commonly known as joint-stock association or joint-stock company and any unincorporated association, trust or enterprise having outstanding shares of stock or other evidences of financial or beneficial interest therein, whether formed by agreement or under statutory authority or otherwise, but does not include a corporation. The term "stockholder" includes every member of such joint-stock association or holder of a share of stock or other evidence of financial or beneficial interest therein.

Any one or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, may con-

CORPORATIONS

solidate or merge with one or more joint-stock associations, except a joint-stock association formed under the laws of a State which forbids such consolidation or merger. Such corporation or corporations and such one or more joint-stock associations may merge into a single corporation which may be any one of such corporations, or they may consolidate to form a new corporation which shall be a corporation of this State. All of such corporations and such joint-stock association or joint-stock associations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said corporations and of the stock or shares of each of said joint-stock associations or financial or beneficial interests therein into shares of the corporation resulting from or surviving such consolidation or merger and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the laws of this State and that can be stated in the case of such consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said corporations in the manner provided in the two immediately preceding paragraphs, and in the case of said joint-stock associations in accordance with their Articles of Association or other instrument containing the provisions by which they are organized or regulated or in accordance with the laws of the State under which they are formed, as the case may be. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and said agreement shall henceforth be taken and deemed to be the agreement and act of consolidation or merger of said corporation or corporations and of said joint-stock association or joint-stock associations, for all purposes of the laws of this State. A copy of said agreement duly certified by the Secretary of State under the seal of his office shall also be recorded as provided in this section with respect to the consolidation or merger of corporations of this State.

The provisions of Sections 60, 61, 62, 63 and 64 of this Chapter shall, in so far as they are applicable, apply to mergers and

CORPORATIONS

consolidations between corporations and joint-stock associations, the word "corporation", where applicable, as used therein being deemed to include joint-stock associations as defined herein; provided that the personal liability, if any, of any stockholder of a joint-stock association existing at the time of such merger or consolidation shall not thereby be extinguished, shall remain personal to such stockholder and shall not become the liability of any subsequent transferee of any share of stock in such merged or consolidated corporation or of any other stockholder of such merged or consolidated corporation."

Section 4. That said Chapter 65 of said Revised Code of the State of Delaware of 1935, be, and the same is hereby, amended by adding thereto a new Code Section to be known as Code Section 2109A, Section 77A as follows:

"2109A. Section 77A. Plan of Reorganization Under Section 77B National Bankruptcy Act, Execution of; Filing Certificate:—
(1) Any corporation now or hereafter organized under this Chapter or existing under the Laws of this State, a plan of reorganization of which, pursuant to the provisions of Section 77B of the Act of Congress of July 1, 1898, entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States," as amended and supplemented (herein referred to as the National Bankruptcy Act), has been or shall be confirmed by the decree or order of a court of competent jurisdiction, shall have full power and authority to put into effect and carry out the plan and the decrees and orders of the court or judge relative thereto and may take any proceeding and do any act provided in the plan or directed by such decrees and orders, without further action by its directors or stockholders. Such power and authority may be exercised, and such proceedings and acts may be taken, as may be directed by such decrees or orders, by the trustee or trustees of such corporation appointed in the reorganization proceedings (or a majority thereof), or if none be appointed and acting, by designated officers of the corporation, or by a master or other representative appointed by the court or judge, with like effect as if exercised

CORPORATIONS

and taken by unanimous action of the directors and stockholders of the corporation.

(2) Such corporation may, in the manner above provided, but without limiting the generality or effect of the foregoing, alter, amend or repeal its by-laws; constitute or reconstitute and classify or reclassify its board of directors, and name, constitute or appoint directors and officers in place of or in addition to all or some of the directors or officers then in office; amend its certificate of incorporation, and make any change in its capital or capital stock, or any other amendment, change, or alteration, or provision, authorized by this Chapter; be dissolved, transfer all or part of its assets, merge or consolidate as permitted by this Chapter, in which case, however, no stockholder shall have any statutory right of appraisal of his stock; change the location of its principal office and remove or appoint an agent to receive service of process; authorize and fix the terms, manner and conditions of, the issuance of bonds, debentures or other obligations, whether or not convertible into stock of any class, or bearing warrants or other evidences of optional rights to purchase or subscribe for stock of any class; or lease its property and franchises to any corporation, if permitted by law.

(3) A certificate, executed as hereinafter provided, of any amendment, change or alteration, or of dissolution, or any agreement of merger or consolidation, made by such corporation pursuant to the foregoing provisions, shall be filed in the office of the Secretary of State, and a certified copy thereof recorded in the office of the Recorder of Deeds of the County in which the principal place of business is located, and shall thereupon become effective in accordance with its terms and the provisions hereof. Such certificate, agreement of merger or other instrument shall be made, executed and acknowledged, as may be directed by such decrees or orders, by the trustee or trustees appointed in the reorganization proceedings (or a majority thereof), or, if none be appointed and acting, by officers of the corporation, or by a master or other representative appointed by the court or judge, and shall certify that (a) provision for the making of such certificate, agreement or in-

CORPORATIONS

strument is contained in the plan of reorganization or in a decree or order of the court or judge relative thereto; and (b) that the plan has been confirmed, as provided in the National Bankruptcy Act.

(4) The provisions of this Section shall cease to apply to such corporation upon the entry of a final decree in the reorganization proceedings closing the case and discharging the trustee or trustees, if any.

(5) On filing any certificate, agreement, report or other paper made or executed pursuant to the provisions of this Act, there shall be paid to the Secretary of State for the use of the State the same fees as are payable by corporations not in reorganization upon the filing of like certificates, agreements, reports or other papers."

Section 5. That Section 80 of said Chapter 65 of said Revised Code of the State of Delaware of 1935, being Section 2112 of said Revised Code, be, and the same is hereby, amended by striking out from said Section the paragraphs thereof numbered 1 and 2, and inserting in lieu thereof the following:

"2112. Sec. 80. Change of Location of Principal Office; Change of Resident Agent:—(1) The Board of Directors of any corporation organized under the laws of this State may change the location of the principal office of such corporation within this State to any other place within this State by resolution adopted at a regular or special meeting of such Board; by like resolution, the resident agent of such corporation may be changed to any other person or corporation. In either such case, such resolution shall be as detailed in its statement as is provided in Paragraph 2 of Section 5 of this Chapter. Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the Secretary of State signed by the President and Secretary of such corporation, and sealed with its corporate seal; and a certified copy recorded in the office of the Recorder in and for the County in which said new office may be located; and, if such new office be located in a county other than that in which the former office was located, a certified

CORPORATIONS

copy of such resolution shall also be recorded in the office of the Recorder in and for the county in which such former office was located. For filing the said certificate, the Secretary of State shall charge a fee of five dollars.

(2) The location of the office of any resident agent of corporations in any City or Town of this State may be transferred from one address to another in the same City or Town, or from any City or Town in this State to any other City or Town in this State, upon making and executing by such resident agent of a certificate, duly acknowledged before an officer authorized by the laws of this State to take acknowledgments of deeds, setting forth the names of all the corporations, represented by such resident agent, and the address at which such resident agent has maintained the principal office for each of such corporations, and further certifying to the new address to which such resident agency will be transferred on a given day, and at which new address such resident agent will thereafter maintain the principal office for each of the corporations recited in said certificate. Upon the filing of such certificate, in duplicate, in the office of the Secretary of State, the said Secretary shall furnish a certified copy of the same under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of Deeds of the County where the principal office of said corporation is located in this State, in a book kept for that purpose and thereafter, or until further change of address, as authorized by law, the principal office in this State of each of the corporations recited in said certificate shall be located at the new address of the resident agent thereof as given in the certificate. If the location of such office shall be changed from one County to another County, a certified copy of such certificate shall also be recorded in the office of the Recorder of Deeds in and for the County in which such office was formerly located. The fees to be charged by the Secretary of State for the use of the State for the filing of said certificate shall be Fifty Dollars, plus the same fees for receiving, filing, indexing, copying and certifying the same as is charged in the case of filing a charter."

Section 6. That Section 81 of said Chapter 65 of said Re-

CORPORATIONS

vised Code of the State of Delaware of 1935, being Section 2113 of said Revised Code, be, and the same is hereby amended by striking out the whole of said Section 81 and inserting in lieu thereof the following:

"2113. Sec. 81. Waiver of Notices:—Whenever any notice whatever is required to be given under the provisions of this Chapter, or under the provisions of the certificate of incorporation or by-laws of any corporation organized under the provisions of this Chapter, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto. Whenever the vote of stockholders at a meeting thereof is required or permitted to be taken in connection with any corporate action, by any Section of this Chapter, the meeting and vote of stockholders may be dispensed with, if all of the stockholders who would have been entitled to vote upon the action if such meeting were held, shall consent in writing to such corporate action being taken, provided, however, that nothing herein contained shall be construed to alter or modify the provisions of Section 65 of this Chapter. In the event that the action which is consented to is such as would have required the filing of a certificate under any of the other sections of this Chapter, if such action had been voted upon by the stockholders at a meeting thereof, the certificate filed under such other section shall state that written consent has been given hereunder, in lieu of stating that the stockholders have voted upon the corporate action in question, if such last mentioned statement is required thereby."

Section 7. That said Chapter 65 of said Revised Code of the State of Delaware of 1935, be, and the same is hereby, amended by adding thereto a new section to be known as Code Section 2114A, Section 82A, as follows:

"2114A. Sec. 82A. Certificates or Other Documents Improperly Recorded; Effect of:—In case any certificate or other document of any kind required by any of the provisions of this Chapter to be recorded in the office of any of the Recorders of the several

CORPORATIONS

counties of this State shall have heretofore been, or shall hereafter be, recorded in the office of the Recorder of a county of this State other than the county in which such certificate or other document is required to be recorded, the subsequent recording of such certificate or other document in the Recorder's office in which such certificate or other document should have been recorded shall validate and confirm all acts done under or pursuant to such certificate or document, with like force and effect as if such certificate or document had been originally recorded as required by the provisions of this Chapter."

Approved April 13, 1937.

CORPORATIONS

CHAPTER 132

CO-OPERATIVE AGRICULTURAL ASSOCIATIONS

AN ACT TO PROVIDE FOR THE INCORPORATION AND REGULATION OF COOPERATIVE AGRICULTURAL ASSOCIATIONS HAVING CAPITAL STOCK AND DEFINING AGRICULTURE SO AS TO INCLUDE PERSONS ENGAGED IN AGRICULTURE, DAIRYING, LIVESTOCK RAISING, POULTRY RAISING, FLORICULTURE, MUSHROOM GROWING, BEEKEEPING, HORTICULTURE, AND OTHER ALLIED OCCUPATIONS; AND PROVIDING PENALTIES.

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

Section 1. That in this Act, unless the context otherwise require, "association" means an association formed under this Act; the word "patron" means a person engaged in agriculture, as hereinafter defined, whose products are sold by or supplies purchased through the association, or who has executed a contract with the association as hereafter provided in section ten; "agricultural products" shall include all agricultural, horticultural, vegetable, fruit, and floricultural products of the soil, live stock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms, and honey, but shall not include timber products; words used import the singular or the plural as the case may demand.

Section 2. Cooperative agricultural associations, instituted for the purposes of mutual help, having capital stock, may be formed under the provisions of this Act by any number of persons, not less than five, engaged in agriculture. For the purposes of this Act, all persons engaged in agriculture, dairying, live stock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations shall be deemed to be engaged in "agriculture."

CORPORATIONS

Section 3. Associations incorporated under the provisions of this Act may engage in the buying and selling of agricultural products, taking title to such products or acting as agent for its stockholders, patrons, or any of them; may engage in or perform for its stockholders or patrons services connected with, the production, harvesting, preservation, drying, grading, canning, storing, handling, utilization, marketing, or sale of agricultural products produced by them; and may engage in or perform for its stockholders or patrons perform for services connected with, purchasing or leasing for use by them of supplies, including live stock, machinery, equipment, feed, fertilizer, electricity, and seeds, and the hiring of labor, or any one or more of the kinds of service specified in this section and for the agricultural or other purposes of such stockholders.

Section 4. The articles of association of an intended association must be subscribed by five or more persons, three of whom must be citizens of this State and shall set forth:

I. The name of the association, which shall include the word "cooperative."

II. The class of services to be performed by the association, which services shall be one or more of those enumerated in section three of this Act.

III. The principal place where its business is to be transacted, which shall be within this State.

IV. The term for which it is to exist.

V. The amount of its capital stock, and the number and par value of shares into which it is divided, the names and post-office addresses of the subscribers, the number of shares subscribed by each, and the amount of capital actually paid into the treasury.

VI. The number of its directors for the first year, not less than five, the names and residences of those who are chosen for

CORPORATIONS

directors for the first year, and the name and residence of the treasurer.

VII. Any other provisions, not inconsistent with law, which the association may see fit to adopt, governing the regulation and conduct of its affairs.

Notice of the intention to apply for any such charter shall be inserted in one newspaper, of general circulation, printed in the county where the principal place of business is situated, for one insertion, setting forth briefly the character and purpose of said corporation and the kind of service to be performed by it; such advertisement shall be at least three days before the application is laid before the Secretary of State.

The articles of association shall be acknowledged by not less than five of the subscribers thereto, before any officer authorized to take acknowledgments and administer oaths and affirmations in this State, and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true.

Said articles of association, accompanied with proof of publication of the notice hereinbefore provided to be given, shall then be presented to the Secretary of State, who shall examine the same, and if he finds it in proper form and within the purpose mentioned in this Act, he shall indorse his approval thereon, and direct a certificate of incorporation to issue in form similar to those issued to corporations organized under the general corporation law of this State, which certificate of incorporation shall incorporate the subscribers and their associates and successors into a body politic and corporate, in deed and in law, by the name chosen. Said articles of association shall be filed in the office of the Secretary of the State.

A certified copy of the articles of association, together with all indorsements, shall be recorded in the office of the recorder of deeds in and for the county where the principal place of business

CORPORATIONS

is situate. From thenceforth the subscribers thereto, their associates and successors shall be a body politic and corporate for the purposes and upon the terms named in the said article of association.

Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this State.

Section 5. Each association, so formed under the provisions of this Act, and when so formed, by virtue of its existence as such, shall have the following powers:

1. To have succession for the period limited in its articles of association, and, when no period is limited thereby, to exist perpetually, subject to the power of the General Assembly under the Constitution of the State, and, unless sooner dissolved by operation of law or under the provisions of this Act.

2. To maintain and defend judicial proceedings by the name specified in the articles of association.

3. To adopt and use a common seal and alter the same at pleasure.

4. To hold, purchase, and transfer such real and personal property as the purposes of the corporation require.

5. To elect a board of directors, which shall have power to appoint a president, vice-president, secretary, treasurer and other officers, agents, and employees which may be deemed necessary; to prescribe their duties; to require bonds of them, and to dismiss them and any of them in accordance with this Act and with the by-laws of said association.

6. To make by-laws, not inconsistent with the law, for the management of its property, the regulation of its affairs and the conduct and management of the association.

7. To perform for stockholders and other patrons the service described in the articles of association and authorized by this Act.

CORPORATIONS

8. To make contracts necessary in the conduct of its operation and the transaction of its affairs.

9. To borrow money necessary to the conduct of its operations, and to issue notes, bonds, and other evidences of indebtedness therefor, and to give security in the form of mortgage or otherwise for the payment thereof.

10. To cooperate with any other such association or corporation, whether formed under this Act or otherwise, for the purpose of promoting the objects for which it was incorporated, or the objects for which any other similar association was formed. Any such association may, upon resolution adopted by its board of directors, enter into all necessary and proper stipulations, agreements, contracts, and arrangements with any other cooperative corporation, association, or associations, formed under the provisions of this Act or otherwise, for the cooperative and more economical carrying on of its business, or any part or parts thereof; or any two or more cooperative associations, formed under the provisions of this Act or otherwise, may, upon resolutions adopted by their respective boards of directors, for the purpose of more economically carrying on their respective businesses, by agreement between them, unite in employing and using, or several such associations may separately employ and use, the same methods, means, and agencies, which agencies may be another such association or associations for carrying on and conducting their respective business.

11. To foster membership in the association and solicit patrons by advertising or by educational or other lawful means.

12. To exercise such incidental powers as may be necessary in the conduct of its operations.

13. To issue and sell its preferred and common stock, but no person shall become the owner of more than five per centum of the outstanding common stock of the association.

14. To purchase and hold stock of corporations engaged in the buying or selling of agricultural products as herein defined, when such purchase and holding shall be in keeping with the purposes for which the association was formed.

CORPORATIONS

Section 6. Any association may transact or do business with or for patron stockholders or patrons not stockholders, and may issue and sell its preferred stock to patrons or non-patrons of the associations; but common stock of the association shall be sold to patrons only; and the certificate of common stock shall contain a provision that the association shall have an option to redeem the stock at par value plus declared and unpaid dividends when the owner thereof has for a period of twelve months, done no business with the association, and shall contain a further provision that no sale or transfer of stock shall be valid without the written consent of the association, and, if the association withholds its consent to such sale or transfer, then the association shall redeem such stock at par value plus declared and unpaid dividends. Dividends on the common stock shall be paid only after dividends are paid on the preferred stock, and the required surplus fund set aside, and shall be not greater than six per centum per annum, except as hereinafter provided. Dividends on preferred stock shall be not greater than six per centum per annum and shall be cumulative.

After payment of the dividend on the preferred stock, and after making provision from its net earnings for the reserve fund, as hereinafter provided, the remainder of the net earnings of the association, not required for dividends on the common stock, may, in the discretion of the directors, be distributed as a patronage refund. Patron stockholders may be entitled to patronage refunds at double the rate of patronage refunds to which non-stockholder patrons shall be entitled. Patronage refunds may be credited to the accounts of non-stockholders in the purchase of capital stock of the association.

After payment of the dividend on preferred stock, and after making provision from its net earnings for the reserve fund, as hereinafter provided, in section 16, the remainder of the net earnings of the association not required for dividends on the common stock and not distributable as a patronage refund, may, in the discretion of the Directors, be set up in a revolving reserve fund to be kept on the books of the association in the names of the patrons, according to the volume or value of their patronage. No

CORPORATIONS

stockholder or patron shall be entitled to payments from the revolving fund, except as provided by the Board of Directors, which shall have full and complete control of the expenditure and use of the funds therein, the provisions herein contained being merely authoritative and not mandatory.

Section 7. Every common stockholder shall be entitled to one vote only, and no vote by proxy shall be permitted: Provided, however, that this shall not affect any powers granted to the representative body on council, or the delegates thereto.

Section 8. The officers and stockholders of an association, organized under and accepting the provisions of this Act, shall not be individually liable for the debts of said association otherwise than in this Act provided.

Section 9. Each common stockholder of such association shall be liable in his individual capacity to the amount of stock held by him for all work and labor done to carry on the operations of said association. The terms "work" and "labor" as used herein shall mean only such obligations incurred by the association for salary and wages for actual labor and services performed by individuals.

Section 10. The association may engage in buying and selling agricultural products and supplies and take title thereto. The association may make and execute contracts with its stockholder and other patrons requiring them to sell all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association.

Such contracts may provide that the association may blend proceeds of such sales in one or more, or all markets, and equalize returns between all stockholders and other patrons in such markets, and may provide that the association may establish pools and, in the case of milk, base rating plan or any plan for production control.

CORPORATIONS

Such contracts may also authorize the association to collect the proceeds of the sales of such products or commodities direct from the buyer thereof, and such authority shall be construed as coupled with an interest in favor of the association and the other patrons there not revocable by the stockholder or patron as long as such contract is in effect.

Such contracts may authorize the association to make, or to permit the buyer to make, such deductions from the proceeds of the sales of such products or commodities and payment thereof to the association as may be provided in such contracts, and such authority shall be construed as coupled with an interest in favor of the association and the other patrons there not revocable by the stockholder or patron as long as such contract is in effect.

Where such contract provided that the association is authorized to collect the price of products or commodities sold through the association or facilities created by it, the association shall have the right to maintain an action against any buyer of such products or commodities for such price, in its own name, without joining such stockholder or patron, with the same force and effect as if the association held title to the products or commodities and to the claim for the price thereof. It shall not be a defense to any such buyer to plead payment of the price to the stockholder or patron where such buyer has notice of the contract between the association and its stockholder or patron prior to the alleged payment.

Where such contract provides that the association is authorized to make, or have the buyer make, a deduction from the proceeds of the sale of products or commodities sold through the association or facilities created by it, to be paid to the association, the association shall have the right to maintain an action for such deduction, in its own name, without joining its stockholder or patron, with the same force and effect as if the association held title to the products or commodities and to the claim for the full price thereof. It shall not be a defense to any such buyer to plead payment of the price to the stockholder or patron where such buyer

CORPORATIONS

has notice of the contract between the association and its stockholder or patron prior to the alleged payment.

Where such contract provides that the association is authorized to make, or have the buyer make, a deduction from the proceeds of the sale of products or commodities sold through the association or facilities created by it, to be paid to the association, the association shall have the right to maintain an action for such deduction, in its own name, without joining its stockholder or patron, with the same force and effect as if the association held title to the products or commodities or to the claim for the full price of the products or commodities, or to a claim in the amount of such deduction. It shall not be a defense to such buyer to plead payment of all of the price of the products or commodities, including the deduction authorized to be made, to the stockholder or patron where such buyer has notice of the contract between the association and its stockholder or patron prior to such payment, or to plead that the effect of the provisions of this Act constitute a partial assignment of the claim of the stockholder or patron.

In addition to the foregoing rights, the association shall have granted by such contract rights, which its members individually have, arising out of the production, sale, handling or delivery of products or commodities covered by such contracts.

The association may join in a single suit any number of claims for the proceeds of products or commodities, or deductions therefrom, or any other claims arising from the sale, handling or delivery of such products or commodities, which its stockholders or patrons may have against any buyer, regardless of the fact that these claims may arise from the sale of products or commodities of different stockholders or patrons.

If stockholders and patrons contract a sale to the association, it shall be conclusively held that title to the products passes absolutely and unreservedly to the association at the time of delivery out of the possession of the stockholder or patron, or at any other time, expressly and definitely agreed in said contract. The con-

CORPORATIONS

tract may provide that the association may sell or resell the products delivered by its stockholders and other patrons, with or without taking title thereto, and pay over to its stockholders and patrons the resale price, after deducting all necessary overhead and other costs and expenses, interest, dividends on the preferred and common stock, and other proper reserves: Provided, however, that such contract shall specify a reasonable period during each year during which the association or any stockholder or patron so contracting with the association may terminate the contract. The association, as agent, for a stockholder or other patron, may buy agricultural supplies for him and sell his agricultural or other kindred products.

An association organized under this Act shall not be deemed to be a combination in restraint of trade, nor an illegal monopoly, nor an attempt to lessen competition or fix prices arbitrarily, or to create a combination or pool in violation of any law of this State, nor shall the marketing contracts between the association and its members, or any agreement authorized by this Act, be so considered, nor shall the association be deemed to be a party to a combination in restraint of trade, or illegal monopoly, by reason of any agreement made with buyers of products or commodities sold to or through the association or facilities created by it, in accordance with the provisions of this Act.

Section 11. Within thirty days after the recording of the articles of association in the office of the recorder of deeds, as prescribed in section four of this Act, a call, signed by not less than a majority of the directors, shall be issued for a meeting of the common stockholders. At such meeting, or any adjourned session or sessions thereof, by-laws regulating and conducting the management of the association shall be adopted. Such by-laws shall, within the limits of this Act, prescribe:

1. The time, place and manner of calling and holding meetings. Meetings of stockholders may be held (a) through a meeting at large at such place as may be designated by the by-laws or action of the Board of Directors, or (b) through a meeting of

CORPORATIONS

delegates elected to represent the stockholders by the respective local or district organizations in such manner as may be provided by the by-laws, or (c) through district or local meetings held in the several districts or locals into which the association has divided itself. Meetings in districts or locals shall be of stockholders members of such districts or locals and need not necessarily be held at the same time in each district or local. The by-laws may provide that the Board of Directors may take a vote of the stockholders on a specific case or resolution by mail signed or unsigned ballot.

2. The number of directors, the time and manner of their election and removal, and their powers and duties; and the number, not less than a majority, necessary to the exercise of their powers, and the method of fixing their compensation, if any, provided that the Board of Directors may, by resolution adopted by a majority of the whole Board, delegate two or more of its number to constitute an executive committee, which, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the corporation. The by-laws may provide a system for the nomination of directors by a representative body or council, or otherwise, and for their election, either at large or by districts, by votes cast by stockholders in district or local organizations—the return of such votes to be made to the central office for tabulation.

3. The officers, their terms of office, the time and manner of their appointment, their powers and duties, and the method of fixing their compensation, if any.

4. Regulations governing the sale, transfer and redemption of common stock.

5. Any other provisions deemed proper and necessary to carry out the purposes, for which the association was formed, including provisions, if deemed advisable, for the creation of a representative body or council, which, among other powers, may be granted power to hear and determine charges against any member of the board of directors, and power to remove any director where

CORPORATIONS

such charges are sustained—the vacancy thus created to be filled as in other cases. A representative body or council, if created, shall have, in addition to the powers provided by this Act, such other powers as provided by the by-laws, which by such by-laws may be made advisory only.

Such by-laws shall provide the method or methods by which the by-laws may, from time to time, be adopted, altered, amended or repealed; the authority to make, alter, amend or repeal by-laws may be expressly vested by the by-laws in the board of directors or in a representative body or council, subject to the power of the representative body or council to change or repeal by-laws made by the board of directors, and subject to the power of the stockholders to change or repeal by-laws made by either the directors or the representative body or council; provided, however, that notice of all amendments proposed by the stockholders, the representative body or council, or the directors shall be given either to the stockholders individually or by publication in such regularly published paper or periodical, if any, as shall be established by the association and distributed to stockholders.

Section 12. The by-laws may require a common stockholder to sell all or any part of their specifically enumerated agricultural or other similar products, and to buy all or any part of their specifically enumerated supplies, exclusively through the association, but, in such case, shall specify a reasonable period in each year during which any such stockholder, by giving notice prescribed in the by-laws, may withdraw and be released from his obligation to employ the services of the association in respect to such products and supplies. The by-laws and/or contracts may fix, as liquidated damages, specific sums to be paid to the association to reimburse it for any damages which it, or the stockholders, may sustain by the failure of any common stockholder or other patron to perform any obligation to the association under the articles of association, the by-laws, or any contract with the association, and such provision shall be valid and enforceable in the courts of this State. A court of equity may grant an injunction to prevent breach of the contract and may decree specific performance thereof.

CORPORATIONS

Section 13. The board of directors of each association shall consist of not less than five members.

The by-laws of the association shall provide a method by which directors shall be nominated and elected, and may provide that the territory in which the association has stockholders shall be divided into districts, and may apportion the directors to be elected to the respective districts on the basis either of the number of stockholders or the quantity of the commodities produced for sale through the association in the respective districts; and meetings for the nomination and election of directors may be held by the stockholders either at the principal office of the corporation, or at district or local meetings of the stockholders held at the usual meeting places of local groups of stockholders that are organized for administrative purposes in the several communities, or by delegates or representatives chosen for that purpose by the stockholders in meetings assembled in the several local communities, as the by-laws may direct. Directors shall hold office until their successors shall enter upon the discharge of their duties. Vacancies shall be filled for the unexpired terms by the board of directors at any regular meeting, or at any special meeting called for that purpose. The board of directors shall manage the affairs of the association and shall perform such other duties as may be specifically imposed upon the board by this Act. The board of directors shall be a continuing body, the term of one-third, or as near as may be, of whom shall expire each year, and the by-laws of the association shall so regulate the terms of directors, including the terms of additional directors that may be authorized, from time to time, as to make effective this principle.

Section 14. Any director of the association may, for cause, at any regular meeting, or any special meeting called for that purpose, be removed from office by the vote of not less than two-thirds of the stockholders present, or by the two-third vote of such representative body as shall be created and authorized by the by-laws to cause such removal. Any officer of the association may, for cause, at any regular meeting of the board of directors, or any special meeting of said board called for the purpose, be removed

CORPORATIONS

from office by the vote of not less than two-thirds of the directors present. Ten days written notice of the time and place and object of any such meeting shall be given, in the manner prescribed in the by-laws, to the members of the body authorized to cause the removal, and to the directors or officers against whom charges are to be presented. Such directors or officers shall, at the same time, be informed of the nature of the charges, to be preferred against them, and at such meeting shall have the opportunity to be heard in person or by counsel and by witnesses in regard thereto.

Section 15. The officers of every association shall include a president, vice-president, secretary and treasurer, who shall be appointed annually by the board of directors. The president and vice-president shall be appointed from among the directors. The secretary and treasurer may be non-stockholders. The office of secretary and treasurer may be combined and one individual appointed thereto. Vacancies in said offices shall be filled for the unexpired term by the board of directors in the manner provided for the original appointment of officers. Such officers shall hold their offices until their successors are appointed and qualified and shall have entered upon the discharge of their duties. The board of directors shall require the treasurer, and may require such other officers, agents, and employees charged by the association with responsibility for the custody of funds or property, to give bond, with sufficient surety, for the faithful performance of their duties as such, the premium on such bond to be paid by the association.

Section 16. Any such association, after making provision for the payment of dividends on the preferred stock, and before payment of dividends on the common stock, or the distribution of any patronage refund or dividend shall set aside ten per centum of the total net earnings, annually, for a reserve fund, until the reserve fund shall equal at least thirty per centum of the paid up capital stock. The reserve fund shall be available for such purposes as shall be designated and authorized by the vote of two-thirds of the members of the board of directors at a duly assembled meeting of said board, subject to such limitations and conditions as shall be provided for in the by-laws of the association.

CORPORATIONS

Section 17. At the close of each fiscal year, a complete audit of the operations of the association shall be made, by a qualified accountant or accountants, employed by the board of directors, the written report of whom shall include statements of services rendered by the association, the balance sheet, the receipts and disbursements, and the assets and liabilities, the total number of stockholders, and other proper information, and shall be submitted to the members at the next regular meeting. Within three months after the expiration of the fiscal year for which made, the secretary of said association shall file one copy of said report of the audit with the Secretary of State Board of Agriculture of this State and one copy with the Dean of the School of Agriculture of the University of Delaware. No person shall, without consent of the association, except in obedience to judicial process, make or permit any disclosure whereby any information contained in said report may be identified as having been furnished by said association. No person, association, co-partnership, or corporation, or its or their agents, employees, or officers, shall knowingly induce or attempt to induce any stockholder of an association organized hereunder to breach his marketing contract with the association, nor maliciously and knowingly spread false reports about the finances or management thereof. Producers of agricultural products or commodities shall have the right to form or become stockholders or patrons in cooperative agricultural associations organized or registered under this Act, and it shall be unlawful for any person, association, co-partnership or corporation directly or indirectly to interfere with, restrain or coerce such producers in the exercise of this right. It shall be unlawful for buyers of agricultural products or commodities from producers or from such cooperative agricultural association, whose stockholders or patrons sell all or any part of their agricultural products or commodities to or through the association or facilities created by it (1) to distribute or circulate any blacklist of stockholders or patrons of such cooperative agricultural association, or to advise any person of the membership of any producer in such cooperative agricultural association, for the purpose of preventing the purchase or sale of or payment for agricultural products or commodities produced, sold or offered for sale by such producer so blacklisted or so named, or (2) to dominate or inter-

CORPORATIONS

fere with the formation, existence or administration of any such cooperative agricultural association by any means, including but not limited to the following: (a) by participating or assisting in, supervising, controlling or dominating the initiation or creation of any cooperative agricultural association or its business (as distinguished from social or educational), meetings or elections, and no certificate of incorporation under this Act shall issue to any persons or corporation so dominated, nor shall any rights under Section 25 of this Act accrue to a corporation so dominated, (b) by making known to such producers the buyer's approval or disapproval of any cooperative agricultural association for the purpose of encouraging or discouraging membership or shareholding therein, becoming a patron, contracting or cooperating therewith; provided that nothing in this Act shall preclude a buyer from making an agreement with a cooperative agricultural association (not established, administered or assisted by any action of the buyer) requiring membership or shareholding therein, becoming a patron contracting or cooperating therewith; provided that nothing in this Act shall preclude a buyer from making an agreement with a cooperative agricultural association (not established administered or assisted by any action of the buyer) requiring membership or shareholding therein, becoming a patron, contracting or cooperating therewith as a condition of the purchase of a producer's agricultural association has as its stockholders or patrons a majority of the producers supplying such buyer with the agricultural commodity or product sold to such buyer, (3) to encourage or discourage membership or shareholding in any cooperative agricultural association or becoming a patron, contracting or cooperating with the same, provided that nothing in this Act shall preclude a buyer from making an agreement with such cooperative agricultural association (not established, administered or assisted by any action of the buyer) requiring membership or shareholding therein, becoming a patron, contracting or cooperating therewith as a condition of purchase of a producer's agricultural products or commodities, if such cooperative agricultural association has as its stockholders or patrons a majority of the producers supplying such buyer with the agricultural commodity or products sold to such buyer, provided further that "buyer" as used in this Section shall

CORPORATIONS

not include a buyer which is a cooperative agricultural association of producers. Nothing in this Section shall prevent a cooperative agricultural association (not established, administered or assisted by any action of the buyer) or its officers or agents from bargaining with buyers or prospective buyers of their products with regard to prices therefor, and practices, terms, conditions, rules and regulations pertaining to the industry in which they are engaged. Any such person violating the prohibitions set forth in this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not more than three hundred dollars, or imprisonment for not more than six months, or both, at the discretion of the court, and shall be liable to the association aggrieved in a civil suit in trespass in the penal sum of One Hundred Dollars for each such offense and such association shall be entitled to an injunction against such person, association, co-partnership or corporation to prevent continuation of such conduct.

Section 18. The articles of association may be amended pursuant to an affirmative vote of two-thirds of all the common stockholders or the members of a representative body or council in attendance at any regular meeting, or at a special meeting called for the purpose, due notice of the time, place and object of which regular or special meeting shall have been given as prescribed in the by-laws. A copy of such amendment, signed and acknowledged by not less than three of the directors, shall be presented to the Secretary of State, who shall examine the same, and, if he finds it in proper form, he shall indorse his approval thereon. Said amendment shall then be filed in the office of the Secretary of State. A certified copy of said amendment, together with the indorsements thereon, shall then be recorded in the office for the recording of deeds in the county where the principal place of business is situate.

Section 19. Any association may cease to do business and be dissolved in the same manner as corporations are dissolved under the general corporation laws of the State.

Section 20. No association organized under the provisions of this Act shall be liable for the payment of any State tax upon

CORPORATIONS

its right to do business in this State, upon its earnings or income, or any part thereof, upon its capital stock, or upon any scrip, bonds, certificates, or other evidences of indebtedness issued by such corporation, and all stocks, bonds, et cetera, issued by such associations shall be exempt from all State taxation; and such associations shall not be required to file reports relative to such taxes as are or may be by law required of corporations not exempt from the payment of such taxes.

Section 21. Corporations already existing under the laws of this State, the purpose of which coincide with the purposes of associations incorporated under this Act, upon accepting the provisions of this Act, by writing under the seal of said corporation, duly filed in the office of the Secretary of State, shall be entitled to all of the privileges, immunities, franchises, and powers conferred by this Act upon associations to be created under the same, and, upon acceptance and approval thereof by the Secretary of State, he shall issue a certificate to said corporation reciting the same.

Section 22. Cooperative agricultural associations or corporations created by or under the laws of any other State, doing business in this State, and in which three or more of the stockholders are citizens of this State, and organized and operating under laws similar to this Act, may become corporations of this State under the provisions of this Act by preparing, having approved and recorded a certificate in which shall be stated:

First. The name of the corporation, which shall include or made to include the word "cooperative."

Second. Its purpose, which shall include one or more of the class of services enumerated in section three of this Act.

Third. The principal place where its business is to be transacted, which shall be within this State, and at which it keeps a record of the names and residences of the stockholders and the number of shares held by each.

CORPORATIONS

Fourth. The term for which it is to exist.

Fifth. The number of stockholders and the total number of shares of stock outstanding.

Sixth. The number of its directors, and the names and residences of those elected for the current year, and the name and residence of the treasurer.

Seventh. The amount of its capital stock, and the number and par value of the shares into which it is divided.

Eighth. The legislation under which it was originally created.

Ninth. Its financial condition at the date of the certificate, showing capital stock paid in, funded debt, floating debt, estimated value of property and cash assets, if any.

Said certificate shall be accompanied by a certificate, under the seal of said corporation, showing the consent of a majority in interest of such corporation to such application for a charter and to a renunciation of its original charter and of all privileges not enjoyed by corporations under this Act under the laws of this State.

Section 23. Said certificates shall be acknowledged by at least three of the directors of said corporation before the recorder of deeds of the county in which the chief operations are to be carried on or in which the principal office is situated; and said directors shall also make and subscribe an oath or affirmation before him to be endorsed on the said certificate that the statements contained therein are true. The said certificate shall then be produced to the Secretary of State, who shall examine the same, and, if he find it to be in proper form and within the purposes named for associations under this Act, he shall approve the same, and endorse his approval thereon, and direct a certificate of incorporation to issue in the usual form incorporating said stockholders and their successors into a body politic and corporate, in deed and in law, by the name chosen; and the said certificate shall be filed in the office

CORPORATIONS

of the Secretary of State; a certified copy of said certificate with all its endorsements shall then be recorded in the office for the recording of deeds in and for the county where the chief operations are to be carried on.

Section 24. From the date of said certificate of incorporation, said corporation shall be and exist as a corporation of this State under the provisions of this Act and of its charter; and all of the rights, privileges, powers, immunities, lands, property and assets of whatever kind or character the same may be possessed and owned by the original corporation, shall vest in and be owned and enjoyed by the said corporation so created as fully and with like effect as if its original charter had remained in force, save as by general law and said certificate expressly stated otherwise; and all suits, claims and demands by said corporation, in existence at the date of said new charter, shall and may be sued, prosecuted, and collected under the laws governing the said corporation prior to its new charter; and claims and demands of every nature and character in existence at the date of said new charter may be collected from and of said new chartered corporation as fully and with like effect as if no change had taken place.

Section 25. Corporations heretofore or hereafter organized under the laws of any other State, the purposes of which coincide with the purposes of associations incorporated under this Act, shall be allowed to carry on any proper activities, operations, and functions in this State, upon compliance with the legal requirements applicable to foreign corporations desiring to do business in this State, with power to make any and all contracts which could be made by any association incorporated hereunder, which contracts shall be legal and valid and enforceable in this State with the same force and effect as if the said corporation were organized hereunder. And such associations or corporations shall be entitled to all of the rights, exemptions, remedies and protection available for cooperative agricultural associations formed under the provisions set forth in this Act, with the same force and effect as if such association or corporation were organized hereunder. Any such association or corporation shall be treated as organized hereunder with

CORPORATIONS

regard to the prohibition and penalty provisions set forth in this Act.

Section 26. 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 thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 27. All Acts or parts of Act inconsistent herewith are hereby repealed.

Section 28. This Act shall be effective immediately upon its passage and approval.

Approved May 20, 1937.

CHAPTER 133

BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES

AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE OF DELAWARE, 1935, AUTHORIZING LOANS AND INVESTMENTS BY BANKS, SAVINGS BANKS, TRUST COMPANIES, BUILDING AND LOAN ASSOCIATIONS AND INSURANCE COMPANIES IN LOANS, MORTGAGES, DEBENTURES AND SECURITIES SECURED BY REAL PROPERTY OR LEASEHOLD INSURED BY THE FEDERAL HOUSING ADMINISTRATOR; MAKING THE SAME SECURITY FOR BONDS AND OBLIGATIONS; AND EXEMPTING THE SAME FROM THE LAWS OF THE STATE OF DELAWARE RELATING TO INTEREST RATES AND LIMITATIONS UPON INVESTMENTS AND PERIODS OF INVESTMENTS.

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 thereof concurring therein):

Section 1. That Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 2405 Section 148 and inserting in lieu thereof the following:

2405. Section 148. Banks, Savings Banks, Trust Companies, Building and Loan Associations, and Insurance Companies, subject to the laws of this State, are hereby authorized and empowered to make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance by the Federal Housing Administrator, and to obtain such insurance; and to make such loans, secured by real property or leasehold, as the Federal Housing Administrator insures or makes a commitment to insure, and to obtain such insurance.

Section 2. That Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by adding at the end of 2405. Section 148, a new and additional Section as follows, to be known as 2405. (a) Section 148 (a):

BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES

2405. (a) Section 148 (a). It shall be lawful for Banks, Savings Banks, Trust Companies, Building and Loan Associations, Insurance Companies, Trustees, Guardians and other fiduciaries, to invest their funds and the moneys in their custody or possession, eligible for investment, in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, provided such notes or bonds or the notes, bonds or debentures into which the same are convertible upon foreclosure of such mortgage or deed of trust shall be guaranteed as to principal and interest by the United States Government.

Section 3. That Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out 2406. Section 149 and inserting in lieu thereof the following:

2406. Section 149. The mortgages, debentures and other securities herein made eligible for investment may be used, wherever securities must be furnished by any depository in the State of Delaware, as security for the deposit of any funds whatsoever, or wherever securities must be deposited with any official of the State of Delaware pursuant to any statute of this State.

Section 4. That Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by adding at the end of 2406. Section 149, a new and additional Section as follows, to be known as 2406. (a) Section 149 (a):

2406 (a) Section 149 (a). No law of this State requiring security upon which loans or investments may be made, or prescribing the nature, amount or form of such security, or prescribing or limiting interest rates upon loans or investments or limiting investments of capital or deposits, or prescribing or limiting the period for which loans or investments may be made, shall be deemed to apply to loans or investments made pursuant to the provisions of this Act.

Approved April 12, 1937.

Cities and Towns

CHAPTER 134

BELLEFONTE

AN ACT TO AMEND CHAPTER 95, VOLUME 35, OF THE LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE 'THE COMMISSIONERS OF BELLEFONTE' TO BORROW MONEY AND ISSUE BONDS, TO SECURE THE PAYMENT THEREOF, FOR THE PURPOSE OF IMPROVING ITS STREETS AND PROVIDING A SEWAGE SYSTEM AND TO CONTROL AND REGULATE THE SAME."

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

Section 1. That Chapter 95, Volume 35, of the Laws of Delaware, entitled "An Act to authorize 'The Commissioners of Bellefonte' to borrow money and issue bonds, to secure the payment thereof, for the purpose of improving its streets and providing a sewage system and to control and regulate the same", be and the same is hereby amended by striking out the figures 1930 as they appear in the twenty-second line of Section 1, of Chapter 95, Volume 35, Laws of Delaware, and inserting in lieu thereof the figures 1940.

Section 2. That Section 6, Chapter 95, Volume 35, Laws of Delaware, be and the same is hereby repealed, and the following section shall be known as Section 6, Chapter 95, Volume 35, Laws of Delaware:

Section 6. That the said "The Commissioners of Bellefonte", having held a special election on November 9, A. D. 1936, "to vote whether or not the town should be bonded for \$30,000 to build sewers", according to the law governing annual town elec-

BELLEFONTE

tions of the Town of Bellefonte, and a majority of the regular votes cast at such election having been ascertained to be for issuing said bonds for sewer purposes, the requirements of another election subsequent to the passage of this Amendment for the re-determination of the same question is hereby dispensed with, and the validity of the issue of said bonds shall not be questioned in any court of law or equity when prepared, printed, executed and sold in conformity with the requirements of this Act and this Amendment thereto.

Approved April 8, 1937.

CHAPTER 135

BLADES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BLADES," BEING CHAPTER 155 OF VOLUME 28, LAWS OF DELAWARE, WITH REFERENCE TO THE QUALIFICATIONS OF ELECTORS, AND DUTIES OF THE TOWN ASSESSOR.

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

Section 1. That, chapter 155, of volume 28, Laws of Delaware, entitled "An Act to Incorporate the Town of Blades", be and the same hereby is amended by striking out the last sentence of the first paragraph of Section 2, and inserting in lieu thereof, the following:

At such election every person, male and female, of the said town of Blades, above the age of twenty-one years or upwards, who shall have paid the town tax last assessed to him or her, or who shall have become a citizen of said town since the last previous assessment of tax of the said town, shall have the right to vote for mayor, councilmen and all other elective officers of said town.

Section 2. That, chapter 155, of volume 28, Laws of Delaware, entitled "An Act to Incorporate the Town of Blades", be and the same hereby is amended by striking out the first sentence of Section 22, and inserting in lieu thereof, the following:

It shall be the duty of the assessor of said town annually to assess every citizen, male and female, of the town, above the age of twenty-one years, one dollar and one-half (\$1.50) per capita, and also the real and personal property of every citizen subject to county assessment and taxation; also non-residents who may own real estate in the town of Blades, all of which shall be assessed at its actual value.

Approved February 18, 1937.

CHAPTER 136

BLADES

AN ACT AUTHORIZING THE COUNCIL OF THE TOWN OF BLADES TO BORROW A SUM OF MONEY NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00), AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF INSTALLING A WATER PLANT AND THE LAYING OF WATER MAINS IN THE TOWN OF BLADES 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 council of the town of Blades be and the same is hereby authorized and empowered to borrow on the credit of said town of Blades a sum of money not to exceed Fifteen Thousand Dollars (\$15,000.00), to be used for the purpose of installing a water plant, the laying of water mains in the said town of Blades and the equipment therefor.

Section 2. That, the council of the said 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 town of Blades, to be known as "Blades Water Improvement Bonds", to an amount not exceeding the said sum of Fifteen Thousand Dollars (\$15,000.00), which Bonds shall be in the denomination of Five Hundred Dollars (\$500.00), shall be numbered consecutively beginning with number one, and shall bear interest at such rate as the council shall determine, not exceeding four per centum per annum, payable semi-annually upon presentation of the coupons attached to said Bonds representing the semi-annual interest. The Bonds shall be payable, both as to principal and interest, at the Seaford Trust Company, in the town of Seaford, Sussex County, Delaware.

Section 3. The principal of said Bonds shall be payable as follows:

BLADES

Bond No. 1, shall be payable on the 30th 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 30th 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 Blades 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 Blades shall publish notices thereof 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 thirty days prior to the date of said redemption.

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 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 it 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 attached thereto, shall be prescribed by the council of the town of Blades, and said Bonds shall be signed by the president of the said council, countersigned by the treasurer of said town of Blades and sealed with the corporate seal of said town, 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 shall direct.

Section 6. For the purpose of providing for the payment of said Bonds as they severally mature, and the annual interest there-

BLADES

on, and to provide a sinking fund for the payment or redemption of said Bonds, the council of the town of Blades 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 Blades 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 Blades is authorized to make and to establish by ordinance all regulations and rules for the establishment of such sinking fund.

Section 7. The faith and credit of the town of Blades 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 Blades 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, 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 Blades shall be entitled to vote, and shall have one vote for each One Dollar (\$1.00), or fractional part of One Dollar (\$1.00), 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 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 Fifteen Thousand Dollars (\$15,000.00), may be issued as in this act

BLADES

provided. But if, at such election, the majority of the votes cast shall be against the Bond Issue, then no Bonds shall be issued nor money borrowed under this act.

Approved February 18, 1937.

CHAPTER 137

BRIDGEVILLE

AN ACT AUTHORIZING THE COMMISSIONERS OF BRIDGEVILLE TO APPROPRIATE ANNUALLY OUT OF THE TAXES COLLECTED ON REAL ESTATE AND CAPITATION TAXES A SUM OF MONEY TO THE BRIDGEVILLE FIRE COMPANY, A CORPORATION OF THE STATE OF DELAWARE.

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

Section 1. The Commissioners of the Town of Bridgeville, beginning with the year 1937 and annually thereafter, may set aside ten per cent of the total amount collected as taxes on real estate and capitation taxes, to be used for providing equipment for and the maintenance of the Bridgeville Fire Company, a corporation of the State of Delaware. This fund shall be known as the Fire Department Fund and shall be paid out by the Treasurer of the Commissioners of Bridgeville upon orders drawn by the President and Treasurer of said Bridgeville Company and approved by the said Commissioners of Bridgeville.

Section 2. That the provisions of this act shall not go into effect until a special election shall have been held in the said Town of Bridgeville and the majority of the legal votes cast at said election has been ascertained to be "For Fire Department Fund." The said Commissioners of Bridgeville are hereby authorized and empowered to call and provide for such election whenever they shall deem it expedient so to do, provided that such special election shall not be held within thirty days after the approval of this act by the Governor. If the Fire Department Fund should not be approved by the majority of the votes cast at said special election, the said Commissioners of Bridgeville are hereby authorized and empowered to call a special election or elections at any time hereafter in like manner and for said purpose, providing that a majority of the Commissioners of Bridgeville shall vote so to do and that no two such elections shall be less than six months apart. Such special

BRIDGEVILLE

election or elections shall be held by such officers as may be selected and appointed for that purpose by the said Commissioners of Bridgeville. One of said officers shall be designated as the presiding officer at any such special election. Voting at such special election or elections shall be by ballot. Due notice of the time and place of said special election shall be given by the Commissioners of Bridgeville and advertisements posted in at least ten public and conspicuous places in said Town of Bridgeville at least ten days prior to any such special election. Such advertisement shall state clearly the purpose of such special election. At such special election each taxpayer of the said Town of Bridgeville, whether resident or non-resident, shall have one vote for every dollar or fractional part thereof paid by him, her or it respectively as town tax for the year next preceding said election and all taxpayers shall have the right to vote at such election, in person or by proxy duly signed and witnessed, provided, however, that in case of a change of ownership of any real estate within the corporate limits of said Town of Bridgeville between the date of the last assessment for town taxes and the date of holding such special election, the owner of such property at the time of the holding of such special election, upon producing satisfactory evidence to the election officers of his, her or its present ownership of said property, shall be allowed to vote as such owner of such property; and provided further that poll taxables who shall have ceased to be residents of said Town of Bridgeville shall not be entitled to vote at said election.

Approved April 1, 1937.

CHAPTER 138

CLAYTON

AN ACT TO REINCORPORATE THE TOWN OF CLAYTON.

Be it enacted by the Senate and the 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 limits of the Town of Clayton are hereby re-established and declared to be the same as shown on a plot, recorded in the Recorder's Office, at Dover, in Deed Record Book A, Volume 7, page 88.

Section 2. The governing body of the Town of Clayton shall be a Town Council composed of five (5) members whose terms shall be one (1) year and until their successors shall be duly elected and qualified and each of whom at the time of his nomination and election shall be a resident of the said Town, above the age of twenty-one years and the owner of real estate within said Town, provided however that any married man, otherwise qualified, whose wife is the owner of real estate within said Town, and any married woman, otherwise qualified, whose husband is the owner of real estate within said Town, may be nominated and elected a member of Council although such person may not be the owner of real estate within said Town, and real estate in said Town owned jointly by husband and wife shall make both husband and wife eligible, if otherwise qualified. No person shall be eligible for nomination or election who shall not have paid, prior to the filing of his nomination, all Town taxes theretofore assessed to him, and also all water and sewer rents theretofore due from him.

Members of Council shall be nominated and elected as follows: Nominations shall be filed at the Town office in said Town during usual business hours, with the Town Clerk, or in the absence of the Town Clerk, with the President or Secretary of Council at any place within said Town, not later than 4 o'clock P. M.,

CLAYTON

(Eastern Standard Time) on Monday next preceding the first Saturday in May. Each nomination shall be in writing, signed by the nominee or by five (5) other persons qualified to vote at such election.

The election shall be held at the Town Office, or some other suitable place in said Town designated by Council, after ten (10) days notice thereof by Council, posted in at least five (5) of the most public places in said Town. The election shall be held on the first Saturday in May in each year hereafter and the polls shall be kept open from 2 o'clock until 6 o'clock P. M., (Eastern Standard Time). At such election all residents of said Town, twenty-one years of age and upwards, who shall have paid all Town taxes theretofore assessed to them and also all water and sewer rents due from them, shall be entitled to vote.

Council shall cause to be printed ballots, at least as many in number as the approximate number of citizens in said Town entitled to vote at the election. Such ballots shall contain the names of all persons duly nominated, under headings designating the offices for which nominated and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls, and every citizen calling for a ballot shall receive one from the election officers. Voters may also prepare their own ballots, either printed or written, provided such ballots do not contain a name or names other than those duly nominated.

The election shall be held by three freeholders of said town, who shall be designated for that purpose as "Election officers" by the Town Council at its last regular meeting in each year, prior to the date of said election, one of whom shall be named to preside. The election officers shall keep a list of all voters at such election. When the election shall be closed the presiding officer shall take the ballots out of the box, open and read them, and pass the ballots to one of the other election officers for his inspection, and the third election officer shall tally the vote. In case of a tie vote for any office, the person designated to preside at the election shall cast the deciding vote. When the result of the

CLAYTON

election shall have been ascertained, the election officers shall make out certificates of election, and deliver them to the various members of Council elected, with the hour and place of meeting of the Town Council at the first stated meeting after their election. A certificate of election shall, also, be given to the Secretary or Town Clerk to be entered on the minutes of the Town of Clayton.

Before entering on their duties as members of Council, the members elected shall be sworn or affirmed by one of the retiring members of Council. If at the time for holding any town election, the persons designated to hold such election, or any of them, shall not be present, the voters then present may proceed to elect one or more persons, as the case may be, to act as election officers in the place of any absentee.

If any vacancy should occur in the membership of the said Council, by death, resignation, removal from town, refusal to serve, or otherwise, the remaining members of Council shall have the power to fill such vacancy until the next regular election.

The election officers shall each receive the sum of four dollars (\$4.00) for their services in connection with the holding of said election.

The present duly elected members of Council shall continue in office until the first Saturday in May, A. D. 1937 and until their successors shall be duly elected and qualified.

Section 3. The members of the Town Council shall meet for the purpose of organization on the second Monday evening in May following their election, and shall organize by the election of a President, a Secretary, and a Treasurer, and such other officers as shall be found necessary.

It shall be the duty of the President to preside at the meetings of Council; to have the general supervision of all the streets, lanes and alleys in said town, under the direction of the Town Council, and of the persons who may be employed by the Town Council;

CLAYTON

to receive complaints of nuisances, and other complaints of citizens of violation of laws, or ordinances, and present the same to the Council at their first meeting for action; and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition with the Town of Clayton for which a license therefor is, or may be required; he shall sign all warrants on the Treasurer for the payment of any money and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Council. If the President of Council shall be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him by this Act, or any other law conferred or imposed, or any ordinance or ordinances adopted by the Town Council, shall be exercised and performed by the person who at the time shall be acting as President of Council.

The President, Secretary and Treasurer shall each receive as compensation for their services a sum not exceeding fifty dollars (\$50.00) annually, and the remaining members of Council shall each receive as compensation for their services a sum not exceeding twenty-five dollars (\$25.00) annually.

Section 4. The inhabitants of The Town of Clayton, within the corporate limits heretofore established or within the corporate limits hereafter established, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State and elsewhere by the corporate name of "The Town of Clayton", and shall have a corporate seal, which Council may alter, change or renew at their pleasure; and may purchase, take hold and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this Act. Said Town shall have the superintendence and oversight of all roads and streets now open or

CLAYTON

hereafter to be opened wholly or partly within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Kent County but the said Levy Court shall annually appropriate for the repair of said roads and streets such sum of money as the said Town of Clayton shall be entitled to, under the provisions of Chapter 71, Volume 30 of the Laws of Delaware, and shall make an order for the payment thereof to the Treasurer of the Town of Clayton for the use of said town.

Section 5. The Town Council, at the regular meeting next after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect by ballot, some suitable person, resident in the town, to be alderman of the Town of Clayton, who may or may not be a Justice of the Peace, to serve as such for one year, from the second Monday in May or until his successor shall be duly elected, subject, however, to be removed from office at any time by a vote of a majority of all the members composing the Town Council. Before entering upon the duties of his office he shall be sworn or affirmed, by the President of the Town Council, or by any one of the Councilmen, to perform the duties of his office honestly, faithfully and diligently.

It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all orders and directions of the Town Council made in pursuance of any law of this State or of any ordinance that the said Town Council may legally make and establish. He shall have all the powers of a Justice of the Peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines and forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the Town Council regularly passed and established for the government of the town, and also of all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk, or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided, that he

CLAYTON

shall not impose any fine exceeding one hundred dollars, or have jurisdiction in civil matters exceeding two hundred dollars, exclusive of costs. His fees for any service under this Section shall be the same as those of a Justice of the Peace for like service and for any service or duty for which no fee may be provided by law the fee may be established by ordinance of the Town Council. If any vacancy shall occur in the office of alderman of the Town of Clayton, by death, resignation, removal from office or otherwise, such vacancy shall be filled at the next regular meeting of the Town Council, or as soon thereafter as practicable. If any alderman shall be removed from his office by the Town Council as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to pay over to the Treasurer of the town within the time aforesaid all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof by indictment, shall be fined not less than twenty-five nor more than five hundred dollars.

The alderman shall, at every regular meeting of the Town Council, report to the Council all fines imposed by him during the preceding month, and pay to the treasurer of the town of Clayton all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty-five nor more than five hundred dollars.

Section 6. The Town Council shall have power, upon the application of ten or more citizens of the town by petition, to locate, lay out, and open any new street, lane or alley or widen any street, lane or alley heretofore laid out in said town, or reopen any old street, lane, or alley now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid

CLAYTON

out and opened, or widened, or reopened, allowing to the persons respectively, through and over whose lands such street, lane or alley may pass, such compensation therefor as Council shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the Town out of the moneys of said town upon warrants drawn upon him by order of Council.

Whenever the Town Council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be its duty immediately after the survey and location of the said street, lane or alley, to notify in writing, the owner or owners of the real estate through or over which said street, lane or alley may run, of its determination to open or widen the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said Town to notify the holder or tenant of said real estate, but if there be no holder or tenant resident in said Town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the Town Council, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the President of said Council, or the person performing the duties of President of Council for the time being. In order to prosecute said appeal, such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days notice to said President of Council, or the person performing the duties of President of Council for the time being, make written application to the Associate Judge of the Superior Court of this State, resident in Kent County, for the appointment of a commission to hear and determine the matter of damages or compensation, and thereupon the said Associate Judge shall issue a commission under his hand directed to five freeholders of the said county, three of whom shall be residents of said Town of Clayton and two of whom shall be non-residents of said town, commanding them to assess the damages,

CLAYTON

if any, which the owner of the real estate through or over whose land said street, lane or alley shall pass, who shall have notified the said Town Council of their intention to appeal, may incur by reason thereof and to make return of their proceedings to the said Associate Judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, if any, and the Commissioners in assessing damages shall take into consideration the benefits and advantages to the owners from the proposed street improvements and set off the value of such benefits or advantages against the loss and disadvantages which such owners will suffer, provided in no case shall the value of benefits and advantages exceed the amount allowed for loss, detriment or disadvantage to such owners. The Commissioners shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said Town Council which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from town, during said period of one month, or are minors, then the same may be deposited to his or her credit in the Clayton Bank, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertaining and assessment of damages by the freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the town out of any money in his hands belonging to the Town, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be five dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the Town Council shall have the option to pay damages assessed, within the time aforesaid, and proceed with the said improvements, or, upon

CLAYTON

the payment of the costs only, may abandon the proposed improvements.

Section 7. The Town Council shall have power to enact ordinances to prevent nuisances, to preserve the health of the Town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said Town. The Council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways, and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing, wherever, in their opinion, such paving or graveling, making of gutters, and the placing of gutter-stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than $4\frac{1}{2}$ feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the Town Council shall have the option to make such change or alteration, or not. The Town Council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registering of the same, and to regulate their running at large, and may impose an annual tax not exceeding one dollar on every male

CLAYTON

dog, or two dollars on every female dog, and may provide for the collection of the same, from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said Council shall have power, also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this Section contained.

The Council shall have power, by ordinance or resolution, to trim or remove or cause the owners thereof to trim or remove any and all trees, bushes, shrubbery, weeds or other vegetation, wherever situated in the said Town, and which Council shall deem to constitute a public nuisance or menace to the public welfare, safety or traffic; and by ordinance or resolution to remove or raze, or cause the owners thereof to remove or raze, any building or structure, or any part thereof, wherever located in said Town and which Council shall deem to be a fire hazard or a menace to the health or safety of the public.

Council shall have power, by ordinance or resolution, to prohibit the keeping of pigs or hogs within the corporate limits of the said Town.

The enumeration of specific powers of Council in this Section, or elsewhere in this Act, shall not be held or deemed to be inclusive of all powers of Council, and in addition thereto Council shall have all additional powers implied in this Act or appropriate to the exercise of any expressed power and also council shall have and may exercise all other powers which, under this Act and the laws of the State of Delaware, it would be competent for this Act to specifically enumerate and which are necessary, desirable or useful for the proper and efficient conduct of the government of the Town of Clayton.

Section 8. Whenever the said Town Council shall have de-

CLAYTON

terminated that any paving, graveling, guttering, placing of gutter stones or plates in any gutter and curbing or any or either, or all of them, shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said Council may proceed to have the same done, and when done, the Treasurer of the Town shall, as soon as convenient thereafter, present to the said owner or owners of such lands a bill, showing the expense of such paving, graveling, guttering, placing of gutter-stones or plates in any gutter and curbing. If such owner or owners be not resident in the Town of Clayton such bill may be presented to the occupier or tenant of said land, or if there be no occupier or tenant resident in the said Town of Clayton such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof, as aforesaid, then it shall be the duty of said Town Council to issue a warrant in the name of the State of Delaware under the hand of the President of the Town Council, and the seal of the said corporation, directed to the Treasurer of the Town of Clayton, commanding him that of the goods and chattels, lands and tenements of such owner or owners he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the Treasurer of the said Town of Clayton, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the Town of Clayton at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods or chattels of such owner or owners can be found within said town sufficient to satisfy the amount of

CLAYTON

said bill with all costs, then it shall be the duty of the said Treasurer of the said Town of Clayton, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places in the Town of Clayton, for at least ten days before the day of sale, and after causing such notice of sale to be published in two successive issues in a newspaper printed in the said Town of Clayton (or, if there be no newspaper printed in the said Town of Clayton, then in a newspaper printed anywhere in Kent County), to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the Treasurer of the said Town of Clayton shall convey to the purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, shall be a lien on the premises in front of which the said work was done, and said lien shall relate back to the time when the notice herein required shall have been served upon the owner or owners or occupants of said premises, and shall have priority over any lien, encumbrance, or conveyance suffered or made by the owner or owners after the service of said notice. It shall be the duty of the Treasurer of said Town, out of purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the said proceeds and sale to the parties entitled thereto, and to retain for the use of the said Town the amount of the said bill as aforesaid and the residue of the said purchase money, if any, shall immediately be deposited in The Clayton Bank and Trust Company to the credit of the said owner or owners.

The Treasurer of the said Town shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping and taking care of such personal property, for

CLAYTON

selling the same, and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid.

Any notice required by this Section to one owner shall be notice to all, and in case no owner shall reside in said Town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said Town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her, at the post office nearest his or her place of residence. The provisions hereinbefore contained in this Section shall apply to any order made by the Council of said Town in respect to any pavement, sidewalk, gutter, placing of gutter-stones or plates in any gutter, or curb, heretofore made or done, which the said Council may deem insufficient, or to need repairing. The said Council, in addition to the provision of this Section hereinbefore contained, shall have power and authority to enforce by ordinance, all the requirements of this Section by imposing such fines and penalties as shall in the judgment of said Council be necessary and proper.

Section 9. The Council of said Town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said Town at any regular monthly meeting. Such regular meeting shall be held on the second Monday evening of each month; additional meetings may be held as provided by town ordinance, or whenever twelve taxables of said Town shall, in writing, addressed to the President of Council, request a special meeting, or whenever the President may deem it expedient. All meetings shall be open to citizens of the said Town of Clayton, except when matters, required to be heard in executive session, shall be under consideration. At any such regular or special meetings, ordinances or rules for the good government of said Town, the improvement of its streets, the repairs and construction of drains and water courses, the planting and protecting of ornamental trees, and for all other matters relating to the general welfare of said Town may be ordained and enacted. They shall have and are hereby vested with power and authority to prescribe the fines or penalties for violation

CLAYTON

of any of the provisions of this Act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this Act. All such fines and penalties which may be imposed, either by this Act or the ordinances enacted as aforesaid, may be collected before the alderman of said Town or any Justice of the Peace of said Town, and in default of payment said alderman or Justice of the Peace may commit for any time not exceeding thirty days.

The fiscal year of the Town of Clayton shall begin on the first day of April in each year and shall end with the next succeeding thirty-first day of March. Council shall cause a clear, concise and correct annual financial statement of the said Town for the fiscal year next preceding to be printed, at least three hundred in number, and distributed in the Town of Clayton, not later than the Saturday next preceding the last day for the filing of nominations for Council.

Section 10. Council may appoint such number of Town Constables as shall be deemed necessary from time to time and who shall constitute the Town police, and may also in its discretion appoint any Constable of Kent County residing in said Town as an additional member of the Town police. Council shall have power to remove any Town Constables at any time and also to revoke the appointment of any County Constable as a member of the Town police.

Section 11. The Council of said Town shall have power and authority to make such regulations and enact such ordinances relating to the traffic over and upon the streets, lanes and alleys of said Town, and the use thereof, and the parking or placing of carts, carriages, automobiles, or obstructions in and upon any of said streets, lanes, alleys or sidewalks, as they shall deem proper, to secure the free and uninterrupted use and employment thereof, and if any person shall violate the regulations and ordinances of the said Council in that behalf, every person so offending shall forfeit and pay to the Treasurer of said Town, for the use of said Town, a sum not exceeding one hundred dollars, to be recovered

CLAYTON

with costs, by the Treasurer of said Town, in the name of the Town of Clayton, before the alderman of the said Town or before any Justice of the Peace residing in said Town, in the same manner as debts of like amount are recoverable by law.

Section 12. That in all cases where any fines, penalties, moneys, debts, damages, or obligations are due and owing to the said Town of Clayton and arising from any of the provisions of this Act, the said fines, penalties, moneys, debts, damages, or obligations, in addition to the remedies herein set forth by this Act for their recovery, may be enforced, collected and recovered by means of attachment process as fully and effectually as any debt or damages may be recovered by virtue of any attachment law of this State.

Section 13. It shall and may be lawful for the Council of said Town to use the jail of Kent County for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this Act, or for carrying into effect any ordinance or regulation adopted under the provisions of this Act, and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this Act, or under the provisions of any ordinance of the Council of said Town.

Section 14. The Council of said Town shall have the power and authority to use the money in the Treasury of said Town, or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the Council of said Town shall be as good and binding as the acts, doings and determinations of the whole.

In case of a vacancy or vacancies in the Council of said Town, the remaining members shall fill such vacancy or vacancies within thirty (30) days, if practicable, and while any vacancy or vacancies continue, Council shall not authorize or permit the expenditure of any Town funds in excess of One Hundred Dollars (\$100) for

CLAYTON

any one item of expense, except for contracts, salaries, accounts and other obligations contracted, due or created prior to the existence of such vacancy or vacancies.

Section 15. It shall be the duty of the Alderman of said Town and Council of said Town, and of the constables of said Kent County residing in said Town, if duly appointed members of the Town police, and of the town constables, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gatherings of persons in or about any buildings used for any fair, festival, concert, or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said Town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry them before the Alderman of said Town, whose duty it shall be to hear and determine the case, and upon conviction before him the Alderman shall sentence any such person so convicted to pay a fine not exceeding Twenty-five dollars and may commit the party to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the Alderman of said Town upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constables aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets, lanes, alleys of said town, and take such person so arrested before the Alderman of said Town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If on view of the person or persons who may be brought before the Alderman of said Town for violation of this section, it shall appear to the Alderman that in his judgment such person or persons are

CLAYTON

not in a condition to be heard or tried, he may commit such person to the keeper of the jail of Kent County to wait a trial at a time by him to be fixed; such time shall in no case be more than twenty-four hours from the time of commitment, unless the expiration of the said twenty-four hours would be on the Lord's Day, and then not later than ten o'clock on the Monday morning following.

The fee to the Alderman of said Town for the trial of any cause under this section shall be one dollar, and to the constable making the arrest one dollar. In case of a commitment the constable shall receive an additional fee of one dollar, and the keeper of said jail shall be entitled to receive the same compensation for the board of the said prisoner as shall be allowed by the Levy Court for the board of prisoners of Kent County.

Section 16. The Alderman of said Town, the Council of said Town, and the Town constables shall have power and authority to suppress, extinguish and prevent all bonfires within the limits of the said Town, and to suppress and prevent the firing of guns or pistols or the setting off of fire crackers, or other fireworks, or the making and throwing of fire-balls, within the limits of said Town, and the Council of said Town may, by ordinance or ordinances, impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Section 17. The Council of said Town is hereby authorized and required to prohibit the use, maintenance or establishment of any building or structure wherein any cattle, sheep or swine are now, or may hereafter be slaughtered, and to further prohibit any offal or refuse matter from any such building or structure being brought within the limits of said Town under a penalty of not less than Ten Dollars, nor more than twenty-five dollars, to cause all obstructions and nuisances that may at any time be and exist within the limits of said Town, whether in the streets, lanes or alleys, or on sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The Council of said Town, or a majority of them, may proceed, either on their own view or

upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance, and where the same exists. If the Council of said Town, or a majority of them, either of themselves, or upon such information, or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the President of said Council, or the acting President of said Council, if the President of said Council be absent from the Town or otherwise be incapacitated from acting, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect for the space of two days after such notice to remove or abate such obstruction or nuisance, Council shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose Council may issue a warrant in the name of the State of Delaware under the hand of the President of Council, or the acting President, and the seal of the said Town, and directed to any constable of the Town of Clayton, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the Town of Clayton, and to take with him such assistants, implements, horses, carts, wagons or other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstruction or the abatement of such nuisance.

The costs and damages of all the proceedings, shall be determined and adjudged by Council, and if the same be not paid to the Treasurer of said Town for the use of the Town by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such cost and damages shall have been presented to such person, then Council may proceed to collect the same out of the goods and chattels of such person by warrant issued to the Treasurer of said Town in the same manner as provided in Section 8 of this Act, for the collection of the expenses of any paving, graveling, etc., and the Treasurer of said Town, upon the receipt of such warrant, shall have all powers to sell the goods and chat-

CLAYTON

tels of such person conferred and shall proceed in the same manner as directed by said Section 8 of this Act, on warrants directed to him under said section to collect the expense of paving, graveling, etc., except that nothing in this section contained shall confer any power upon the Treasurer of said Town to sell any land and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the Treasurer of said Town for the use of the Town a sum not less than five dollars and not more than twenty-five dollars and five dollars additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days' notice as aforesaid, to be recovered with costs of suit, in the name of the Town of Clayton before the Alderman of said Town or any Justice of the Peace residing in said Town, as debts of like amount are recoverable. In ascertaining the amount of the judgment the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated and five dollars for each such day shall be added to the initial fine and judgment rendered accordingly.

If the amount of the judgment, exclusive of costs, will exceed two hundred dollars, the case shall not be cognizable before the Alderman or Justice of the Peace, but in such case suit in the name of the Town of Clayton may be brought in the Superior Court of the State of Delaware, in and for Kent County. These last provisions shall be cumulative and additional to the provisions hereinbefore in this Section contained.

Section 18. If any member of the Town police shall neglect or refuse to perform any of the duties required of him by this Act,

CLAYTON

he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Council of said Town to present him to the Grand Jury of Kent County, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than two hundred dollars, and may be imprisoned in the discretion of the Court for any term not exceeding one year and upon such conviction he shall ipso facto forfeit his office.

Section 19. The Treasurer of the said Town, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the President of Council, or by any member thereof, or by any Judge, Justice of the Peace, or Notary Public. He shall before entering upon the duties of his office, give bond to the Town of Clayton with sufficient surety to be approved by Council in the penal sum of at least three thousand dollars (\$3,000.00), conditioned for the faithful discharge of the duties of his office, and for the payment to his successor in office of all sums of money belonging to said Town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The premiums upon said bond, and upon any other bond required under this Charter of any of the officers and employees, of the Town of Clayton, shall be paid out of the general funds in the Treasury of said Town. The said Treasurer shall pay all orders drawn on him by order of Council, and signed by the President thereof, out of any moneys in his hands belonging to said Town. He shall, at each regular meeting of Council submit a report, in writing, of all receipts and disbursements, which shall be entered in the minutes of said meeting. He shall make such settlements of his accounts from time to time, as shall be required by Council, and shall make final settlement annually on or before the Second Monday in April.

Section 20. At the regular meeting of Council on the second Monday in May in each year, there shall be appointed an Assessor, who shall be a freeholder and a citizen of the Town of Clayton,

CLAYTON

but no person then serving as member of Council shall be eligible to the office of Assessor during the term of his office as a member of Council. The assessor shall receive such reasonable compensation for his services as shall be determined by the Town Council.

Council at the same meeting in May shall also appoint a Town Clerk and a Town Tax Collector who shall be one and the same person and who shall be a resident of the Town of Clayton but who need not be a freeholder and who shall receive such compensation as Council shall determine, and in addition to the collection of Town taxes, he shall collect all water and sewer rents, electric accounts, and all other accounts due the Town of Clayton, shall keep all Town records and shall perform such other services in the maintenance of the Town office and otherwise as Council shall from time to time prescribe. The term of such Clerk and Collector shall be one year from the second Monday in May and such officer shall not be removed during any term except for cause and after a hearing before Council.

Council may from time to time and for such period or periods as it deems best, appoint a Delinquent Tax Collector, who may or may not be a resident of the Town of Clayton, and Council may require such bond as it deems proper. Such Delinquent Tax Collector shall serve during the pleasure of Council and shall have all the powers while in office as are vested in the Town Tax Collector and shall receive such compensation as Council may determine. Such Delinquent Tax Collector, at the discretion of Council, may also be empowered by Council to collect any and all other moneys and accounts, in addition to taxes, in arrears and due the Town of Clayton.

Section 21. The Town Council may fix the sum to be assessed upon each citizen residing in said Town, above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said Town; but the sum so to be fixed shall be one and the same for every class and description of citizens.

Section 22. Council is hereby authorized and empowered to levy and collect from the taxables of said Town according to the

CLAYTON

terms and provisions of this Act such sums as may be deemed by them necessary to carry out the provisions of this Act, clear of all delinquencies and expenses of collection. Provided, nevertheless, that the citizens of the Town may assemble in Town meeting at any time during the year to determine whether any additional sum or sums shall be levied and collected for any specific purpose or purposes; notice of which meeting, the place of meeting and the special purpose or purposes for which said additional sum or sums are desired having been published by Council in five public places in the Town for at least ten days immediately prior to the time of said meeting. At said meeting a resolution or resolutions shall be prepared stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied. The qualified voters of the Town shall then proceed to vote yea or nay, by ballot, upon said resolution or resolutions, and the result shall be certified to Council; and if a majority of those voting shall approve of said resolution or resolutions then Council shall levy and collect said additional sum or sums and apply the same for the purpose or purposes specified; and if more has been levied and collected than was necessary for the purpose or purposes named or specified, the residue shall be carried into the treasury of the Town for general purposes.

Section 23. It shall be the duty of the Assessor of said Town, annually, to make a true, just and impartial valuation and assessment of all the real estate within said Town, and also an assessment of all citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said Town, and also the personal property of such citizens subject to county assessment and taxation; also, if required by Council, to ascertain the number of dogs within the said Town and assess the owner or keeper of a dog or dogs, one dollar for each male dog and two dollars for each female dog. The said Assessor shall make such assessment and return the same to Council within three weeks next after his appointment. Council shall assess the real estate and person and assessable personal property of the Assessor. Council shall as soon as conveniently may be after receiving said assessment list, cause a full and com-

CLAYTON

plete transcript of said assessment list to be prepared and hung up in the post office, or such other public and convenient place as Council may select in said Town, where it shall remain for at least five days thereafter for public inspection; and Council shall, on the first Monday in June, hold a Court of Appeals, which shall continue open from 7 o'clock P. M., to 9 o'clock P. M., (Eastern Standard Time) of said day, when Council shall hear and determine appeals from the said assessment, and may make correction of, additions to, or alterations in the said assessment. Council may adjourn the Court of Appeals from day to day. Notice of the hanging up of said assessment list, and also at the same time, notice of the time and place of hearing appeals, shall be given by posting such notice in at least five (5) public places in the Town of Clayton for a period of at least five (5) days prior to the first Monday in June, when said appeals are heard.

The determination of Council upon any appeal, or upon any matter relating to such assessment, shall be final and conclusive. No member of Council shall sit upon his own appeal, but the same shall be heard and determined by the other members of Council. After the said valuation and assessment shall be examined and adjusted by Council, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions, and rates. The fact that any property is without adequate fire protection or is outside of the limits of a proper and satisfactory sewer connection shall be taken into consideration in assessing the value of said property. The Assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the President or any member of Council, or any Judge, Justice of the Peace, or Notary Public.

Section 24. Council, after having ascertained the sum necessary to be raised in the said Town for the purposes of this Act, and after having apportioned the same on the assessment and valuation aforesaid, shall annually on the 15th day of June cause

CLAYTON

to be delivered to the Town Collector a list, or tax duplicate, containing the names of the taxables as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property, and the tax on the whole valuation and assessment, and the rate per hundred dollars, which list shall be certified by the President of Council. The Collector immediately after receiving said list, shall proceed to collect the taxes rated and contained in said list, and in collecting the same shall have all the powers conferred by law on the Receiver of Taxes for Kent County. All taxes shall be due and payable on the First day of July of each year and five (5%) per centum discount shall be allowed on all taxes paid in the month of July of the calendar year the taxes are levied, but no discount shall be allowed nor any penalty added for payment during the months of August and September of the calendar year the taxes are levied, and upon all taxes unpaid on and after the first day of October of the calendar year the taxes are levied penalty shall be added at the rate of one (1%) per centum thereof for each month and until such tax is paid. The Town Clerk and Collector, before entering upon the duties his office, shall give bond to the Town of Clayton with sufficient surety to be approved by Council in the penal sum of Three Thousand Dollars (\$3,000.00), conditioned for the faithful performance of the duties of his office and the payment to the Treasurer of said Town of all moneys collected by him belonging to said Town and for the settlement of his accounts with the Treasurer of said Town in the month of April next following his appointment, and at such other times as Council may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The provisions of Article 6 of Chapter 79 of the Revised Code of Delaware of 1935 shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Act except that the lien for town taxes in the Town of Clayton shall be and remain a lien for the period of three (3) years from the date prescribed by this Act for the delivery of the duplicate, or assessment list, of said Town to the Collector thereof, and no longer.

CLAYTON

Section 25. That in addition to the power hereinbefore given to the Collector of Town taxes appointed for the Town of Clayton, it shall and may be lawful for the Collector of the Town of Clayton, after demand made by him upon the person against whom a tax may be assessed, either poll, personal or real property, for the payment of the tax assessed, and the failure of said taxable to pay the same on said demand, to give written notice to any person or persons residing in Kent County whom he may suppose to have in his or their possession any goods, chattels, rights, credits, moneys, or wages belonging to or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person served with notice, as aforesaid, shall refuse or neglect for thirty days after such notice to file a statement with the said Collector, giving in detail the goods, chattels, rights, credits, moneys or wages in his hands belonging to said delinquent taxable and to deliver the same to the Collector, or to pay into the hands of the Collector so much money, as will satisfy said Town of Clayton tax due and owing to said Town of Clayton from said delinquent taxable, and all costs incurred in and about the collecting of said Town of Clayton taxes from said delinquent, the Collector may proceed by suit in the name of the Town of Clayton, before any Justice of the Peace in the Town of Clayton, or elsewhere in Kent County, against any person notified as aforesaid and failing as hereinbefore provided, and may recover against him, her or them a judgment for the amount of the Town of Clayton taxes due from said delinquent taxable, and all costs. The costs in any such proceeding shall be the same as those fixed by law in a civil action for debt. The process, mode of trial, right of appeal and form of proceeding shall be as prescribed in Chapter 121 of the 1935 Revised Code of this State. The cost for serving the written notice shall be the same as now provided by law in cases of attachment. The oath of the Collector shall be sufficient evidence of the demand on the taxable and of the service of notice upon and refusal and neglect of the person in whose hands were or supposed to be goods, chattels, rights, credits, moneys or wages.

Section 26. That the Town Council of said Town shall have the power, in its discretion, by ordinance duly enacted or by reso-

CLAYTON

lution duly adopted, to release, relieve and exempt the real estate, not exceeding five (5) acres, and/or the personal property, of any person, firm, association or corporation within the corporate limits of the Town of Clayton, upon which real estate any manufacturing plant or other industrial development or improvements shall be made or erected for the employment of labor, skilled or otherwise, or any real estate upon which any buildings are now erected and which after the approval of this Act shall be used for any manufacturing or industrial purposes, not before carried on therein, from any and all municipal taxes, water rents, sewer rents, or charges for electric current, or any of them, for a period not in excess of ten (10) years from the enactment of such ordinance or the adoption of such resolution.

Section 27. The Secretary of Council, before entering upon the duties of his office, shall be sworn or affirmed to faithfully, honestly and diligently perform the duties of said office, which oath or affirmation may be administered by the President of Council, by any member of Council, or by the Alderman, any Justice of the Peace, or any Notary Public.

It shall be the duties of the Secretary of said Town to keep a true and complete record of all of the proceedings of Council at all meetings held by them and to post the names of all candidates for election as members of Council in three (3) public places in said Town at least five (5) days before the day of election and to do and perform such other matters and things as may be required by this Act or which may be provided by ordinance of Council.

Section 28. The State Highway Department of the State of Delaware shall have charge of the three bridges crossing Greens Branch within the limits of the Town of Clayton, to-wit: at Basset Street, at Rodney Street and on the road leading from Clayton Public Schools to the Kenton road. The said State Highway Department shall keep said bridges, and all appurtenances thereto, in good order and repair and when necessary shall rebuild the

CLAYTON

same. Said State Highway Department shall bear all expense of maintaining and rebuilding said bridges.

Section 29. That Council of the Town of Clayton is authorized and empowered upon petition, as hereinafter provided, to pave, gutter, curb and grade the streets of the Town of Clayton, or so many of such streets, or such parts thereof, as may be selected for that purpose, and, also, to build and improve the sewers and conduits in any of said streets selected to be paved as aforesaid, and to provide funds for the payment of the costs, or part of the cost of such improvements, as hereinafter set forth.

Whenever a majority of the property owners owning property abutting on any street of the said the Town of Clayton, or on any section of a street, between intersecting streets, shall petition Council to pave or improve said street, or section thereof, it shall be the duty of Council, and it is hereby authorized and directed, to pave, gutter, curb and grade such street or section thereof, under the provisions of this Act. Provided, however, that Council shall not be required to pave any street or section thereof, unless there are sufficient funds in the Treasury of the said Town, or otherwise available, to pay one-third of the cost of such improvement; and provided, further, that said petition shall be deemed sufficient when signed by a majority of such property owners, residing in The Town of Clayton.

Whenever any street, or section thereof, is paved or repaved after the passage of this Act, or is graded, curbed, guttered, or sewered, Council shall assess against the properties abutting upon the street, or the section thereof which is improved, under the provisions of this Act, not exceeding two-thirds of the whole cost of making such improvement, except the cost of grading and paving the intersections of streets. Provided, however, that Council shall make provision for a separate connection of each property, with the sewer, extending such connection to the curb line of the street, and that the entire cost of such connection shall be paid by the owners of abutting properties.

CLAYTON

Whenever any improvement, made under the provisions of this Act, is completed, Council aforesaid shall cause to be prepared a list showing the names of the property owners, the lineal feet of property of each abutting on the street or section thereof improved, the amount proposed to be assessed against each lot or parcel of land and the total cost of any such improvement. Upon the completion of such list, a copy of the same shall be hung up for at least ten days in some public place in the Town of Clayton for the inspection of the public, and notice of the completion of said list and of the place where the same is hung up for inspection, as aforesaid, shall be given to all parties in interest by advertisement in a newspaper published in the Town of Clayton in at least two successive issues of said paper, or if there be no newspaper published in the Town of Clayton in some other newspaper published in Kent County; said advertisement shall also state the time and place, when and where Council will hear any objection, which may be made against any assessment, as aforesaid. The time of the meeting for the hearing of objections, as aforesaid, shall be not earlier than one week nor later than four weeks from the date of the last issue of the newspaper containing the advertisement aforesaid. The place of said meeting shall be in Council Chamber of the Town of Clayton, or some other convenient room in said Town. Council shall sit to hear any objection to the assessment aforesaid, at the place advertised, from one o'clock to four o'clock in the afternoon (Eastern Standard Time) on the day designated and may adjourn from day to day, if necessary. At said session Council shall make such alterations and corrections of the assessment as it shall deem proper and in accord with the provisions of this Act.

The determination of Council at any such session shall be final and conclusive. A copy of the assessment list as corrected as aforesaid shall be hung up for at least ten days in the same place in which the copy of the original list had been displayed. At the expiration of the ten days aforesaid the assessment list as corrected, as aforesaid, shall be certified by Council, under the hands of its President and Secretary, to the Collector of Taxes of the Town of Clayton for collection, and from the date of such

CLAYTON

certification, the several amounts shown upon such list as assessed against the properties shall be a lien upon the property upon which the assessment is made, and such lien shall have priority of any lien, encumbrance or conveyance, except taxes or prior liens for public improvements. No error or mistake in regard to the name of an owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner, as shown by the record in the office of the Recorder of Deeds for Kent County at the time of the notice required in this Section to be published in a newspaper, is shown upon such assessment list.

All assessments made in pursuance of this Section shall be based upon the lineal feet of property actually abutting upon that section of the street improved, and each lineal foot of such property, affected within the same block or square shall be assessed alike, regardless of the depth, width or other dimensions of such property. All assessments so made shall be due upon the date of the certification by Council to the Collector of Taxes of the Town of Clayton, as aforesaid, but shall not be collectible until the expiration of thirty days from said date. The payment of the amount of any assessment within the said thirty days shall be accepted by the Collector of Taxes as a full satisfaction of such assessment. On all assessments remaining unpaid after the expiration of said thirty days from the date of the certifying, as aforesaid, interest, at the rate of six per centum per annum, computed from the date of certifying, as aforesaid, shall be added. Any property owner may, at his election to be expressed in writing to Council, aforesaid, within thirty days after the date of certifying, as aforesaid, pay his assessment in eight equal installments, together with interest, as above stated; the first of said installments, with accrued interest, shall be due, payable and collectible at the expiration of three months from the date of the certifying aforesaid, and thereafter one of said installments, with accrued interest, shall become due, payable and collectible at the expiration of every three months until all of said installments, with accrued interest, have been fully paid. Any property owner may have the right at any installment period, to pay the balance due on his assessment in full or any part thereof not less than one installment, with accrued interest thereon. All

CLAYTON

assessments shall be due and payable to the Collector of Taxes of the Town of Clayton at the town office in the Town of Clayton, the designation of such office to be given notice of by said Collector of Taxes by advertisement in at least two issues of the newspaper published in the Town of Clayton, or if there be no newspaper published in the Town of Clayton then in some other newspaper published in Kent County, the date of the last issue of which paper shall be at least five days before the expiration of thirty days from the date of the certifying of the assessments by Council to the Collector of Taxes, as hereinbefore set forth.

If any property owner, who has signified his desire to pay his assessment in installments, as hereinbefore set forth, shall omit to pay any of said installments when the same shall become due and payable as aforesaid, then and in such event the entire assessment or so much thereof as shall then be unpaid, together with accrued interest, shall immediately become and be due, payable and collectible.

If any property owner, who has not elected to pay his assessment in installments, as hereinbefore set forth, shall have omitted to pay the said assessment at the expiration of the thirty days from the date of the certification of the assessment, as aforesaid, and if any property owner, who shall have elected to pay his assessment in installments, shall omit to pay any of the said installments, when the same shall become due and payable, as aforesaid, then and in every such case it shall be the duty of the President of Council to issue his warrant directed to the Collector of Taxes of the said town, commanding him to levy the entire assessment or so much thereof as shall then remain unpaid, together with accrued interest and all costs thereon, upon the property affected by said assessment, which said property, or any part thereof, shall be sold by the said Collector of Taxes of the Town of Clayton at public auction after advertisement in two successive issues of some newspaper published in the said Town of Clayton, or if there be no newspaper published in the Town of Clayton then in some other newspaper published in Kent County, and a deed from the President of the Town Council of the Town of Clayton shall convey to the purchaser of such property, a full and complete title to said property in fee

CLAYTON

simple, or otherwise, as if the same were executed by the owner thereof.

And it shall be the duty of said Collector of Taxes out of the purchase money of the said property so sold as aforesaid to pay all costs arising from said process and sale to the parties entitled thereto respectively and to retain the amount of such assessment with accrued interest thereon, as aforesaid. The residue of said purchase money shall be immediately deposited by the said Collector of Taxes in The Clayton Bank and Trust Company to the credit of the owner of the property so sold.

Section 30. The Town Council of the Town of Clayton shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacture of electric current for the use of the inhabitants of said Town and for lighting of streets, squares, lanes, alleys and public buildings of said Town and shall have full power and authority to construct, erect, maintain, improve, extend, equip and operate on and over the streets, lanes and alleys of said Town and where necessary, over any other property in said Town, such transmission and distribution lines for said current as may be necessary to properly light said Town and to furnish proper connections for electric current to the properties of the inhabitants thereof who may desire the same. The Council shall have power to make contracts for the purchase of heat, light, sewer, water and electric current with any responsible persons, firms, or corporations and to distribute the same to users within or without the said Town with the same full powers as if such heat, light, power, water or electric current has been generated or manufactured by the said Town as herein expressly provided for by this Act. Council shall grant to all persons whosoever in said Town the privilege of using the electric current conveyed and distributed by said Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may seem just and proper and shall enact such ordinances relating to electric current, its generation and distribution in said Town and the regulation of the connection thereof with the properties of individuals in said Town and its

CLAYTON

general management and control, as Council shall from time to time deem advisable. Council may at its option transmit electric current from said Town to places and properties outside of the Town limits upon such terms, charges and conditions as it shall deem advisable.

The Town Council shall also have full power and authority, at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible persons, firms, associations or corporations, and for such terms of years as Council shall deem advisable to use the present and future streets, squares, alleys and lanes of the said Town for purposes of furnishing light, heat, power, gas or water, or any or all of them, to said Town and to the persons, firms, or corporations residing therein and for the purpose of transmitting light, heat, power, gas and water, or any or all of them, through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town, any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise; and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of light, heat, power, gas or water or any or all of them, or for the furnishing of electric current, either at wholesale or retail, to said Town and to persons, firms, and corporations residing therein, or adjacent thereto.

Section 31. The Town Council of the Town of Clayton is hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person, firm, association or corporation. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may,

CLAYTON

at its option, furnish sewer facilities to places and properties outside of the Town limits and upon such terms, charges and conditions as it shall deem advisable. The Council may require any property in said Town, for which there is an available sewer, to be connected with the sewer system, and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor by the same method of procedure as is provided for in Section 17 of this Act.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The method of procedure by condemnation under this Section shall be the same as prescribed in Section 6 of this Act, for the opening and laying out of new streets.

Section 32. The Town Council of the Town of Clayton is hereby vested with full power and authority to provide for the Town of Clayton an ample supply of pure water and to purchase, lease, erect, contract, maintain, operate and control wells, reservoirs, pumping stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water on, over, under or through the lands of any person, firm, association or corporation. The Council shall have power to enact ordinances, rules and regulations in regard to the use, for public or private purposes, of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to, or interference with the Water System of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such terms, charges and conditions as it shall deem advisable.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the water system. The method of procedure by condemnation under this Sec-

CLAYTON

tion shall be the same as provided for in Section 6 of this Act for the opening and laying out of new streets.

Section 33. The present Alderman, Treasurer and Collector, and Town Constables shall continue to hold their respective offices until the second Monday in May, A. D. 1937, at which time their successors shall be elected or appointed, as the case may be, as provided by this Act.

Section 34. That nothing in this Act shall be deemed to repeal or invalidate the provisions of Chapter 134, Volume 30, Laws of Delaware, or the provisions of Chapter 135, Volume 30, Laws of Delaware, or the provisions of Chapter 131, Volume 33, Laws of Delaware, or the provisions of Chapter 98, Volume 35, Laws of Delaware, or the provisions of Chapter 96, Volume 39, Laws of Delaware, or the provisions of Chapters 154, 155 and 156 of Volume 40, Laws of Delaware, or the provisions of any other statutes of the State of Delaware, except in so far as any of the provisions of said Chapters or of said statutes may be in conflict with the provisions of this Act.

That all ordinances, heretofore made by the Town Council of the said Town of Clayton, except in so far as the same have been repealed, are hereby ratified and confirmed, and all debts, liabilities and obligations due and owing to the said town, and all actions, right of action, or rights, whatsoever, on behalf of the said Town of Clayton are hereby declared to be unaffected or unimpaired by the provisions of this Act, and all the powers and authority now appertaining and belonging to any office or officer of said town are hereby retained unimpaired, so long as any such office shall continue.

Section 35. This Act shall be deemed and taken to be a public Act.

Approved April 26, 1937.

CHAPTER 139

DELMAR

AN ACT AUTHORIZING "THE MAYOR AND COUNCIL OF THE TOWN OF DELMAR" TO REFUND A CERTAIN PART OF THE DEBT OF THE SAID "THE MAYOR AND COUNCIL OF THE TOWN OF DELMAR", KNOWN AS "DELMAR SEWER BONDS."

WHEREAS, by act of the General Assembly of the State of Delaware, approved March 19, A. D. 1925, being Chapter 153 of Volume 34, Laws of Delaware, "The Mayor and Council of the Town of Delmar" was authorized and empowered to borrow upon the faith and credit of the said town Forty-seven Thousand (\$47,000.00) Dollars, to be expended to build, construct, maintain and operate a sewer system and sewerage disposal works for the use and benefit of the said Town of Delmar and its inhabitants, and for the purpose of securing the payment of such sum to issue bonds of such denominations as the said "The Mayor and Council of the Town of Delmar" should deem best and bearing such rate of interest, not exceeding the legal rate, as the said "The Mayor and Council of the Town of Delmar" should deem expedient; and,

WHEREAS, the said "The Mayor and Council of the Town of Delmar" in pursuance of said act issued said bonds to the amount of Forty-seven Thousand (\$47,000.00) Dollars, the said bonds being known and designated as "Delmar Sewer Bonds", all of which bonds now remain outstanding; and,

WHEREAS, it is now the intent and purpose of this Act that the said indebtedness represented by said outstanding bonds amounting to the sum of Forty-seven Thousand (\$47,000.00) Dollars shall be refunded at a lower rate of interest;

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 members elected to each Branch thereof concurring therein):

DELMAR

Section 1. That "The Mayor and Council of the Town of Delmar", a municipal corporation of the State of Delaware, be and it is hereby authorized, fully empowered and directed to borrow upon the faith and credit of the said Town of Delmar, the sum of Forty-seven Thousand (\$47,000.00) Dollars for the purpose of paying, refunding and redeeming all outstanding Delmar Sewer Bonds issued under authority of Chapter 153 of Volume 34, Laws of Delaware, amounting to the sum of Forty-seven Thousand (\$47,000.00) Dollars, the said bonds so to be issued to be known as "Delmar Sewer Refunding Bonds."

Section 2. That the said bonds shall be of the denomination of One Thousand (\$1000.00) Dollars each and shall bear interest at such rate, not exceeding four (4%) per centum per annum, as the Town of Delmar shall determine. The interest upon the said bonds shall be payable semi-annually in each and every year from the date of issue appearing thereon at such bank or trust company in said Town of Delmar as said municipal corporation may designate. The principal of said bonds shall be made payable at the expiration of thirty years from the date of the issue thereof, the said "The Mayor and Council of the Town of Delmar" reserving the right and authority to redeem said bonds or any part of them after the expiration of ten years from the date of issue, provided that such election shall be effected on any day on which the semi-annual interest is due and in pursuance of a notice to that effect published by the said "The Mayor and Council of the Town of Delmar" in at least two issues of at least two newspapers in Sussex County, Delaware, the first of said publications of said notice to be at least thirty days prior to the date on which said bond or bonds is or are to be redeemed. In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number of the issue; and the interest on said bond or bonds so called in and redeemed shall cease from the date fixed in the said notice for the redemption thereof, and the said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in and redeemed as herein provided, any holder or holders of any such bond or bonds shall offer the same for redemption, the said

DELMAR

"The Mayor and Council of the Town of Delmar", if it deem it expedient so to do, may redeem or pay the bond or bonds so offered, and cancel the same, the interest on said bond or bonds so redeemed and cancelled to cease from the date of such redemption.

Section 3. That the said "The Mayor and Council of the Town of Delmar" shall direct and effect the preparation and printing of the bonds authorized by this Act and shall also prescribe the form of said bonds, which shall be signed by the Mayor of said town, as President of the said "The Mayor and Council of the Town of Delmar," and countersigned by its Treasurer, and shall be sealed with the corporate seal of said corporation. Said bonds shall be exempt from all State, County and Municipal taxation. Each of said bonds shall contain coupons providing for the payment of the interest thereon as said interest shall become due, and as the said bonds and any of said coupons are paid, the same shall be cancelled in such manner as the said "The Mayor and Council of the Town of Delmar" shall direct.

Section 4. That the said bonds shall be sold as soon as reasonably possible after the approval of this Act. And it shall be the duty of "The Mayor and Council of the Town of Delmar" 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 in at least two issues of at least two newspapers published in and out of the State of Delaware, as "The Mayor and Council of the Town of Delmar" may deem necessary and proper. "The Mayor and Council of the Town of Delmar" 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 Mayor and Council of the Town of Delmar" may sell the same at private sale for the best price obtainable therefor, provided said price shall be not less than par and accrued interest.

DELMAR

Section 5. That the said "The Mayor and Council of the Town of Delmar" shall annually provide for a sum equal to the amount of interest due each year upon said bonds, and, as and when the said "The Mayor and Council of the Town of Delmar" shall see fit to call any or all of said bonds under Section 2 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 thereon. The said "The Mayor and Council of the Town of Delmar" is further hereby authorized and empowered to assess and collect annually in the same manner a tax for the purpose of establishing a sinking fund adequate for the redemption at and before maturity of the bonds issued under the provisions of this Act. The principal and interest of said bonds shall be deposited in any bank or banks in the Town of Delmar for the purpose of paying the interest on said bonds from time to time and to pay any or all of said bonds which may be called or redeemed.

Section 6. The faith and credit of the said Town of Delmar are hereby pledged for the payment of the bonds authorized to be issued under the provisions of this Act, together with all interest thereon.

Approved April 19, 1937.

CHAPTER 140

DELMAR

AN ACT AUTHORIZING "THE MAYOR AND COUNCIL OF THE TOWN OF DELMAR" TO REFUND A CERTAIN PART OF THE DEBT OF THE SAID "THE MAYOR AND COUNCIL OF THE TOWN OF DELMAR", KNOWN AS "DELMAR DRAINAGE BONDS."

WHEREAS, by act of the General Assembly of the State of Delaware, approved March 19, A. D. 1925, being Chapter 152 of Volume 34, Laws of Delaware, "The Mayor and Council of the Town of Delmar" was authorized and empowered to borrow upon the faith and credit of the said town Forty-six Thousand Dollars (\$46,000) to be expended to provide a complete and adequate surface drainage system for the use and benefit of the said Town of Delmar and its inhabitants, and for the purpose of securing the payment of such sum to issue bonds of such denominations as the said "The Mayor and Council of the Town of Delmar" should deem best and bearing such rate of interest, not exceeding the legal rate, as the said "The Mayor and Council of the Town of Delmar" should deem expedient; and,

WHEREAS, the said "The Mayor and Council of the Town of Delmar" in pursuance of said act issued said bonds to the amount of Forty-six Thousand Dollars (\$46,000), the said bonds being known and designated as "Delmar Drainage Bonds", all of which bonds now remain outstanding; and,

WHEREAS, it is now the intent and purpose of this Act that the said indebtedness represented by said outstanding bonds amounting to the sum of Forty-six Thousand Dollars (\$46,000) shall be refunded at a lower rate of interest;

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 members elected to each Branch thereof concurring therein):

Section 1. That "The Mayor and Council of the Town of

DELMAR

Delmar", a municipal corporation of the State of Delaware, be and it is hereby authorized, fully empowered and directed to borrow upon the faith and credit of the said Town of Delmar, the sum of Forty-six Thousand (\$46,000) Dollars for the purpose of paying, refunding and redeeming all outstanding Delmar Drainage Bonds issued under authority of Chapter 152 of Volume 34, Laws of Delaware, amounting to the sum of Forty-six Thousand (\$46,000) Dollars, the said bonds so to be issued to be known as "Delmar Drainage Refunding Bonds."

Section 2. That the said bonds shall be of the denomination of One Thousand Dollars (\$1000) each and shall bear interest at such rate, not exceeding four (4%) per centum per annum, as the Town of Delmar shall determine. The interest upon the said bonds shall be payable semi-annually in each and every year from the date of issue appearing thereon at such bank or trust company in said Town of Delmar as said municipal corporation may designate. The principal of said bonds shall be made payable at the expiration of thirty years from the date of the issue thereof, the said "The Mayor and Council of the Town of Delmar" reserving the right and authority to redeem said bonds or any part of them after the expiration of ten years from the date of issue, provided that such election shall be effected on any day on which the semi-annual interest is due and in pursuance of a notice to that effect published by the said "The Mayor and Council of the Town of Delmar" in at least two issues of at least two newspapers in Sussex County, Delaware, the first of said publications of said notice to be at least thirty days prior to the date on which said bond or bonds is or are to be redeemed. In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number of the issue; and the interest on said bond or bonds so called in and redeemed shall cease from the date fixed in the said notice for the redemption thereof, and the said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in and redeemed as herein provided, any holder or holders of any such bond or bonds shall offer the same for redemption, the said "The Mayor and Council of the Town of Delmar", if it deem it expedient so

DELMAR

to do, may redeem or pay the bond or bonds so offered, and cancel the same, the interest on said bond or bonds so redeemed and cancelled to cease from the date of such redemption.

Section 3. That the said "The Mayor and Council of the Town of Delmar" shall direct and effect the preparation and printing of the bonds authorized by this Act and shall also prescribe the form of said bonds, which shall be signed by the Mayor of said town, as President of the said "The Mayor and Council of the Town of Delmar", and countersigned by its Treasurer, and shall be sealed with the corporate seal of said corporation. Said bonds shall be exempt from all State, County and Municipal taxation. Each of said bonds shall contain coupons providing for the payment of the interest thereon as said interest shall become due, and as the said bonds and any of said coupons are paid, the same shall be cancelled in such manner as the said "The Mayor and Council of the Town of Delmar" shall direct.

Section 4. That the said bonds shall be sold as soon as reasonably possible after the approval of this Act. And it shall be the duty of "The Mayor and Council of the Town of Delmar" 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 in at least two issues of at least two newspapers published in and out of the State of Delaware, as "The Mayor and Council of the Town of Delmar" may deem necessary and proper. "The Mayor and Council of the Town of Delmar" 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 Mayor and Council of the Town of Delmar" may sell the same at private sale for the best price obtainable therefor, provided said price shall be not less than par and accrued interest.

Section 5. That the said "The Mayor and Council of the

DELMAR

Town of Delmar" shall annually provide for the sum equal to the amount of interest due each year upon said bonds, and, as and when the said "The Mayor and Council of the Town of Delmar" shall see fit to call any or all of said bonds under Section 2 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 thereon. The said "The Mayor and Council of the Town of Delmar" is further hereby authorized and empowered to assess and collect annually in the same manner a tax for the purpose of establishing a sinking fund adequate for the redemption at and before maturity of the bonds issued under the provisions of this Act. The principal and interest of said bonds shall be deposited in any bank or banks in the Town of Delmar for the purpose of paying the interest on said bonds from time to time and to pay any or all of said bonds which may be called or redeemed.

Section 6. The faith and credit of the said Town of Delmar are hereby pledged for the payment of the bonds authorized to be issued under the provisions of this Act, together with all interest thereon.

Approved April 19, 1937.

CHAPTER 141

DELMAR

AN ACT AUTHORIZING "THE MAYOR AND COUNCIL OF THE TOWN OF DELMAR" TO PROCURE MONEY AND TO ISSUE BONDS FOR THE PURPOSE OF PURCHASING THE WATER PLANT, MAINS AND EQUIPMENT NOW INSTALLED IN THE TOWN OF DELMAR, DELAWARE.

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 Mayor and Council of the Town of Delmar", a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of said Town of Delmar a sum of money not exceeding Seventy Thousand (\$70,000.00) Dollars to be used for the purpose of purchasing and operating the water plant, together with all mains and equipment now owned and operated in the Town of Delmar, or within one mile of limits of the Town of Delmar by The Delmar Water Company, a corporation of the State of Delaware.

Section 2. The said "The Mayor and Council of the Town of Delmar", for the purpose of carrying into effect the provisions of this Act, is hereby authorized and empowered to issue bonds of the said "The Mayor and Council of the Town of Delmar" of such denominations as the said "The Mayor and Council of the Town of Delmar" may in its judgment determine. Said bonds shall bear interest at a rate not exceeding four (4%) per cent. per annum, payable on the first days of December and June of each year at such bank or trust company in the said Town of Delmar as the said "The Mayor and Council of the Town of Delmar" may designate. The principal of said bonds shall be payable at the expiration of thirty (30) years from their date at such bank or trust company in the Town of Delmar as "The Mayor and Council of the Town of Delmar" may designate and the said bonds or any of them may be redeemed at the option of the said "The Mayor

DELMAR

and Council of the Town of Delmar", in whole or in part, at par and accrued interest, at any interest period after the expiration of ten (10) days from the date of said bonds. Notice of such election to redeem all or any part of said bonds shall be published by the said "The Mayor and Council of the Town of Delmar" in at least two (2) issues of at least two newspapers in Sussex County, Delaware, and in such other issues as the said "The Mayor and Council of the Town of Delmar" may designate, the first publication of said notices to be at least thirty (30) days prior to the date on which such bond or bonds shall be redeemed. Such notices shall indicate the bonds called according to their number, beginning with the lowest number of the issue. Interest on said bond or bonds so called and redeemed shall cease from the date fixed in said notice for the redemption thereof and the said bonds when called shall be cancelled.

Section 3. The said "The Mayor and Council of the Town of Delmar" shall draw and effect the preparation and printing of the bonds authorized by this Act and shall also prescribe the form thereof. They shall be signed by the Mayor of the Town Council of Delmar and countersigned by its secretary and shall be sealed with the corporate seal of said corporation and shall be exempt from state, county and municipal taxation. They may or may not, as "The Mayor and Council of the Town of Delmar" shall determine, contain coupons providing for the payment of the interest thereof as said interest shall become due.

Section 4. That the said "The Mayor and Council of the Town of Delmar" shall negotiate the sale and delivery of said bonds and shall apply and use all the money arising from the sale of said bonds for the purpose of carrying into effect the provisions of this Act; provided, however, that in the sale of said bonds the said "The Mayor and Council of the Town of Delmar" is hereby required and directed to advertise for bids for the purchase of said bonds in at least two issues of at least two newspapers published in the State of Delaware, inviting bids for the same, in which said advertisements shall be stated the denominations of said bonds, rate of interest and place of opening said bids and the conditions of said bonds. The said "The Mayor and Council

DELMAR

of the Town of Delmar" shall have the power to require that each bid for said bonds, or any portion thereof, shall be accompanied by a certified check for such amount as it may deem proper as a guaranty of good faith on the part of the bidder, and after the bonds are sold and awarded, the said "The Mayor and Council of the Town of Delmar" shall return to the unsuccessful bidder or bidders the certified check or checks so filed by said unsuccessful bidder or bidders with his or their bids. The said "The Mayor and Council of the Town of Delmar" shall have the right to reject any or all bids for said bonds, but if said bonds are sold they shall be sold to the person or persons, firm or corporation offering the most advantageous terms.

Section 5. That the said "The Mayor and Council of the Town of Delmar" is hereby authorized and required to assess and collect annually in the same manner as is now provided by law for assessing and collecting other taxes for municipal purposes, a special tax sufficient to pay all the interest accruing on said bonds. And it is further hereby authorized and empowered to assess and collect annually in the same manner a further special tax for the purpose of establishing a Sinking Fund adequate for the redemption at or before maturity, as prescribed in this Act, of the bonds issued under the provisions of this Act; the said sinking fund shall be deposited in any bank or trust company in the Town of Delmar until such time as it may be needed for the redemption of any or all of said bonds.

Section 6. The said "The Mayor and Council of the Town of Delmar" is hereby authorized and empowered to do all things necessary to provide for the purchase of said water plant, mains, equipment, etc., and the operation and maintenance thereof and any and all other acts incidental thereto and to take all proper legal measures and to execute any and all instruments of writing as may be necessary or advisable in taking over said plant and equipment and to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary or advisable for the purpose of carrying into effect the provisions of this Act. The said "The Mayor and Council of the Town of Delmar" shall have the supervision and control of said

DELMAR

water plant, mains and equipment whether within or without the corporate limits of said Town of Delmar and may alter, repair, remove and replace the same as it may see fit.

Section 7. That the said "The Mayor and Council of the Town of Delmar" is hereby authorized and empowered to adopt such ordinance or ordinances as it may deem necessary or advisable for the operation, management and control of said water system or incidental thereto.

Section 8. That the faith and credit of the Town of Delmar are hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act, together with all interest thereon.

Section 9. That none of the provisions of this Act shall go into effect and the said "The Mayor and Council of the Town of Delmar" shall have no authority or power to issue any of the bonds herein provided until a special election shall have been held in the said Town of Delmar by the officers provided for in this Act and a majority of the legal votes cast at said election has been ascertained to be for the issuance of bonds for the purchase of water plant and all equipment. The said "The Mayor and Council of the Town of Delmar" is hereby authorized and empowered to call and provide for such special election whenever it shall deem it expedient so to do, providing that such special election shall not be held within thirty days after the approval of this Act by the Governor. If the issuing of said bonds should not be approved by a majority of the votes cast at said special election, the said Town of Delmar is hereby authorized and empowered to call a special election or elections at any time thereafter in like manner and for said purpose, provided that a majority of the council of the Town of Delmar shall vote so to do and that no two such elections shall be less than six months apart. Such special election or elections shall be held by such officers as may be selected and appointed for that purpose of the said "The Mayor and Council of the Town of Delmar." One of said officers shall be designated as the presiding officer at any such special election. Due notice of the time and place of said special election shall be given by

DELMAR

advertisement posted in at least ten public and conspicuous places in said Town of Delmar at least ten days prior to any such special election. Such advertisements shall state clearly the purpose of such special election. Voting shall be by ballot. Each taxpayer of the said Town of Delmar, whether resident or non-resident, shall have one vote for every dollar or fractional part of a dollar paid by him, her or it, respectively, as town tax for the year next preceding said election. All taxpayers shall have the right to vote in person or by proxy duly signed and witnessed. In the case of change of ownership of any real estate within the corporate limits of said town between the date of the last assessment for town taxes and the date of holding such special election, the owner of such property at the time of the holding of such special election, upon producing satisfactory evidence to the election officer of his, her or its present ownership of said property, shall be allowed to vote as the owner of such property. Poll taxpayers who shall have ceased to be residents of the Town of Delmar shall not be entitled to vote at said election.

Section 10. Any persons who shall wilfully vote or attempt to vote illegally at such special election, or any person acting as election officer at such special election who shall wilfully refuse or consent in refusing to receive a legal vote, or who shall in any way act in a fraudulent or illegal manner at any such special election, shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding Fifty Dollars, or be imprisoned for the term of thirty days, or suffer both fine and imprisonment in the discretion of the Court. Should a voter be challenged on the ground of non-payment of tax, the presiding officer of the election or officer receiving the votes shall cause the person so challenged to swear that he or she has paid all town tax assessed against him or her for the year next preceding the date of such special election; otherwise, his or her vote shall not be received. Should such person wilfully and falsely so swear, he or she shall be deemed guilty of false swearing and liable to the penalties provided by law for such offense.

Approved May 19, 1937.

CHAPTER 142

ELSMERE

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES AND
ASSESSMENTS FOR THE TOWN OF ELSMERE.

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 Commissioners of Elsmere, the following method and authority is hereby established:

The Commissioners of Elsmere may file, or cause to be filed, a Praeceptum in the office of the Prothonotary of the Superior Court in and for New Castle County, which shall contain the name of the person against whom the taxes or assessment sought to be collected were assessed, and a copy of the bills showing the amount of tax or assessment due and the property against which the assessment was laid, and thereupon the said Prothonotary shall make a record of the same on the Judgment Records of said Superior Court against the property mentioned or described in said Praeceptum. Thereafter, upon the application by The Commissioners of Elsmere, through any person authorized on its behalf to collect taxes or assessment due to said Town, a monition shall issue to the Sheriff of New Castle County, which monition shall briefly state the amount of 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, and a description of such property by street and number shall be a sufficient description. 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, taking warning that unless the taxes or assessment stated herein are paid within twenty days after the date hereof, or within such period of twenty days, evidence of the payment of the taxes herein claimed shall be filed

ELSMERE

in the office of the Prothonotary, which evidence shall be in the form of a receipted tax bill or duplicate thereof, the Commissioners of Elsmere may proceed to sell the property herein mentioned or described for the purpose of collecting the taxes or assessment herein stated. Said monition or a copy thereof, shall, within ten days after its issuance, be posted by the Sheriff upon some prominent place or part of the property against which said taxes or assessment is due and the Sheriff shall make due and proper return of his proceeding under said monition within ten days after the posting of said monitions as aforesaid.

At any time after the expiration of twenty days after the return of the Sheriff upon said monition, unless before the expiration of said twenty days the said taxes shall be paid or evidence of the payment of the taxes consisting of receipted tax bills or duplicates thereof shall be filed in the office of the said Prothonotary, upon application by The Commissioners of Elsmere, through their Counsel, or any other person authorized on their behalf to collect taxes or assessment due to the said Town, a writ of Venditioni Exponas shall issue out of the office of the said Prothonotary, directed to the Sheriff in the usual form, commanding the Sheriff to sell the property mentioned or described in said Praeceptum and make due return of his proceedings thereunder in the same manner as is now applicable with respect to writs of Venditioni Exponas in the Superior Court.

Section 2. Any property sold under the provisions herein authorized shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person who is the legal owner thereof at the time of the filing of said Praeceptum in the office of the Prothonotary, and likewise freed and discharged from any dower or courtesy, whether absolute or inchoate, in or to said real estate. The owner of any property sold or his legal representatives, may redeem the property at any time within one year from the day the sale is approved by the Court, and if the owner or his legal representatives does not redeem such property within said period, any person having any interest in said property, or lien

ELSMERE

upon such property, shall be entitled to redeem the same within eighteen months of the date of such approval by the Court, by paying to the purchaser or his legal representative the amount of the purchase price, and fifteen per cent in addition thereto, or if the purchaser or his legal representative shall refuse to receive the same, by paying said amount into said Court.

Section 3. 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 4. 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 Praecipe in the office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid.

Approved May 17, 1937.

CHAPTER 143

BELLEFONTE

AN ACT. TO PROVIDE FOR THE COLLECTION OF TAXES AND ASSESSMENTS FOR "THE COMMISSIONERS OF BELLEFONTE."

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 Commissioners of Bellefonte," the following methods and authority are hereby established:

The Commissioners of "The Commissioners of Bellefonte" may file, or cause to be filed, a Praeipie in the office of the Prothonotary of the Superior Court in and for New Castle County, which shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessments due and the property against which the assessment was laid; and the statement of the lot number or numbers of the particular section in which said property is located shall be sufficient identification and description of the said property. The Prothonotary shall make a record of same on the judgment records of said Superior Court against the property mentioned or described in said Praeipie. Thereafter upon a Praeipie for Monition filed in the office of said Prothonotary by "The Commissioners of Bellefonte" through any person authorized on its behalf to collect taxes or assessments due to "The Commissioners of Bellefonte," a Montion 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 assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien; and a description of such property by street and number or by lot number or numbers of the particular section

BELLEFONTE

in which said property is located shall be a sufficient description. 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, taking 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 of New Castle County, "The Commissioners of Bellefonte" 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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Said Monition, or a copy thereof, shall be posted by the Sheriff upon some common place or part of the property against which said judgment for the taxes or assessments is a lien, and a copy of said Monition shall be left, in the presence of an adult person, at the usual place of abode within New Castle County of the person in whose name the property is assessed. If the person in whose name the property is assessed is a corporation, a copy of said Monition shall be left, in the presence of an adult person, at its principal place of business in New Castle County. If said person does not reside in New Castle County, or if said corporation has no place of business in New Castle County, a copy of said Monition shall be mailed in a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation. The Sheriff shall make due and proper return of his pro-

BELLEFONTE

ceedings under said Monition to said Prothonotary within ten days after the leaving of said copy of Monition as aforesaid or the mailing of said copy of Monition as aforesaid.

Alias or pluris Monition may issue upon like Praeceptum. The posting of said Monition and the leaving or mailing of said copy 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 Commissioners of Bellefonte", through its attorney, or any other person authorized on its behalf to collect taxes or assessments due to the "The Commissioners of Bellefonte", 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 writ 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 Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten

BELLEFONTE

days after service of a copy of said Monition as hereafter stated. 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 , and that a copy of said Monition was left, in the presence of an adult person, at the usual place of abode within New Castle County of the person in whose name the property is assessed, on the day of A. D. 19 , (or that a copy of said Monition was left, in the presence of an adult person, at the principal place of business in New Castle County of the corporation in whose name the property is assessed, on the day of A. D. 19 , or that since said person or corporation does not reside in New Castle County or has no place of business in New Castle County, a copy of said Monition was mailed in a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation, on the day of A. D. 19 .)

We therefore now command you to expose to public sale 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 Commissioners of Bellefonte", 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 Commissioners of Bellefonte" a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

BELLEFONTE

WITNESSETH, the Honorable _____ at
Wilmington, the _____ day of _____ A. D. 19 ____.

Prothonotary

Section 2. Any real estate or interest therein sold under the provisions hereof shall vest in the purchaser all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person or persons who are the owner or owners thereof, 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, and from all equity of redemption and liens and encumbrances held by persons and corporations against said property.

Section 3. The 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 of the sale thereof, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen percent 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 Bellefonte, by paying said amount into said Court for the use of said purchasers, 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 there-

BELLEFONTE

upon 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, and a description of said property by street and number or by lot number or numbers of the particular section in which said property is located, together with a description of said property made from a map of the assessed property of the Town of Bellefonte in the office of the Assessor for the Town of Bellefonte shall be sufficient description in any such deed.

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, 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 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 proceeds 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 Monition 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 Praeceptum in the office of the Prothonotary be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for town purposes which may hereafter be lawfully assessed on real estate in the town of Bellefonte shall constitute a prior lien thereon for a period of ten years from the tenth day of August succeeding the assessment of said taxes, but if the said real estate

BELLEFONTE

remains the property of the person to whom it is assessed, then the lien shall constitute until the tax is collected, and may, with all incidental costs and expenses, be levied by sale thereof as hereinbefore provided. The said tax lien and costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to. The Commissioners of "The Commissioners of Bellefonte" shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Act and in the event that such person or persons is the highest and best bidder or bidders therefor, the title thereto shall be taken in the name of "The Commissioners of Bellefonte", a municipal corporation of the State of Delaware. The Commissioners of "The Commissioners of Bellefonte", by resolution duly adopted, are authorized and empowered to sell and convey any real estate purchased under the provisions of this Act.

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 Monition 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
Cost of paying money out of Superior Court for each check drawn	1.00

BELLEFONTE

The following fees shall be charged the Sheriff:

Posting Monition or copy thereof75
Posting each Alias or Pluries Monition or copy thereof75

All other charges not covered by this Act shall be the same as are now provided by law.

Section 8. In addition to the foregoing procedure for the collection of delinquent taxes, the Commissioners of "The Commissioners of Bellefonte" shall have the authority to employ or cause to be employed such procedure for the collection of delinquent taxes due "The Commissioners of Bellefonte" as is set forth in Chapter 135, 1155 Section 11, of Volume 40, Laws of Delaware, so far as the same refers to the attachment of personal property. The defendant in any such writ of attachment shall not be entitled to the benefit of any of the exemption laws of the State of Delaware and all persons, firms, associations, corporations, public and private, including banks, trust companies, savings institutions, loan associations and insurance companies, and public officers and the agents, servants and trustees of the said defendant shall be liable to be summoned as garnishee for which purpose service of the summons as provided in other attachment cases shall be sufficient to render said persons and the officers of the said corporations subject to all the liabilities provided by law and the answer of such person and of such officers so served with said attachment shall be enforced in the same manner as is now provided by law in other cases.

Approved May 20, 1937.

CHAPTER 144

FRANKFORD

AN ACT TO RE-INCORPORATE THE TOWN OF FRANKFORD

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):

NAME AND TERRITORIAL LIMITS

Section 1. The inhabitants of the Town of Frankford, in the County of Sussex, State of Delaware, are hereby constituted a municipal corporation and body politic. The name and style of said corporation shall be "The Town of Frankford."

The Boundaries of The Town of Frankford are hereby established and declared to be as follows:

BEGINNING for the outline thereof at a marked Maple Tree standing on the North side of Vine Branch Canal and on the West side of the old County Road leading from Frankford to Selbyville, thence South forty-two degrees West one thousand five hundred seventy-three feet to a stake, thence North fifty-eight and one-half degrees West one thousand thirty-five and one-half feet to an electric light pole, thence North thirty-six degrees fifty minutes West six hundred ninety-seven feet to a marked Oak Tree, thence North twenty-five minutes West two thousand three hundred ninety-three and one-half feet to a stake in the Southern boundary line of the road leading to Hickory Hill, thence North two and three-quarters degrees East one thousand six hundred fifty-one and one-half feet to a stake on the East side of the Railroad, thence North fifty-three degrees thirty-five minutes East two thousand twelve and one-half feet to a road post marked 26

356

in the Western edge of Honolulu Road, thence along and with the Western edge of Honolulu Road South thirty-six and one-quarter degrees East three thousand nine hundred and seven feet to a stake on the Southern edge of the concrete road leading from Frankford

FRANKFORD

to St. Georges Church, thence South thirty-six and three-quarters degrees East four hundred seventy-eight feet to a stake forty-five feet from the Northern side of the aforesaid Vine Branch Canal, thence in a Southwesterly course parallel with the said Vine Branch Canal, home to the place of beginning.

The Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot, when so made and approved by the said Council, and signed by the President and Secretary of Council, and sealed with the Town Seal, and when recorded in the office of the Recorder of Deeds of the State of Delaware, in and for Sussex County, at Georgetown, shall be deemed to be a true map and plot of the Town, and the same, or the record thereof or a duly certified copy of said record, shall be evidence in all Courts of law and equity in this State.

GENERAL POWERS

Section 2. (A) The inhabitants of the Town of Frankford, within the limits and boundaries referred to in Section 1 of this Act, or within the limits and boundaries hereafter established, shall be and they are hereby created a body politic and corporate in Law and Equity by the Corporate name of "The Town of Frankford," hereinafter called The Town, and under that name shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require, subject however to other sections of this Act.

As hereinafter provided in Section 22 of this Charter relating to power to issue Bonds, the Town shall have all other powers and functions requisite to or appropriate, for the government of

FRANKFORD

the Town, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort, and well being of its population and the protection and preservation of property, public and private; and all actions, suits, and proceedings shall be brought in the name of "The Town of Frankford."

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of Frankford shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town of Frankford whether expressed or implied, shall be exercised as prescribed by this Charter, or, if not prescribed herein, by ordinance or resolution of the Town Council.

STRUCTURE OF GOVERNMENT

Section 3. The Government of the Town and the exercise of the powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Town Council. The Town Council shall consist of five members, who shall be citizens of the State of Delaware and residents and non-delinquent taxables of the said Town above the age of twenty-one years and the owner of real estate within the said Town in their own name, at the time of their nomination and election, provided however that any married man, resident of said Town, whose wife is a freeholder of said Town, may be elected a member of said Council, although he may not be in his own right, in any real estate within said Town. No compensation shall be paid to Councilmen.

ELECTION IN GENERAL

Section 4. The present Members of the Town Council, shall by this Act be appointed to serve and shall continue to act as Councilmen of said Town from and after the passage hereof until

FRANKFORD

Councilmen are duly elected; and that at the annual election held on the first Saturday in February, 1938, after the passage of this Act as provided for in Section 5 of this Act, five Councilmen shall be elected, two of whom shall be elected for one year, two for two years, and one for three years; and thereafter the successor of every Member of the Town Council shall be elected by the qualified voters as defined in Section 5 of this Act to serve for a term of two years.

MANNER OF HOLDING ELECTIONS AND MAKING
NOMINATIONS

Section 5. (A) The annual municipal elections shall be held on the first Saturday in the Month of February from one o'clock P. M. until four o'clock P. M., at such places as shall be determined by the Council, due notices of which shall be given by posting notices thereof in five public places within the limits of the Town of Frankford, not less than ten days before the day of the annual election.

(B) Said members of the Council shall be nominated as follows, viz:—

At least ten days before the day of the election as hereinafter fixed, nominations shall be filed with the Secretary of the Council. Said nominations shall be in writing signed by the nominee or by five other citizens of the Town, which of at least two of whom shall be freeholders, which nominations shall be presented to the Council by the said Secretary at the meeting to be held at the usual meeting place, which shall not be later than eight o'clock in the evening of the last day for filing said nominations. Council shall cause to be printed ballots, at least as many in number as the number of citizens in said town entitled to vote at the election. Said ballots shall contain the names of all persons nominated under headings designating the offices for which nominated, and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls, and every citizen calling for a ballot shall receive one from the persons hold-

FRANKFORD

ing the election. Voters may also prepare for themselves ballots, either printed or written, provided that such ballots do not contain a name or names other than those nominated as aforesaid.

(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva voca vote, a qualified voter or voters to act. The three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.

(D) Every citizen of the said Town of the age of twenty-one years, or upwards, who has within twelve months of said election paid a Town Tax which has been assessed within twelve months, shall have a right to vote, and persons arriving at the age of twenty-one years since the last Town assessment shall have a right to vote. The voters shall not vote for more candidates than are to be voted for at the election and in voting shall cross out the names of all candidates which he or she does not desire to vote for.

(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie, the three persons holding the Election shall, by a majority vote, decide which of the candidates so tied shall be elected.

(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of the Election, which Book, containing such minutes, shall be preserved by the Council, and

FRANKFORD

shall be evidence in any Court of Law and Equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 6. On the first Monday following the annual election each year, the Council shall meet and the newly elected officers shall assume the duties of office. Before entering upon the duty of their office, the newly elected members shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over Member of the Council to faithfully and impartially perform their duties. At this annual meeting the Council shall organize and thereafter shall hold meeting at such time as hereinafter provided.

SPECIAL MEETING, WAIVER OF NOTICE

Section 7. Special meetings shall be called by the Secretary upon the written request of the President of Council, or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the President and to each member of Council of the day, hour and place of such special meeting and of the subject or subjects proposed to be considered thereat. Such notices of the Secretary must be deposited in the U. S. mail in the main post office in the Town of Frankford at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the President and all other members of Council prior to or immediately upon the convening of such special meeting, shall make such forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Frankford shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at regular meeting.

FRANKFORD

ing the election. Voters may also prepare for themselves ballots, either printed or written, provided that such ballots do not contain a name or names other than those nominated as aforesaid.

(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva voca vote, a qualified voter or voters to act. The three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.

(D) Every citizen of the said Town of the age of twenty-one years, or upwards, who has within twelve months of said election paid a Town Tax which has been assessed within twelve months, shall have a right to vote, and persons arriving at the age of twenty-one years since the last Town assessment shall have a right to vote. The voters shall not vote for more candidates than are to be voted for at the election and in voting shall cross out the names of all candidates which he or she does not desire to vote for.

(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie, the three persons holding the Election shall, by a majority vote, decide which of the candidates so tied shall be elected.

(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of the Election, which Book, containing such minutes, shall be preserved by the Council, and

FRANKFORD

shall be evidence in any Court of Law and Equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 6. On the first Monday following the annual election each year, the Council shall meet and the newly elected officers shall assume the duties of office. Before entering upon the duty of their office, the newly elected members shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over Member of the Council to faithfully and impartially perform their duties. At this annual meeting the Council shall organize and thereafter shall hold meeting at such time as hereinafter provided.

SPECIAL MEETING, WAIVER OF NOTICE

Section 7. Special meetings shall be called by the Secretary upon the written request of the President of Council, or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the President and to each member of Council of the day, hour and place of such special meeting and of the subject or subjects proposed to be considered thereat. Such notices of the Secretary must be deposited in the U. S. mail in the main post office in the Town of Frankford at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the President and all other members of Council prior to or immediately upon the convening of such special meeting, shall make such forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Frankford shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at regular meeting.

FRANKFORD

QUORUM

Section 8. That in the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it received the affirmative vote of a majority of all members elected to Council.

RULES AND MINUTES OF COUNCIL

Section 9. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the Yeas and Nays shall be taken upon the passage of every ordinance and resolution, and shall be entered in the Journal with the text of the ordinance or resolution.

VACANCIES

Section 10. In case of vacancy created in the Members of Council either by death, resignation, loss of residence in the Town of Frankford, or otherwise, the Council shall fill such vacancy for the residue of the whole term; provided, however, if a vacancy shall be created in the office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person to serve until the next annual election, at which time there shall be elected a suitable person to fill the unexpired term of said office.

DISQUALIFICATION

Section 11. If any Councilman shall, during his term of office, lose his residence in said Town, or his citizenship in the

FRANKFORD

State of Delaware, or be found guilty of any crime or misdemeanor, he shall forthwith be disqualified to act as a Member of Council, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

CONTRACTS WITH MEMBERS

Section 12. It shall be unlawful for the said Council to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Frankford with any member of the Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent.

REGULAR MEETINGS OF COUNCIL

Section 13. The Council of the Town of Frankford shall hold regular meetings once a month at such times as may be prescribed by the ordinance and resolution at the Fire House of the Frankford Volunteer Fire Company of Frankford, or at such other suitable place in said Town as the Council may select, but in the event of a temporary change in the place of meeting, public notice shall be posted in the usual place of meeting not later than seven o'clock P. M. on the evening of the said meeting, plainly stating the new place of meeting selected by Council, and the day and hour of such meeting.

OFFICERS

Section 14. (A) The Council shall, at the annual meeting held on the first Monday next following the annual election, organize by the election of a President, a Secretary, Treasurer, Alderman, Collector of Taxes, Town Solicitor, Board of Assessors, Auditors and Police Force. The President of the Council shall be a Member of the Council. The Secretary, Treasurer, Auditors, Town

FRANKFORD

Solicitors, Board of Assessors, Police Force, Collector of Taxes and Alderman may or may not be a member of the Town Council. The Council shall also elect and appoint any such other officers, employees and agents of the Town which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer may be removed at any time by the Town Council for sufficient cause.

(B) The Council shall by ordinance fix the salaries and compensation of employees, officers and agents of the Town and the time and manner of his or her payment; which salaries or compensations shall not be increased during the terms of said office. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation in any form in addition to the salary or compensation fixed by Council.

(C) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the Town containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of service.

DUTIES AND POWERS OF PRESIDENT

(D) The duties of the President of the Council shall be to preside at all meetings of Council; to have general superintendence of municipal affairs, provided, however, that such general superintendency shall in all cases be subordinate to the authority of all committees, and appointees as selected by Council for the superintendency or conduct of any specified municipal activity to receive complaints or nuisances and all complaints or violations of Laws and Ordinances and present the same to Council at its first meeting thereafter for action of Council and to cause such infractions or violations of the Law or Ordinances, as require immediate action, to be proceeded on before the Town Alderman. The President shall issue and sign all licenses for every exhibition within the Town, or licenses for any other purpose for which, un-

FRANKFORD

der the Laws of Delaware, or the Ordinances of said Town, a license therefor is required.

The President shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by resolution or ordinance of Council. If the President be incapacitated from acting by reason or absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed under him by this Act, or any other Law, or any resolution or ordinance now or hereafter adopted or enacted by Council, shall be exercised and performed by the Member of Council chosen by Council as acting President for the period of such incapacity.

The President shall have the same right as other Councilmen to vote on all matters and may at any time appoint another Councilman to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties, as presiding officer.

SECRETARY

(E) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for the purpose; and shall file and keep in a safe place the Seal of the Town and all papers, and documents, relative to the affairs of the Town, and deliver the same to his successor in office. The Secretary shall attest the seal of the Town when authorized by Council, and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers and documents in the custody of the Secretary shall be always open for the inspection of Council and the public under such regulations as Council may prescribe.

ALDERMAN

(F) The Alderman shall be sworn or affirmed to perform the duties of his office with fidelity. In absence or disability or

FRANKFORD

otherwise, the Council, at any meeting, may appoint an acting citizen as Alderman, and he shall have all powers of a Justice of the Peace within said Town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the Town as far as to arrest and hold to bail, or fine and imprison offenders; of all fines, penalties and forfeitures prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware, of all neglects, omissions or defaults of any member of the police force, or other Town officer, agent or employee; provided, that he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days. The jails of Sussex County may be used for imprisonment under the provisions of this Charter, provided, that the Council shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

The Alderman shall also have jurisdiction in suits of civil nature, for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matter which may arise in the proper government and control of the Town under the provisions of this Charter; and within his jurisdiction he shall have all the powers and authority, and shall be subject to all the limitations of the Justice of the Peace of Sussex County, except as herein otherwise provided; and his fee shall be the same as those of a Justice of the Peace for like service. For any service or duty for which no fee is provided by law, such fee shall be established by ordinance.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and upon conviction in the Court of General Sessions of the State of

FRANKFORD

Delaware shall be fined not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the Town. He shall pay all such moneys to the Treasurer within ten (10) days after making report thereof to the Council; and failure to make report to the Council, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times.

TREASURER

(G) The Treasurer shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

The Town Treasurer, before entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by the President, or acting President of Council.

The Town Treasurer, before entering upon the duties of his office, shall also give bond to the Town of Frankford, with sufficient surety to be approved by Council, in the penal sum of Two Thousand Dollars (\$2,000.00), conditioned for the faithful discharge of the duties of his office and for the payment of his successor in office of all sums of money belonging to said Town, which may remain in his hands upon the settlement of his accounts, to which bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty.

FRANKFORD

The Treasurer shall pay all orders drawn on him by order of said Council and be signed by the President and Secretary thereof, out of any moneys in his hands belonging to said Town. He shall settle his accounts with said Council annually by the end of the fiscal year, and oftener and at such other times as Council may require.

COLLECTOR OF TAXES

(H) The Collector of Taxes shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

It shall be the duty of the Town Collector to collect all Town Taxes, water and sewer rents, charges for electric current and all other kinds of Town revenue and to pay the same to the Town Treasurer as herein otherwise provided.

The Town Collector, before entering upon the duties of his offices, shall give bond to the Town of Frankford, with sufficient surety to be approved by Council, in the sum of Two Thousand Dollars (\$2,000.00), conditioned for the faithful performance of the duties of his office and the payment to the Treasurer of said Town of all moneys collected by him belonging to said Town from taxes, sewer and water rents, electric current accounts and all other Town revenue and for the settlement of his accounts with the Treasurer of the Town at the end of each fiscal year, and oftener and at such other times as Council may require, to which bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment for said penalty.

AUDITORS

(I) The Auditors shall be residents and taxables of the Town and it shall be their duty to audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of the moneys of THE TOWN. They shall audit the books of the Alderman and the records of all fines, penalties

FRANKFORD

and costs imposed or collected by either of them pursuant to any judgment order or decree made. The Auditors on or before the fifth day of January next following this appointment shall make and deliver a detailed report of all and every of the accounts, records and books by them examined and audited, which copies of said report shall be posted in five public places in the Town. The Auditors in the performance of their duties shall have access to all records of Council and the officers of the Town; and are authorized and empowered to employ such clerks or accountants as in their judgment may be necessary for the proper performance of their duties.

TOWN SOLICITOR

(J) At the annual meeting, the Council shall select a Town Solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The Town Solicitor shall be a member of the Bar of Sussex County. It shall be his duty to give legal advice to the Council and other officers of the Town, and to perform other legal services as may be required of him by the Council.

POLICE OFFICERS

(K) It shall be the duty of the Council to appoint a Police force consisting of a Chief and such member or subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the Police force. The members of the force shall be subject to the direction of the Council, and may be removed by the Council at any time. They shall preserve peace and order, and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police force shall be vested with all powers and authority of a Constable of Sussex County.

FRANKFORD

Every person sentenced to imprisonment by the Alderman shall be delivered by a member of the Police force to the County Jail of Sussex County, or lock-up of the Town, to be there imprisoned for the term of the sentence. In the case of any arrest at a time when the Alderman shall not be available to hear and determine the charge, the person arrested may be delivered to either of the above-named County Jails, or to the lock-up of the Town, for imprisonment until such reasonable time thereafter as shall enable the Alderman to hear and determine the charge against such person.

It shall be the duty of the police to suppress riotous disorderly or turbulent assemblages of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the above, or upon the view of the violation of any ordinances of the Town relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Alderman or Justice of the Peace for hearing.

ASSESSORS AND ASSESSMENT OF TAXES

Section 15. The Board of Assessment shall consist of three members all of whom shall be residents of said Town and over the age of twenty-one years. They shall be sworn and affirmed by a Justice of the Peace or by the Alderman to perform their duties with fidelity and without favor. It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation situate within the Town.

1. In the year 1938 and every fourth year thereafter, there shall be a true, just and impartial valuation and assessment of all the real property subject to County taxation within the Town, locating each parcel of real property by street and number, or other description, and also an assessment of all the male and female residents of the Town above the age of twenty-one years (21), whether owners or not owners of either real estate or personal property within its limits.

FRANKFORD

2. All assessments shall be made and completed by the Board of Assessors prior to the first day of March. The assessment made in the year 1938 and in every fourth year thereafter shall be known as the General Assessment. In other years, there shall be made a scrap assessment, as hereinafter provided.

3. The scrap assessment shall value and assess all taxable real property and personal property in the Town not already valued and assessed by the General Assessment then in force, and all improvement made upon said real property since said General Assessment and all male and female residents of the Town above the age of twenty-one (21) years and not already assessed, and said assessment shall omit the name of those who have removed from the Town or who have died. In the year that a scrap assessment is made, the General Assessment then in force as supplemented or modified by the scrap assessment, shall constitute the assessment of the year.

4. The assessors shall make and deliver to the Council as soon as the assessments are made such numbers of copies thereof as the Council shall direct.

5. The property of the several members of the Board of Assessors, real and personal, shall be assessed by the Council.

6. The Council shall, prior to the fifteenth day of March, in each year, cause a copy of the General Assessment, or scrap assessment as made in said year, to be hung in two public places, in the Town, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notices of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be posted in at least five public places in the Town.

7. At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct

FRANKFORD

and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

8. The assessment, as revised and adjusted by the Council, shall be the basis for the levy collection of the taxes for the Town.

9. The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections or like character erected within the limits of the Town, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the Town Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector of Taxes as in case of other taxes and the Council shall have authority to cause the same to be removed.

10. No farm lands hereby included within the limits of the Town of Frankford shall be subject to any Town tax unless the same shall be laid out as building lots and unless the same shall front upon some public street of the Town of Frankford which shall be laid out and improved; and all farm lands within the aforesaid limits which shall be laid out as building lots and which shall front upon some public street of the Town of Frankford laid out and improved shall be subject to be taxed to the depth of three hundred (300) feet from said street line for Town purposes. The Council shall be sole judges of what lands are, and what lands are not "farm lands" within the meaning of this Charter.

11. The General Assessment made and in force under the Charter of the Town of Frankford and the amendments thereto shall continue in force and effect until the next General Assessment to be made in the year 1938.

FRANKFORD

12. The Council shall determine and fix a rate of taxation which will produce approximately the amount of money necessary to defray the expenses of the Town for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

13. The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Five Thousand Dollars (\$5,000.00) in any one year clear of all delinquencies and expenses of collection, provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in all respects as provided for in Section 5 of this Act as amended, may raise by taxation any amount above and exceeding the sum of Five Thousand Dollars (\$5,000.00). At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation" and another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised; when, however, any sum in excess of Five Thousand Dollars (\$5,000.00) shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum when in order to authorize any such increase a new referendum shall be necessary and whenever any increased sum shall be authorized at any referendum said sum shall represent the maximum amount authorized to be raised from year to year by taxation until an increase shall have authorized by referendum duly held as aforesaid.

COLLECTION OF TAXES

Section 16. On or before the fifth day of April in each year, the Council shall deliver to the Collector of Taxes a list containing the names of the taxable of the Town, opposite the name of each the amount of his real property assessment, the amount of his

FRANKFORD

personal property assessment and his poll assessment, and the tax upon the whole of his assessment, and the rate per hundred dollars. Attached to said tax list shall be a warrant, under the seal of the Town of Frankford, signed by the President and attested by the Secretary, commanding the Collector of Taxes to make collection of the taxes as stated and set forth in the tax list.

All taxes laid or imposed by the Council of the Town of Frankford, shall be and constitute a lien upon all the real estate of the taxable against or upon whom such taxes are laid or imposed of which such taxable was seized at any time after such taxes shall have been levied and imposed, situate in the Town of Frankford, and such lien shall have preference and priority to all other liens on such real estate created or suffered by the said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided that the lien for town taxes shall remain a lien for the period of three years from the fifth day of April of the year in which such tax shall have been imposed and no longer.

All taxes when and as collected by the Collector of Taxes shall be paid to the Town Treasurer and all taxes shall be due and payable at and from the time of the delivery of the tax list to the Collector of Taxes. A discount shall be allowed by the Collector of Taxes of three per cent on every tax paid before the first day of May in each year; and of two per cent on every tax paid before the first day of June in each year; of one per cent on every tax paid before the first day of July in each year and to every tax paid after the thirtieth day of September, no discount shall be allowed by the Collector of Taxes, and to every tax paid after the thirtieth day of September in each year, there shall be added and collected one per centum for every month or fraction of a month after the said thirtieth day of September that the tax remains unpaid. Before exercising any of the powers herein given for collection of taxes, notices shall be given to the taxable of the amount due.

The Collector of Taxes shall have the following powers for the collection of taxes:

FRANKFORD

(a) By distraint of the goods and chattels of the taxable.

(b) At any time after the delivery of the tax list and warrant, the Collector of Taxes may, in the name of the Town of Frankford, institute suit before any Justice of the Peace of the State of Delaware, in any of the Counties of the State, or before the Alderman of the Town, for the recovery of the unpaid tax, in any action of debt, and upon judgment obtained, may issue writs of execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained which, by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by the taxable, except such liens thereon, which may have been created in respect to County Taxes, although such other liens be of a date prior to the time of the attachment of said tax lien.

(c) At any time after the delivery of the tax list and warrant, the Collector of Taxes may notify in writing the person, firm or corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall be signed by the President of the Council and shall contain the correct name of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and thereupon it shall be the duty of the employer to take from the wage, salary, or other money then due the taxable the amount of the tax due and owing from the employee, and charge the same against him, and to pay the same to the Collector of Taxes within ten (10) days. The Collector of Taxes shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If any employer, being notified as aforesaid, and having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the

FRANKFORD

amount of the tax of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in any action of debt before any Justice of the Peace or Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(d) The Collector of Taxes may make a complaint under oath before any Justice of the Peace residing in Frankford, or before the Alderman, that the tax of any taxable is due and unpaid, and that he has been unable to make collection of a tax by any of the methods for the recovery of taxes prescribed in this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing, it shall be found that the tax of the person arrested is due and unpaid, and if the taxable shall thereupon fail to pay the tax, together with accrued costs, he shall be committed to the Jail of Sussex County, until the tax, penalty, costs and charges are paid, but not to exceed the term of thirty (30) days.

(e) For the purpose of collecting the tax of any taxable, and without the necessity of first employing the other remedy herein provided, the Collector of Taxes is empowered to sell the lands and tenements of a taxable, or the lands and tenements of a taxable alienated subsequent to the levy of the tax. The Collector of Taxes shall present to the Superior Court of Sussex County wherein the lands and tenements are situated, a petition of which shall be stated:

- (1). The name of the taxable.
- (2). The year for which the tax was levied.
- (3). The rate of tax.
- (4). The total amount due.
- (5). The date from which the penalty for non-payment, if any, shall commence, and the rate of such penalty.
- (6). A short description of the lands and tenements proposed to be sold sufficient to identify the same.

FRANKFORD

(7). A statement that a bill of said tax has been mailed to the taxable at his last known post office address and that it has been found impractical to collect the said tax by any of the other remedies as herein above provided. The petition shall be signed by the Collector of Taxes and shall be verified before a Notary Public.

The Court thereupon shall make an order for the sale of said lands and tenements returnable at the next succeeding term of said Court. Sales of lands and tenements shall be advertised by posting hand bills in at least five public places in the Town of Frankford and publishing the notice of said sale in a newspaper published in Sussex County. The notices shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Collector of Taxes shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due is collected. The petition, return and deed, shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have 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 centum interest thereon, and the expense of the deed, provided, that if the purchaser refuses to accept the same, or in the event the purchaser, or his heirs or assigns, cannot be

FRANKFORD

located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of redemption to the Collector of Taxes making the sale, taking from him a good and lawful receipt therefor and such receipt shall be considered for all intents and purposes, as a valid and lawful exercise by the owner, his heirs, executors or assigns, of his or their power to redeem the land so sold.

After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the Town of Frankford, either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the said owner.

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For filing and recording petition	\$1.00
For filing and recording return of sale	\$1.50

In addition, the costs of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

If any person is assessed for several parcels of lands and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and

FRANKFORD

tenements, provided that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

If the Collector of Taxes shall be unable by the thirty-first day of December of each year of the date of tax list to collect the tax of any taxable, he is empowered, having first paid the amount thereof to the Town, to collect said tax from such taxable for his own use by any of the processes of law herein prescribed within the space of one further year, from said thirty-first day of December, after which the said tax shall be extinguished and all authority to the Collector of Taxes under said tax list and warrant shall cease.

During the month of December next following the date of the tax list and warrant, the Collector of Taxes shall make full, final and complete settlement with the Treasurer and Council. The Council shall fix such time and place during the said month for settlement with the Collector of Taxes of which he, the said Treasurer shall have due notice. At said settlement, the Council shall allow to the Collector of Taxes all taxes which shall have been impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default or neglect or delay of the Collector of Taxes, and said settlement shall be final and conclusive, and no other allowance in any form shall be made to the Collector of Taxes by the Council. Upon the conclusion of the said settlement, the Collector of Taxes shall forthwith pay over to the credit of the Town the aggregate amount of the taxes found to be due the Town, and upon his failure or neglect to so do, it shall be the duty of the Council to proceed to collect the same from the Collector of Taxes and/or his surety. The Council shall not reappoint as Collector of Taxes of the Town any person, who, as such, shall be in default to the Town in any sum; provided, however, that the Council for good cause shall have the power to extend the time of settlement by the Collector of Taxes for a period of not exceeding six months.

Section 17. The provision of Article 6 of Chapter 79 of the

FRANKFORD

Revised Code of the State of Delaware, 1935, shall be deemed to be laid and applied to all taxes under the provisions of this Act.

ENUMERATION OF SPECIFIC POWERS OF COUNCIL

Section 18. The Town Council shall have power to enact ordinances to preserve the health of the Town and to prevent the introduction and spread of infectious or contagious diseases, for which purpose the jurisdiction of Council shall extend to any distance within one mile of the corporate limits of the Town, to define, prevent and abate nuisances; to ascertain and fix the boundaries, of streets, squares, lanes, alleys and sidewalks, to repave and improve the same, to alter, extend or widen any street, square, lane, alley or sidewalk and to open, lay out, improve and repair new streets, squares, lanes, alleys and sidewalks, subject, however, to the provisions and restrictions in that behalf herein otherwise contained; to regulate and fix the ascents and descents of all streets, lanes, alleys and sidewalks and the drainage thereof, to direct and carry out the paving, repaving and improvement of foot pavements and to prescribe the width and materials thereof hereinafter set forth; to regulate and provide for the improvement of existing and the construction of new gutters and curbs, subject, however, to the provisions and restrictions in that behalf otherwise contained, to prescribe the extent and nature of and to alter or remove steps, bay windows, porches, awnings, drains, sheds, cellar doors, posts and pillars and all inlets to lots and buildings; to regulate the construction of and repair to chimneys and to provide for the keeping of the same cleaned and in a safe condition as to fire and other hazards; to regulate or prevent the storage of gasoline, naphtha, oil, gunpowder or any other inflammable, combustible or dangerous substance and materials, to define, investigate, prevent, abate and remove fire and explosion hazards, both within and without buildings in the said Town; to improve, extend, construct and maintain water mains, fire hydrants and other proper instruments for the prevention and combating of conflagrations and to expend through its own channels or through those of some fire company in said Town such sum or sums of money from the unappropriated funds of the Town, from time to time, as Council

FRANKFORD

may deem necessary and expedient for the proper protection from fire of the lives and property of the inhabitants of the Town, to enact such ordinances, not in conflict with the Laws of the State of Delaware, as it may deem necessary and beneficial for the safety, regulation and control of pedestrian, automobile, and animal drawn traffic over the streets, squares, lanes, and alleys and other public places of the Town, including power to make and enforce any and all parking and non-parking regulations; to enact such ordinances and police regulations as it shall deem necessary and beneficial for the order, protection and good government of said Town; to enact ordinances in relation to the keeping of dogs, to provide for a registration fee therefor and to regulate or prevent their running at large; to enact ordinances to regulate or prevent the keeping of pigs and hogs in said Town, or in its judgment, in the more thickly populated parts of said Town; to employ from time to time skilled surveyors to make plots and maps showing the limits of said Town and ascents, descents and limits of all streets, lanes, alleys, and sidewalks and the building lines upon the same, to show the location, depth and grade of all sewers and water mains and generally to do and perform all other matter of a cognate nature as may be deemed necessary by Council.

The Town Council shall have superintendence and oversight of all roads, streets, squares, lanes and alleys now opened or hereafter to be opened, within the limits of the Town, and no overseer, or similar official, shall be appointed by the Levy Court of Sussex County, but said Levy Court shall annually appropriate for the repairs and upkeep of the roads and streets in said Town for the sums of money provided for by the Laws of the State of Delaware now in force or hereafter enacted and said Levy Court shall make orders for the payment therefor to the Treasurer of the Town of the use of said Town.

The Town Council shall have full power and authority to enact ordinances to prevent, suppress and regulate all bonfires, the firing of firearms and the setting off and exploding of fire crackers, fire works, torpedoes and all explosives at any places in said Town.

FRANKFORD

The Town Council shall have power and authority to levy and collect license fees, annually, for such various amount or amounts as Council shall from time to time fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of said Town, and shall have authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in said Town and supplying the inhabitants thereof with any form or manner of services for any valuable consideration; to regulate the operation of public utilities within the Town and the use of the streets in connection with the operation of public utilities outside of the Town, or the use of the streets by common carriers, either passenger or freight or both, and to require that licenses from the Town be secured and to determine the amount or amounts to be paid therefor, provided, that this power shall not be deemed to apply to steam utilities; to levy and collect taxes on gas and water mains, underground conduits, telephone, telegraph, electric current or other poles or erections of like character in said Town, together with the wires thereon strung, and to this end may at any time direct the same to be included in or added to the Town assessment, with the authority of Council to cause such mains, conduits, poles and wires to be removed and suit to be instituted to collect the taxes so levied, in the event the owner or lessee thereof refuse or neglect to pay such taxes; Council has power to enact ordinances to prevent, abate or regulate electrical or other interferences with radio reception in said Town.

Council shall have the power to enact ordinances for fire protection and to this end may prohibit the use of building materials that Council may deem would create a fire hazard in the section to be used and may zone or district the Town and make particular provisions for particular zones or districts with regard to building and building materials, and may forbid any building except for which a building permit therefor has been obtained from and as prescribed by Council. This provision shall be deemed to include new buildings, or rebuildings or additions to or alterations of existing structures of any kind. Council shall have power

FRANKFORD

upon inspection to condemn any existing buildings or structures that it deems to be a fire menace and to cause the same to be torn down or removed; Council shall have power 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 front line of the lots.

The Town Council shall be vested with power and authority to prescribe fines, or penalties, or both, for violations of any of the provisions of this Act, or of the ordinances now in force, or which may hereafter be enacted in pursuance of any power hereof or of any power which may not be enumerated herein, provided, that no ordinance or other Act of Council shall provide any fine of more than One Hundred Dollars, exclusive of costs, nor any penalty by way of imprisonment, in excess of thirty days, but Council may provide for both fine and imprisonment, not in excess of said limits.

In the preparation and printing of any bonds and the interest coupons therefor now or hereafter authorized by Legislative enactment to be issued by the Town of Frankford, where any such bond is signed by the President of the Town Council of the Town of Frankford and by the Treasurer of the Town of Frankford, and the Trustee's Certificate on said bond is signed by the Secretary on behalf of the Town Council of the Town of Frankford, the signatures of the President of the Town Council and of the Treasurer of said Town on the interest coupons attached to and belonging with such bonds may be facsimiles, either engraved, printed or stamped on said coupons.

USE OF TOWN MONEY

Section 19. The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interest of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has

FRANKFORD

power to do by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolution of Council. In the general performance of its duties and particularly in the expenditure of moneys of the said Town, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council. In case of the absence or other incapacity of Councilmen or in case of a vacancy or vacancies in Council, the remaining members, providing they constitute a majority of the entire Council, but no funds of the said Town shall be used for any purpose without the affirmative action of a majority of all members elected to Council.

FISCAL YEAR, ANNUAL STATEMENT

Section 20. The fiscal year of the said Town shall begin the first day of February in each year and shall end with the next succeeding thirty-first day of January. The Town Council shall cause a full and correct annual statement of the receipts and disbursements of all Town moneys for the fiscal year next preceding to be posted in five public places in The Town of Frankford, at least ten days prior to the annual Town election.

EXEMPTION OF PROPERTY FROM TAXATION

Section 21. The Town Council of said Town shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt the real or personal property, or both, of any person, firm, association or corporation used in any manufacturing business within the limits of said Town and employing no less than six persons; and the real, or personal property, or both, of any person, firm, association or corporation used in the manufacture or distribution or both, of water, gas, electric current or other service or commodity deemed desirable or necessary for the best interest of the inhabitants of said Town, and the real or personal property, or both, held, owned, leased, or employed by any person, firm, association or corporation with whom Council may not or in the future have a contract for the furnishing to said Town and its inhabitants of electric current, light, power, heat, water or any

FRANKFORD

or all of them over which Council has power or authority and from the payment of the same. No property shall be exempt from taxation aforesaid until such an ordinance is enacted or such a special resolution adopted and the period such exemption shall be only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years, and shall only be revokable upon the breach of a condition contained in such ordinance or resolution.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 22. (A) The Council of the Town of Frankford may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Frankford to provide funds for the erection, the extension, the enlargement or the repair of any plant, machinery, appliances or equipment for the supply, or the manufacture and distribution of electricity, or gas for light, heat, or power purposes; for the furnishing of water, to the public, for the construction or repair or improvement of highways, streets, or lanes or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the costs of the Town of Frankford of any permanent municipal improvements, providing, however, that the borrowing of the money therefor shall be authorized by the Town Council and shall have been approved in the manner following:

(B) 1. Council by resolution shall propose to the electors of the Town by resolution that the stated amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

2. Notice of the time and place of hearing on the resolution authorizing said loan shall be posted in five public places at least one week before the time set for said hearing.

FRANKFORD

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be given the inhabitants by posting notices in five public places for two weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of annual election.

5. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots at not less than five (5) days prior to the date of the special election.

6. At the special election, every person who had a right at the next preceding annual Town election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property, whether individual, partnership or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

7. The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and should deliver the same to the Council, which said Certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(C) The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council. The bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of

FRANKFORD

the Town or otherwise, for at least one month before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bond at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Frankford shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

(D) The bonded indebtedness of the Town of Frankford shall not at any one time in the aggregate exceed the total sum of Forty Thousand Dollars (\$40,000).

OBSTRUCTIONS, NUISANCES AND UNSANITARY
CONDITIONS

Section 23. The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated whether in the street, squares, lanes, or alleys, or on the sidewalks, or in any other public or private place within the limits of said Town either on its own inspection, or upon the written complaint of any citizen of said Town, stating the character and location of the obstructions, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of Council, either upon inspection or upon such information, or both, shall determine that such obstruction, nuisance, or unsanitary condition exists and ought to be removed or abated, as the case may be, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition and Council shall thereupon give notice in writing, signed by the President or acting President of Council to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, to remove or abate the same and if such person or persons refuse or neglect for the space of two days after such notice is mailed to remove or abate the stated condition, Council shall

FRANKFORD

have power and authority to cause such obstruction, nuisance or unsanitary condition to be removed or abated; and for this purpose Council may issue a warrant in the name of The Town of Frankford, under the hand of its President, or acting President, and the seal of the Town, and directed to any Constable of Sussex County, commanding him forthwith to remove or abate such obstruction, nuisance or unsanitary condition, whereupon the Constable to whom said warrant may be delivered, shall forthwith proceed to remove or abate the same for such purpose he shall have full power and authority to enter into and upon any lands and premises in said Town, and to take with him such assistants, implements, horses, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper, and to do and perform all matters and things right, proper and necessary to be done for the removal or abatement of such obstruction, nuisance or unsanitary condition. The costs of all the necessary work, labor and proceedings of the Town in the removal or abatement of such obstruction, nuisance or unsanitary condition shall be determined by Council upon the completion of the work, and if such amount be not paid to the Treasurer of said Town, for the use of the Town, by the person or persons causing or responsible for such obstruction, nuisance or unsanitary condition, within ten days after a bill stating the amount of such costs is presented or mailed to such person or persons at their last and best known post office address, then Council may proceed to collect the same out of the goods and chattels, lands and tenements of such person or persons, and it shall be the duty of Council to issue a warrant in the name of the Town of Frankford under the hand of the President of Council, or the acting President, and the seal of the Town, directed to the Alderman of the Town, commanding him that of the goods and chattels, lands and tenements of such person or persons he shall cause to be levied and make the amount of said bill, together with all costs. It shall be the duty of the Alderman, as soon as convenient thereafter, and after ten days written notice to such person or persons deposited in the mails and directed to such person or persons at his or their last and best known post office address, and after posting five or more notices of sale in at

FRANKFORD

least five of the most public places in said Town at least ten days before the day of sale, to first sell the goods and chattels of such person or persons at public auction in said Town, or so much thereof as may be necessary to pay the amount of said bill with all costs. If not goods or chattels of such person or persons can be found in said Town, or the goods and chattels found and sold as aforesaid be not sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Alderman, after further notice of ten days, given to said person or persons in the same manner, as aforesaid, for the sale of goods and chattels, and after posting five or more notices of sale in at least five of the most public places in said Town, for at least ten days before the day of sale, and after causing such notice of sale to be published once, in a newspaper published in Sussex County, to sell the land and tenements of such person or persons, or so much thereof as may be sufficient to satisfy the amount of said bill and all costs, and a deed from the Alderman of said Town shall be made and shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or lesser estate, as if the same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expense of the Town in removing or abating such obstruction, nuisance or unsanitary condition, and all costs, shall be a lien of the premises where such obstruction, nuisance or unsanitary condition exists, and said lien shall relate back to the time when the first notice to remove or abate shall have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance suffered or made by such person or persons after the mailing of said notice. It shall be the duty of the Alderman, out of the purchase money from the sale of said goods and chattels, or lands and tenements, to pay all costs arising from said proceedings and sale to the parties entitled to such costs, to retain and pay to the Town Treasurer, for the use of the Town, the amount of the said bill to the Town, and the residue of said purchase money, if any, shall be at once deposited in some Bank in the Town of Frankford, to the credit of the owner or owners of said goods and chattels, or lands and

FRANKFORD

tenements. The Alderman shall be entitled to receive ten dollars for every sale of personalty under this Section and twenty dollars for every sale of real estate under this Section, together with such additional sum as may be allowed by Council for the keeping and care of such personal property, for selling the same, and for said advertising all of which shall be a part of the costs aforesaid to be paid out of the purchase money. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in said Town, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her last and best known post office address shall be deemed proper notice. Council in addition to the provisions of this Section hereinbefore set forth shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing fines and penalties as shall be in the judgment of Council necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purpose of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said Town, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

STREETS

Section 24. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen or abandon streets or parts thereof, whenever they shall deem it for the best interest of the said Town. The procedure in every case as aforesaid, shall be as follows: The Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street, or any part thereof, as the case may be, and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation

FRANKFORD

to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution said Council shall hear such residents of the Town or owners of the property affected as shall attend, and it shall at said meeting, at a subsequent day, as it shall deem proper, adopt a resolution by a majority vote, to proceed with, or to abandon as it shall deem for the best interest of the said Town, the opening of the street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or part thereof, as the case may be, as contemplated in its prior resolution. And in case the determination of the said Council shall be to proceed with the plan contemplated by the resolution first aforesaid, Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn on him by authority of the Council aforesaid upon delivery of a Deed in fee simple in favor of the Town of Frankford, and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Council aforesaid, he may, within five days after the award of the Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary or President of Council. In order to prosecute said appeal such appellant shall within five days, after the expiration of the five days allowed for the appeal as aforesaid, apply to the Judge of the Superior Court for the State of Delaware, resident in Sussex County, or in his absence at that time, to the Chief Justice of the said Court, for the appointment of freeholders to hear and determine the matter of compensation to such appellant for any of which will be deprived as aforesaid, and thereupon the said Judge or Chief Justice, as the case may be, shall issue a commission under his hand directed to five impartial freeholders of Sussex County, commanding them to determine and fix the damages which the said appellant will sustain by reason of being deprived

FRANKFORD

of any property as aforesaid, taking into consideration the benefits or advantages that will enure to the said appellant from said new street or otherwise, and to make return of their finds to the said Judge or Chief Justice, as the case may be, at a time appointed in said commission. The said freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five days before the day when they are to view the premises as aforesaid and a copy of such notice shall also be served on the Secretary or the President of Council at least five days before the day of such meeting.

The freeholders named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said freeholders shall make return in writing of their proceedings in the premises to the said Judge or Chief Justice, as the case may be, who shall cause the said return to be delivered to the said Secretary or President of Council and such return shall be final and conclusive. The said Judge or Chief Justice shall have power to fill any vacancy among the freeholders. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or may deposit the same to his credit in any Bank in the Town of Frankford to the credit of the person or persons entitled thereto within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Judge or Chief Justice aforesaid, if the damages shall be increased or if the Council shall decide not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town out of any money in his hands be-

FRANKFORD

longing to the Town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees of the freeholders shall be five dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, Council shall have the option of paying the damages assessed within the term aforesaid and proceed with the improvements, or upon the payment of the costs only, may abandon the proposed improvement.

Whenever the land comprehended or included in any street, or part thereof, vacated or abandoned under this Section if owned by the said Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the Council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the said Town may have therein.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes, and alleys for all the purposes of this Section.

PAVING, GUTTERING, CURBING

Section 25. The Council shall have the power to cause to be paved or repaved the sidewalks of the said Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relaid, or new curbs or gutters, or both, constructed, or any part of or portion thereof, in said Town, with such material or materials and of such width or size, and subject to such specifications as it shall determine. Before the exercise of said power in any particular instance, the Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place the Council will meet to consider the question of paving or repaving the sidewalks with a specified material or materials, or repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials and according to the stated specifications on a named street in front of the property of named owners, and of

FRANKFORD

assessment of the costs thereof against such owners. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the said Town, or in a newspaper published elsewhere in Sussex County, if there be none in said Town published. The Council shall hold a meeting in said Town in accordance with said ordinance or resolution and thereat shall hear the aforesaid owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.

After such hearing, the Council, either at said meeting or at a subsequent meeting, shall decide whether or not to proceed with the improvements referred to in said ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the costs of the improvements aforesaid in front of the real property of the owner or owners named in the aforesaid ordinance or resolution shall be borne by said owners. If said determination shall be that the whole or specified proportion of said costs shall be borne by said owners, then and in such case the said owners shall be compelled to pay the whole or specified proportion of the cost aforesaid, as the case may be, the amount to be paid by the owner of each parcel of property affected to be determined by the lineal frontage of the parcel on the side walk to be paved or repaved, or in the gutter to be repaired or laid, or on the curb, to be repaired or constructed, or any or all of said improvements, as the case may be.

When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them, have been done and the costs thereof ascertained, the Council shall ascertain the amount that the owner of each parcel of property aforesaid shall pay as hereinbefore stated, and shall give written notice thereof to such owner, or one of the co-owners, by mailing the same to his last known address. If any such owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same may be collected by the sale of his aforesaid real property. Such sale shall be made by the Alderman who shall advertise the parcel of real property for sale in at least two issues of a news-

FRANKFORD

paper published in Sussex County, before the day and sale and shall post five such notices in said Town at least ten days before the day of sale. Such advertisements shall give such general description of the day, hour and place in the Town at which the sale will be held.

Unless a sum of money, for the payment of which the said parcel is to be sold as aforesaid, together with the cost of advertisements of the sale, shall be paid prior to the sale, and the said parcel of real property shall be sold by the Alderman at public sale on the day and at the hour and place named in the advertisements for the sale to the highest and best bidder for the same.

Upon the payment to the Alderman of the price for which the property is sold at such sale, a deed of the property sold shall be executed in the name of The Town of Frankford by the President of Council and attested by the Secretary of Council and bearing an imprint of the corporate seal of The Town of Frankford and delivered to the purchaser. Such deed shall vest in the purchaser the same estate or interest in the property sold as the owner or owners of the parcel at the time of the sale had therein or thereto, subject to the same liens and encumbrances of records against said property at the date of the first appearance of the newspaper advertisement of its sale as aforesaid.

The money paid to the Town Treasurer by the Alderman as the price of the property sold as aforesaid shall be dealt with by the Treasurer as follows:

The Town Treasurer shall first deduct the costs of the sale, which shall include the cost of the advertisements of the sale, the charges of an auctioneer, and all other expenses incident to the sale and also ten per centum of the amount that the owner of the property had failed to pay for the cost of the improvements as aforesaid, which ten per centum shall be paid to the Alderman as his fee for the sale.

The Town Treasurer shall then deduct the amount that the

FRANKFORD

owner of the property had failed to pay to the Town as aforesaid, and shall pay the same so deducted into the Town Treasury.

Any balance remaining shall be paid by the Town Treasurer to the person or persons who were the owners of the property sold or, if this be not possible for any reason, he shall deposit said balance to their credit in any Bank in said Town.

The term "Owner" as used in this Section shall be deemed to mean the person or persons who owned the property in question at the time of the adoption or passage of the ordinances or resolutions first in this Section referred to, and any change of ownership thereafter shall not be deemed or held to affect any of the steps or proceedings mentioned in this Section.

The aforesaid deed of the property shall recite briefly the amount that the owner had failed to pay to the Town as aforesaid, the advertisements and notice of sale, the holding of the sale, the amount of the successful bid, and the amount of the costs of the sale, provided that Council shall have power and authority to pave, repave, gutter, regutter, curb or recurb, or any or all of such improvements, in such parts of the Town and in front of such properties and in such manner and at such time, at the entire expense of the Town and may use Town money for such purposes, whenever it deems it wise to do so, and in such event no notice to property owners or other shall be required, provided, however, that where such entire cost is to be paid by the Town Council shall adopt a resolution authorizing such improvements and particularly stating therein the specific reasons the Town is to bear the entire cost thereof.

CONSTRUCTING, PAVING, REPAIRING OF STREETS

Section 26. The Town Council of the Town of Frankford, shall have full power and authority to regrade, redress or otherwise repair and rebuild all existing streets, lanes, alleys and other public thoroughfares in the Town of Frankford and to construct, build, pave and in any manner improve all new and existing

FRANKFORD

streets, lanes, alleys and other public thoroughfares now opened or to be hereafter opened for public use in said Town, and in so doing shall use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as the Council shall deem expedient and may use different materials and different methods of construction on different streets, or on different parts of the same street, as Council deems advisable. For the purpose of this Section Council shall have full power and authority to expend such part or parts of the money of the said Town in the general fund of the Town not otherwise appropriated.

CONTRACTS

Section 27. The Council is vested with authority on behalf of the Town to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the Town, provided:

A. No contract shall be made by Council for any purposes, the contract price of which is in excess of \$2000, without public competition bidding; and

B. The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the Town; and

C. All formal contracts shall be signed by the President of the Council with the Seal of the Town attached attested by the Secretary.

WATER SYSTEM

Section 28. The Town Council is hereby vested with full power and authority to provide for The Town of Frankford an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control wells, reservoirs, pumping machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution

FRANKFORD

of water, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

SEWER SYSTEM

Section 29. The Town Council is hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may, at the option, furnish, sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in the Town, for which there is any available sewer, to be connected with the sewer system and may compel the

FRANKFORD

owner of such property to pay the cost of such connection and the tapping fee therefor, as provided in Section 23 of this Act.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 24 of this Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

ELECTRIC CURRENT, POWER PLANT, FRANCHISES

Section 30. The Town Council of the Town of Frankford shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacturing of electric current for the use of the inhabitants of said Town and for lighting of streets, squares, lanes, alleys and public places and buildings of said Town and shall have full power and authority to construct, erect, maintain, improve, extend, equip, and operate such transmission and distributing lines for said current as may be necessary to properly light said Town and to furnish proper connections for electric current to the properties of the inhabitants thereof who may desire the same. The Council shall have power to make contracts for the purchase of heat, light, sewer, water and electric current with any responsible persons, firms, or corporations and to distribute the same to users within or without the said Town with the same full powers as if such heat, light, power, water or electric current had been generated or manufactured by the said Town as herein expressly provided for by this act. Council shall grant to all persons whosoever in said Town the privilege of using the electric current conveyed and distributed by said Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may seem just and proper and shall enact such ordinances relating to electric current, its generation and distribution in said Town and the regulation of the connections thereof with the properties of individuals in said Town

FRANKFORD

of water, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

SEWER SYSTEM

Section 29. The Town Council is hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may, at the option, furnish, sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in the Town, for which there is any available sewer, to be connected with the sewer system and may compel the

FRANKFORD

owner of such property to pay the cost of such connection and the tapping fee therefor, as provided in Section 23 of this Act.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 24 of this Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

ELECTRIC CURRENT, POWER PLANT, FRANCHISES

Section 30. The Town Council of the Town of Frankford shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacturing of electric current for the use of the inhabitants of said Town and for lighting of streets, squares, lanes, alleys and public places and buildings of said Town and shall have full power and authority to construct, erect, maintain, improve, extend, equip, and operate such transmission and distributing lines for said current as may be necessary to properly light said Town and to furnish proper connections for electric current to the properties of the inhabitants thereof who may desire the same. The Council shall have power to make contracts for the purchase of heat, light, sewer, water and electric current with any responsible persons, firms, or corporations and to distribute the same to users within or without the said Town with the same full powers as if such heat, light, power, water or electric current had been generated or manufactured by the said Town as herein expressly provided for by this act. Council shall grant to all persons whosoever in said Town the privilege of using the electric current conveyed and distributed by said Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may seem just and proper and shall enact such ordinances relating to electric current, its generation and distribution in said Town and the regulation of the connections thereof with the properties of individuals in said Town

FRANKFORD

and its general management and control as to said Council shall from time to time seem most expedient. The Council may at its option transmit electric current from said Town to places and properties outside of the Town limits upon such terms, charges and conditions as it shall deem wise.

The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council, to use the present and future streets, squares, alleys, and lanes of the said Town for purposes of furnishing light, heat, power, gas or water, or any or all of them to said Town and to the persons, firms, or corporations residing therein and for the purpose of transmitting light, heat, power, gas and water, or any or all of them through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of light, heat, power, gas or water, or any or all of them, or for the furnishing of electric current, either at wholesale or retail, to said Town, and to persons, firms and corporations residing therein, or adjacent thereto.

SALE OF PROPERTY

The Council, by a majority vote, is hereby authorized and empowered in its discretion to sell and convey or lease to any responsible persons, firms, associations or corporations any or all real or personal property, or both, now or hereafter owned by said Town, and used for generating or furnishing light, heat, power, water or electric current, or any or all of them, and to execute to the purchaser or purchasers thereof proper deeds for bills of sale or other legal assurance of title for the same. Provided, however, that before the Council shall sell or convey all of the real or personal property for any sum in excess of One Thousand Dollars

FRANKFORD

now or hereafter owned by said Town and used for generating or furnishing light, heat, power, water or electric current, or any or all of them, a special election shall be held in the same place, in the same manner as other Town elections in said Town. Notice of said election shall be given by advertisements in a newspaper published in Sussex County, at least ten days before said election, and by posting notices in at least ten public places in said Town at least ten days before the said election, which said advertisement and notices shall state the time and place of the election and a general description of the property proposed to be sold. At said election every taxable paying Town taxes in said Town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by said taxable according to the last assessment in said Town. Residence shall not be a qualification to vote at said election.

DRAINAGE

Section 31. The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

ORDINANCES

Section 32. The Council is hereby vested with the authority

FRANKFORD

to enact ordinances or resolutions relating to any subject within the powers and functions of the City, or relating to the government of the City, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protections and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

All ordinances or resolutions of general character relating to the government of the Town shall not be of force and effect until the same shall have been posted in at least two public places in the Town.

It shall be the duty of the Council to compile the ordinances of the Town, to have a reasonable number of copies printed for the use of the officials of the Town and for public information; and from time to time, upon the enactment of new ordinances, or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined; and also to furnish the Alderman with copies thereof as they are enacted and published.

HEALTH

Section 33. A. The power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the Town, shall extend to the area outside of the Town limits, and within one mile from said limits.

FIRE

B. The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appro-

FRANKFORD

prate money for the purpose of fire equipment, whether owned by the Town or by a Volunteer Fire Company.

ZONING

C. For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof; 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 front line of the lots.

The Council may adopt zoning ordinances limiting and specifying districts and regulating thereon buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

The powers to be exercised under and by virtue of this provision shall be deemed to have been exercised under the police power and for the general welfare of the inhabitants.

The Council may create a Town Zoning Commission for the development, improvement and beautification of the Town, and may prescribe its powers and duties.

BUILDING INSPECTION PERMITS

D. The Council may provide for the issuance of building permits, and may forbid the construction of any new building, or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

FRANKFORD

Should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphate, fertilizers or manures of any kind, he or they before erecting such buildings or building, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such building will not endanger the other property of the Town, and said business will not jeopardize the health of or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

The Council shall have full power to fix and determine the placing and replacing of poles or other structures within the Town limits for the carrying of telegraph, telephone, power or other wires, and the attachments thereto, and to cause existing poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the Town, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to the location as to the relocation of such poles and structures, wires, and attachments, and may be exercised from time to time as occasion shall arise.

LICENSES

Section 34. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers; to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by the license, interference with any place of business or with the convenience of public travel; to pro-

FRANKFORD

vide for the payment of taxes, fines, penalties, and forfeitures by performance of labor for the Town by those who may owe taxes, fines, penalties or forfeitures, and to make proper regulations and rules therefor.

TREES

Section 35. Trees being among the chief beauties of the Town, and their preservation requiring that they be treated with special care and intelligence, the Council is empowered to create a Tree Commission for the trees in the streets, and other public places of the Town, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ experts, provided that they do not exceed the appropriation regulations made by the Council.

PENALTIES

Section 36. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations, thereof relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

FINES AND IMPRISONMENT

Section 37. No fine shall be imposed in a sum exceeding One Hundred Dollars (\$100.00) exclusive of costs; and no term of imprisonment shall be imposed for violation of any rules, regulation or ordinance, or other offense, or for failure to pay any fine or penalty imposed, in excess of a period of thirty days.

FLOATING DEBT

Section 38. The Town Council of said Town shall have full power and authority to borrow upon the faith and credit of the

FRANKFORD

Town of Frankford, the sum or sums of money, not exceeding One Thousand Dollars (\$1000.00) in any one fiscal year, when in the opinion of the majority of Council the needs of said Town demand it. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the Town of Frankford, duly authorized by resolutions of Council, and signed by the President, or by the acting President, of the Council and by the Secretary, either with or without the corporate seal of the Town, affixed as is requested by the bank or person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum of money borrowed on the faith and credit of the Town of Frankford as aforesaid in any fiscal year shall be paid out of the general funds of the Town, at the minimum rate of twenty-five per centum per fiscal year and shall be paid at the end of four fiscal years following the first fiscal year which said money was borrowed with interest thereon.

SURVIVAL OF POWER AND VALIDATING SECTION

Section 39. That the Act entitled "An Act to reincorporate the Town of Frankford," passed at Dover, March 17th, 1903, and the several Acts and parts of Acts therein and thereby repealed, all other Acts and parts of Acts inconsistent with or supplied by this Act, are hereby repealed and made null and void saving and excepting, however, from the effect of such repeal all Acts and the parts of Acts relative to The Town of Frankford, not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinances of The Town of Frankford, heretofore enacted or adopted, and now in force in pursuance of any Laws of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of said Town. That all acts and doings of the Council of said Town, or of any officers of said Town lawfully done or performed under the provisions of any Law of this State or of any ordinances of the Council of said Town, are hereby

FRANKFORD

ratified and confirmed. That all debts, fines, or penalties and forfeitures due to said The Town of Frankford, all debts due from The Town of Frankford to any person or persons whomsoever, or to any firm, association, or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and shall continue in full force until the same shall be fully paid and discharged according to the terms thereof. That all powers conferred by Law upon the Collector of Taxes for the collection of all taxes in the said Town, heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid, and the official bonds of said Collector, and of all other bonded officers not employees of said Town, shall be unaffected and unimpaired by this repeal, and they and their sureties therein shall continue liable for any breaches of any conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to the said Town, under any Law or Ordinance, shall not be affected or impaired by the repeal, but the same may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged.

Section 40. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 41. This Act shall be deemed and taken to be a public Act.

Approved March 29, 1937.

CHAPTER 145

FRANKFORD

AN ACT AUTHORIZING "THE TOWN OF FRANKFORD" TO BORROW THIRTY-ONE THOUSAND DOLLARS (\$31,000.00) AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF "THE TOWN OF FRANKFORD."

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 of Frankford", a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow, on the faith and credit of the said "The Town of Frankford", a sum of money not exceeding Thirty-one Thousand Dollars (\$31,000) for the purpose of redeeming and refunding outstanding bonds and other indebtedness of the said "The Town of Frankford."

Section 2. That the Town Council of the said "The Town of Frankford", for the purposes set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said "The Town of Frankford" to an amount not exceeding in the aggregate the sum of Thirty-one Thousand Dollars (\$31,000), and said bonds shall be known by whatever name the Town Council shall determine.

Section 3. The said bonds shall be issued in such denominations as the Town Council of the said "The Town of Frankford" may deem proper and shall be numbered consecutively, beginning with number one, and shall bear interest at a rate not exceeding four per centum per annum, payable on the first day of January and July in each and every year, at The First National Bank of Frankford, at Frankford, Delaware. The bonds may or may not be coupon bonds as the said Town Council shall determine.

FRANKFORD

Section 4. Said bonds shall bear date on the first day of January or the first day of July in the year in which the same shall be issued, and the principal thereof shall be payable at The First National Bank of Frankford, at Frankford, Delaware, at the expiration of thirty-five (35) years from their date. The said bonds, or any of them, may be redeemed at the option of the said Town Council of the said "The Town of Frankford" at par and accrued interest, at any interest period after the expiration of three years from the date of said bonds, provided, however, that if the Town Council, aforesaid, shall at any time after the expiration of three 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 Council, and by the Treasurer of said Town, published once a week for two consecutive weeks, in a newspaper published in the City of Wilmington, and a newspaper published in Sussex County. Such notice shall indicate the bonds called and such bonds shall be called according to their number beginning with the lowest number, and the interest on the bonds so called shall cease from the date named for payment thereof.

Section 5. The Town Council of the said "The Town of Frankford" 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 it may deem expedient, and all the moneys arising from said sale shall be applied to carrying into effect the provisions of this Act.

Section 6. The form of said bonds, with coupons that may be attached thereto, shall be prescribed by the Town Council of the said "The Town of Frankford" and said bonds shall be signed by the President of the Town Council and by the Treasurer of said Town, and sealed with the corporate seal of said corporation, and shall be exempt from State, County and Municipal taxes. As said bonds with the coupons that may be attached thereto shall be paid, the same shall be cancelled as said Town Council shall direct.

Facsimile signatures of the President of the Town Council and of the Treasurer of "The Town of Frankford" may be im-

FRANKFORD

printed upon the coupons that may be attached to said bonds in lieu of the respective signatures of the said President of the Town Council and Treasurer of "The Town of Frankford" in their own original hand writing.

Section 7. The said Town Council of the said "The Town of Frankford" is hereby authorized and required to levy and raise by taxation in each year any sum of money that may be required to pay the interest accruing on said bonds or any of them, whilst any of said bonds remain unpaid. And the said Town Council is further authorized and required to levy and raise by taxation from time to time such sum or sums as said Town Council shall deem proper to establish a sinking fund adequate for the redemption of said bonds or any of them, at or before their maturity. Taxes for interest and sinking fund, as aforesaid, shall be levied and raised as taxes for general municipal purposes in said Town are levied and raised and shall be in addition to the taxes raised for all or any other purposes.

Section 8. The Bonds authorized by this Act may be issued at one time or at different times, as the Town Council of the said "The Town of Frankford" 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 Thirty-one Thousand Dollars.

Section 9. The faith and credit of the said "The Town of Frankford" are hereby pledged for the due payment of all of the bonds and interest thereon that may be issued under the provisions of this Act.

Section 10. A statement appearing in the bonds issued under the provisions of this Act to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence in favor of the holder of any such bonds, that all the terms and conditions of this Act have been fully met and complied with.

Approved May 11, 1937.

CHAPTER 146

FREDERICA

AN ACT AUTHORIZING THE TOWN OF FREDERICA TO BORROW TWENTY THOUSAND DOLLARS AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF CONSOLIDATING AND REFUNDING THE PUBLIC INDEBTEDNESS AND TO FINANCE CERTAIN PUBLIC IMPROVEMENTS OF THE SAID TOWN OF FREDERICA.

WHEREAS, the Town of Frederica, under the style of the Town Commissioners of Frederica, was authorized to borrow Fifteen Thousand (\$15,000.00) and to issue bonds therefor for the purpose of acquiring in any manner and establishing and maintaining a water plant for the Town of Frederica under Chapter 162, Volume 40, Laws of Delaware, approved February 6, 1935; and,

WHEREAS, pursuant to the powers therein conferred, said Town of Frederica did borrow the sum of Seventy-five Hundred (\$7500.00) Dollars with which to purchase a power plant and water system for the said Town of Frederica; and,

WHEREAS, said power plant and water system is in need of repairs, and which repairs will necessitate the expending of upwards of Fifteen Hundred (\$1500.00); and,

WHEREAS, the Town of Frederica, pursuant to referendums by the citizens of the said Town qualified to vote at such referendums, has acquired a municipal hall and fire house at a cost of approximately Nine Thousand (\$9,000.00) Dollars; and,

WHEREAS, it will be necessary to spend upwards of Two Thousand (\$2,000.00) Dollars to equip said municipal hall and fire house; and,

WHEREAS, the said Town of Frederica is desirous of re-financing and consolidating its present indebtedness and the added indebtedness arising from the repairs and replacements aforesaid; now, therefore,

FREDERICA

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

Section 1. That the Town of Frederica be and it is hereby authorized and empowered to borrow on the credit of said Town a sum of money not exceeding Twenty Thousand (\$20,000.00) Dollars, to be used for the purpose of consolidating and refunding the public indebtedness of the Town of Frederica, for the purpose of financing the necessary costs of purchasing a lot and erecting and furnishing thereon a municipal building, and to finance the costs of necessary improvements and repairs to the power plant and water mains of said Town of Frederica.

Section 2. That the Town of Frederica for the purposes set forth in Section 1 of this Act shall have full power and authority to issue one or more bonds of the Town of Frederica, to an amount not exceeding Twenty Thousand (\$20,000.00) Dollars.

Section 3. The denomination of such bond or bonds shall be in such amount as shall be determined by the Town Council of Frederica 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 such bank or trust company as the said the Town of Frederica shall designate. The bonds issued pursuant to the provisions of this section may or may not have attached thereto coupons as the said The Town Council of Frederica by resolution shall determine.

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 such bank or trust company as the said Town Council of Frederica shall designate. Such bond or bonds issued under the provisions of this Act shall mature not later than thirty years from their respective dates, and the said bond or bonds may be redeemed at the option of the said Town Council of Frederica at par and accrued interest

FREDERICA

at any interest period from the date of said bond or bonds. The Town Council may provide for the payment of an annual installment on account of the principal debt of said bond or bonds of not less than Five Hundred Dollars per annum and accrued interest by resolution adopted by the Council of the Town of Frederica; provided, however, that if the Town Council of Frederica shall at any time after the expiration of five years from the date of said bond or bonds elect to redeem any one or more thereof, such redemption shall be made in pursuance of notice signed by the Mayor of the Town of Frederica and by the Treasurer thereof, published once a week for two consecutive weeks in two newspapers published in the City of Dover. Such notice shall indicate the bond or bonds called, and after making such call the interest on any of the said bond or bonds so called shall cease from the date named for redemption thereof.

Section 5. The Town Council of Frederica shall direct and effect the preparation, printing and sale of said bond or bonds authorized by this Act at such time or times, and on such terms as they may deem expedient, and all monies arising from such sale shall be applied to carry into effect the provisions of this Act. The form of said bonds and the form of any coupons thereto attached, if the Town Council shall elect to issue bonds with coupons attached, shall be prescribed by the Town Council of Frederica and they shall be signed by the Mayor of the Town Council and by the Treasurer of said town and sealed with the corporate seal of said corporation, and shall be exempt from state, county and municipal taxes. As said bonds and coupons, if any there be, shall be paid, the same shall be cancelled as the Town Council of Frederica shall direct.

Section 6. The said Town Council of Frederica is hereby authorized and required to levy and raise from taxation, in each year, upon all assessable real estate in said Town, a sum of money sufficient to pay all interest accruing on said Bonds, or any of them, whilst any of them shall remain unpaid; and the said Town Council of Frederica is further authorized and empowered to levy and raise from taxation from time to time such sum or sums as

FREDERICA

said Town Council of Frederica shall deem proper to establish a Sinking Fund adequate for the redemption of said bonds at or before their maturity. Such taxes shall be in excess of and in addition to the sum or amount authorized to be raised by said Town Council of Frederica 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 Town Council of Frederica 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 Twenty Thousand Dollars.

Section 8. The faith and credit of the said Town Council of Frederica is hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

Section 9. The powers conferred in and by this Act shall continue in full force and effect without limitation as to the time when said powers, or any of them, shall be exercised or executed.

Approved April 19, 1937.

CHAPTER 147

GREENWOOD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD", BEING CHAPTER 183, VOLUME 22, LAWS OF DELAWARE.

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

Section 1. That Section 19 of Chapter 183, Volume 22, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 19 as it now appears in Chapter 183, Volume 22, Laws of Delaware, and inserting in lieu thereof the following, to be known as Section 19 of said Act:

Section 19. It shall be the duty of the Council of said town at the meeting on the third Saturday in January in each and every year, or as soon as conveniently may be thereafter, to elect by ballot a Treasurer and Secretary, who shall hold their offices until the third Saturday in January next after election and until their successors shall be duly elected and qualified. The Treasurer and Secretary may or may not be the same person and they may at the same time hold the office of Councilman. The said Council shall also have authority to elect by ballot a Collector of Taxes in any year they may think proper to do so, whose term shall begin on the first day of May of the year in which he is elected and continue until the first day of May of the following year. The Treasurer before entering upon the duties of his office shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the President of said Council or by any member thereof, or by any Judge, Justice of the Peace, or Notary Public. He shall also, before entering upon the duties of his office, give bond to the Town of Greenwood with sufficient surety to be approved by the Council of said town in the penal sum of One Thousand Dollars (\$1000.00), conditioned for the faithful discharge of the duties

GREENWOOD

of his said office and for the payment of his successors in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said Council and signed by the President thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Council annually by the third Saturday in December, and oftener, and at such other times as the said Council may require. The Treasurer, Secretary and Assessor of said town shall each receive a reasonable compensation for their services to be determined by the Council of said town; provided the compensation of the said Treasurer as such shall not exceed five per cent. on all moneys received by him belonging to said town, and of the Secretary acting as Collector shall not exceed eight per cent. on the taxes collected by him.

Section 2. That said Chapter 183, Volume 22, Laws of Delaware, be amended by adding thereto a Section to be known as Section 28, as follows:

Section 28. The Collector of Taxes for the town of Greenwood shall after the first day of October in each year in which the tax duplicate shall be delivered to him add to taxes to be paid thereafter a penalty of one per cent. per month until the same shall be paid.

Section 3. That there be a new Section added to Chapter 183, Volume 22, Laws of Delaware, to be known as Section 29, as follows:

Section 29. The lien of any taxes upon property may be extended against the owner thereof in the manner following, namely: any Collector of Taxes for the town of Greenwood shall, prior to the expiration of the lien of said taxes, file with the Prothonotary of Sussex County a certificate containing the name of the taxable, the amount of the assessment, distinguishing the real and personal

GREENWOOD

property and capitation tax, the year for which the said taxes may be levied, the rate of taxes, the total tax levied, the date from which the penalty for non-payment 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 for Municipalities." The lien of said tax shall thereupon be extended and remain a lien against all the real property of said taxable within Sussex 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 levam facias may issue thereon for the sale of the taxable's real estate at the direction of any Collector of Taxes for the town of Greenwood as on any such judgment, and shall be in the name of the State of Delaware, for the use of the Town of Greenwood, against said taxable.

Approved May 17, 1937.

CHAPTER 148

GREENWOOD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD", BEING CHAPTER 183, VOLUME 22, LAWS OF DELAWARE, AS AMENDED, BY PROVIDING FOR A COLLECTOR OF TAXES AND WATER RENT WHO SHALL NOT BE A MEMBER OF THE TOWN COUNCIL.

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

Section 1. That Chapter 183, Volume 22, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end of Section 19 of said Chapter the following:

The Council shall annually elect by ballot a Collector of Taxes and Water Rents whose duty it shall be to collect all town taxes and all water rents levied and assessed by said town. The said Collector shall not be a member of the Town Council during the term for which he is elected to the office of Collector. The Collector shall receive such compensation as shall be allowed by the said Council in accordance with the provisions of said Chapter 183, as amended.

Approved May 19, 1937.

CHAPTER 149

HARTLY

AN ACT TO AMEND CHAPTER 152 OF VOLUME 29, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HARTLY, KENT COUNTY, DELAWARE," BY CHANGING THE DATE FOR THE ANNUAL ELECTION OF COMMISSIONERS.

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

Section 1. That Sec. 4 of Chapter 152, Volume 29, Laws of Delaware, be and the same is hereby amended by striking out the words "March, A. D. 1917", as the same appear in the second line of the first paragraph of Sec. 4 of said Chapter 152, Volume 29, Laws of Delaware, and inserting in lieu thereof the words "April, A. D. 1937."

Section 2. That Sec. 4 of said Chapter 152 of Volume 29, Laws of Delaware, be further amended by adding a new paragraph at the end of said Sec. 4 of said Chapter to read as follows:

No person shall be eligible for election to any elective office of said Town unless he shall have filed a notice with the Town Treasurer of said Town for more than ten days next preceding any election for the filling of the office to which he may desire to become a candidate for election thereto of his intention to become a candidate for election to said office.

Section 3. That Sec. 5 of said Chapter 152, Volume 29, Laws of Delaware, be further amended by striking out the words "March, June, September and December" as the same appear in the third line of said Sec. 5 and inserting in lieu thereof the following: "February, May, August, November."

Approved March 23, 1937.

CHAPTER 150

LEWES

AN ACT AUTHORIZING "COMMISSIONERS OF LEWES" TO PURCHASE RIGHT-OF-WAY ACROSS PRIVATE LANDS FOR THE PURPOSE OF CONSTRUCTING THE INLET FROM DELAWARE BAY INTO LEWES AND REHOBOTH CANAL, AND TO INSTITUTE CONDEMNATION PROCEEDINGS FOR THAT PURPOSE IF NECESSARY.

WHEREAS, pursuant to Chapter 71 of Volume 40, Laws of Delaware, the inlet from Delaware Bay into Lewes and Rehoboth Canal is at present in process of construction; and

WHEREAS, it is necessary to obtain rights-of-way across private land in order to complete the construction of the aforesaid inlet; and

WHEREAS, it is imperative that there be no lengthy delay in the construction of the aforesaid inlet, 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 thereof concurring therein):

Section 1. That "Commissioners of Lewes" be and they are hereby authorized to purchase whatever lands, easements, rights-of-way, or other legal or equitable interests that may be necessary for the inlet from the Delaware Bay into the Lewes and Rehoboth Canal at Lewes, Delaware, which is now in the process of construction.

Section 2. That, in the event that "Commissioners of Lewes" are unable to agree with the owner or owners of any land, easement, right-of-way, or other legal or equitable interest necessary to be taken or used in the construction of the aforesaid inlet, said "Commissioners of Lewes" may apply to the Associate Judge of the State of Delaware resident in Sussex County, first giving to the other party or owner at least five (5) days' notice in writing of

LEWES

the intended application, if such party or owner is within the State, and if said party or owner is unknown or without the State, or if under legal disability and having no legal representative in the State, then such notice shall be published in some newspaper in the County of Sussex at least ten (10) days prior to the intended application, and such publication shall be sufficient notice; upon application being made as aforesaid, the said Judge shall appoint five judicious and impartial freeholders of said County of Sussex, two of whom shall be residents of said town of Lewes, to view the premises and to assess the damages which the owner of the property to be taken will sustain by reason of condemning his property for the particular purpose in question. The said Judge shall have power to fill any vacancy in the Commission. The freeholders shall be sworn or affirmed before some officer authorized to administer oaths and affirmations, before viewing the premises, faithfully and impartially to perform the duties assigned to them. They shall give ten days' notice in writing to the owner of the property proposed to be condemned or to the guardian thereof, if within the State, and to said "Commissioners of Lewes" of the time of their meeting to view the premises and to assess the damages; if the owner is unknown, or without the State, or under legal disability and having no legal representative in the State, publication of such last-mentioned notice shall be made in some newspaper published in Sussex County at least ten days prior to said meeting, and such publication shall be sufficient notice thereof. The said Commissioners shall keep a record of their proceedings with their findings and awards and shall return the same to the Prothonotary of Sussex County, and shall certify their findings and awards to the owners of the property and to "Commissioners of Lewes." If the said "Commissioners of Lewes" or any party in interest is dissatisfied with the finds and awards, it or he, may on application to said Prothonotary within fifteen days after such findings and awards have been made and filed, sue out a writ of *ad quod damnum*, requiring the Sheriff of said County, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages which will be sustained as aforesaid, and their report shall be final. The amount of damages being ascertained, "Com-

LEWES

missioners of Lewes" may pay or tender the amount thereof within two months after the same shall have been ascertained to the person entitled thereto, or, if the person entitled refuses to accept the same, or resides out of the County, or is absent from the County during all or any part of the said two months, the same may be deposited to his credit in any Bank of said town of Lewes, within said time, and, thereupon, the said property may be taken and used for the purposes for which it was condemned, provided that "Commissioners of Lewes," in their discretion, after they have made application as aforesaid for the condemnation of property, may occupy or use such property without delay, and the proceedings for the ascertainment of the damages shall proceed as in this section provided, but in the event of such immediate use or occupation as last aforesaid, the "Commissioners of Lewes" shall pay to the owner or owners thereof if within the State, or if such owner or owners refuse to accept the amount of damages or are without the county, deposit to his or their credit in the said Bank as aforesaid within ten days after the damages have been ascertained, the amount thereof.

The expenses of the assessment by the said Commissioners of the damages aforesaid, shall be paid by the "Commissioners of Lewes"; and the event of a writ of ad quod damnum being sued out by the owner of lands, easements, rights-of-way, or other legal or equitable interests proposed to be condemned, if the damages to be allowed shall be increased thereby, the cost shall be paid by the "Commissioners of Lewes", otherwise the cost shall be paid by the person so suing out said writ.

Whenever any property shall be acquired by said "Commissioners of Lewes" under the provisions of this Act, the title thereto shall be in "Commissioners of Lewes" for the purpose for which it was acquired.

Approved March 15, 1937.

CHAPTER 151

LEWES

AN ACT AUTHORIZING "COMMISSIONERS OF LEWES" TO BORROW FORTY-FOUR THOUSAND DOLLARS (\$44,000.00) AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF "COMMISSIONERS OF LEWES."

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 of the Legislature concurring therein):

Section 1. That "Commissioners of Lewes", a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow, on the faith and credit of the said "Commissioners of Lewes," a sum of money not exceeding Forty-four Thousand Dollars (\$44,000.00) for the purpose of redeeming and refunding outstanding bonds of the said "Commissioners of Lewes."

Section 2. That the Board of Commissioners of the said "Commissioners of Lewes", for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said "Commissioners of Lewes" for an amount not exceeding in the aggregate the sum of Forty-four Thousand Dollars (\$44,000.00), and said bonds shall be known by whatever name the Board of Commissioners shall determine.

Section 3. The said bonds shall be authorized by a resolution of the Board of Commissioners and shall be issued in one or more series, shall bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rate or rates, not exceeding three and one-half per centum per annum, payable at such time, be in such denominations, and payable at such place or places, as such resolution or subsequent resolutions may provide. The bonds may or may not be coupon bonds as the said Board of Commissioners shall determine. Any

LEWES

or all of said bonds may be redeemed at the option of the Board of 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 said Board of Commissioners shall elect to redeem any or all of said bonds as aforesaid, such redemption shall be made in pursuance of a notice signed by the President and by the Treasurer of said "Commissioners of Lewes" published once a week for two consecutive weeks in a newspaper or newspapers published and circulated in Sussex County, Delaware. Such notice shall indicate the bonds called, and in making such call or calls for redemption the said Board of Commissioners shall begin with the lower numbers and select serially the bonds to be called. The interest on any of said bonds so called shall cease from the date named in any of said calls for redemption.

Section 4. The Board of Commissioners of Lewes shall direct and effect the preparation and sale of the bonds which are authorized by this Act at such time or times and upon such terms as the said Board of Commissioners may deem expedient and all moneys arising from the sale of said bonds shall be used for the purpose of carrying out the provisions of this Act.

Section 5. The form of said bonds, with the coupons that may be attached thereto, shall be prescribed by resolution of the Board of Commissioners, and said bonds shall be signed by the President and Treasurer of the "Commissioners of Lewes", and sealed with the corporate seal of said corporation and shall be exempt from State, County and Municipal Taxes. As said bonds and coupons attached thereto shall be paid, the same shall be cancelled as the said Board of Commissioners shall direct.

Facsimile signatures of the President and Treasurer of the "Commissioners of Lewes" may be imprinted upon the coupons that may be attached to said bonds in lieu of the respective signatures of the said President and Treasurer.

Section 6. The faith and credit of the said "Commissioners of Lewes" are hereby pledged for the due payment of all of the

LEWES

bonds and interest thereon that may be issued under the provisions of this Act.

Section 7. Commissioners of Lewes are authorized and directed to establish a sinking fund adequate to the redemption at or before the maturity, as provided in this Act, of all bonds which may be issued under the provisions hereof. Commissioners of Lewes shall set aside each year a sum of money derived from taxation, not to exceed Three Thousand Dollars (\$3,000.00), nor to be less than Two Thousand Dollars (\$2,000.00) each year, which said money shall be deposited in a Bank or Trust Company of Sussex County, for the purpose of redeeming said bonds as prescribed herein. Commissioners of Lewes may invest said money until such time as the same shall be needed for the redemption of said bonds, provided that such investment shall be in Government, State, County, or Municipal Bonds.

The Treasurer of the Town of Lewes shall give such additional bond as the Commissioners of Lewes may determine and approve.

Section 8. Any bond issued pursuant to this Act may contain a recital that it is issued pursuant to this Act, which recital shall be conclusive evidence of its validity and of the regularity of its issuance.

Section 9. Before any bonds shall be issued under the provisions of this Act, a special election shall be held in the same place and in the same manner as other town elections. Notice of said election shall be given by advertisements in the nearest County newspaper and by posting notices in at least ten public places in said town at least two weeks before the said election, which said advertisements and notices shall state the time and place of the election and the amount of bonds proposed to be issued, and the purpose for which the said money is to be borrowed. At said election every person paying town taxes in the said town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by him or her according to

LEWES

the last assessment in the said town, and for the purposes of this election residence shall not be a qualification to voting in the said town. At said election the ballots used shall have written or printed thereon the words "for the bond issue," or the words "against the bond issue." If at such election a majority of the votes cast shall be for the bond issue, then bonds to the amount voted on may be issued as in this Act provided but if at such election the majority shall be against the bond issue, then no bonds shall be issued nor money borrowed under this Act."

Approved April 19, 1937.

CHAPTER 152

LEWES

**AN ACT TO AMEND SECTION 3 OF CHAPTER 196 IN VOLUME
22 "LAWS OF DELAWARE" BY EXTENDING THE TERRI-
TORY SUPPLIED BY THE ELECTRIC LIGHT PLANT IN
LEWES.**

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

That Section 3, Chapter 196, Volume 22, "Laws of Delaware", be and the same is hereby amended by adding at the end of the aforesaid section the following paragraph: "But in respect to the electric light plant alone, the territory served shall not be confined within the boundaries of the town of Lewes, and the Board of Public Works shall be authorized to supply electric current for the purposes of heat, power, light or any other legitimate use to anyone who will consume it within a territory extending one-half mile outside the present limits of the town, except that the Board of Public Works shall be authorized to supply electric current for any legitimate purpose in the direction of Cape Henlopen on the side of the Lewes and Rehoboth Canal nearer Delaware Bay as far as the Cape Henlopen Coast Guard Station, and it may supply current to any person or persons or companies located within the aforesaid area on any public lands, private lands, or public lands leased to private individuals or concerns."

Approved April 19, 1937.

CHAPTER 153

MIDDLETOWN

**AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO
ESTABLISH A SEWER SYSTEM AND OTHER IMPROVE-
MENTS AND TO SECURE THE NECESSARY LAND OR
RIGHT-OF-WAY FOR THE SAME.**

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

Section 1. "The Mayor and Council of Middletown" is hereby authorized and empowered to lay such sewers, mains and pipes where and as it shall deem advisable in the Town of Middletown, or any public road adjoining or extending to said town.

Section 2. The Council is hereby authorized and empowered to make, adopt and promulgate all rules and regulations relative to the use of any sewers, as it shall deem proper, and it may also adopt ordinances, prescribing penalties, relative to any use of and in connection with said sewer system and for the protection of said sewer system, wherever such may extend or be located. The Council shall have power to direct the tapping of sewer mains although the same are not situate in the street on which the lands and buildings to be connected with are so situate, if said sewer mains are similarly located in reference to said lands and buildings.

Section 3. If the owner or owners of any interest in property necessary to be taken for the purpose mentioned in this Act, be unable or unwilling to contract and agree with the said Council upon the compensation to be made for any real or supposed injury that may be done to said property, the Council shall appoint five judicious and impartial freeholders of said County, three at least of whom, shall be residents of said town, to go upon, view or ascertain said property to be taken, or occupied, and taking into consideration the advantages as well as the disadvantages accruing to the property affected, they or a majority of them, shall assess the damage accruing to the owner or owners of said property, and

MIDDLETOWN

shall certify their findings to the said Council and to the owner or owners of the property; and if such owner or owners be not then residing within said town, the said freeholders, or a majority of them, shall certify their finding and award to the tenant of any 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. The award and return of said freeholders shall be made within fifteen days after their appointment by the Council. They shall each receive for each day's actual service, the sum of Two Dollars.

Any party in interest who is dissatisfied with the amount of the compensation or damages allowed by the said freeholders, may within fifteen days after such notice apply to the Associate Judge of the State of Delaware, resident in the County where any such property necessary to be taken is located for the condemnation of such property, first giving to the other party at least five days' notice in writing of the intended application if such party is within the State, and if any party or owner is unknown or without the State, or if under legal disability and having no legal representative in the State, then such notice shall be published in some newspaper in the County in which said property proposed to be taken is located at least five days prior to the intended application made as aforesaid, and such publication shall be sufficient notice; upon application as aforesaid, the said associate Judge shall appoint five judicious and impartial freeholders of said County, three of whom shall be residents of the said Town and two of whom shall be non-residents of said Town, commanding them to ascertain the property to be taken and assess the damages which the owner or owners will sustain by reason of the taking of such property. The freeholders shall be sworn or affirmed before some officer authorized to administer oaths or affirmations, before entering on the premises or before ascertaining the property, faithfully and impartially to perform the duties assigned them. They shall give ten days' notice, in writing, to the owner or owners of the premises or property so proposed to be condemned or to their guardian or guardians, duly appointed, if within the State and to the said

MIDDLETOWN

Council of the time of their meeting to view the premises or ascertain the property; if the owner or owners are unknown or are without the State or if under legal disability and having no legal representative in the State, publication of such last mentioned notice shall be made in some newspaper in the County in which the proceedings were instituted at least ten days prior to the said meeting, and such publication shall be sufficient notice thereof. The said Commissioners shall keep a record of their proceedings with their findings and awards and return the same to the Prothonotary of the County in which the said proceedings were instituted, and shall certify their findings and awards to the owner or owners of the property and to the Council, and the said report shall be final and conclusive.

The amount of damages being ascertained, the Council may pay or tender the amount thereof within one month after the same shall have been so ascertained, to the party or parties so entitled thereto, or, if the party or parties so entitled refuse to accept or reside out of or are absent from the County during all or any part of said period of one month, the same may be deposited to his credit in any responsible bank or trust company in New Castle County, Delaware, within said time, and thereupon said property may be taken and occupied for the use and purpose for which it was condemned, provided that the Council, in its discretion, after it has appointed freeholders as provided in Section 3 of this Act, for the condemnation of property, may occupy or use such property without delay, and the proceedings for the ascertainment of the damages shall proceed as in this Act provided, but in the event of such immediate use or occupation as last aforesaid, the Council shall pay to the owner or owners thereof if within the State, or if such owner or owners refuse to accept the amount of damages or are without the County, deposit to his or their credit in the said bank as aforesaid, within fifteen days after the damages have been ascertained by said freeholders, or if an appeal is taken, by the said Commissioners, the amount thereof. In the ascertainment of damages by the Commissioners aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the Council, but if said damages shall not be increased, the cost

MIDDLETOWN

of the appeal shall be paid by the appellant. The said Judge shall have power to fill any vacancy in any Commission and thereafter the Commission shall proceed as though no vacancy had occurred.

The said Council before the time for taking an appeal as aforesaid set forth has expired, upon the payment of costs only, may abandon its intention of taking and occupying said property for the purposes aforesaid; provided, however, that there has been no occupation or use of said property by the said Council.

Approved April 1, 1937.

CHAPTER 154

MILFORD

AN ACT TO AMEND CHAPTER 162, VOLUME 37, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF MILFORD' TO 'THE CITY OF MILFORD' AND ESTABLISHING A CHARTER THEREFOR", IN RELATION TO THE TRANSMISSION OF ELECTRIC CURRENT AND/OR WATER BEYOND THE CITY LIMITS.

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. That Section 3 of the Act entitled "An Act changing the name of 'The Town of Milford' to 'The City of Milford' and establishing a Charter therefor", being Chapter 162, Volume 37, Laws of Delaware, be and the same is hereby amended by adding at the end of said Section a new paragraph as follows:

(C) The City of Milford may transmit electric current and/or water from the plant or plants owned and operated by said City to places or properties beyond the limits of said City and upon such terms, charges and conditions as the Council shall determine and approve.

Approved April 7, 1937.

CHAPTER 155

MILLSBORO

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MILLSBORO TO BORROW TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO REDEEM OUTSTANDING BONDS AND TO PAY FOR CERTAIN IMPROVEMENTS IN THE TOWN OF MILLSBORO.

WHEREAS, The Commissioners of Millsboro has heretofore issued bonds for Seventeen Thousand Dollars (\$17,000.00) for indebtedness of the town of Millsboro; and, whereas, the said bonds and 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 to refund the debts evidenced thereby at a lower rate of interest, and there being no funds available for the redemption of said bonds and to make certain needed improvements, 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 Commissioners of Millsboro is hereby authorized and empowered to borrow on the faith and credit of The Commissioners of Millsboro the sum of Twenty-five Thousand Dollars (\$25,000.00), or so much thereof as may be necessary to redeem the outstanding bonds and to make certain necessary improvements in the Town of Millsboro.

Section 2. That The Commissioners of Millsboro, for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the Town of Millsboro, said bonds to be denominated "Bonds of Millsboro, Series of 1937" (to an amount not exceeding in the aggregate Twenty-five Thousand Dollars (\$25,000.00)).

The said bonds shall be issued in denominations of One Thousand Dollars (\$1,000.00) each, shall bear date 1937, shall be num-

MILLSBORO

bered consecutively beginning with number one, and shall bear interest at a rate not exceeding four per centum (4%) per annum, payable semi-annually, on the first day of January and July of each year. It shall be the duty of the said The Commissioners of Millsboro to pay the principal of at least one of these bonds during the year 1938 and in the even numbered year from that time forward until the full amount of the said bond issue shall have been fully paid, the bonds to be paid to be selected for redemption consecutively beginning with Bond Number One, the power to redeem any or all of said bonds being reserved in The Commissioners of Millsboro at any interest period while any of said bonds remain unpaid.

Section 3. The Commissioners of Millsboro 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 The Commissioners of Millsboro shall deem expedient, but Seventeen Thousand Dollars (\$17,000.00) of such bond issue shall be applied to the redemption of outstanding indebtedness of the said the Commissioners of Millsboro, and such funds up to the extent of Seventeen Thousand Dollars (\$17,000.00) shall be used exclusively for such refunding purposes.

Section 4. That the form of said bonds shall be prescribed by the said The Commissioners of Millsboro, and the said bonds shall be signed by the Alderman and by the Treasurer of the said The Commissioners of Millsboro, 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 Commissioners of Millsboro may determine.

Section 5. That The Commissioners of Millsboro is hereby authorized and required to levy and raise by taxation in each year a sum of money sufficient to pay the interest on all of said bonds and at least Five Hundred Dollars (\$500.00) on the principal of

MILLSBORO

said bond issue while any of said bonds shall remain unpaid, beginning with the year 1938.

Section 6. That the faith of The Commissioners of Millsboro is hereby pledged for the payment of any bonds that may be issued under the provisions of this Act.

Section 7. The Twenty-five Thousand Dollars (\$25,000.00) of bonds and various forms of indebtedness to be paid by the moneys arising from the sale of the bond 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 Commissioners of Millsboro, and the bonds or other forms of indebtedness so cancelled shall be preserved by The Commissioners of Millsboro.

Section 8. That before the provisions of this Act shall go into effect the borrowing of a sum of money not to exceed Twenty-five Thousand Dollars (\$25,000.00) as aforesaid shall be submitted to and approved by a majority of the votes cast at a special election which the said The Commissioners of Millsboro is hereby authorized and directed to call within sixty (60) days after the approval of this Act by the Governor. The said election shall be called by The Commissioners of Millsboro and shall be held, certified to and recorded in the same manner as the election of the officers of said Town. At such election every person qualified to vote for officers of the Town at any annual election shall be qualified to vote one vote at this election. If the borrowing of the said money shall not be approved by a majority of the said votes at said special election, the said The Commissioners of Millsboro is authorized and directed to call any other special elections from time to time, to be held in like manner and for the same purpose as the above described election, with the provision that no two special elections shall be called for this purpose within six months of each other.

Approved May 17, 1937.

CHAPTER 156

MILTON

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON", BEING CHAPTER 154, OF VOLUME 33, LAWS OF DELAWARE, BY INCREASING THE LIMIT OF THE AMOUNT WHICH MAY BE BORROWED BY "THE TOWN OF MILTON."

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

Section 1. That Chapter 154, Volume 33, Laws of Delaware, be and the same is hereby amended, by striking out from Section 10 thereof, the word "ten", where it appears in the eighth line of said Section, between the word "exceed", and the words "per centum", and inserting in lieu thereof, the words "twenty-five."

Approved May 18, 1937.

CHAPTER 157

NEWARK

AN ACT AUTHORIZING THE COUNCIL OF NEWARK TO BORROW MONEY TO REDEEM AND REFUND CERTAIN OUTSTANDING BONDS AND TO ISSUE A PROMISSORY NOTE OR NOTES THEREFOR.

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 "The Council of Newark", Delaware, a municipal corporation of the State of Delaware, is hereby authorized and empowered to borrow for the purpose of paying, redeeming, and refunding certain Bonds heretofore issued by the said "The Council of Newark", now outstanding and amounting to the sum of One Hundred Thousand (\$100,000.00) Dollars, which will be due and payable on the First day of February, A. D. 1957, and to issue as security therefor and in evidence thereof one or more Promissory Note or Notes of and in the name of "The Council of Newark" to an amount not exceeding One Hundred Thousand (\$100,000.00) Dollars. Said Promissory Note or Notes so to be issued shall be in such form and of such amount or denominations as the Council of "The Council of Newark" shall determine and shall bear interest at a rate not exceeding four per centum per annum, payable on such dates as may be determined by the council of "The Council of Newark."

Section 2. The council of "The Council of Newark" shall negotiate the sale or discount of the said Promissory Note or Notes and the money or proceeds derived therefrom shall be paid over to the Treasurer of the said "The Council of Newark", who shall keep and deposit the same in a separate fund, and which shall be solely for the paying off and redeeming the said Bonds heretofore issued by the said "The Council of Newark" and now outstanding and for paying the interest thereon.

Section 3. The said "The Council of Newark" is hereby au-

NEWARK

thorized and required to assess and collect annually in the same manner provided by law for assessing and collecting other taxes for municipal purposes in said Town, an amount of tax sufficient to pay all interest accruing on said Promissory Note or Notes.

The said "The Council of Newark" is further authorized and empowered to assess and collect annually, in the same manner provided by law for assessing and collecting other taxes, such further amount of tax as it may in any way deem advisable, to be used solely for the purpose of redeeming and paying said Promissory Note or Notes, either at or before the maturity thereof.

Section 4. The said Promissory Note or Notes shall be signed by the President of the Council of "The Council of Newark" and by the Treasurer of the Council of "The Council of Newark" and shall have affixed thereto the corporate seal of "The Council of Newark." The Note or Notes authorized by this Act may be issued at one time or at different times as "The Council of Newark" shall determine. The council of "The Council of Newark" shall have full power and authority to re-new, re-issue, re-discount and continue said Promissory Note or Notes or any of them for such time and upon such terms as it may by resolution determine, until the whole of said principal debt together with all accrued interest shall have been paid in full.

Section 5. The said "The Council of Newark" and all of the officers and departments thereof shall be taken and deemed to have, and are hereby expressly given full power and authority to do and perform any and all acts, matters or things not herein specifically granted or provided, which it may deem necessary to do or perform in relation to the said Promissory Note or Notes as aforesaid, and to make said Promissory Note or Notes the good, valid and binding obligation of "The Council of Newark", a municipal corporation under the laws of the State of Delaware as aforesaid, and the faith and credit of the said "The Council of Newark" is hereby pledged for the payment of said Promissory Note or Notes.

Approved May 18, 1937.

CHAPTER 158

NEW CASTLE

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF NEW CASTLE," BY AUTHORIZING THE SALE OF LANDS PURCHASED BY THE CITY ON TAX SALES.

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

Section 1. That Chapter 216, Volume 27, Laws of Delaware, entitled "An Act amending, revising and consolidating the charter of the City of New Castle" be and the same is hereby amended by adding at the end of Section 20 of said Act, a new paragraph as follows:—

"Any real estate now or hereafter purchased by the City at sales for taxes, may be sold by order of The Council of said City, and deed for the same shall be made to the purchaser or purchasers and executed for the Municipal Corporation by the Mayor and the President of Council and the City Clerk. Such deed shall convey all the rights of the Municipal Corporation in the property, and the proceeds of such sales shall be deposited in the City Treasury as part of the general tax money of the City."

Approved April 7, 1937.

CHAPTER 159

NEW CASTLE

AN ACT AUTHORIZING "THE MAYOR AND COUNCIL OF NEW CASTLE" TO BORROW MONEY AND ISSUE BONDS THEREFOR FOR THE PURPOSE OF REDEEMING AND REFUNDING THE OUTSTANDING "SEWER BONDS" OF SAID CITY.

WHEREAS, the Mayor and Council of New Castle, a Municipal Corporation of the State of Delaware, pursuant to the authority and provisions of Chapter 121, Volume 35, Laws of Delaware, did issue a total of \$170,000.00 Sewer Bonds, of said City, for the purpose of the construction of the sewer system in said City, which bonds numbered 1 to 170 inclusive for \$1000.00 each, bore date as of April 2, 1928, with interest at five per centum per annum payable serially in \$5000.00 lots, commencing April 1, 1931 and each year thereafter until all mature; which Bonds all contained a provision for redemption at the option of the Sewer Commission at any interest period after the expiration of five years from date at a premium of five per centum of the principal sum due.

AND WHEREAS, the Sewer Commission of said City has heretofore fully paid and cancelled a total of \$84,000.00 of said Bonds, numbered 1 to 84 inclusive, at maturity or by call for redemption, leaving outstanding and unpaid the balance of \$86,000.00 of said Bonds, numbered 85 to 170 inclusive.

AND WHEREAS, it is deemed desirable to call and redeem all of the remainder of said Bonds and refund the debt evidenced thereby at a lower rate of interest; and for this purpose to issue Sewer Refunding Bonds of said City sufficient, with other funds available, to redeem and pay off all of said outstanding Sewer Bonds.

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 concurring therein):

NEW CASTLE

Section 1. For the purpose of redeeming the outstanding "Sewer Bonds" of the City, the Mayor and Council of New Castle, a Municipal Corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of the said Municipal Corporation a sum or sums of money not exceeding \$86,000.00, and for this purpose to issue Bonds of the said Municipal Corporation not exceeding in the aggregate that amount.

Section 2. The said money shall be borrowed and the Bonds issued at such times as the "Sewer Commission" of the said Corporation, created and existing under said Chapter 121, Volume 35, Laws of Delaware, shall determine. They shall be issued in denominations of \$1000.00 each, and shall bear interest as fixed by the "Sewer Commission", not exceeding the rate of Three and One-Half Per Centum per annum. The "Sewer Commission" shall direct and effect the preparation and printing of and negotiate the sale and delivery of said Bonds. They shall each be signed by the Mayor, the President of Council and the Treasurer of the said Municipal Corporation, and be sealed with the Corporate Seal of the Corporation, and shall be exempt from State, County and Municipal taxation. It shall be the duty of said officers to execute said Bonds when directed so to do by the "Sewer Commission."

The moneys received from the sale of the said Bonds shall be paid over to the Treasurer of the Municipal Corporation, and used by the "Sewer Commission" for the carrying out of the purpose of this Act.

Section 3. The total amount of Bonds hereby authorized shall be divided into two classes, to be known as "Sewer Refunding Bonds, Class A", and "Sewer Refunding Bonds, Class B".

The "Sewer Refunding Bonds, Class A", shall be issued for a total of \$48,000.00, comprising 48 Bonds for \$1000.00 each, numbered from 1 to 48 consecutively, and payable serially, \$2000.00 each year. Bonds Number 1 and Number 2 shall be payable at the expiration of one year from the date of the issue,

NEW CASTLE

and thereafter two of said Bonds, in their numerical order, shall mature and be payable each year, until all said Bonds have matured.

The "Sewer Refunding Bonds, Class B", shall be issued for a total of \$38,000.00, comprising 38 Bonds for \$1000.00 each, numbered from 1 to 38 consecutively, and shall all be payable at the expiration of twenty years from the date of issuance. They shall contain a provision for the redemption of all or any of said Bonds, at the option of the "Sewer Commission" of said Municipal Corporation, at any interest period after the expiration of one year from the date of issuance at a premium of Two Per Cent of the principal sum due, provided notice of such intention to redeem be published at least three times in two newspapers in the City of Wilmington, Delaware, commencing at least sixty days prior to the redemption date, and after the date set for such redemption, no further interest shall accrue.

Section 4. The Mayor and Council of New Castle is authorized to levy and raise by taxation such sums of money as may be required to pay the interest on said Bonds, and also for such Sinking Fund as may be adequate for the redemption of said Bonds at their maturity. Such taxes shall be levied and collected as are the other taxes of said City.

Approved April 7, 1937.

CHAPTER 160

NEW CASTLE

AN ACT TO AUTHORIZE THE CITY OF NEW CASTLE TO RETIRE THE CITY CLERK OF SAID CITY ON PENSION AFTER TWENTY YEARS OF SERVICE.

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. Whenever the City Clerk of the City of New Castle shall have served continuously in that capacity in the said City for twenty years or more, and shall have obtained the age of Seventy-five years, it shall be lawful for the Council of the said City to retire such Officer and to place him upon the pension roll of the said City. The Council of the said City, on retiring such Officer, shall have the power to fix the amount of the pension, not exceeding the sum of Forty-five Dollars per month, to be paid thereafter to such retired Officer monthly during his life.

Approved April 7, 1937.

CHAPTER 161

REHOBOTH

AN ACT CHANGING THE NAME OF "THE TOWN OF REHOBOTH" TO "CITY OF REHOBOTH BEACH", ESTABLISHING A CHARTER THEREFOR, AND REPEALING CHAPTER 247 OF VOLUME 27, LAWS OF DELAWARE, BEING ENTITLED "AN ACT CREATING A BOARD OF PUBLIC WORKS FOR THE TOWN OF REHOBOTH, WHICH SHALL ESTABLISH, CONTROL AND REGULATE A WATER WORKS SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS."

Be it enacted by the Senate and the 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):

TERRITORIAL LIMITS

Section 1. The limits and bounds of the City of Rehoboth Beach are hereby established and declared to be as follows:

Beginning at the Northeast line of the present Town of Rehoboth, thence running to and with the coastline of the Atlantic Ocean, in a Southerly direction to the South side of Penn Street; thence with the South side of Penn Street to Silver Lake, thence by and with the North side of Silver Lake, in a Westerly direction, to the line of The Rehoboth Country Golf Club, continuing in a Westerly direction to a point at the North side of the Old County Bridge, across the United States Inland Waterway, to there intersect the line of the said Inland Waterway; thence by and with the line of the United States Right of Way in a Northerly direction, to the present line of the said Town of Rehoboth; thence by and with the said present line in an Easterly direction, to the point of beginning.

The Commissioners of Rehoboth may, at any time hereafter cause a survey and plot to be made of said City, and the said plot

REHOBOTH

or any supplement thereto, when so made and approved by said The Commissioners of Rehoboth, signed by the President, who shall affix thereto the municipal corporate seal of the City, attested by the Secretary of the said The Commissioners of Rehoboth, and upon being recorded in the Offices of the Recorder of Deeds of the State of Delaware, in and for Sussex County, shall be, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of Law and Equity of this State.

MUNICIPAL CORPORATE NAME AND GENERAL
POWERS THEREOF

Section 2. The Commissioners of Rehoboth now in Office, and their successors hereinafter chosen under the provisions of this Charter, within the limits and boundaries referred to in Section 1 of this Charter, or within the limits and boundaries hereafter established, shall be, and they are hereby created, a body politic and corporate in fact and in Law and Equity, by the name, style and title of "THE COMMISSIONERS OF REHOBOTH", hereinafter called The Commissioners, and under that name shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in any and all Courts of Law and Equity in the State of Delaware and elsewhere by said corporate name; and, for the purposes of this Charter, hereinafter to be set forth, to take, hold, receive and enjoy any lands, tenements and hereditaments, in fee simple or for a lesser estate, interest or otherwise, and also goods, chattels, rights and credits, and may sell, lease, hold, manage and control any such property or properties in such manner as The Commissioners may deem expedient and proper for the purposes hereinafter to be expressed; may appoint such Officers and agents as shall be deemed necessary or convenient for the management of the affairs of the City and may fix and determine the compensation of such officers and agents.

Except as hereinafter provided in this Charter relative to the power to issue Bonds, The Commissioners shall have all other powers and functions requisite to or appropriate for the govern-

REHOBOTH

ment of the City, its peace and order, its sanitation, beauty, the health, safety, convenience, government and well-being of its population, and the protection and preservation of property, public and private, and the maintenance of a permanent seaside resort and the furnishing of proper conveniences and attractions requisite to the same: provided, that nothing in this Charter shall be construed as conferring any banking power.

All actions, suits and proceedings shall be brought in the name of "THE COMMISSIONERS OF REHOBOTH."

The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict, in any way, the general powers conferred herein; but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that The Commissioners of Rehoboth shall have and may exercise all powers which, under the Constitution of the State of Delaware, it shall be competent for this Charter specifically to enumerate. All powers of The Commissioners of Rehoboth, whether expressed or implied, shall be exercised as prescribed by this Charter, or, if the procedure, or a mode of exercise, be not prescribed herein, such power or powers shall be exercised by ordinance or resolution of The Commissioners.

STRUCTURE OF THE GOVERNMENT

Section 3. The government of the City and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in The Commissioners of Rehoboth. The Commissioners of Rehoboth shall consist of seven (7) members, to be chosen as hereinafter provided. One of said Commissioners shall have the title of Mayor of Rehoboth, with duties hereinafter to be prescribed, and who shall also be President of The Commissioners of Rehoboth. Each of the Seven (7) Commissioners of Rehoboth shall be above the age of twenty-one years, a non-delinquent taxable of said City and, at the time of his election and during his term of office, a freeholder of the City. His ceasing to be such freeholder shall, ipso facto, vacate his office. Each

REHOBOTH

of three (3) of the said Commissioners shall also reside within the corporate limits of the City of Rehoboth Beach. The Commissioner with the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth shall be a bona fide resident of the City of Rehoboth Beach. Removal from the State of any Commissioner required by the provisions of this Charter to be a resident of the State of Delaware, shall ipso facto, vacate his office. Removal of his domicile from the City of Rehoboth Beach by the Commissioner with the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth, required by this Charter to be a bona fide resident of the Town of Rehoboth, shall, ipso facto, vacate his office. If, at any one time, more than three (3) incumbents of the office of Commissioner shall not reside in said City, by reason of one or more of them removing from out of said City, then, in such event, The Commissioner last removing from out of said City shall ipso facto vacate his office.

No compensation shall be paid to Commissioners. This shall not be construed to deprive The Commissioner with the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth of fees and stipends hereinafter to be provided in certain designated instances, nor to deprive the Secretary of The Commissioners of Rehoboth of his right to receive compensation as such Secretary.

ELECTION IN GENERAL

Section 4. The present Commissioners and other officers now serving are by this Charter appointed to serve and shall continue to serve as The Commissioners of Rehoboth and officers of the City from and after the passage hereof until their successors are duly elected or appointed. At the annual election held on the second Saturday in July, A. D. 1937, in accordance with Sections 6 and 7 of this Charter, four (4) Commissioners shall be elected; three (3) of whom shall be elected for the term of two years to succeed the expired term of John Le Cato, Joseph H. Quillen and A. Frank Joseph, and one of whom, who shall have the title of Mayor of Rehoboth, with duties hereinafter prescribed, and who

REHOBOTH

shall also be President of The Commissioners of Rehoboth, shall be elected for the term of one year to succeed the expired term of Frederick A. Ross, who is hereby designated as Commissioner of Rehoboth with the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth until his successor shall have been duly elected and qualified. At the annual election held on the second Saturday of July, A. D. 1938, as provided for in Sections 6 and 7 of this Charter, four (4) Commissioners shall be elected; three (3) of whom shall be elected for a term of two years to succeed the expired term of D. Franklin Quillen, Lamot duPont, Jr., and Frank L. Walker, and one of whom, who shall have the title of Mayor of Rehoboth, with duties hereinafter prescribed, and who shall also be President of the Commissioners of Rehoboth shall be elected for the term of one year to succeed the expiring term of such Commissioner as shall have been duly elected to that office at the annual election held in the year 1937. Thereafter, on the second Saturday of July in each and every year, four (4) Commissioners shall be elected; three (3) of whom shall be elected for two year terms and one of whom, who shall have the title of Mayor of Rehoboth, with duties hereinafter prescribed, and who shall be President of The Commissioners of Rehoboth, shall be elected for a one year term.

ELECTIVE OFFICES

Section 5. The six offices of Commissioner of Rehoboth and the one officer of Commissioner of Rehoboth with the title of Mayor of Rehoboth, with duties hereinafter to be prescribed, and who shall also be President of The Commissioners of Rehoboth shall be elective. All other offices shall be appointive and the person or persons filling such appointive offices shall be appointed by The Commissioners of Rehoboth in the manner hereinafter to be prescribed. Six offices of Commissioner of Rehoboth shall be for a two year term. The office of Commissioner of Rehoboth with the title of Mayor of Rehoboth and who shall also be President of The Commissioners of Rehoboth shall be for a one year term and in every event that a person shall be nominated to this office, the ballots shall not only specify that he seeks the Office of Com-

REHOBOTH

missioner of Rehoboth but also that he seeks that office with the title of Mayor of Rehoboth, with duties hereinafter to be prescribed, and with the title of President of The Commissioners of Rehoboth.

The qualifications for the office of Commissioner of Rehoboth as well as the office of Commissioner of Rehoboth having the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth shall be as set forth in Section 3 of this Charter.

In the case of a vacancy created in any office of Commissioner of Rehoboth or in the office of Commissioner of Rehoboth having the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth, either by death, resignation, loss of residence in the City of Rehoboth Beach, or other disqualifying event, or otherwise, The Commissioners of Rehoboth shall fill such vacancy for the residue of the whole term: provided, however, if a vacancy shall be created in an office of Commissioner of Rehoboth, the unexpired term of which office shall be for more than one year, The Commissioners of Rehoboth shall appoint some suitable and qualifying person to serve until the next annual election, at which time there shall be elected a suitable and qualifying person to fill the unexpired term of said office.

Aside from loss of residence, as in those instances specified in Section 3 of this Charter, if any elective officer be found guilty of any crime or misdemeanor, he shall forthwith be disqualified to act as such officer and he shall, ipso facto, vacate his elective office; which office shall be filled by The Commissioners of Rehoboth as in the case of other vacancies.

NOMINATIONS TO ELECTIVE OFFICES

Section 6. The mode of nomination of candidates for elective offices in the City of Rehoboth Beach shall be by petition signed by not less than ten (10) nor more than twenty-five (25) qualified electors of the City, and filed with the Secretary of The Commissioners on or before 12 o'clock noon on the Saturday preceding the annual municipal election.

REHOBOTH

Whenever a petition nominating a person for the office of Commissioner of Rehoboth, or the office of Commissioner of Rehoboth who shall have the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth, shall have been filed as above prescribed, the name of such person shall be printed on the ballot for the regular municipal election as a candidate for the office for which he was nominated; provided, he possesses the qualifications of an incumbent of that office as prescribed by this Charter. The Commissioners of Rehoboth shall be judge of his qualifications as prescribed by this Charter and, on the evening of the Saturday preceding the next regular municipal election, between the hours of 8 and 10 P. M., The Commissioners of Rehoboth shall sit in open meeting to judge of the qualifications of candidates so nominated.

No nominating petition shall designate more than one person to be voted for as a Commissioner of Rehoboth or as Commissioner of Rehoboth with the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth.

No qualified elector shall sign the nominating petition of more candidates than there are elective offices to be filled at such regular municipal election. Each qualified elector signing such petition shall also state whether he signed such petition as a freeholder in the City or as a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the City for three months immediately preceding such election.

There must be attached to each nominating petition an affidavit of the circulator thereof stating: the number of signers; that each signature appended thereto was made in his presence; that each signature is the genuine signature of the person whose name it purports to be; and that all of said signers are entitled to vote at the regular municipal election referred to.

The form of the nominating petition shall be substantially as follows:

We, the undersigned, electors of the City of Rehoboth Beach,
hereby nominate _____, for the office of
_____ to be voted for at the regular municipal
election to be held in said City, on the _____ day of _____
in the year _____; and we individually certify that we
are qualified to vote for a candidate for the office named, and that
we have truly designated the capacity in which we have signed
this petition as such qualified voter.

State of Delaware: }
Sussex County: } SS

Circulator

Notary Public

REHOBOTH

MANNER OF HOLDING ELECTIONS

Section 7. Annual municipal elections shall be held on the second Saturday in the month of July from 1 o'clock P. M. until 6 o'clock P. M., at such public place or places as shall be determined by The Commissioners, due notices of which shall be given by posting notices thereof in five of the most public places within the corporate limits of the City of Rehoboth Beach not less than ten days before the day of such annual election.

The Commissioners shall cause to be printed ballots, at least as many in number as the number of qualified electors in said City entitled to vote at such election, which shall contain the names of all persons nominated in accordance with the provisions of Section 6 of this Charter and under proper headings designating the offices for which nominated. Such ballots shall be delivered to the persons appointed, or selected at the opening of the polls, to hold the election and every elector calling for a ballot shall receive one from the persons holding the election. Electors may also prepare for themselves ballots, either printed or written: provided, that such ballots do not contain a name or names other than those nominated as aforesaid.

Every election shall be held under the supervision of an Election Board. The Election Board shall consist of one (1) judge of the Election and two (2) Inspectors of the Election. The Judge and Inspectors constituting the Election Board shall be qualified voters of the City and shall be appointed for that purpose by The Commissioners at least two (2) weeks before such election. If, at the opening of the polls, there shall not be present the three (3) members of the Election Board, or any one of them, then in such case the persons qualified to vote at such election and then present at the opening of the polls shall, by viva voce, select a qualified voter or voters to so act as a member or members of the Election Board. Members of the Election Board shall be Judges of the Election and shall decide upon the legality of the votes offered. The Election Board shall keep a true and accurate list of all voters voting. The Election Board shall have the power to

REHOBOTH

subpoena persons, and officers of the City and books, records and papers relative to the determination of the validity of any vote or votes offered.

At any such election every person, male or female, above the age of twenty-one years who shall have been a freeholder in the City of Rehoboth Beach for a period of three months immediately preceding such election, and against whose property there shall be no due and unpaid taxes, assessments or other charges due the City, whether a resident of the State of Delaware or not, shall have one vote and also every person, male or female, above the age of twenty-one years who shall have been a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the City of Rehoboth Beach for at least three months immediately preceding any such election, shall have one vote, if all town taxes, assessments and charges levied against such person shall be paid at the time of such election. All votes shall be offered in person. No voter shall vote for more candidates than are offices to be filled at the election, and in voting shall cross out the names of all candidates for whom he or she does not desire to cast his or her vote.

If a majority of the Election Board shall not be satisfied that any person offering to vote at the election possesses the qualifications of a City Elector as prescribed by this Charter they shall receive the ballot but shall not count it, and shall return it in a separate package to the Commissioners with the name of the person presenting the ballot.

Upon the close of the election, the votes shall be read and counted publicly and the person having the highest number of votes for each office shall be declared, by the Election Board, to be duly elected, and such person shall continue in office during the terms for which they were chosen, or until their successors are duly elected or appointed and qualified.

In the event of a tie vote for any office, the Election Board shall determine the tie by lot.

REHOBOTH

All ballots cast and all records of the election kept by the Election Board shall be preserved in the custody of the Election Board for the period of ten days, save and excepting those ballots offered by persons who shall not have satisfied a majority of the Election Board that he or she or they possessed the qualifications of a City elector as prescribed by this Charter.

The Election Board shall enter in a book, to be provided for that purpose, a minute of the election, containing the names of the persons chosen. They shall subscribe the same and shall give to the persons elected certificates of their election. The book, containing such matters, shall be preserved by The Commissioners and shall be evidence in any Court of Law and Equity.

ANNUAL ORGANIZATION MEETING OF COMMISSIONERS

Section 8. The Commissioners of Rehoboth, at noon, on the first Saturday in August next succeeding the annual election, in each and every year, shall meet for the purpose of organization at the usual place for holding meetings of The Commissioners of Rehoboth. The newly elected officers shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity; which oath or affirmation shall be taken before a Notary Public, a Justice of the Peace or by a holding-over member of the Commissioners. The newly elected Commissioner with the title of Mayor of Rehoboth and President of the Commissioners of Rehoboth shall assume the chair of the office of President of the Commissioners of Rehoboth. The Commissioners shall likewise select a Secretary from their own number to serve until the first annual organization meeting after the next succeeding election. They shall also choose an Assistant Secretary to serve as aforesaid, who may or may not be from among their own number.

The Commissioners at such annual organization meeting shall also appoint, by a majority vote, a City Manager, Treasurer, Auditors, Board of Health, Town Solicitor, Board of Assessment, Police Force, and such other officers, employees and agents of the City

REHOBOTH

which it may deem proper and necessary for the proper conduct and management of the City.

The Commissioners shall by ordinance fix the salaries and compensation of the employees, officers and agents of the City, and the time and manner of his or her, or their payment: provided, that the salary or compensation of any such employee, officer or agent shall not be increased, during the term of said office should said appointment thereto be for a designated term. No officer, employee or agent of the City shall in any form have, take, or receive from the City any compensation, in any form, in addition to the salary or compensation fixed by The Commissioners.

The Commissioners shall cause to be kept a full and complete record of all officers appointed, and employees and agents hired by the City, containing the names of such officers, employees and agents, the dates of their employment, the salary and compensation to be by them received and the date of the termination of their services. In the event that they shall hold their office for an indefinite term, the record shall so state.

REGULAR AND SPECIAL MEETINGS

Section 9. The Board of Commissioners shall hold one annual meeting in each month. Special meetings shall be called by the Secretary upon the written request of the President of The Commissioners, or upon the written request of any two members of The Commissioners, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the President and to each member of The Commissioners of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary must be deposited in the United States mail in the main postoffice of the City of Rehoboth Beach at least forty-eight (48) hours before the time of such special meeting: provided, that a written waiver of such notice, signed by the President and all other members of The Commissioners prior to or immediately upon the convening of such

REHOBOTH

special meeting, shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states.

In the event of the absence of the Secretary and Assistant Secretary at such time as any such special meeting should be called, the President or any two (2) members of The Commissioners shall have full authority to issue such call and, in such event, a notice signed by the President or any two (2) members shall be as effective as though issued by the Secretary or Assistant Secretary.

The Commissioners of Rehoboth shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at such special meeting, called as aforesaid, as The Commissioners have at regular monthly meetings.

All meetings shall be held in some public room in the City of Rehoboth Beach and shall be open at all times to any of the lawful voters of the City.

QUORUM

Section 10. A majority of the members elected to The Commissioners of Rehoboth shall constitute a quorum; but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Commissioners.

RULES AND MINUTES OF THE COMMISSIONERS

Section 11. The Commissioners shall determine its rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passing of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

REHOBOTH

CONTRACTS WITH MEMBERS

Section 12. It shall be unlawful for the said The Commissioners of Rehoboth to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the City of Rehoboth Beach with any member of The Commissioners or with any partnership in which any member of The Commissioners is a partner, or with any corporation in which any member of The Commissioners is a director or stockholder, or with any firm or company in which any member of The Commissioners is pecuniarily interested, except with the unanimous consent of the entire Commissioners. Such contracts shall be absolutely null and void without such unanimous consent.

DUTIES AND POWERS OF THE PRESIDENT AND MAYOR

Section 13. The Mayor of Rehoboth and the President of The Commissioners of Rehoboth shall be sworn or affirmed to perform the duties of his office with fidelity.

He shall be the executive of the City. He shall preside at meetings of The Commissioners. He shall receive all communications and complaints and present the same to The Commissioners. He shall sign all deeds necessary and contracts made by The Commissioners and shall countersign all checks and warrants authorized by The Commissioners and drawn on the Treasurer for the payment of money. He shall be a member, ex-officio, of all committees, and shall perform such other duties as may be prescribed by ordinance, or by the by-laws adopted by the said The Commissioners, and shall have all and every power conferred, and perform the duties imposed upon him by this Charter or the ordinances of the City.

In the performance of his duties as President of The Commissioners of Rehoboth, he shall be known and designated as President of The Commissioners of Rehoboth and in executing any deed, lease, contract, warrant on the Treasurer, or other papers and instruments in writing necessary for him, as such President, to sign, he shall sign and execute the same as President.

REHOBOTH

As a Commissioner of Rehoboth and as President of The Commissioners of Rehoboth, he shall have the same right as other Commissioners to vote on all matters and may at any time appoint another Commissioner to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor and may thereafter immediately resume his duties as presiding officer.

In addition to his powers and duties as President of The Commissioners of Rehoboth, he shall, as Mayor of the City of Rehoboth Beach, have all powers of a Justice of the Peace within said City, and shall have jurisdiction and cognizance on all breaches of the peace and other offenses committed within the limits of the City as far as arrest and hold to bail and fine and imprisonment offenders. He shall have jurisdiction and cognizance of all fines and penalties prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware; of all neglects, omissions or defaults of any member of the Police Force or other Town Officer, agent or employee; provided, that he shall impose no fine and penalty in excess of that fixed by the ordinance; which, in any event, shall not exceed a fine of \$100.00, and shall not commit to prison for a longer term than thirty days. The jails of Sussex County may be used for imprisonment under the provisions of this Charter: provided, that The Commissioners shall pay for the board of persons committed for breaches of ordinances, which are not breaches of the General Law.

As Mayor of the City of Rehoboth Beach, he shall also have jurisdiction in suits of civil nature for the collection of taxes and assessments, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the City under the provisions of this Charter. Within his jurisdiction, he shall have all the powers and authority and shall be subject to all the limitations of a Justice of the Peace of Sussex County, except as herein otherwise provided; and his fee shall be the same as those of a Justice of the Peace

REHOBOTH

for like services. For any service or duty in which no fee is provided by law such fee shall be established by ordinance.

Upon the expiration of his term of office or upon resignation or removal from office, he shall forthwith turn over all records, books, papers, documents and other things belonging to or appertaining to his office of Mayor of the City of Rehoboth Beach. He shall also pay over to the Treasurer all monies in his hands belonging to the City. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and, upon conviction in the Court of General Sessions of the State of Delaware, shall be fined not more than \$500.00 or imprisoned for not more than one year, or shall suffer both fine and imprisonment at the discretion of the Court.

As Mayor of the City of Rehoboth Beach, he shall, at every regular monthly meeting of The Commissioners, report in writing all fines imposed by him and all fines and penalties and other money received by him for the preceding month belonging to the City. He shall pay all such monies to the Treasurer within ten (10) days after making report thereof to The Commissioners; and failure to make report thereof to The Commissioners, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor and shall be punished upon conviction as hereinbefore provided.

As Mayor of the City he shall keep a docket in which all his official acts shall be entered which shall be open to public inspection and examination at all times.

THE SECRETARY

Section 14. The Secretary shall have charge and custody of the books, journal, records, papers and other effects of the City and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions of The Commissioners of Rehoboth. He shall be, ex-officio, a member of all committees and shall keep a record of the transactions and pro-

REHOBOTH

ceedings of the same, together with such other duties as may be prescribed by this Charter or by ordinance or rule of The Commissioners of Rehoboth. He shall file and keep in a safe place the seal of The Commissioners of Rehoboth and all papers and documents arising out of the proceedings of The Commissioners of Rehoboth and relative to the affairs of the City. He shall deliver the same to his successor in office. He shall attest the seal of The Commissioners of Rehoboth when authorized by The Commissioners and shall perform such duties and have such other powers as may be prescribed by ordinance.

All books, records and journals of the corporation in the custody of the Secretary may, in the presence of the President, Secretary, Assistant-Secretary, or any member of the Commissioners of Rehoboth be inspected by any freeholder of the City desiring legitimate information at any time, or times, as may be convenient.

All records, books, papers and documents in the custody of the Secretary shall at all times be open for the inspection of members of The Commissioners of Rehoboth.

The compensation of the Secretary for his duties, as such, shall be determined by The Commissioners.

ASSISTANT-SECRETARY

Section 15. The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon the Assistant-Secretary in the absence or inability of the Secretary. The Assistant-Secretary shall likewise perform such other duties and have such other powers as may be prescribed by ordinance of The Commissioners of Rehoboth.

THE TREASURER

Section 16. A Treasurer of the City of Rehoboth Beach shall be appointed by The Commissioners of Rehoboth at their annual meeting hereinbefore provided. He shall hold his office for the

REHOBOTH

term of one year from the date of his appointment at such annual meeting or if he be appointed to fulfill an unexpired term, his appointment shall expire one year from the date of the annual meeting immediately preceding his appointment.

The Treasurer of the City of Rehoboth Beach shall be a substantial freeholder of Lewes and Rehoboth Hundred. The Treasurer of the City of Rehoboth Beach shall be either a person resident in said Town or a corporation doing business therein.

The compensation to be received by the Treasurer of Rehoboth shall be fixed by The Commissioners of Rehoboth.

The Treasurer shall file with The Commissioners of Rehoboth, a Bond with corporate surety, approved by The Commissioners in the sum of not less than \$25,000.00 to be paid for by The Commissioners. The Bond shall be conditioned upon the faithful performance of his duties of his office and the restoration to The Commissioners of Rehoboth in the case of his death, resignation or removal from office of all books, papers, vouchers and other property of whatever kind in his possession belonging to The Commissioners of Rehoboth.

The Treasurer shall be the custodian of all the funds of the City. He shall deposit them in banking institutions prescribed by The Commissioners.

All sums paid on account of assessments for the sewer system and sewage treatment plant authorized by Chapter 119, Volume 38, Laws of Delaware, shall be by him deposited within forty-eight hours of their receipt, in some banking institution authorized by The Commissioners as a "Sinking Fund for Sewers" and shall be by him 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 indebtedness incurred for building said sewers and sewage treatment plant authorized by the aforesaid Act, for paying the interest thereon as it

REHOBOTH

becomes due, and for retiring the Bonds in accordance with the provisions of the aforesaid Act.

The Treasurer shall pay out no money except upon check or warrant countersigned by the President of The Commissioners of Rehoboth and authorized by The Commissioners of Rehoboth.

He shall keep a true, accurate and detailed account of all monies received and of all monies paid out by him. He shall preserve all vouchers for monies paid out by him and his books and accounts shall, at all times, be open to inspection by The Commissioners. He shall make such reports and at such times as The Commissioners shall direct.

He shall prepare, in conjunction with the Secretary and the City Manager an annual report of the financial condition of the City, showing receipts and expenditures and submit the same to the Board of Commissioners, which said report shall be open to inspection to any freeholder of the City. He shall take his affidavit to his belief in the truth and correctness of such annual report and, at the end of the fiscal year, shall publish the same in one issue of a newspaper published in said City.

The Treasurer shall perform such other duties as The Commissioners of Rehoboth may from time to time prescribe or require.

CITY MANAGER

Section 17. The Commissioners of Rehoboth shall appoint a City Manager who shall be Chief Administrative Officer of the City.

He shall not, when appointed, be a resident of Sussex County. His qualifications for that office shall meet the approval of The Commissioners of Rehoboth; provided, however, that he shall at least have a degree in engineering from an approved college or university, or shall have served as City Manager of some other

REHOBOTH

municipality for a period not less than four (4) years, or shall have had practical engineering experience for a period of not less than four (4) years. No member of The Commissioners of Rehoboth shall, during the time for which elected, be chosen as City Manager.

The City Manager shall be appointed for an indefinite term but shall be removable at the pleasure of The Commissioners of Rehoboth. Before the Manager may be removed he shall, if he so demands, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of The Commissioners prior to the final vote on the question of his removal. Pending and during such hearing The Commissioners may suspend him from office. The action of The Commissioners in suspending or removing the Manager shall be final. For it is the intention of this Charter to vest all authority in and fix all responsibility on The Commissioners for such suspension or removal.

In case of the absence or disability of the Manager, the Commissioners may designate some qualified person to perform the duties of such office during his absence or disability. The compensation which the Manager shall receive for the performance of his duties shall be fixed by The Commissioners of Rehoboth.

The City Manager shall be responsible to The Commissioners for the proper administration of all the affairs of the City placed in his charge, and, to that end, except as otherwise provided herein, he shall have the power to appoint and remove all employees in the administrative affairs of the City under his charge; provided, however, that in no event shall the Police Force or employees under that Department or any of the employees in that Department be under the administrative control or answerable to the Manager. All appointments made by the Manager shall be without definite terms. All such employees appointed by the Manager, or by his authorization, may be removed by him at any time. He shall exercise his sole discretion in the appointment or hiring of any such

REHOBOTH

employees; provided, however, that if a resident or residents of the City, competent to perform the work required by the Manager, can be found, such resident or residents shall be given first choice. The Manager shall be the sole judge of the competence or incompetence of any such person. The decision of the Manager as to the removal of any employee or employees appointed by him shall be final and there shall be no appeal therefrom to any other officer, body, or Court whatsoever.

It is the intention of this Charter that, in the performance of his duties and in the exercise of his powers, the City Manager shall not be influenced by any matters whatsoever of a political or factional nature. It is the intention of this Charter that the City Manager shall be guided solely by matters of expediency and efficiency in the administration of the affairs of the City placed in his charge. To that end, neither The Commissioners nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, any office by the City Manager or any of his subordinates, nor, in any manner, take part in the appointment or removal of the employees in the administrative service of the affairs of the City under the charge of the Manager. Except for purposes of inquiry, The Commissioners and its members shall deal with that portion of the administrative service for which the Manager is responsible solely through the Manager, and neither The Commissioners, nor any member thereof, shall give orders to any subordinate of the City under the City Manager either publicly or privately.

It shall be the duty of the City Manager to supervise the administration of the affairs of the City under his charge. He shall make such recommendations to The Commissioners concerning the affairs of the City as may seem to him desirable. He shall keep the Commissioners advised of the financial conditions and future needs of the City. He shall prepare and submit to The Commissioners the annual budget estimate. He shall render to The Commissioners, at their monthly meeting of each and every month, a true, accurate and detailed account of all monies collected or by

REHOBOTH

him received in the performance of his duties, and shall promptly turn over the same to the Treasurer of Rehoboth.

In conjunction with the President of The Commissioners, he shall sign warrants on the Treasurer of the City pursuant to appropriations or resolutions theretofore made by The Commissioners. He shall prepare and submit to the Commissioners such reports as may be required by that body. He shall perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of The Commissioners.

The City Manager and such other officers of the City as may be designated by vote of The Commissioners shall be entitled to seats in the meetings of The Commissioners but shall have no vote therein.

The City Manager shall have charge of the light, water, sewer, gas, or other public utility system or plant or plants of the City. He shall have charge of the supervision of streets, gutters, curbs, sidewalks, boardwalks, jetties, piers, parks and other public administrative affairs of the City and of all work relating thereto. He shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the City. He shall have charge of the administration of all provisions of this Charter and ordinances and resolutions of The Commissioners relating to the affairs of the City, when not otherwise provided for by this Charter, or by any ordinance or resolution of The Commissioners. He shall pay over to the City Treasurer, at least monthly, as hereinbefore provided, and oftener if required by The Commissioners, all monies received or collected by him and by any employee under him.

He shall keep a full and strict account of all monies received and all disbursements by him and such account shall, at all times, be open to inspection by The Commissioners.

He shall give The Commissioners of Rehoboth a Bond, if required by that body, in such sum and in form and with security

REHOBOTH

satisfactory to that body for the faithful performance of the duties of his office and the restoration to The Commissioners of Rehoboth, in case of his death, resignation or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the City.

AUDITORS

Section 18. Three Auditors of Accounts, who may or may not be residents but who shall be substantial freeholders of the City, shall be appointed by The Commissioners at each annual meeting hereinbefore provided to serve for the term of one year or until their successors shall have been duly appointed and qualified.

It shall be their duty to audit the accounts of the City and all of its officers whose duty involves the collection, custody and payment of monies to the City. They shall audit the books of the Mayor of Rehoboth, and the records of all fines, penalties and costs imposed or collected by him pursuant to any judgment, order, or decree made. The auditors on or before the second Saturday in June, annually, next following their appointment, shall make and deliver a detailed report of every and all accounts, records, and books by them examined and audited, which report under their hands and seals shall be printed in a newspaper published in the City in the issue immediately succeeding their annual report. The Auditors, in the performance of their duties, shall have access to all records of The Commissioners, and of all records and accounts of the officers of The Commissioners and they are authorized and empowered to employ such clerks and accountants as in their judgment may be necessary in the proper performance of their duties.

TOWN SOLICITOR

Section 19. At the annual meeting hereinbefore provided, The Commissioners shall select and appoint a Town Solicitor for an indefinite term who shall be removable at the pleasure of The Commissioners of Rehoboth either with or without due cause

REHOBOTH

stated. The Town Solicitor shall be a member in good standing of the Bar of the State of Delaware with offices in Sussex County. It shall be his duty to give legal advice to The Commissioners and other officers of the City and to perform other legal services as may be required of him by The Commissioners.

BOARD OF HEALTH

Section 20. The Board of Health shall consist of four members, one of whom shall be a practicing physician with offices in the City. The Board shall be appointed by The Commissioners at their annual meeting hereinbefore provided and shall serve for one year or until their successors are duly appointed and qualified. The Board of Health shall have cognizance of and interest in the life and health of the people of the City. It shall report to The Commissioners, in writing, whatever is deemed by the Board to be injurious to the health of the people of the City and, shall make recommendations to The Commissioners concerning whatever may contribute to the health and sanitation of the people. The Board shall organize by the election of a President and Secretary within ten days after the notice of their appointment, and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

The Secretary of the Board may be allowed a reasonable annual compensation for his services which shall be determined by The Commissioners and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by The Commissioners, but he shall be a resident of the City.

The power to adopt ordinances relating to the health of the population of the City, or to prevent the introduction or spread of infectious or contagious diseases or nuisances affecting the same, shall extend to the area outside of the City within one mile from said limits.

REHOBOTH

POLICE FORCE

Section 21. It shall be the duty of The Commissioners to appoint a Police Force, consisting of a Chief of Police and such members or subordinates as The Commissioners may deem wise. The Commissioners shall, from time to time, make rules and regulations as may be necessary for the organization, government and control of the Police Force. The members of the Police Force shall be subject to the direction of The Commissioners and may be removed by The Commissioners at any time. They shall preserve peace and order, and shall compel obedience within the City limits to the ordinances of the City and the Laws of the State of Delaware. They shall have such other duties as The Commissioners shall, from time to time, prescribe.

Each member of the Police Force shall be vested, within the City limits and within one mile outside of said limits with all the powers and authority of any Constable of Sussex County and in the case of a pursuit of an offender their power and authority shall be without territorial limitation.

Every person sentenced to imprisonment by the Mayor of Rehoboth shall be delivered by a member of the Police Force to the county jail of Sussex County, or to the lock-up of the City, to be there imprisoned for the term of the sentence.

In the case of any arrest at a time when the Mayor of Rehoboth shall not be available to hear and determine the charge, the person arrested may be taken before a Justice of the Peace with offices in the City who shall hear and determine the charge and who, in such case, is hereby vested with all the authority and powers granted by this Charter unto the Mayor of the City of Rehoboth. In case of an arrest at the time when the Mayor of Rehoboth, or the Justice of the Peace with offices in the City, shall not be available to hear and determine the charge, the person arrested may be delivered to the County Jail, or to the City lock-up for imprisonment until such reasonable time thereafter as shall

REHOBOTH

enable the Mayor, or the Justice of the Peace, to hear and determine the charge against such person.

It shall be the duty of the Police to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the City, or the noisy conduct of any person in the same, and upon view of the above, or upon view of the violation of any ordinance of the City relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Mayor of the City for hearing thereon.

It shall be the duty of The Commissioners to appoint a Rehoboth Beach Patrol composed of one Chief Beach Patrolman and such other members or subordinates as The Commissioners may deem wise. They shall be appointed for such term or terms as The Commissioners shall designate but may be removed during the course of said appointment by The Commissioners either with or without cause.

The Commissioners shall have the power to establish rules and regulations concerning the qualifications of members of the Beach Patrol; provided, however, they shall at least be able to pass a test substantially equal to the test required of a Senior Lifesaver of the American Red Cross.

The Commissioners shall likewise have the power to establish rules and regulations respecting the personal conduct of members of the Beach Patrol during the course of their appointment; any infraction of which shall, ipso facto, render nugatory their appointment.

The compensation to be received by the Rehoboth Beach Patrol shall be fixed by The Commissioners. They shall be under direct control of The Commissioners; provided, that in cases of emergency they may be called upon by the Chief of the Police Force to assist the members of the Police Force in the performance of their duties.

REHOBOTH

In such cases they shall be vested with all the authorities of a member of the Police Force.

They shall be in direct charge of the preservation of human life along the beach front of the City. They shall restrain and suppress the careless, dangerous or wanton conduct of bathers and swimmers along the beach front of the City. They shall restrain and suppress unseemly conduct and the wearing of unseemly apparel by those enjoying the advantages of the beach front of the City as those terms are defined by The Commissioners. They shall enforce regulatory measures ordained by The Commissioners in respect to the cleanliness, uses, and enjoyments of the beach front of the City and shall have such other duties as The Commissioners shall, from time to time prescribe.

In performance of their duties they shall be vested with all the powers and authorities of a member of the Police Force of the City.

BOARD OF ASSESSMENT

Section 22. At the annual organization meeting of The Commissioners of Rehoboth, held on the first Saturday in August next succeeding the annual election, in each and every year, it shall be the duty of The Commissioners of Rehoboth to appoint a Board of Assessment. The Board of Assessment shall consist of three members, all of whom shall be over the age of twenty-one years, bona fide residents of the City of Rehoboth Beach, and substantial freeholders of the City.

On good behavior, the term of office for each member of the Board of Assessment shall be one year and shall expire on the first Saturday of August on the year succeeding their said appointment.

They shall be sworn or affirmed by the Mayor of Rehoboth, or by a Justice of the Peace, to perform their duties with fidelity and without favor. It shall be their duty to make a fair and im-

REHOBOTH

partial assessment of property and persons subject to taxation situate within the City and to perform such other duties in reference thereto as shall be prescribed, from time to time, by The Commissioners of Rehoboth.

The compensation to be by them received for the performance of their duties and the hiring of employees to assist them in the performance of their duties shall be fixed by and subject to the approval of The Commissioners of Rehoboth.

From and after the passage of this Charter until such time as the next annual organization meeting shall have been held, the members of the present Board of Assessment are hereby appointed to and shall constitute said Board of Assessment, at which time their terms and the term of each of them shall expire and their successors shall be appointed.

ASSESSMENT OF TAXES

Section 23. The Board of Assessment shall, prior to the first Monday in June, A. D. 1937 and prior to the first Monday of June of each year thereafter, make a just, true and impartial annual valuation or assessment of all real estate within the City of Rehoboth. In making such assessment, the rules and exemptions now applicable by law to the making of the County assessment of persons and properties shall be applicable insofar as consistent with the provisions of this Charter. All real estate shall be described with sufficient particularity to be identified. The principal improvements thereon shall be specified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be found or ascertained, it may be assessed to "Owner Unknown." A mistake in the name of the owner or owners, or a wrong name, or an assessment to "Owner Unknown", shall not affect the validity of the assessment of any municipal tax or assessment based thereon; provided, the assessment shall specify the last record owner or owners thereof

REHOBOTH

as the same shall appear from the records in the Offices of the Recorder of Deeds of Sussex County at Georgetown, Delaware.

The Board of Assessment shall also make a personal assessment of all the male and female citizens of the City above the age of twenty-one years. They shall also make a personal assessment against all person or persons owning real estate within the limits of the City whether he be a resident or non-resident owner of said real estate; said personal assessment shall be determined by The Commissioners and certified to the Board of Assessment; provided, however, that in no event shall said personal assessment or per-capita tax exceed the sum of \$1.00 per person. Said personal assessment or per-capita tax, in the case of both resident and non-resident real estate owner, shall be in addition to the assessment levied on the real estate so owned by and assessed against them.

The Board of Assessment, after making such annual assessment, shall, on the first Monday of June, aforesaid, deliver to The Commissioners of Rehoboth a list containing the names of all persons assessed and the amount of the assessment against each. They shall also deliver at such time as many copies of said list as The Commissioners shall direct.

The annual assessment list shall distinguish the real and the personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per-capita assessment shall appear in separate column of spaces. In making its assessment, the Board shall make its valuation accordingly.

The real property of the several members of the Board of Assessment shall be assessed by The Commissioners of Rehoboth.

Immediately upon receiving the annual assessment list from the Board of Assessment, The Commissioners of Rehoboth shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung up in a public place in the City of Rehoboth, and there it shall remain for a period of at least ten

REHOBOTH

(10) days for the information of and examination by all concerned. Appended thereto and also in five or more public places in said City shall be posted notices advising all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices, between the hours of one o'clock P. M. and five o'clock P. M., The Commissioners of Rehoboth will hold a Court of Appeals; at which time and place they shall hear appeals from the said annual assessment. The decision of The Commissioners, sitting as a Court of Appeals, shall be final and conclusive and the said Commissioners shall revise and complete said assessment at this sitting. No Commissioner shall sit upon his own appeal but the same shall be heard and determined by the other Commissioners.

All the members of the Board of Assessment shall be present on the day fixed for hearing appeals and shall furnish to The Commissioners such information and answer such questions as The Commissioners may require in respect to any assessment from which an appeal has been taken. The Commissioners shall have authority to enforce their attendance by appropriate process.

LEVY OF ANNUAL TAXES

Section 24. At the first regular meeting in July, after having revised and completed the assessment, The Commissioners of Rehoboth, shall determine and ascertain, according to their best judgment and knowledge, the amount necessary to be raised in said City for the year to be used for the purposes of the improvement and current expenses only. At such meeting, they are hereby authorized and empowered to levy and collect a tax, not exceeding in any one year Seventy-Five Thousand (\$75,000.00) Dollars on the assessed valuation on all the real estate within the limits of the City, excepting lands belonging to the City. All such taxes shall be levied and raised on the real estate in just and equal proportions in accordance with the assessment fixed thereon by the Board of Assessment and revised and completed by The Commissioners sitting as a Board of Appeals.

REHOBOTH

The Commissioners of Rehoboth are likewise hereby authorized and empowered to levy and collect, in the same manner as taxes against real estate, a personal or per-capita tax upon all persons as hereinbefore provided in Section 23 of this Charter. Said personal or per-capita tax shall not exceed, in any one year, the sum of \$1.00 for each person so assessed and the proceeds therefrom shall likewise be used for the purposes of improvement and current expenses only.

Immediately after the first regular meeting in July of each and every year, The Commissioners shall at once make or cause to be made a full, true and correct annual tax list showing the amount of tax against each taxable thereon. This list shall be known as the annual tax list of the City of Rehoboth Beach, in addition to the information contained on the assessment list, shall likewise contain information as to the rate of tax on real estate per \$100.00 of assessed valuation thereof. The Commissioners shall cause to be delivered to the City Manager a duplicate of said annual tax list and the City Manager shall immediately proceed to collect the same as hereinafter provided.

The Commissioners of Rehoboth shall also have the right to levy and collect taxes on all telephone, telegraph, power poles, gas pipes, gas mains, water-pipes and water mains, and other erections of like character erected or laid beneath the surface of the streets within the limits of the City, together with the wires and appliances thereto or thereon attached that are now assessable and taxable and, to that end, may, at any time, direct the same to be included in or added to the annual assessment list. In case the owner or lessee of such poles shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the City Manager as in case of other taxes and The Commissioners shall have authority to cause the same to be removed.

Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any assessment heretofore laid or done or in any way to affect the validity of any tax, fee, assess-

REHOBOTH

ment or other charge lawfully levied, assessed or due the City of Rehoboth Beach under existing laws in reference to the City of Rehoboth Beach and the same are hereby declared to be valid, binding and vested in the City of Rehoboth Beach created hereby.

COLLECTION OF ANNUAL TAXES

Section 25. The City Manager, as soon as The Commissioners shall have placed in his hands the duplicate annual tax list, shall proceed at once to collect the taxes on said duplicate list.

All taxes so laid or imposed by The Commissioners of Rehoboth in such annual tax list, shall be and constitute a lien upon all the real estate of the taxable, against or upon whom such taxes are laid or imposed, of which such taxable was seized, at any time after such taxes shall have been levied and imposed, that is situate in the City of Rehoboth Beach. Such lien shall have preference and priority to all other such liens on real estate created or suffered by said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided, that the lien for such City taxes shall remain a lien for a period of two years from the date upon which The Commissioners shall deliver unto the City Manager the tax list therefor. But if such real estate remains the property of such person or persons who owned it at the time the tax was laid, then the lien shall not be extinguished until the tax is collected.

All taxes, when and as collected by the City Manager shall be paid to the Treasurer of Rehoboth, and all taxes shall be due and payable at and from the time of the delivery of the tax list to the City Manager.

The City Manager shall, by public notice, posted in at least five (5) of the most public places in said City designate some place in the City of Rehoboth Beach where he will sit at least one day in each week during the months of July and August, in each year, for the purpose of receiving taxes.

REHOBOTH

In the collection of said taxes, the said City Manager shall deduct five (5%) per centum from the amount of taxes assessed against the real property of any person who pays said tax on or before the first day of September next succeeding the delivery of the duplicate annual tax list to the City Manager. He shall likewise deduct four (4%) per centum from the amount of the tax assessed against the real property of any person who pays such tax on the first day of October next succeeding the delivery of the duplicate annual tax list to the City Manager. On all taxes paid after the first day of October and before the first day of January next succeeding the delivery of the duplicate annual tax list to the City Manager, there shall be no deduction or abatement. On all taxes paid after the first day of January next succeeding the delivery of the annual duplicate tax list to the City Manager, there shall be added an amount equal to one (1%) per centum per month for each and every month such taxes shall remain unpaid and shall be collected in the same manner as the original amount of the tax.

On the same day of the month of the year following the delivery of the duplicate annual tax list to the City Manager, the City Manager shall make full, final and complete settlement with the Treasurer and Commissioners. The settlement shall take place on that day in the room in which The Commissioners hold their meetings. At said settlement, The Commissioners shall allow to the City Manager all taxes which shall have been impossible to collect by reason of errors in the assessment list, delinquencies or otherwise. No allowances shall be made for the default of neglect or delay of the City Manager. The settlement shall be final and conclusive and no other allowances, in any form, shall be made to the City Manager by The Commissioners. Upon the conclusion of the settlement, the City Manager shall forthwith pay over to the Treasurer of the City the aggregate amount of the taxes found to be due the City. Upon his failure or neglect to do so, it shall be the duty of the Commissioners to proceed to collect the same from the City Manager and/or his surety. Default by the City Manager to the City in any sum, shall, ipso facto, vacate his office; provided, however, that The Commissioners, for good cause shown,

REHOBOTH

shall have the power to extend the time for settlement by the City Manager for a period of not exceeding six months.

If the City Manager shall be unable, within one year of the date of the delivery of the duplicate annual tax list to him, to collect the tax of any taxable, he is authorized and empowered, having first paid the amount thereof to the Treasurer of Rehoboth, to collect such tax from such taxable for his own use and benefit by any of the processes of law herein prescribed, within the space of one further year; the said further year to commence upon the day above specified as the day of settlement between him and the Commissioners of Rehoboth. After such additional year has elapsed, the said tax shall be extinguished unless the lien of the same shall not have been extinguished.

SCRAP ASSESSMENT FOR SEWERS

Section 26. All things done, or actions taken, or all assessments levied in accordance with and under and by virtue of the powers vested in The Commissioners of Rehoboth in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, are hereby declared to remain in full force and virtue and nothing contained in this Charter shall be construed to affect, in any way, the validity thereof.

From and after the passage of this Charter and at such time as a City Manager shall have been appointed by The Commissioners of Rehoboth and shall have qualified to perform the duties of that office, the City Manager shall have general administrative supervision and control of the said sewer system and sewage treatment plant as constructed in the City. Likewise, at such time, he shall assume the duties imposed by Chapter 119, of Volume 38, Laws of Delaware, upon the Treasurer of the City of Rehoboth Beach in respect to the collection of all assessments that shall remain due and unpaid. He shall also have all the powers granted by that Chapter unto the Treasurer of the Town of Rehoboth in respect thereto and all acts and things done by him by virtue hereof shall

REHOBOTH

be as valid and as binding as though done by the Treasurer. The provisions of this Section of the Charter shall not, in any way, be considered to impair the validity of any act or thing done by the Treasurer of the City of Rehoboth Beach in respect thereto prior to the date that the City Manager shall undertake the performance thereof. The City Manager shall proceed to collect said special assessment for sewers in the manner provided by the aforesaid Chapter 119, Volume 38, Laws of Delaware, and shall have all powers in respect to the collection thereof as are hereinafter granted unto him in respect to the collection of any other taxes or charges due the City.

All sums paid to the City Manager on account of such assessment shall be by him paid to the Treasurer of the Commissioners of Rehoboth within forty-eight hours of their receipt. The Treasurer upon the receipt thereof, from the City Manager, shall deposit the same within forty-eight hours in some banking institution in Sussex County or elsewhere in Delaware as a "Sinking Fund for Sewers", which shall be kept entirely separate and distinct from any other funds handled by the Treasurer. All such amounts thus received shall form a "Sinking Fund", and shall only be paid out for the purpose of indebtedness incurred for building such sewers and sewage treatment plant thereby authorized, for the payment of interest thereon as it becomes due, and for retiring the Bonds in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware.

So long as any "Rehoboth Sewer Bonds" or the interest thereon, as provided for in Section 23 of Chapter 119, Volume 38 Laws of Delaware remains outstanding, due and unpaid and so long as sufficient funds be not available in the "Sinking Fund for Sewers" to pay off such outstanding, due and unpaid Bonds and interest thereon, the Board of Assessment shall, at the end of each and every calendar year, cause a survey to be made of all properties now assessable and taxable within the corporate limits of the City of Rehoboth Beach.

From such survey the Board of Assessment shall determine:

REHOBOTH

(1) The entire area of the floors including the floor of the cellar or basement of all new buildings to be drained, constructed during any such calendar year upon any property or properties theretofore assessed upon the sole basis of the lineal feet thereof abutting on any street or streets, highway or highways, lane or lanes, alley or alleys, in which sewers have been constructed under the provisions of Chapter 119, Volume 38 Laws of Delaware.

(2) The increased area of the floors including the floor of the cellar or basement of building or buildings to be drained; which increased area was created by virtue of repairs and additions made during any such calendar year to such building or buildings theretofore constructed upon any property in the Town of Rehoboth and assessed in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware and the rules and regulations of The Commissioners of Rehoboth adopted in pursuance thereof.

(3) The increased area of the floors, including the floor of the cellar or basement of all new buildings to be drained, constructed during any such calendar year, over and above the entire area of the floors including the area of the cellar or basement of any old buildings razed or removed by the owner or owners theretofore to make way for such new building or buildings; provided, such old building or buildings so razed or removed shall have been assessed in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, and the rules and regulations of the Commissioners adopted in pursuance thereof.

(4) The entire area of the floors including the floor of the cellar or basement of all buildings theretofore determined to be non-assessable by The Commissioners by virtue of their use, or otherwise, which shall, by virtue of a change in the use thereof, or otherwise, in the judgment of The Commissioners exercised in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, be deemed to have become assessable under the provisions thereof.

REHOBOTH

(5) The lineal feet of all properties within the City of Rehoboth Beach abutting on any street or streets, highway or highways, lane or lanes, alley or alleys, in which sewers have been constructed under the provisions of that Act and which theretofore had been determined to be non-assessable by The Commissioners by virtue of their use, or otherwise, which shall, by virtue of a change in the use thereof, or otherwise, in the judgment of The Commissioners, exercised in accordance with the provisions of Chapter 119, Volume 38, Laws of Delaware, be deemed to have become assessable under the provisions thereof.

On or before the regular monthly meeting of The Commissioners to be held in the month of February of each and every year, the Board of Assessment shall prepare and deliver unto The Commissioners, a complete list of all the properties to be thus assessed as a scrap sewer assessment. Said list, and as many copies thereof as shall be required by The Commissioners, shall show the name of the owner or owners of the property or properties to be affected thereby: provided, that, no error or mistake in regards 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 records in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, appears on such assessment list; a description locating the property to be assessed thereunder; the lineal feet of each property abutting upon street or streets, highway or highways, lane or lanes, alley or alleys, in which sewers are built and which is to be subject to a scrap assessment; the square footage of floor area which is to be assessed under said scrap assessment; the rate of assessment per lineal foot, which shall be and is hereby fixed at forty (40c) cents per lineal foot; the rate of assessment per square foot of floor area, which shall be and is hereby fixed at two and one-quarter ($2\frac{1}{4}$ c) cents per square foot; and the total amount to be assessed against such property or properties under such scrap assessment.

Immediately upon the receipt of such list, The Commissioners shall cause a copy thereof to be exhibited in some public place

REHOBOTH

within the City 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 scrap sewer assessments 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 said notice. The said Commissioners shall sit on the evening of the day appointed in said notice from 8 P. M. until 10 P. M. and may adjourn from night to night and shall hear all objections which may have been made to such scrap assessment list and shall make such alterations and corrections in said list as said Commissioners may deem proper: provided, such alterations and corrections shall be in compliance with this Charter and in compliance with the provisions of Chapter 119, Volume 38, Laws of Delaware.

After having heard such objections, and after having made such alterations and corrections, The 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 scrap sewer assessment list as thus altered and corrected.

After the said scrap sewer assessment list, altered and corrected as aforesaid, shall have been exhibited for one full week, the said list shall be certified to by the said Commissioners as correct and the several amounts shown upon such altered and corrected list, as having been assessed against the properties assessed therein, shall be liens upon the respective properties upon which such assessment is made, and such liens, shall have priority over any liens, incumbrances or conveyances except tax liens and prior liens of a like nature for public improvement.

Immediately after certifying said list, The Commissioners shall cause a duplicate thereof to be delivered to the City Manager, who shall immediately prepare statements of such assessments against each property so assessed and shall mail, or deliver, or cause to

REHOBOTH

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 purposes of this Charter.

All sums paid on account of such scrap sewer assessments shall be paid to the City Manager of Rehoboth who shall give his receipt therefor, and all such sums shall be by him delivered, within forty-eight hours of their receipt, to the Treasurer of the City of Rehoboth Beach, who shall deposit them in some banking institution and they shall be subjected to the same rules and regulations in respect to the "Sinking Fund for Sewers."

All scrap sewer assessments so made shall be due upon the date of the certifying by The Commissioners as to the correctness of the same, and, if paid in full within sixty (60) days after the date of such certifying, a discount of five (5%) per centum shall be allowed from the amount of such assessment and shall be accepted by the City Manager of Rehoboth, as in full payment and release of the lien of such assessment. Upon all payments made after sixty (60) days of the date of certifying as aforesaid, the full amounts of the assessment shall be paid with interest at the rate of six (6%) per centum per annum, computed from the date of certifying as aforesaid, and the said interest so computed shall be added to the amount of the assessment.

Any property owner at his, her or its discretion to be expressed in writing to the said The Commissioners within sixty days after the certifying of the scrap sewer assessment as aforesaid, may pay the said scrap sewer assessment in five equal instalments, together with interest on the unpaid balance from the date of certifying said scrap sewer assessment; the first instalment to be due and payable within sixty (60) days from the date of certifying as aforesaid, and each subsequent instalment 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 instalment period to pay the balance due on his, her or its scrap sewer assessment in full.

REHOBOTH

In all cases where the property owner does not elect to pay in instalments, or, having elected to pay in instalments, fails to pay the first instalment in sixty (60) days after the date of certifying, as aforesaid, he, she or it shall be held to waive the right to pay in instalments, and the entire scrap sewer 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 instalments, fails to pay his, her or its scrap sewer assessment within sixty (60) days after the date of certifying as aforesaid, or makes default in the payment of any equal instalment, or the accrued interest thereon, the whole of such assessment shall immediately become due and payable, and in such case it shall be the duty of, and The Commissioners are hereby directed to proceed forthwith to collect such assessment, and the accrued interest thereon in the manner hereafter to be provided for the collection of annual taxes and other charges due the City.

In respect to the collection of all amounts due under any such scrap sewer assessment, the City Manager shall have all the rights and powers and shall proceed to collect the same in any of the manners provided for the collection of other taxes and charges due the City.

REMEDIES, POWERS AND METHODS FOR THE COLLECTION OF TAXES, ASSESSMENTS AND OTHER CHARGES DUE THE CITY BY THE CITY MANAGER

Section 27. A remedy by distress as now prescribed by law is hereby preserved to the City Manager for the collection of any taxes, assessments, license fees, warrants or other charges for which he may be responsible.

At any time after the delivery of the duplicate annual tax list or duplicate scrap sewer assessment list or warrant or any other list of charges due the City of Rehoboth Beach, the City Manager may in the name of The Commissioners of Rehoboth

REHOBOTH

institute suit before any Justice of the Peace of the State of Delaware, in any of the Counties of the State, or before the Mayor of the City, for the recovery of the unpaid tax, assessment, license fee, or other charge, in an action of debt, and upon judgment obtained, may issue Writs of Execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which by virtue of such execution shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against said personal property created or suffered by the taxable, except such liens thereon which may have been created in respect to County taxes, although such other liens be of a date prior to the time of the attachment of the said tax liens.

Any time after the delivery of any such duplicate annual tax list, duplicate scrap assessment list, or warrant, or other lists containing charges due the City, the City Manager may notify, in writing, the person, firm or corporation by whom any taxable is employed that the tax, assessment, license fee, warrant, or other charge of said employee is due and unpaid. The notice shall be signed by the City Manager and shall contain the correct name of the taxable as it appears upon any such list, the amount of the tax, assessment or other charge due with penalties and interest added, if any. Thereupon it shall be the duty of the employer to take from the wage, salary or other money then due the taxable the amount of the tax, assessment, license fee, warrant, or other charge, together with penalties and interest added, if any owing, from the employee, and charge the same against him, and to pay the same to the City Manager within ten (10) days. The City Manager shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If the employer be notified as aforesaid and, having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become

REHOBOTH

personally liable for the amount of the tax, assessment, license fee, warrant, or other charges, together with penalties and interest due thereon, if any, of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in an action of debt before any Justice of the Peace, as aforesaid, or the Mayor of the City, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceedings.

The City Manager may make a complaint under oath before any Justice of the Peace with offices in the City of Rehoboth Beach or before the Mayor of Rehoboth, that the tax of any taxable is due and unpaid and that he has been unable to make collection of the tax, assessment, license fee, warrant or other charge by any of the methods for the recovery of taxes prescribed by this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing it shall be found that the tax, assessment, license fee, warrant or other charge, of the person arrested is due and unpaid, and if the taxable shall thereon fail to pay the tax, assessment, license fee, warrant or other charge, together with accrued costs, he shall be committed to the jail of Sussex County, or City lock-up, until the tax, assessment, license fee, warrant, penalty, cost and charges are paid, but, in no event, shall the term of his imprisonment exceed thirty (30) days.

For the purpose of collecting the tax, assessment, license fee, warrant, or any other charge due the City from any taxable, and without the necessity of first employing the other remedies herein provided the City Manager is empowered to sell the lands and tenements of the taxable or the lands and tenements of a taxable, alienated, subsequent to the levy of the tax, assessment, license fee, warrant, or other charge.

The City Manager shall present to the Superior Court of Sussex County a petition in which shall be stated:

- (1) The name of the taxable, assessee, licensee, or charges.
- (2) The year for which the tax, assessment, license, or other charge was levied.

REHOBOTH

- (3) The rate of the tax, assessment, license, or other charge.
- (4) The total amount due.
- (5) The date from which the penalty for non-payment, if any, shall commence and the rate of such penalty.
- (6) A short description of the lands and tenements proposed to be sold sufficient to identify the same.
- (7) A statement that a bill of said tax, assessment, license, or other charge has been mailed to the taxable at his last known post office address, together with a notice to the taxable that he will proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, or other charge due the City, and the date of such mailing.
- (8) That it has been found impractical to attempt to collect the said tax, assessment, license, or other charge, by any other remedy hereinbefore provided.

At least ten (10) days prior to the filing of any such petition, the City Manager shall deposit in the mail, in a sealed and stamped wrapper and requiring a return registry receipt, addressed to the taxable at his last known address, an itemized statement of the tax, assessment, license, warrant or other charge due the City, together with all penalties and costs then due thereon, together with a notice to the taxable that he shall proceed to sell the lands and tenements of the taxable for the payment of the tax, assessment, license, warrant or other charge due the City. The City Manager shall exhibit the return registry receipt to the Court by filing the same with the petition.

The petition shall be filed by the City Manager and shall be verified before a Notary Public.

Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Court and shall endorse upon said record of said petition, the following: "This pe-

REHOBOTH

tition filed the day of, A. D.
(giving the day and year), and the City Manager of the City of
Rehoboth Beach shall therefore proceed to sell the lands and tene-
ments herein mentioned or a sufficient part thereof, for the pay-
ment of the amount due." Which endorsement shall be signed
by the Prothonotary.

The City Manager shall then proceed to advertise the lands
and tenements of the taxable by posting handbills in at least five
(5) public places in the City of Rehoboth Beach (one of which
shall be posted on the premises) and publishing the notice of said
sale in a newspaper published in Sussex County. The notice shall
contain the day, hour and place of sale and a short description of
the premises sufficient to identify the same. The notice shall be
posted at least ten (10) days before the day fixed for sale and
shall be published in the newspaper at least one week before the
day of sale.

Each sale of lands and tenements shall be returned to the
Superior Court, aforesaid, at the ensuing term thereof following
the sale. At the return of said sale the Court shall inquire into
the circumstances and either approve or set aside the sale. No
sale shall be approved by the Court if the owner be ready at the
Court to pay the taxes, assessment, license fee, or other charge
due the City, together with penalty, interest and costs, if any.
If it set aside the sale, the Court may order another sale and so
on until the tax, assessment, license fee, or other charge due is
collected.

If the sale shall be approved by the Court, then at the expira-
tion of one year from the date of the sale (which shall be known
as the redemption year) the City Manager shall make, execute
and deliver a deed to the purchaser, his heirs or assigns, which
shall convey the title of the taxable, assessee, licensee, or charges
or his alienee, as the case may be: provided, however, that within
the redemption year, the owner, his heirs or assigns, shall have
power to redeem the lands on payment of the cost, the amount
of the purchase money and twenty per cent interest thereon to the

REHOBOTH

purchaser, his heirs or assigns. If the purchaser refuses to accept the same or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of the redemption money to the City Manager of the City of Rehoboth Beach and, upon taking from him a good and lawful receipt therefor, such receipt shall be considered for all intents and purposes as a valid and lawful exercise of the owner, his heirs, executors and assigns, of his or their power to redeem the land so sold.

After satisfying the tax, assessment, license or other charge due and the cost and expenses of sale from the proceeds of the sale, the amount remaining in the hands of the City Manager shall be paid, at once, to the owner of the land. Should the owner of the land refuse to accept the same, or the owner is unknown or cannot be found the amount remaining shall be deposited in some bank in the City of Rehoboth Beach, either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of land for the payment of taxes, assessments, licenses or other charges due the City of Rehoboth Beach, the following costs shall be allowed, which shall be deducted by the City Manager from the proceeds of the Sale, or chargeable against the owner: the Prothonotary of the Court shall receive for filing and recording the petition the sum of \$1.00 and also the sum of \$1.50 for filing and recording the Return of Sale; The City Manager shall be entitled to receive the sum of \$5.00 for every sale of real estate made by him in the exercise of said powers for the enforcement of the payment of taxes, together with such additional sum as may be reasonable and proper for the service of Counsel in preparing such papers as may be necessary in the premises, all of which shall be a part of the costs to be paid out of the purchase money realized out of the sale of said real estate sold for the taxes, assessment, license fee or other charge due the City.

The cost of the deed shall not be chargeable as costs but shall be paid by the purchaser.

REHOBOTH

If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown this fact shall be stated in the advertisement of sale and in the Petition to the Court.

If any person is assessed for several parcels of land and tenements in the same assessment the total of said taxes, assessments, and other charges due the City, may be collected from the sale of any part or portion of said lands and tenements: provided, that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

TOWN BUDGET

Section 28. The fiscal year for the City of Rehoboth Beach shall be from July 1st of one year to June 30th of the succeeding year.

Annually each year; and not later than June 1st, the City Manager shall prepare a rough draft of a City Budget. From this rough draft the Commissioners of Rehoboth shall, not later than June 15th of each year, prepare the City Budget, containing the financial plan for conducting the affairs of the City for the ensuing fiscal year.

The Budget shall contain the following information:

- (1) A detailed estimate showing the expenses of conducting each department and office of the City for the ensuing fiscal year.
- (2) The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof.
- (3) The amount of the debt of the City, together with a schedule of maturities of bond issues.
- (4) An itemized statement of all other estimated expenses to be incurred in the affairs of the City.

REHOBOTH

(5) A statement of the amount required for interest on the bonded debt, the amount necessary to pay any Bond maturing during the year and the amount required for the "Sinking Fund" or "Sinking Funds."

(6) An estimate of the amount of money to be received from taxes, assessments, scrap assessments and all other anticipated income of the City from any source or sources whatsoever.

The Commissioners shall, so far as possible, adhere to the Budget so adopted in the making of appropriations.

ENUMERATION OF POWERS

Section 29. By ordinance, rules, regulations, resolutions, and by-laws, or amendments to the same, The Commissioners of Rehoboth, for the good government and welfare of the City, shall have the following powers (which shall not be deemed to be exclusive): To prevent vice, drunkenness and immorality; to preserve peace and good order; to restrain and suppress disorderly houses, gaming houses, and houses of ill-fame, to restrain and suppress all instruments and devices for gaming; 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 to license the same; to prevent any horse racing in any street, highway, alley or strand; to authorize the stopping and detention of any person who shall be guilty of any immoderate riding or driving of any horse, other animal, motor vehicle or other vehicle in any street, alley, highway, alley or strand; to regulate and control the parking of all vehicles upon the streets of the City; to prevent the driving of any drove or droves of horses, mules, cattle, sheep, swine or other animal through any of the streets, avenues, highways, alleys or strands of the City on the Sabbath day, and to regulate the same at all times; to establish and regulate one or more pounds and to restrain the running at large of horses, cattle, swine, goats or other animals, or geese,

REHOBOTH

chickens, ducks or 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 authorize the destruction of dogs running at large and to impose taxes on the owner of dogs; to locate, regulate and remove slaughter houses, swine pens, privies and water closets; to regulate and prohibit and practice having a tendency to frighten animals or to annoy persons on the streets or the sidewalks of said city; and to restrain drunkards, vagrants, mendicants and street beggars.

The Commissioners of Rehoboth shall, in a like manner, have the power to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said City; to prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys, beach or beach strands; to regulate, clean and keep in repair, the streets, highways, lanes, alleys, beach, beach strands, boardwalks, wharves, docks, sidewalks, crosswalks, sewer drains, aqueducts and water courses and to prevent and remove obstructions in and upon the same in any manner whatsoever; 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 City, and the sidewalks, crosswalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which such work shall be performed; to enforce the removal of snow, ice and dirt from sidewalks and gutters by the occupant or owner thereon; to prevent or regulate the erections of any stoop, step, platform, bay window, cellar door, gate, area, descent into a cellar or basement, sign or post, or the erection of any projection or otherwise, in, over, under, 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 abate or remove nuisances of all kinds at the expense of those maintaining them and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental, in the opinion of The Commissioners, or Board of Health, to the health of the

REHOBOTH

inhabitants of the City; to cleanse, remove or abate the same, under the direction of The Commissioners as often as the said Commissioners or Board of Health may deem necessary for the health and well-being of the inhabitants of the City; 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 of said costs and expenses, to be collected, as hereinafter directed, from such owner or occupant in addition to any fine or penalty which he or she may be liable for maintaining such nuisance.

The Commissioners of Rehoboth shall, in a like manner, have the power to prescribe the manner in which all contracts for performing work or furnishing materials for the City shall be made and executed; to prescribe the manner in which corporations or persons shall exercise any privileges granted to them in the use of any street, avenue, highway, alley, beach or strand in said City, or in digging up any street, avenue, highway or alley, beach or strand for the purpose of laying down pipes, or for 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 enter into 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, beach or strand for the purpose of furnishing electric lights, power, gas, heat or water to said City and its inhabitants or for the construction and operation of railways, steam, motor, electrical or other powers; or to regulate, route, grant franchises to and enter into contract or contracts with any other public carrier or for the construction and operation of sewer or other sanitary systems of drainage or for the erection of wharves or piers; to regulate, protect and improve the public grounds of said City to provide lamps to light the streets in public places of every description in said City: to erect and regulate wells, pumps, aqueducts and cisterns in the public streets; to prescribe and regulate the places of vending or exposing to sale wood, hay, straw and other articles of merchandise from wagons or other vehicles.

REHOBOTH

The Commissioners of Rehoboth shall, in like manner, have the power to direct and regulate the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds in said City and to authorize and prohibit the removal or destruction of said trees; to direct the digging down, draining, filling-up or fencing of lots, tracts, pieces or parcels of ground in said City, which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter; to prescribe the manner in which such 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; for the prevention of fire and the preservation of the beauty of the City, to regulate and control the manner of building or removing of dwelling houses or other buildings, and to establish a code for the same and to provide for the granting of permits for the same and to establish a building line for buildings to be erected; provided, that such building line shall not be established more than ten (10) feet back from the front line of lots; to zone or district the City and make particular provisions for particular zones or districts with regard to buildings or building materials, and may forbid any building except for which a building permit therefor has been obtained from and as prescribed by the Commissioners: provided, that this provision shall be deemed to include new buildings or re-buildings or addition to or alterations of existing structures of any kind, as to which the Commissioners are granted all the authorities and powers vested in the Legislative body of Cities and Incorporated Towns under and by virtue of Chapter 179 of the Revised Code of Delaware, 1935; 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, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places and to authorize any Town Officer or Constable or person whom they may designate for that purpose, to enter upon and inspect any place or places

REHOBOTH

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 make, adopt and promulgate all rules and regulations relative to the use of any sewer in said City and the tapping thereof, including the charge and 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; to prescribe the material of private drains or sewers which shall enter into any City sewer and shall direct the manner in which they shall be laid; upon written notice from the Board of Health of the existence of a nuisance detrimental to the public health of the inhabitants of said City, stating that such nuisance can be eliminated by connecting the property upon which said nuisance exists with the sewerage system of the City, to compel the owner or owners of such property to connect such property with the sewerage system of the City, within thirty days after written notice, directed to such owner or owners.

The Commissioners shall, in like manner, have the power to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fire; to regulate or prohibit the manufacture, sale or use of fire works, and the use of firearms in said City; to regulate or prohibit the use of candles and lights in barns, stables and other buildings; to regulate and prohibit swimming or bathing in the ocean or within waters within the limits of the City.

The Commissioners of Rehoboth, shall, in like manner, have the power and authority to collect license fees annually of such various amount or amounts as The Commissioners shall, from time to time, fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the City; 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 City of Rehoboth Beach, farm produce or any farm products grown on his or her farm.

REHOBOTH

The Commissioners shall also have the power and authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in the City and supplying the inhabitants thereof with any form or manner of services for any valuable consideration.

The Commissioners shall have the power 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 Charter or any other law of this State, and such also, as they may deem necessary and proper for the good government, protection or preservation of persons and property, or for the preservation of the public health of the City and its inhabitants.

The Commissioners shall have the power to acquire lands, tenements, property, or any interest therein, by way of condemnation proceedings, for the purposes of providing sites for public buildings, parks, sewer system, sewage treatment plant, water system, water plant, gas or electric system, gas or electric manufacturing or generating plant, and for any other public municipal purpose or purposes. The proceedings by condemnation in any such proper case shall be the same as prescribed hereafter in Section 33 of this Charter for the opening and laying out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 33 shall be changed and modified to cover any case contemplated hereby.

COLLECTION OF CHARGES DUE THE CITY

Section 30. In the collection of water rents, license fees, tapping fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the City, and authorized under the provisions of this Charter, the collection of the same shall be under the supervision of the City Manager.

It shall be the duty of the City Manager to collect the same,

REHOBOTH

and he shall, in conjunction with the Police Force, keep The Commissioners advised as to any and all failures or neglects to pay the same.

In respect to the amount of such unpaid water rents, license fees, tapping fees, charges growing out of the abatement of nuisances, laying and repairing sidewalks, or other charges due the City, but not in respect to any fines imposed by a judicial officer in reference thereto, The Commissioners shall issue a warrant to the City Manager directing him to collect the same against the person or persons, firm or firms, corporation or corporations, from which it shall be due, together with interest from the due date and other charges attendant thereto.

Upon the receipt of such warrant from The Commissioners the City Manager shall have the same authority, remedies and powers, in respect to the collection of the same as hereinbefore provided in Section 27 of this Charter.

This shall not be constructed as a limitation upon The Commissioners to fix and establish fines, or imprisonment for a term, or other penalty, for neglects or failures in a proper case.

REMOVAL OF OBSTRUCTIONS, NUISANCES, AND UNSANITARY CONDITIONS

Section 31. In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, and unsanitary conditions, as those terms should be defined by The Commissioners if the Commissioners either upon their own inspection or upon information obtained from the Board of Health, City Manager or Police Force, shall deem that such obstruction, nuisances, or unsanitary condition ought to be removed or abated as the case may be, The Commissioners shall enact an ordinance or adopt a resolution, or both, to that effect and thereupon shall direct the Secretary to forward, to the person or persons continuing or causing such obstruction, nuisances, or unsanitary condition, or to the person or

REHOBOTH

persons who are responsible for its existence or continuance, by the mails of the United States, in a sealed wrapper addressed to his or their last and best known postoffice address, a notice to remove or abate the same. If such person or persons refuse or neglect, for the space of five days after such notice is mailed, to remove or abate the same, The Commissioners shall issue a warrant in the name of The Commissioners of Rehoboth under the hand of its President, who shall affix thereto the corporate seal, attested by the Secretary and directed to the City Manager. The warrant shall command him forthwith to remove or abate such obstruction, nuisance, or unsanitary condition. The City Manager shall forthwith proceed to remove or abate the same and, to that end, he shall have full power and authority to enter into and upon any lands and premises in the City. He shall likewise have the authority to take with him such assistants, implements, horses, carts, wagons, automobiles, trucks, or other things as may be necessary and proper to do and perform all matters and things in connection with the removal or abatement of such obstruction, nuisance, or unsanitary condition.

At the regular monthly meeting of The Commissioners next succeeding the delivery of the warrant to him, the City Manager shall make a return to The Commissioners of his proceedings upon the warrant and shall specify the costs and expenses of all necessary work, labor, and proceedings incurred by him in the abatement or the removal of the same.

At such meeting, The Commissioners shall determine, from the return of the City Manager, the costs and expenses of all necessary work, labor, and proceedings in reference to the abatement or removal of such obstruction, nuisance, or unsanitary condition. The Commissioners shall then issue a warrant, containing an itemized account of that information, together with the name and last and best known address of the person from whom The Commissioners shall determine the amount to be due and shall deliver such warrant to the City Manager. The warrant shall command him forthwith to collect the amount stated to be due thereon

REHOBOTH

from the person or persons designated therein. The City Manager shall forward to such person or persons, in a sealed wrapper, a true and correct copy of the warrant by depositing the same in the United States mails and addressed to such person's or persons' last and best known postoffice address. If such person or persons shall refuse or neglect to pay the same to the City Manager for the use of the City within thirty (30) days from the date of the mailing of such true and exact copy of the warrant, the City Manager shall then be authorized and required to collect the same in any of the manners hereinbefore provided in Section 27 of this Charter.

PAVING, GUTTERING, CURBING

Section 32. In respect to leveling, grading, flagging, or re-flagging, curb or re-curb, guttering and re-guttering, paving or re-paving the sidewalks, crosswalks and gutters of the City, the expenses thereof shall be borne by the owner of the property abutting upon such pavement, curb or gutter and The Commissioners shall have the authority to specify the manner of performance and the materials to be used in the leveling, grading, flagging or re-flagging, curb or re-curb, guttering or re-guttering, paving or re-paving of the same.

Before any such owner shall be required to lay out a pavement, curb or gutter, or either or both, a written petition of five or more substantial freeholders of the City directed towards that end shall first have been received or obtained by The Commissioners.

Upon the receipt of such petition, The Commissioners shall direct the Secretary to forward a written notice to owner or owners of any house or lands, along, in front of, or adjoining which they may deem proper that a pavement shall be laid, or a curb or gutter constructed, or both. Such notice shall specify to the owner any rules or regulations adopted by The Commissioners in respect to the laying thereof or the materials to be used in the doing of such work.

REHOBOTH

Should the owner neglect or refuse to comply with said notice for the space of sixty (60) days, The Commissioners shall issue a warrant in the name of the City, under the hand of its President, who shall affix thereto a corporate seal, attested by the Secretary, and directed to the City Manager, commanding him forthwith to do the work as specified in the above mentioned notice to the owner or owners. Whereupon the City Manager to whom the said warrant shall have been directed, shall forthwith proceed to lay such pavement, or construct curbs or gutters, or either, or both, as directed in the warrant. To that end he shall have full power and authority to enter into any premises or lands in the City and to take with him such assistance, materials, implements, horses, carts, wagons, trucks, or other things as may be necessary or proper to perform the work specified in the warrant. At the next regular monthly meeting of The Commissioners, after delivery of the warrant to the City Manager, he shall make a return thereon which shall include an itemized statement of all costs incurred by him in the performance of necessary work and labor attendant thereunto.

From the return of the City Manager The Commissioners shall determine the amount due the City by reason of the work done and shall issue a warrant thereon, directed to the City Manager, which shall contain the amount to be by him collected and the person or persons from whom it shall be by him collected and commanding him forthwith to collect the same from the person or persons so specified in the warrant.

Immediately upon the receipt of such warrant, the City Manager shall forward a true and exact copy of the same to the person or persons specified therein as owing the City the amount specified as due thereon. Such true and exact copy of the warrant shall be enclosed in a sealed wrapper, addressed to the last and best known postoffice address of the person or persons therein specified, and shall be forwarded to such person or persons by the mails of the United States.

If the amount specified as due the City shall not have been

REHOBOTH

paid to the City Manager within thirty (30) days from the date of the mailing of such true and exact copy of the warrant, the City Manager shall then be authorized and required to collect the same in any manner hereinbefore provided in Section 27 of this Charter.

The provisions contained in this Section shall also apply to the repair or repaving of any sidewalks, curb or gutter: provided, however, that in the case of the repair and repaving of any sidewalk, curb, or gutter, heretofore laid or paved, it shall not be necessary that a written petition to that end, signed by five or more substantial freeholders, be presented to The Commissioners of Rehoboth.

STREETS

Section 33. The Commissioners of Rehoboth shall have the power and authority to locate, lay-out and open new streets and to widen or abandon streets, or parts thereof, whenever they shall deem it for the best interest of the City.

In every case the procedure to be followed in respect thereto shall be as follows: The Commissioners shall adopt a resolution favorable to the opening of such new street or to the widening or altering of a street or to the vacating or abandoning of a street, or any part thereof, as the case may be. The resolution shall give a general description of the street to be opened, widened or altered or of the street, or part thereof, to be vacated or abandoned, as the case may be. The resolution shall also state the day, hour and place where the said, The Commissioners, will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of his property by reason thereof.

Copies of such resolution shall be posted in at least five, or more, of the most public places in the City, and at least five days prior to the day fixed by The Commissioners for the hearing as aforesaid.

At the time and at the place fixed in the resolution, The Commissioners shall hear such residents or taxables of the City, or

REHOBOTH

owners of property affected thereby, as shall attend the hearing. After hearing all objections, The Commissioners shall, at said meeting or at a subsequent date, as it may deem proper, adopt a resolution to proceed with, or abandon the proposed locating, laying-out, widening, altering, vacating or abandoning of any street or streets contemplated in its aforementioned prior resolution.

In every case where the Commissioners shall resolve to proceed with the plan contemplated, or a portion thereof, The Commissioners shall award just and reasonable compensation to any person or persons who will thereby be deprived of property by virtue of the execution of the plan so contemplated. Such compensation, if any be awarded, shall be paid by the Treasurer of The Commissioners of Rehoboth, on a warrant drawn upon him by authority of The Commissioners aforesaid upon delivery of a good and sufficient deed conveying a fee simple title unto "The Commissioners of Rehoboth"; which title, shall be clear and free of all liens and incumbrances.

If anyone who shall be deprived of his property by virtue thereof be dissatisfied with the compensation awarded by The Commissioners, as aforesaid, he may, within five days after the award of The Commissioners, as aforesaid, appeal from such award by serving written notice to that effect upon the Secretary or President or, in their absence, upon any member of The Commissioners of Rehoboth.

In order to prosecute said appeal, such appellant shall, within ten (10) days after the award of the Commissioners, as aforesaid, apply to the Resident Judge of the Superior Court of the State of Delaware, in and for Sussex County, or, should he be absent from the County during that time, such application shall be made to the Chief Justice of the State of Delaware, for the appointment of freeholders to hear and determine the matter of compensation due such appellant by virtue of the deprivation of his property, as aforesaid. Thereupon, the said Resident Judge, or Chief Justice, shall issue a commission under his hand directed

REHOBOTH

to five impartial freeholders of Sussex County, commanding them to determine and fix the damages which the said appellant shall have sustained by reason of being deprived of his property, as aforesaid. The freeholders, so appointed, shall take into consideration the benefits or advantages that will enure to the said appellant from any such new street, or otherwise. The freeholders, so appointed, shall make return of their findings to the said Resident Judge, or Chief Justice, as the case may be, at a time appointed in the said Commission.

The freeholders so appointed shall give notice of the day, hour and place when they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy thereof on the premises affected, at least five days before the day specified therein as upon which they are to view the premises, as aforesaid. A copy of such notice shall also be served on the Secretary or the President of The Commissioners of Rehoboth at least five days before the day of such meeting.

The freeholders named in such Commission, being first sworn or affirmed to fully, fairly and honestly determine the damages to the best of their several abilities, and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and The Commissioners and its witnesses, and shall, without delay, determine and fix the damages, if any, which the said appellant will have sustained by reason of being deprived of any property, as aforesaid.

Thereupon, and without delay, the said freeholders shall make return, in writing, of their proceedings in the premises to the said Resident Judge, or Chief Justice, as the case may be. The Resident Judge, or Chief Justice, as the case may be, shall cause the said return to be delivered to the Secretary or the President of The Commissioners. Such return shall be final and conclusive. The Resident Judge, or Chief Justice, as the case may be, shall have full power to fill any vacancy among the freeholders.

REHOBOTH

The amount of the damages being ascertained, as aforesaid, The Commissioners of Rehoboth, shall pay or tender the amount thereof to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or The Commissioners may deposit the same to his credit in any bank in the City of Rehoboth Beach, within the said period of one month, and thereupon The Commissioners of Rehoboth may carry into effect the plan contemplated in their resolution aforementioned.

In the ascertainment and assessment of damages by the freeholders appointed by the Resident Judge, or Chief Justice, if the damages shall be increased above the amount fixed by The Commissioners, or if The Commissioners shall decide not to take such property, the cost of the appeal shall be paid by The Treasurer of The Commissioners of Rehoboth out of any monies in his hands belonging to the City. If the said damages be not increased, the cost of the appeal shall be paid by the party appealing.

The fees of the freeholders shall be \$5.00 per day to each, and shall be taxed as a part of the cost.

After the damages shall be fixed and ascertained by the freeholders as aforesaid, The Commissioners shall have the option of either paying the damages assessed within the period of one month aforementioned, and proceeding with the improvement, or paying the costs only and abandoning the proposed improvements.

Whenever the land comprehended or included in any street or part thereof vacated or abandoned under this Section be owned by the City, The Commissioners may, in its discretion, sell such land at public sale and for such consideration as The Commissioners shall deem proper. The Commissioners shall have the right and power to convey to the purchaser or purchasers thereof, a good and sufficient title thereto for whatever estate the City may have therein.

For all the purposes of this Section, the word "street" shall be deemed and held to comprehend and include sidewalks, lanes, alleys, roadways or other highways.

REHOBOTH

The Commissioners of Rehoboth shall have full power and authority to re-grade, re-dress, or otherwise repair or re-build all existing streets, lanes, alleys, roadways or other highways within the City limits. It shall also have the power and authority to construct, build, pave and in any manner improve all new and existing streets, lanes, alleys, roadways and other highways now open or to be hereafter opened for public use in the City. In so doing, it shall use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors or others as The Commissioners shall deem expedient and may use different materials and different methods of construction on different streets or on different parts of streets as The Commissioners shall deem advisable. To this end, The Commissioners shall have full power and authority to enter into contracts or agreements with the State Highway Department of the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other highway within the City limits.

The Commissioners shall also have full power and authority to expend such part or parts of the money of the City, in the general fund of the City, not otherwise appropriated, towards the carrying out of any powers and authorities granted unto The Commissioners under and by virtue of this Section of the Charter.

JETTIES, BULKHEADS, EMBANKMENTS AND BOARDWALKS

Section 34. The Commissioners of Rehoboth shall have the power and authority to locate, lay-out, construct, widen, extend, improve, repair, vacate or abandon jetties, bulkheads and embankments for the preservation of any beach or strand within the limits of the City or contiguous thereto, to the end that the same may be preserved and property may be protected, or boardwalks and piers, to the end that the general public might enjoy the use thereof. In the locating, laying-out, constructing, widening, extending, improving, repairing, vacating or abandoning of any such jetties, bulkheads, embankments, boardwalks and piers, The Commissioners

REHOBOTH

shall have full power and authority to use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as The Commissioners shall deem expedient and advisable. For the purpose of this Section the Commissioners shall have full power and authority to expend such part or parts of the money of the City, in the general fund of the City not otherwise appropriated.

The Commissioners may, by condemnation proceedings, take private lands or the right to use private lands for any of the purposes mentioned in this Section. The proceedings by condemnation under this Section shall be the same as prescribed in Section 33 of this Charter for the opening and laying-out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 33 shall be changed and modified to cover cases contemplated by this present Section.

WATER SYSTEM

Section 35. The Commissioners of Rehoboth shall have full power and authority to provide an ample supply of pure water for the City and the inhabitants thereof. To this end, it shall have full power and authority to purchase, acquire by grant or gift, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace and control wells, reservoirs, pumping machines and stations, tanks, standpipes, water mains, fire hydrants and all other instruments for the collection, storage, purification, conveyance and distribution of water, over, on, under or through the lands controlled by The Commissioners or belonging to private individual or individuals.

The Commissioners shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by The Commissioners; the amounts to be paid by the users thereof; the means or methods whereby the same shall be collected; the fixing of fines, or penalties, or both, for any wilful or negligent injury or damage to or interference with the water system or equipment of the City.

REHOBOTH

The Commissioners may, at its option, furnish water from the City system to places and properties outside the City limits and upon such special terms, charges and conditions as it shall deem wise.

The Commissioners shall have the power to make contracts for the purchase of water with any responsible person, firm or corporation and to distribute the same to users within or without the said City with the same full powers as if such water had been initially reduced to usefulness by The Commissioners itself.

The Commissioners shall have full power and authority, at any regular or special meeting, to enact ordinances or to adopt resolutions granting franchises to any responsible person, firm, association or corporation and for such term or terms of years as shall seem wise to The Commissioners, to use the present or future streets, squares, alleys, lanes and beach strands of the City for the purposes of furnishing water to the City and to the persons, firms, or corporations residing therein, and for the purpose of transmitting the same, or any, or all of them, through, over, across or under said streets, squares, alleys, lanes and beach strands to points outside the City limits, any such franchise or franchises to contain such restrictions, conditions and stipulations as shall, to the said, The Commissioners seem wise.

The Commissioners may, by condemnation proceedings, take private land and property, or the right to use private land and property, under, over, or on the surface thereof, for the proper furnishing of an ample supply of pure water or the creation, construction, extension, maintenance of a proper water system, or the distribution thereof as above provided. The proceedings by condemnation under this Section shall be the same as prescribed by Section 33 of this Charter, which is concerned with the opening and laying-out of new streets, and the resolutions referred to in said Section 33 shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

REHOBOTH

Chapter 247, Volume 27, Laws of Delaware, being entitled:

"An Act Creating a Board of Public Works for the Town of Rehoboth, Which Shall Establish, Control and Regulate a Water Works System for Said Town; Prescribing the Powers and Duties of Said Board and Providing for the Election of Their Successors", and All Supplements and amendments thereto and all other Acts or parts of acts of the General Assembly of Delaware inconsistent with the provisions of this Section are hereby repealed. This shall not be construed as invalidating, in any way, all things and acts done by or all rights accruing to, or all liabilities accruing against said Board of Public Works whether in Law, Equity or otherwise, under, by virtue of or in accordance with the provisions of that Chapter and all supplements and amendments thereto. The Commissioners of Rehoboth, under and by virtue of this Charter shall succeed to and have vested in or against it all things and acts done by, or all rights accruing to, or all liabilities accruing against said Board of Public Works, whether in Law, Equity or otherwise, under, by virtue of or in accordance with the provisions of Chapter 247, Volume 27, Laws of Delaware and all supplements and amendments thereto. As such successor, all books, records, vouchers, monies or other papers now in the possession of the Board of Public Works shall be delivered unto The Commissioners of Rehoboth within twenty (20) days after written demand therefor made by The Commissioners upon said Board. All things done, all appointments made, all contracts entered into and all agreements made by The Board of Public Works after the date of the passage of this Charter and prior to the date it shall go into effect as hereinafter provided shall be subject to confirmation or absolute revocation within the absolute discretion of The Commissioners.

SEWER SYSTEM

Section 36. All the powers and authorities vested in The Commissioners of Rehoboth under and by virtue of Chapter 119, Volume 38, Laws of Delaware, are hereby vested in the Commissioners of Rehoboth under and by virtue of the provisions of this Charter.

REHOBOTH

The Commissioners of Rehoboth are hereby vested with full power and authority to provide, construct, extend, maintain, manage and control sewer system for the health, sanitation and convenience of the inhabitants of the City, on, over, under, or through the streets, alleys, lanes, roadways or other highways, or on, over, under or through the lands of any person.

The Commissioners of Rehoboth shall have the power to enact ordinances, rules and regulations regarding the sewerage system and sewage treatment plant of the City and the use thereof, and the amounts to be paid by the users thereof, and to fix fines and penalties, or both, for the wilful or negligent injury or damage to, or interference with the said sewerage system or sewage treatment plant of the City.

The Commissioners may, at its option, furnish sewer facilities to places and properties outside the City limits upon such special terms, charges and conditions as it may deem wise. In a proper case, the Commissioners of Rehoboth may require any property in the City to be connected with the sewer system and may compel the owner to pay the charge of such connection and the tapping fee charged therefor and in respect thereto may use any method provided in Section 31 of this Charter.

The Commissioners may, by condemnation proceedings, take private land or property, or the right to use private land and property, under, over, or on the surface thereof, for the proper operation or extension of the sewer system or sewage treatment plant of the City. The proceedings by condemnation under this Section shall be the same as prescribed by Section 33 of this Charter; which provides for the opening and laying-out of new streets, and the resolutions referred to in said Section 33 shall be changed and modified to cover those instances contemplated by this particular Section of the Charter.

ELECTRIC, GAS AND POWER PLANTS AND FRANCHISES

Section 37. The Commissioners of Rehoboth shall have full power and authority to erect, construct, equip, maintain and oper-

REHOBOTH

ate a plant or plants for the generating and manufacturing of electric current or gas, or both, for the inhabitants of the City and for lighting of streets, squares, alleys, lanes and public places and buildings of the City and shall have full power and authority to construct, erect, maintain, improve, extend, equip and operate such transmission and distributing lines, pipes, mains and other conveyancers for any such current or gas as may be necessary to properly light the City and to furnish proper connections for electric current and gas to the properties of the inhabitants of the City who may desire the same.

The Commissioners of Rehoboth shall have the power to make, contracts for the purchase of heat, light, sewer service, water, electric current and gas with any responsible person, firm or corporation and to distribute the same to users within or without the said City with the same full powers as if such heat, light, power, water, electric current, or gas had been generated or manufactured by the City as herein expressly provided for in this Charter.

The Commissioners shall have the power to grant to all persons whomsoever in the City the privileges of using electric current or gas conveyed and distributed by the City in such manner and in such terms and consideration and at such rates and for such amounts as The Commissioners may deem just and proper and shall enact such ordinances relating to electric current or gas or their generation or manufacture or their distribution in said City and the regulation of the connection thereof with the properties of individuals in said City and with general management and control of the same as The Commissioners shall, from time to time, deem to be most expedient.

The Commissioners may, at its option, transmit electric current from the said City to place or places and property or properties outside the City limits, upon such terms, charges and conditions as it shall deem wise.

The Commissioners of Rehoboth shall also have full power and authority at any regular or special meeting to enact ordinances

REHOBOTH

or to adopt resolutions granting franchises to any responsible person, firm, association or corporation and for such term or terms of years as shall seem wise to The Commissioners, to use the present and future streets, squares, alleys and lanes of the City for the purposes of furnishing heat, light, power, gas, water or electric current, or any, or all of them, to the said City and to the persons, firms, or corporations residing therein, and for the purpose of transmitting the same, or any, or all of them, through, over, across or under said streets, squares, alleys and lanes to points outside of the City limits; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall, to the said Commissioners, seem wise.

The Commissioners may, by condemnation proceedings, take private land and property, or the right to use private land and property, under, over, or on the surface thereof, for the proper operation, manufacture or extension or distribution of gas or electric current as above provided. The proceedings by condemnation under this Act shall be the same as prescribed by Section 33 of this Charter, which is concerned with the opening and laying-out of new streets, and the resolutions referred to in said Section 33 shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

DRAINAGE

Section 38. The Commissioners of Rehoboth shall have the full jurisdiction and control, within the limits of the City, of the drainage of all water thereof, together with the right to alter and change the course and direction of any of the natural water courses, runs and rivulets within the limits of the City and may pass ordinances for the opening of gutters, surface water and underground drains and sewers within the limits of the City. The Commissioners of Rehoboth shall also have full power to regulate, maintain, clean and keep the natural water courses, runs and rivulets within the City limits open and clean and unobstructed and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemna-

REHOBOTH

tion proceedings as hereinbefore provided by Section 33 of this Charter; which is concerned with the opening and laying-out of any streets. By like proceedings The Commissioners of Rehoboth shall also have the power and authority to enter upon private lands and take, condemn and occupy the same for the purpose of laying-down gutters, surface water and underground water drains or sewers, or any of them, within the City limits. Provided, however, that the resolutions referred to in Section 33 of this Charter shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

CITY JAIL

Section 39. The Commissioners of Rehoboth may build and maintain a suitable place as a lock-up or jail for the City, which shall be used as a place of detention for persons convicted of violation of law or ordinances, or for the detention of persons accused of violation of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial. Nothing in this Section shall be construed to deprive The Commissioners of Rehoboth of the right to use the jail of Sussex County for such purposes as may otherwise have been provided in this Charter.

BORROWING OF MONEY AND ISSUANCE OF BONDS

Section 40. The Commissioners may borrow money and issue Bonds or other Certificates of Indebtedness to secure the payment thereof on the faith and credit of The Commissioners of Rehoboth or upon such other security or securities as The Commissioners shall elect. The Commissioners shall have the power and authority to borrow such money or monies to provide funds for the erection, extension, enlargement, maintenance or repair of any plant, machinery, appliance or equipment for the supply or the manufacture and distribution of electricity or gas for light, heat, or power purposes; for the furnishing of water to the public; for the construction or repair of highways, streets, lanes or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers, sewer system or sewage treatment or disposal

REHOBOTH

plants and equipment; for the construction, repair, maintenance of boardwalks, piers, jetties, bulkheads or embankment; or to defray the cost to the City of any permanent municipal improvement provided for or authorized or implied by the provisions of this Charter.

The power to borrow any such money or monies for any of the purposes above specified shall only be exercised in the following manner:

The Commissioners shall propose to the electors of the City, by resolution, that a stated amount of money shall be borrowed for any of the above purposes. The resolution shall specify the amount of the money desired to be borrowed, the purpose for which it shall be used, the manner in which it is proposed to be secured, the manner in which it is proposed that it shall be paid, or funded, or both, and all other pertinent facts relating thereto.

Also in the proposal The Commissioner shall fix a time and place for hearing on the resolution which shall give The Commissioners' authorization for the loan. Such proposal, containing such notice, shall be posted in five public places at least one week before the time set for said hearing.

If, at said hearing, which shall be public, The Commissioners shall pass the resolution authorizing the loan, then The Commissioners shall pass a second resolution which shall order a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of the hearing and passing of the resolution authorizing the loan by The Commissioners. The purpose of the special election shall be for the purpose of voting for or against the proposed loan. No date shall be fixed by The Commissioners for the holding of any such special election nor shall any such special election, as hereafter provided, be held during any calendar year except during the calendar months of July and August of any calendar year.

The Commissioners shall give notice of the time and place for holding the said special election to the electors of the City by

REHOBOTH

posting notices in five public places for two weeks prior to the special election. The special election shall be conducted by an Election Board whose members shall be appointed and shall have the same qualifications as hereinbefore provided in the case of annual elections of the City.

The Commissioners shall cause to be prepared, printed, and have available for distribution, a sufficient number of ballots at least five days prior to the date of the special election.

At the special election every person who had a right to vote at the next preceding annual City Election shall have one vote for every dollar and fractional part of a dollar of tax paid by him or her respectively during the year preceding said special election and every owner of property, whether individual, partnership, or corporation, shall have one vote for every dollar or part of a dollar of tax paid by said owner during the year preceding said special election and the said vote, or votes of any of them may be cast either in person or by proxy. No proxy shall be voted or counted unless the same shall have been signed in the presence of at least two witnesses.

The special Election Board shall count the votes for and against the proposed loan, and shall announce the result thereof and shall make a certificate, under their hands, of the number of votes cast for and the number of votes cast against the proposed loan and shall deliver such certificate to The Commissioners. The Commissioners shall enter the certificate in the minutes of The Commissioners of Rehoboth and the original shall be filed with the papers of The Commissioners.

The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the time of maturity, and provisions as to the registration thereof shall be determined by The Commissioners. The Bond or Bonds, or Certificate of Indebtedness shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of the City, and other-

REHOBOTH

wise if The Commissioners shall deem it necessary, for at least one month before offering the same for sale. The Commissioners shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of such Bond or Bonds, or Certificate of Indebtedness, at the maturity or maturities thereof and shall also provide a "Sinking Fund" therefor. Unless otherwise provided therein, the faith and credit of The Commissioners of Rehoboth shall be deemed to be pledged for the due payment of any such Bond or Bonds or Certificate of Indebtedness, and interest thereon, that shall be issued under the provisions hereof when and after the same have been duly and properly executed and delivered for due value received.

The bonded indebtedness of The Commissioners of Rehoboth shall not, at any one time, in the aggregate, exceed fifteen (15%) per centum of the assessed value of all real property situated in the City limits and subject to assessment for the purpose of levying the annual tax hereinbefore provided.

SALE OF PROPERTY

Section 41. All unsold real estate within the limits of the present City of Rehoboth Beach shall continue to be vested in The Commissioners of Rehoboth under this Charter, subject, however, to the liens thereon already existing, and The Commissioners of Rehoboth shall control and have charge of the same, and are hereby authorized and empowered to sell and dispose of the same in such manner and upon such terms as they may deem advisable and advantageous and to execute a good and sufficient deed or deeds in fee simple, or for a lesser estate, to the purchaser or purchasers thereof. The Commissioners of Rehoboth shall have the power to plot and lay-out streets or avenues in, upon and through any unsold or unplotted real estate.

The Commissioners of Rehoboth are hereby authorized and empowered, in its discretion, to sell and convey or lease to any responsible person or persons, firm or firms, association or associa-

REHOBOTH

tions or corporation or corporations any or all real and personal property, or both, now or hereafter owned by The Commissioners and used for generating, manufacturing or furnishing, light, heat, power, water, gas, electric current, sewage disposal, sewage treatment plant, or any other purpose, and to execute to the purchaser or purchasers thereof proper deeds or bills of sale or other legal assurances of title for the same; provided, however, that before the Commissioners shall sell or convey any real or personal property owned by the City, or any interest therein owned by the City, for any sum in excess of Two Thousand (\$2,000.00) Dollars, that may now, or hereafter, be owned by The Commissioners of Rehoboth, and used for any purpose whatsoever, a special election authorizing the sale shall be in substantial conformity with the provisions of this Charter in reference to special elections held for the purpose of bonding or increasing the municipal debt of the City.

EXEMPTIONS OF PROPERTY FROM TAXATION

Section 42. The Commissioners of Rehoboth shall, within its sound discretion, have the authority, by ordinance, or by resolution, to exempt, relieve, release, and exempt any person, firm, association or corporation from the payment of any or all taxes, assessments, license fees, or other charges due the City for a period of not longer than ten (10) years; provided, any such person, firm, association or corporation shall initially expend, by way of permanent improvement or improvements in the City, for the promotion of any enterprise, whether it be business, pleasure, social, or otherwise, an amount equal to not less than Fifty Thousand (\$50,000.00) Dollars.

CONTRACTS

Section 43. The Commissioners, in respect to the exercise of any of its powers or authorities to enter into contracts for the rendering of personal service to the City, or the purchase of supplies or the doing of work for any municipal purpose for the City, shall be bound by the following rules, regulation and limitations:

REHOBOTH

(1) No contract shall be made by The Commissioners for any purpose, the contract price of which is in excess of Two Hundred (\$200.00) Dollars without public competitive bidding.

(2) Contracts shall be awarded to the lowest responsible bidder, but The Commissioners may refuse any and all bids for any cause deemed by it to be advantageous to the City.

(3) All formal contracts shall be signed by the President of The Commissioners of Rehoboth, who shall affix thereto the municipal corporate seal of the Commissioners of Rehoboth, attested by the Secretary of The Commissioners of Rehoboth.

PAYMENT OF CHARGES DUE THE TOWN BY WORK

Section 44. The Commissioners of Rehoboth are empowered, upon the approval of the City Manager, to provide for the payment of all or any taxes, fines, penalties, forfeitures or other charges due the City by the performance of labor for the City by those who may owe any such taxes, fines, penalties, forfeitures or other charges, and to make proper regulations and rules therefor. Such rules and regulations shall not be binding upon the City Manager, nor shall he be forced thereby to hire any person or employee except that the same shall first have met his approval.

COMPENDIUM

Section 45. It shall be the duty of The Commissioners, at reasonable time, or times, to compile the ordinances, codes, orders, and rules of The Commissioners of Rehoboth. It shall have a reasonable number of copies printed for the use of the officials of the City and for public information. From time to time, upon the enactment of new ordinances, codes, rules and regulations, or upon the enactment of amendments to the same, The Commissioners shall enroll the same in the minutes of The Commissioners and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined. It shall fur-

REHOBOTH

nish to the Mayor copies thereof as they are enacted; and therefrom may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

INVESTIGATION

Section 46. The Commissioners of Rehoboth shall have the power to inquire into and investigate the conduct of any office, officer or employee of the City and to make investigations of all municipal affairs, and, for any such purpose or purposes, shall have the power to subpoena witnesses, administer oaths and compel the production of books, papers or other evidence.

SURVIVAL OF POWERS AND VALIDATING SECTION

Section 47. All powers conferred upon or vested in the Town of Rehoboth or The Commissioners of Rehoboth by any Act or Law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon and vested in the City of Rehoboth Beach and/or The Commissioners of Rehoboth precisely as if each of said powers was expressly repeated in this Charter.

All ordinances adopted by The Commissioners of Rehoboth and in force at the time of the approval, acceptance and going into effect of this Charter are continued in force until the same or any of them, shall be repealed, modified or altered by The Commissioners of Rehoboth under the provisions of this Charter.

All the acts and doings of The Commissioners of Rehoboth or of any official of the Town of Rehoboth which shall have been lawfully done or performed under the provisions of any Law of this State or of any ordinance of The Commissioners of Rehoboth, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.

All taxes, assessments, license fees, penalties, fines, forfeitures due The Commissioners of Rehoboth or the Town of Rehoboth

REHOBOTH

shall be due the City of Rehoboth Beach or The Commissioners of Rehoboth, and all debts due from the Town or The Commissioners shall remain unimpaired until paid by the City of Rehoboth Beach or The Commissioners of Rehoboth.

All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by The Commissioners of Rehoboth.

The Bonds given by or on account of any official of the Town of Rehoboth shall not be impaired or affected by the provisions of this Charter.

All Acts or parts of Acts inconsistent with or in conflict with the provisions of this Charter are hereby repealed.

If any part of this Charter shall be held to be unconstitutional, such holding shall not be deemed to invalidate the remaining provisions of this Charter.

This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

REFERENDUM

Section 48. This charter of the City of Rehoboth Beach shall not take effect, nor shall this Charter, nor any Section, nor any provision thereof be deemed to have changed or altered, in any manner whatever, any existing Law or Laws of the State of Delaware until such time as it shall have been accepted by the electors of the present Town of Rehoboth.

On Saturday the 29th day of May, A. D. 1937, a Special Referendum Election shall be held in the present Town of Rehoboth between the hours of 1 o'clock P. M. and 6 o'clock P. M. at such public place or places as shall be determined by the present The Commissioners of Rehoboth.

REHOBOTH

The purpose of the Special Referendum Election of the present electors of the Town of Rehoboth shall be for the purpose of voting for the acceptance or the rejection of this Charter as adopted and approved by the General Assembly of the State of Delaware. This Charter shall not be deemed to have been accepted by the electors of the present Town of Rehoboth in any other manner whatsoever save by a majority vote in favor of its acceptance cast by the electors of the present Town of Rehoboth voting at such Special Referendum Election.

At such Special Referendum Election to be held for the purpose of determining the acceptance or rejection of this Charter as approved and adopted by the General Assembly of the State of Delaware, every person, male or female, above the age of twenty-one years, who shall have been a freeholder in the Town of Rehoboth for a period of three (3) months immediately preceding such Election shall have one vote. Also, every person, male or female, above the age of twenty-one years, who shall have been a resident of the State of Delaware at least one year, and a bona fide resident within the corporate limits of the Town of Rehoboth for at least three (3) months immediately preceding such Election, shall have one vote.

The present Commissioners of The Town of Rehoboth shall give due notice of such Special Referendum Election by posting notices thereof in five (5) of the most public places within the corporate limits of the Town of Rehoboth not less than ten (10) days before the day of such Special Referendum Election. It shall also publish such notice in one (1) issue of a local newspaper published in the Town of Rehoboth, at least two weeks before the day of such Special Referendum Election. The Commissioners shall also forward a copy of such notice to every person, male or female, above the age of twenty-one years, who is a freeholder in the Town of Rehoboth and who is not a bona fide resident within the corporate limits of the Town of Rehoboth. The copy of such notice shall be forwarded to such person or persons by enclosing the same in a sealed or unsealed wrapper and depositing

REHOBOTH

the same, with postage prepaid, in the United States mails, to the last known address of such person or persons at least ten (10) days before the day of such Special Referendum Election. Such notice shall be deemed to have been forwarded to the last known address of such person or persons if it shall have been forwarded to such person or persons at his, her, or their address as the same appears upon the assessment records of the Town of Rehoboth.

The present Commissioners of Rehoboth shall cause to be printed ballots, at least as many in number as the number of qualified electors of the Town entitled to vote at such Special Referendum Election. The ballots shall be printed in the following form:

I hereby cast my vote TO ACCEPT the Charter of the City of Rehoboth provided for in the Act of the General Assembly entitled: "AN ACT changing the name of "The Town of Rehoboth" to "City of Rehoboth Beach", establishing a charter therefor, and repealing Chapter 247 of Volume 27, Laws of Delaware, being entitled "AN ACT creating a Board of Public Works for the Town of Rehoboth, which shall establish, control and regulate a Water Works System for said Town; prescribing the powers and duties of said Board and providing for the election of their successors."

I hereby cast my vote TO REJECT the Charter of the City of Rehoboth provided for in the Act of the General Assembly entitled: "AN ACT changing the name of "The Town of Rehoboth" to "City of Rehoboth Beach", establishing a charter therefor, and repealing Chapter 247 of Volume 27, Laws of Delaware, being entitled "AN ACT creating a Board of Public Works for the Town of Rehoboth, which shall establish, control and regulate a Water Works System for said Town; prescribing the powers and duties of said Board and providing for the election of their successors."

Place an "X" at the bottom of the column you favor

Such ballot shall be delivered to the persons appointed or selected, at the opening of the polls, to hold such Special Referendum Election and every elector calling for a ballot and every person

REHOBOTH

holding a valid and binding proxy, as hereinafter defined, shall receive a ballot from the persons holding the Election. Electors may also prepare for themselves ballots, either printed or written: provided, that such ballots shall conform to the form of ballot hereinbefore specified.

Every person, qualified to vote at such Special Referendum Election, who shall have been a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the Town of Rehoboth, shall offer his or her vote in person.

Every person qualified to vote at such Special Referendum Election, who shall have been a freeholder in the Town of Rehoboth for a period of three (3) months immediately preceding such Election, and who is not a bona fide resident within the corporate limits of the Town of Rehoboth shall offer his or her vote in person or by proxy.

In a proper case, votes by proxy shall be offered and accepted in the following manner and form: The person or persons qualified and desiring to so cast their vote, shall execute a power of attorney under their hand and in the presence of two (2) witnesses. Such power of attorney shall be in the following form:

"KNOW ALL MEN BY THESE PRESENTS: That I am above the age of twenty-one years; that I am a freeholder in the Town of Rehoboth and have been for a period of three (3) months immediately preceding the 29th day of May, A. D. 1937; that I am not a bona fide resident within the corporate limits of the Town of Rehoboth; and that I am entitled to cast one vote at the Special Referendum Election to be held on the 29th Day of May, A. D. 1937.

Therefore, I do hereby constitute and appoint.....
as my attorney-in-fact and agent for me, and in my name, place and stead I empower him to receive one ballot from the Special

REHOBOTH

Referendum Election Board in my name, place and stead and to cast such ballot at such Special Referendum Election in my name, place and stead, and I do sanction the casting of my ballot by him as fully as I could act if I were present, giving unto the said

....., my agent and attorney-in-fact, full power and authority in the premises.

This proxy shall remain and continue in full force and virtue until the close of the polls at such Special Referendum Election unless sooner revoked.

In Witness Whereof, I have hereunto set my hand in the presence of those two persons who have hereunto subscribed their names as witnesses thereto.

.....
This proxy subscribed
by the elector executing
the same in our presence:

.....
.....
Any person or persons holding such proxy or proxies and designated therein as the person authorized to cast the vote of the elector executing such proxy, shall present the same to the Special Referendum Election Board. If the Special Referendum Election Board shall deem such proxy to have been executed in due form and manner and that the person executing the same is authorized to cast his or her vote by proxy, they shall deliver to the person presenting the same one ballot and upon such person marking such ballot the Special Referendum Election Board shall receive the same and count it in the same manner as though it had been cast by the person or persons executing the proxy or proxies.

REHOBOTH

The Special Referendum Election Board shall consist of three members, who shall be appointed by the Governor and when appointed said persons shall compose such Special Referendum Election Board. If at the opening of the polls there shall not be present the three members of the Special Referendum Election Board, or any one of them then in such case the persons qualified to vote at such Special Referendum Election and then present at the opening of the polls shall, by viva voce,* select a qualified elector or electors to so act as a member or members of the Special Referendum Election Board. The members of the Special Referendum Election Board shall be judges of the Special Referendum Election and shall decide upon the legality of the votes offered as well as the legality of the proxies executed by any person or persons authorized and qualified to execute such proxy or proxies.

The Special Referendum Election Board shall keep a true and accurate list of all voters voting and a true and accurate list of all persons voting by proxy and the persons designated in any such proxy as the agent or attorney-in-fact of such elector.

If a majority of the Special Referendum Election Board shall not be satisfied that any person offering to vote at the Special Referendum Election possesses the qualifications of an elector, as prescribed by this Section, they shall receive the ballot but shall not count it, or, if a majority of the Special Referendum Election Board shall not be satisfied with the validity of any proxy, as specified in this Section, they shall receive such proxy but shall refuse to deliver unto the holder thereof, or to receive from him the ballot of the person executing such proxy.

Upon the close of the Special Referendum Election, the votes shall be read and counted publicly. If a majority of the votes cast shall be in favor of the acceptance of this Charter, the Special Referendum Election Board shall declare this Charter to be in full force and effect. If a majority of the votes cast at such Special Referendum Election shall be for the rejection of this Charter, the

REHOBOTH

Special Referendum Election Board shall declare this Charter to be null and void by virtue of such non-acceptance or rejection.

In the event of a tie vote, the Special Referendum Election Board shall determine the tie by lot.

Immediately after the determination of the result of the Election by the Special Referendum Election Board, the Special Referendum Election Board shall immediately execute a Certificate of Election, which shall be acknowledged before a Notary Public, and which shall state the date of holding such Election; the purpose for which such Special Referendum Election was held; the number of qualified votes cast at such Special Referendum Election; the number of votes cast for the acceptance of this Charter by the electors of the Town of Rehoboth; and the number of votes cast against the acceptance of this Charter by the electors of the Town of Rehoboth.

Immediately after the execution and acknowledgment of the aforementioned Certificate by the Special Referendum Election Board, that Board shall cause the same to be duly recorded in the Office of the Recorder of Deeds of the State of Delaware, in and for Sussex County at Georgetown, Delaware. After the same shall have been duly recorded, it shall be returned to the Commissioners of Rehoboth to be by it kept amongst the official papers of The Commissioners of Rehoboth. Such Certificate, or a duly certified copy of the record thereof, shall be prima facie evidence of the acceptance or rejection of this Charter in all Courts of Law and Equity in the State of Delaware or elsewhere.

All ballots cast, all records of the Special Referendum Election, and all proxies received by the Election Board shall be preserved in the custody of the Election Board for the period of ten (10) days. At the end of that period the Special Referendum Election Board shall deliver the same to The Commissioners of Rehoboth and they shall be preserved by The Commissioners of Rehoboth for a further period of two (2) months.

REHOBOTH

The Special Referendum Election Board shall have the power to subpoena persons and officers of The Town of Rehoboth and any books, records and papers of The Commissioners of Rehoboth relative to the determination of the validity of any vote or votes or proxy or proxies offered.

The expenses of holding the Special Referendum Election, as set forth in this Section, shall be borne by The Commissioners of Rehoboth.

Approved April 30, 1937.

CHAPTER 162

REHOBOTH

AN ACT TO AMEND AN ACT ENTITLED "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", BY REGULATION AS TO CHARGES AGAINST OWNERS OF THREE OR MORE ACRES OF LAND WITHIN THE TOWN OF REHOBOTH.

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

Section 1. That Chapter 119, Volume 38, Laws of Delaware, be and the same is hereby amended by adding after Section 10 an additional Section, to be known as Section 10a, and to be in the following language:

Section 10a. All tracts, pieces or parcels of land within the Town of Rehoboth, owned by any person, firm or corporation, containing, in one contiguous piece, an area of three or more acres and which is not now subdivided or laid out as building lots, shall, for the purposes of this Act, be assessed, on the basis of the lineal frontage thereof, one hundred (100) lineal feet and no more. If any such tract shall have constructed thereon more than one group of buildings required to be drained, it shall be assessed on the basis of an additional one hundred (100) lineal feet for each additional group of buildings, over one group of buildings, to be so drained.

Nothing in this Section shall be construed to affect or impair any assessment levied by the Commissioners of Rehoboth on the basis of the square footage of floor area including the area of the basement or cellar of any building or buildings to be drained.

REHOBOTH

The provisions of this Section shall be retroactive and shall apply to any assessment heretofore levied or assessed on any such property or properties by the Commissioners of Rehoboth under and by virtue of Chapter 119, Volume 38, Laws of Delaware.

Approved May 19, 1937.

CHAPTER 163

REHOBOTH

AN ACT TO AMEND CHAPTER 119, VOLUME 38, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE COMMISSIONERS OF REHOBOTH TO BORROW MONEY AND ISSUE BONDS TO SECURE THE PAYMENT THEREOF, FOR THE PURPOSE OF ESTABLISHING A SEWER SYSTEM AND SEWAGE TREATMENT PLANT AND TO CONTROL AND REGULATE THE SAME WHEN SO ESTABLISHED", BY PROVIDING FOR AN ANNUAL SCRAP SEWER ASSESSMENT AND COLLECTION OF THE SAME.

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

Section 1. That Chapter 119, Volume 38, Laws of Delaware, be and the same is hereby amended by adding thereto a certain new Section immediately following Section 27, to be known as Section 28 and to read as follows:

Section 28. So long as any "Rehoboth Sewer Bonds" or the interest thereon, as provided for in Sections 3 and 23 of this Act remain outstanding, due and unpaid and so long as sufficient funds be not available in the "Sinking Fund for Sewers", to pay off such outstanding, due and unpaid Bonds and the interest thereon, "The Commissioners of Rehoboth" shall, at the end of each and every calendar year cause a survey to be made of all properties now assessable and taxable within the corporate limits of the Town of Rehoboth.

From such survey The Commissioners of Rehoboth shall determine:

(1) The entire area of the floors including the floor of the cellar or basement of all new buildings to be drained, constructed

REHOBOTH

during any such calendar year upon any property or properties theretofore assessed upon the sole basis of the lineal feet thereof abutting on any street or streets, highway or highways, lane or lanes, alley or alleys, in which sewers have been constructed under the provisions of this Act.

(2) The increased area of the floors including the floor of the cellar or basement of building or buildings to be drained; which increased area was created by virtue of repairs and additions made during any such calendar year to such building or buildings theretofore constructed upon any property in the Town of Rehoboth and assessed in accordance with the provisions of this Act and the rules and regulations of the Commissioners of Rehoboth adopted in pursuance thereof.

(3) The increased area of the floors, including the floor of the cellar or basement of all new buildings to be drained, constructed during any such calendar year, over and above the entire area of the floors including the area of the cellar or basement of any old buildings razed or removed by the owner or owners theretofore to make way for such new building or buildings; provided, such old building or buildings so razed or removed shall have been assessed in accordance with the provisions of this Act and the rules and regulations of the Commissioners adopted in pursuance thereof.

(4) The entire area of the floors including the floor of the cellar or basement of all buildings theretofore determined to be non-assessable by the Commissioners by virtue of their use, or otherwise, which shall, by virtue of a change in the use thereof, or otherwise, in the judgment of the Commissioners exercised in accordance with the provisions of this Act be deemed to have become assessable under the provisions thereof.

(5) 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 construct-

REHOBOTH

ed under the provisions of that Act and which theretofore had been determined to be non-assessable by the Commissioners by virtue of their use, or otherwise, which shall, by virtue of a change in the use thereof, or otherwise, in the judgment of the Commissioners, exercise in accordance with the provisions of this Act be deemed to have become assessable under the provisions thereof.

From such survey, the Commissioners of Rehoboth shall cause to be prepared a complete list of all such properties to be thus assessed as a scrap sewer assessment. Such list shall state the name of the owner or owners of the property or properties to be affected thereby; provided, that no error or mistake in regards 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 records in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, appear on such scrap sewer assessment list; a description locating the property to be assessed thereby; the lineal feet of such property abutting on any street or streets, highway or highways, lane or lanes, alley or alleys in which sewers are built and which is subject to a scrap assessment; the square footage of floor area which is to be assessed under such scrap assessment; the rate of assessment per lineal foot, which shall be and is hereby fixed at forty (40c) cents per lineal foot; the rate of assessment per square foot of floor area, which shall be and is hereby fixed at two and one-quarter ($2\frac{1}{4}$ c) cents per square foot; and the total amount to be assessed against such property or properties under such scrap sewer assessment.

Immediately upon the completion of such list, the Commissioners shall cause a copy thereof to be exhibited in some public place within the Town 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 scrap sewer assessment as set forth in the aforesaid list. The time of such meeting shall be not less than one nor more than two weeks after

REHOBOTH

the date of the last issue of said notice. The said Commissioners shall sit on the evening of the day appointed in said notice from 8 P. M. until 10 P. M. and may adjourn from night to night and shall hear all objections which may have been made to such scrap assessment list and shall make such alterations and corrections in the said 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 Commissioners shall cause to be exhibited for at least one week following the date of the last meeting as aforesaid, a copy of said scrap sewer assessment list as thus altered and corrected.

After the said scrap sewer assessment list, altered and corrected as aforesaid shall have been exhibited for one full week the said list shall be certified to by the said Commissioners as correct and the several amounts shown upon such altered and corrected list as having been assessed against the properties therein shall be liens upon the respective properties upon which such scrap sewer assessment was made and such liens shall have priority over any liens, incumbrances and conveyances except tax liens and prior liens of a like nature for public improvement.

The Secretary of the said Commissioners shall immediately prepare statements of such scrap sewer assessment 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 scrap sewer assessment for the purpose of this Act.

All sums paid on account of such scrap sewer 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

REHOBOTH

institution in Sussex County or elsewhere in Delaware in the account known as the "Sinking Fund for Sewers" as hereinbefore provided in this Act. All such amounts thus received shall form a part of the sinking fund, and shall only be paid out for the purpose of paying the indebtedness incurred for the building of such sewer system or sewage treatment plant hereinbefore authorized for paying the interest thereon as it becomes due and for retiring the Bonds in accordance with the provisions of this Act.

All scrap sewer assessments so made shall be due upon the date of the certifying by the Commissioners as to the correctness of the same and the rules and regulations hereinbefore provided in this Act in respect to the payment or the collection of the general sewer assessment hereinbefore provided shall likewise apply in respect to the payment or the collection of any amount or amounts due by virtue of any annual scrap sewer assessment provided for in this Section.

Approved May 19, 1937.

CHAPTER 164

SEAFORD

AN ACT MAKING AN APPROPRIATION TO THE TOWN OF SEAFORD FOR THE PAYMENT OF THE TOWN COUNCIL OF THE TOWN OF SEAFORD FOR THE CONSTRUCTION OF A CONNECTING CONCRETE STREET BETWEEN THE STATE HIGHWAYS.

WHEREAS the Town of Seaford laid and constructed a concrete street within the Town Limits, on a portion of High Street extending in an Easterly direction from the Railroad Bridge on High Street, and connecting Highway No. 13 at the Junction of Front Street and High Street, at the cost of Thirty-five Thousand Dollars, (\$35,000), and

WHEREAS said Street has become an integral part of the 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 Ten Thousand Dollars (\$10,000), or so much thereof as may be necessary, for the purpose of paying the Town Council of the Town of Seaford for its expenditures in connection with the payment for and the building of the aforesaid concrete road on High Street, extending from the overhead Railroad Bridge on the Westerly side of the Town of Seaford, and connecting Highway No. 13 at the junction of Front and High Streets within said Town.

Section 2. The State Treasurer is hereby authorized and directed to pay to the Town Council of the Town of Seaford the said sum herein appropriated upon presentation of proper authority by the members of Town Council of the Town of Seaford.

Section 3. The Town Council of the Town of Seaford, and any other taxing body, if any, of said Town, are hereby expressly

SEAFORD

relieved from the duty of levying and collecting any taxes for the purpose of paying the principal amount of said indebtedness.

Section 4. The amount so appropriated under this Act shall be payable out of the State Highway Fund of the State Treasury.

Approved May 19, 1937.

CHAPTER 165

SELBYVILLE

**AN ACT AUTHORIZING THE MAYOR AND COUNCIL OF THE
TOWN OF SELBYVILLE TO BORROW MONEY TO PAY THE
RUNNING EXPENSES OF THE TOWN.**

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

That the Mayor and Council of the Town of Selbyville, a municipal corporation of the State of Delaware, for the purpose of defraying the ordinary running expenses of the Town, be and it is hereby authorized and empowered to borrow money and to pledge the faith and credit of the town for the due payment thereof; provided, however, that the total amount of money borrowed for this purpose shall at no time exceed Two Thousand Dollars (\$2,000.00), that the rate of interest paid upon such loan or loans shall not in any event exceed six per centum per annum, and that the borrowing herein provided for shall be done in each instance only in pursuance of a resolution properly passed by the Mayor and Council of the Town at a regularly called meeting of said town Council.

Approved May 3, 1937.

CHAPTER 166

SMYRNA

AN ACT TO AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA", BY PROVIDING FOR THE ELECTION OF A MAYOR AND COUNCIL AND BY CHANGING THE PRESENT OFFICE OF PRESIDENT OF COUNCIL TO MAYOR OF THE TOWN OF SMYRNA."

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

Section 1. That Chapter 192, Volume 36, Laws of Delaware, be amended by striking out all of Section 3 (Town Council, Qualifications, Term, Nomination and Election) and inserting in lieu thereof new Section 3 which shall be as follows, to-wit:

"Section 3. (Mayor, Council, Qualifications, Term, Nomination and Election): The government of said Town and the exercise of all the powers conferred by said Chapter 192 (except as otherwise provided) shall be vested in a Mayor and in a Town Council composed of four (4) members, all five of which officers shall be elected at large. The Mayor and members of Council shall be citizens of said Town at least twenty-one years of age and the owners of real estate within said Town duly assessed in their own names on the County and Town assessment lists in force when they are nominated. The term of the Mayor and the terms of all Councilmen shall be two years from the last Tuesday in February following their respective election and until their respective successors shall be duly elected and qualified.

At the annual town election on the last Monday in February in the year 1938 there shall be elected two (2) members of Council to succeed the two (2) members whose present terms will then expire, and at the annual town election on the last Monday in February in the year 1939 there shall be elected a Mayor and two

SMYRNA

(2) Councilmen to succeed the three (3) Councilmen whose present terms will then expire, and thereafter the successors of the Mayor and the Councilmen, whose terms will expire at the elections then held, shall be elected for the aforesaid term of two years each. The present members of Council and the incumbents of all other elective offices in said Town, who are duly elected and qualified at the time of the approval of this Act, shall continue in office until their respective present terms shall have expired.

The Mayor and the four (4) members of Council shall be nominated and elected as follows, to-wit: at least ten days before the day of election, as hereinafter fixed, nominations shall be filed with the Mayor or with any Councilman. Such nominations shall be in writing, signed by the nominee or by five (5) other citizens of the Town, at least two of whom shall be freeholders. Each nomination shall be presented to Council at a meeting to be held at the usual meeting place of Council not later than 8 o'clock P. M., on the evening of the last day for the filing of such nominations. Council shall cause to be printed ballots; at least as many in number as the number of citizens in said Town entitled to vote at the election. Such ballots shall contain the names of all persons nominated under headings designating the offices for which nominated, and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the ballots and every qualified citizen calling for a ballot shall receive one from the persons holding the election. Voters may also prepare for themselves ballots, either printed or written, provided such ballots do not contain a name or names other than those nominated as aforesaid. Every citizen of said Town of the age of twenty-one years, or upwards, who has paid all Town taxes theretofore assessed to him, shall have the right to vote and persons otherwise qualified who have not been assessed and also persons arriving at the age of twenty-one years since the last town assessment, shall also have the right to vote. A voter shall not vote for more candidates than are to be elected at the election, and in voting shall cross out the names of all candidates which the voter does not desire to vote for.

SMYRNA

Such election shall be held on the last Monday in February in each year hereafter at the Town Hall in said Town, or at such other convenient place in said Town as shall be designated by Council, and the polls shall be open from 2 o'clock P. M., until 5 o'clock P. M., Eastern Standard Time. In case such election is to be held at some other place than the Town Hall, notice thereof, designating the place of election, shall be posted on the front door or the front window of the Town Hall at least ten days before the election. Every election shall be held under the superintendence of three qualified voters of said Town, to be appointed for that purpose by Council at least two weeks before election, but if at the opening of the polls, there shall not be present the three persons so appointed, or any one of them, in such case the persons entitled to vote and then present at the polls shall appoint, by viva voce vote, qualified voter or voters to act. The three persons holding the election shall pass upon the qualifications of voters and conduct the election, keeping a list of all voters voting and at the close of such election shall canvass the vote and the candidates having the highest number of votes for each office shall be declared elected and certificates shall be made out and delivered to the person or persons so elected. In case of a tie, the three persons holding the election shall, by a majority vote, decide which of the candidates so tied shall be elected.

Section 2. That Chapter 192, Volume 36, Laws of Delaware, be amended by striking out the first paragraph of Section 4 thereof and inserting in lieu thereof new first Paragraph of said Section 4 which shall be as follows, to-wit:

"Section 4: (Organization of Council.) On the evening of the next day following the annual election, Council shall meet with the Mayor and organize by election of a Secretary and a Clerk, both of whom shall be members of Council. Before entering upon the duties of their offices, the newly elected Mayor and members of Council shall be sworn, by a Notary Public, a Justice of the Peace, the hold-over Mayor or a hold-over member of Council, to faithfully and impartially perform the duties of their respective offices."

SMYRNA

Section 3: That all of the duties and powers heretofore imposed and conferred upon the President of Council by Chapter 192, Volume 36, Laws of Delaware, and the right to vote on all matters before Council, be and the same hereby are imposed and conferred upon the Mayor of the Town of Smyrna, upon his election in the year 1939 as provided for in Section 1 of this Act, and his successors in office thereafter. If the Mayor be incapacitated in the performance of the duties of his office, by reason of death, illness, absence or any other cause, then all powers and duties conferred upon him by this Act and by Chapter 192, Volume 36, Laws of Delaware, and by any other law, and by any ordinance or resolution now or hereafter enacted or adopted by Council, shall during said incapacity be exercised and performed by some member of Council, chosen by Council, as acting Mayor, and that all the duties and powers heretofore imposed and conferred upon the acting President of Council by Chapter 192, Volume 36, Laws of Delaware, be and the same are hereby imposed and conferred upon such acting Mayor.

Approved May 19, 1937.

CHAPTER 167

SMYRNA

AN ACT TO AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA" PROVIDING FOR THE SEPARATION OF THE OFFICES OF THE TOWN COLLECTOR AND ALDERMAN, PROVIDING FOR THE QUALIFICATIONS, NOMINATION AND ELECTION OF TOWN COLLECTOR AND PROVIDING FOR THE QUALIFICATIONS AND APPOINTMENT OF ALDERMAN IN THE TOWN OF SMYRNA.

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

Section 1. That Chapter 192, Volume 36, Laws of Delaware, be amended by striking out the first paragraph of Section 7 (Nomination and Election of Alderman and Town Collector) and inserting in lieu thereof new first paragraph of Section 7 as follows, to-wit:

"Nomination and Election of Town Collector:—The said Town shall have a Town Collector whose qualifications for nomination and election shall be the same as of members of Council. The term of the Town Collector shall be for one year from the last Tuesday in February following his election, and until his successor has been duly elected and qualified. The Town Collector shall be nominated in the same manner and elected by the same qualified voters, at the same town elections and by the said regulations as are prescribed in Section 3 of this Act for the nomination and election of members of Council. The Town Collector now duly elected and qualified shall continue in office with all the duties and powers of that office until the election in 1938, at which time the Town Collector shall be elected in accordance with this Section."

SMYRNA

Section 2. That Chapter 192, Volume 36, Laws of Delaware, be amended by striking out the second paragraph of Section 7 and inserting in lieu thereof new second paragraph of Section 7 as follows, to-wit:

"Appointment Of Alderman:—At the organization meeting of Council in 1938 and at each organization meeting of Council in each year thereafter, Council shall appoint some suitable resident of the Town of Smyrna, who may or may not be a Justice of the Peace residing in said Town at the discretion of Council, to be alderman of the Town of Smyrna and to hold office for the term of one year from the date of his appointment and until his successor is duly appointed and qualified. Such Alderman may be removed from office by Council in the manner provided for the removal of other persons appointed by Council and in such event Council shall appoint his successor to serve until the next annual organization meeting of Council.

Section 3. That Chapter 192, Volume 36, Laws of Delaware, Section 10 thereof, be amended by striking out the word "and" in the third line of the first paragraph of said Section 10 and inserting in lieu thereof the words "or the"; and by striking out the word "and" in the seventh line of the first paragraph of said Section 10 and inserting in lieu thereof the words "or the"; and by striking out the words "the Alderman" in the second line of the second paragraph of said Section 10 and by adding at the end of said second paragraph of said Section 10 the following new sentence, to-wit: "The Alderman shall receive no compensation other than the lawful fees of his office."

Section 4. That nothing provided in this Act shall in any manner, except as in this Act expressly stated, affect the powers and duties of the office of Alderman as heretofore established by said Chapter 192, Volume 36, Laws of Delaware.

Approved May 19, 1937.

CHAPTER 168

WILMINGTON

AN ACT RELATING TO THE TERRITORIAL LIMITS OF THE
SIXTH, SEVENTH AND TENTH REPRESENTATIVE DIS-
TRICTS IN NEW CASTLE COUNTY AND THE TERRITORI-
AL LIMITS OF THE CITY OF WILMINGTON.

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

Section 1. The General Assembly shall not enact any law extending the limits of the City of Wilmington so as to include any portion of the territorial limits of the Sixth, Seventh and Tenth Representative Districts in New Castle County as now constituted, until after the question of the inclusion of such territory within the limits of the City of Wilmington shall have first been submitted at a special election to the qualified voters and real estate owners of the territory proposed to be taken from said representative district and included in the limits of the City of Wilmington. At such election, if the majority of the qualified voters and real estate owners in such territory shall vote approval to be included within the limits of the City of Wilmington, then and only then, shall such territory be included within the limits of the City of Wilmington. Such special election shall be held by the proper election officers of the Representative District embracing said territory. Each real estate owner shall be entitled to one vote for each One Hundred Dollars of real estate assessed to him on the assessment records of New Castle County. Each qualified voter, not being the owner of real estate within said territory, shall be entitled to one vote.

Approved April 7, 1937.

CHAPTER 169

WILMINGTON

AN ACT TO AMEND AN ACT ENTITLED "AN ACT PROVIDING FOR APPROPRIATION OF CERTAIN MONEYS TO THE SINKING FUND FOR THE PURPOSE OF RETIRING ALL BONDS ISSUED IN THE NAME OF AND BY AUTHORITY OF 'THE MAYOR AND COUNCIL OF WILMINGTON' ", THE SAME BEING CHAPTER 178, VOLUME 40, LAWS OF DELAWARE, 1935, BY CHANGING THE AMOUNTS "THE COUNCIL" IS REQUIRED TO APPROPRIATE FOR EACH OF THE PERIODS THEREIN MENTIONED, BY PROVIDING THAT ANY DIFFERENCE BETWEEN SUCH APPROPRIATIONS AND THE REQUIRED MATURITIES SHALL BE PAID FROM THE SINKING FUND AND PROVIDING FOR INCREASED APPROPRIATION IN THE EVENT OF SUBSEQUENT BOND ISSUES.

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

Section 1. That Section 2 of Chapter 178, Volume 40, Laws of Delaware be and the same hereby is amended by striking out all of sub-paragraph (a) of said Section 2 and by inserting in lieu thereof a new sub-paragraph to be known as sub-paragraph (a) of Section 2 as follows:

Section 2. (a) Beginning on the fourth Thursday in August of the fiscal year, which commences on July 1st, 1937, and each year thereafter "The Council" of "The Mayor and Council of Wilmington" shall make the following appropriations to the Commissioners of the Sinking Fund for the purpose of retiring all bonds issued by "The Mayor and Council of Wilmington":

July 1, 1937 to June 30, 1938.....	\$348,250.00
July 1, 1938 to June 30, 1939.....	400,000.00
July 1, 1939 to June 30, 1940.....	400,000.00

WILMINGTON

July 1, 1940 to June 30, 1941.....	400,000.00
July 1, 1941 to June 30, 1942.....	400,000.00
July 1, 1942 to June 30, 1943.....	400,000.00
July 1, 1943 to June 30, 1944.....	400,000.00
July 1, 1944 to June 30, 1945.....	400,000.00
July 1, 1945 to June 30, 1946.....	400,000.00
July 1, 1946 to June 30, 1947.....	400,000.00
July 1, 1947 to June 30, 1948.....	400,000.00
July 1, 1948 to June 30, 1949.....	400,000.00
July 1, 1949 to June 30, 1950.....	400,000.00
July 1, 1950 to June 30, 1951.....	376,200.00
July 1, 1951 to June 30, 1952.....	383,350.00
July 1, 1952 to June 30, 1953.....	280,700.00
July 1, 1953 to June 30, 1954.....	299,750.00
July 1, 1954 to June 30, 1955.....	400,000.00
July 1, 1955 to June 30, 1956.....	400,000.00
July 1, 1956 to June 30, 1957.....	400,000.00
July 1, 1957 to June 30, 1958.....	400,000.00
July 1, 1958 to June 30, 1959.....	400,000.00
July 1, 1959 to June 30, 1960.....	400,000.00
July 1, 1960 to June 30, 1961.....	400,000.00
July 1, 1961 to June 30, 1962.....	400,000.00
July 1, 1962 to June 30, 1963.....	400,000.00
July 1, 1963 to June 30, 1964.....	146,000.00
October 1, 1964 to June 30, 1965.....	10,000.00
October 1, 1965 to June 30, 1966.....	10,000.00
October 1, 1966 to June 30, 1967.....	10,000.00
October 1, 1967 to June 30, 1968.....	10,000.00

The differences between the appropriations above set forth and required by this Act and the maturities scheduled at the time of approval of this Act, shall be paid by the Commissioners of the Sinking Fund, from the funds held by the said Sinking Fund Commissioners.

Section 2. That Section 2 of Chapter 178, Volume 40, Laws of Delaware, be and the same is hereby amended by striking out all

WILMINGTON

of sub-paragraph (h) of said Section and by inserting in lieu thereof a new sub-paragraph to be known as sub-paragraph (h) of said Section 2 as follows:

Section 2. (h) All bonds which may be issued by "The Mayor and Council of Wilmington", after the date of the passage and approval of this amendatory Act, shall mature in equal annual installments within a period of not greater than ten years from the date of issuance thereof; provided, however, that with respect to any bonds so issued after the date of the passage and approval of this amendatory Act, the appropriations set forth and required by Section 2 (a) of this amendatory Act shall be increased in any given year to the extent to which this may be necessary to carry out the provisions of this sub-paragraph.

Approved April 12, 1937.

Education

CHAPTER 170

FREE PUBLIC SCHOOLS

STATE BOARD OF EDUCATION

AN ACT TO AUTHORIZE THE SALE AND CONVEYANCE OF A CERTAIN LOT, PIECE OR PARCEL OF LAND BELONGING TO THE STATE OF DELAWARE, SITUATED IN THE TOWN OF ODESSA, IN NEW CASTLE COUNTY, DELAWARE.

WHEREAS, there is situated in the Town of Odessa (formerly known as Cantwell's Bridge), in New Castle County, Delaware, a certain lot, piece or parcel of land, belonging to the State of Delaware, which by a recent survey made by Price & Price, Civil Engineers and Surveyors, on February 16, 1937, is particularly described by metes and bounds, as follows:

"ALL that certain lot, piece or parcel of land with the abandoned brick library and school building thereon erected, situated in the Town of Odessa (formerly known as Cantwell's Bridge), in New Castle County and State of Delaware, and more particularly bounded and described as follows, to-wit:

Beginning at the point of intersection of the North-easterly side of Main Street, at one hundred feet wide, with the Southeast-erly side of Fourth Street, at sixty feet wide; thence from the said beginning point, along the said Northeasterly side of Main Street South, forty-six degrees and thirty minutes East, one hundred feet to a corner of lands late of Annie Townsend Vandegrift and Gertrude S. Butler, deceased; thence along the said line of lands late of the said Annie Townsend Vandegrift and Gertrude S. Butler, deceased, and lands of William C. Reed, and parallel to said Fourth Street, North, forty-three degrees East, two hundred feet to a corner of lands of Harry E. Wilson; thence along the said line of lands of the said Harry E. Wilson, parallel to Main Street, North,

FREE PUBLIC SCHOOLS, STATE BOARD OF EDUCATION

forty-six degrees and thirty minutes West, one hundred feet to the said Southeasterly side of Fourth Street; and thence thereby South, forty-three degrees West, two hundred feet to the place of beginning. Be the contents thereof what they may"; and

WHEREAS, according to an act of the General Assembly of the State of Delaware, passed and approved at Dover, on February 2, 1821 which said act appears as Chapter 43, of Volume 6, of the Laws of Delaware, it fully appears that the said lot, piece or parcel of land herein above described, is the property of the State of Delaware and for many years since 1821, was occupied and used for school purposes, and which has long since been unoccupied and abandoned; and

WHEREAS, it nowhere appears of record or by any law of this State, that the State Board of Education of this State has full power and authority to sell and dispose of the said property as an abandoned and no longer needed school site, and there appears to be considerable uncertainty as to whether or not the State Board of Education or any officer or agent of the State, can give a good and sufficient deed for the said property to a purchaser thereof, without an Act of the General Assembly of this State duly authorizing and directing the same; and

WHEREAS, the said property is no longer of any use in its present condition and should be sold at public auction or vendue to the highest bidder, 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 Education, of this State, be and it is hereby authorized, fully empowered and directed to sell, at public auction or vendue, the said certain lot, piece or parcel of land hereinabove described for cash, to the highest bidder, upon like public notice as required by law for the sale of lands by the Sheriff of New Castle County under execution process; and

FREE PUBLIC SCHOOLS, STATE BOARD OF EDUCATION

after such sale, a deed for the said property, duly executed, acknowledged and delivered to the purchaser thereof, by the President and Secretary of the State Board of Education, of the State of Delaware, under the hands and seals of the said President and Secretary, shall grant the said lands and premises to the purchaser thereof, to hold to him, his heirs and assigns forever.

Section 2. That the proceeds of said sale, as provided for in Section 1 of this Act, shall be paid to the Treasurer of the State Board of Education and by him kept in a special fund for building or rebuilding of schools, and paid out by him on the orders of the State Board of Education, in like manner as in respect to the proceeds from other sales of property no longer needed for school purposes, as provided by law.

Approved April 7, 1937.

CHAPTER 171

AUTHORIZING TRUSTEES OF SCHOOL DISTRICT NO. 111
(REHOBOTH) TO ISSUE BONDS

AN ACT AUTHORIZING THE BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT NO. 111 OF SUSSEX COUNTY TO PROCURE A SITE AND THEREON TO ERECT AND FULLY EQUIP A NEW SCHOOL BUILDING IN THE TOWN OF REHOBOTH, AND TO BORROW MONEY TO PAY FOR THE SAME BY ISSUING BONDS TO SECURE SAID LOAN.

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 School Trustees of School District No. 111, Sussex County, being commonly known as Rehoboth School District No. 111, and its successors in office be and it is hereby vested with all authority and power necessary to procure a site within the limits of the Town of Rehoboth and to erect and construct thereon a twelve-grade school building and fully to equip and furnish the same for school purposes, and to take and keep title to the said school building in the name of the Board of School Trustees of School District No. 111, Sussex County.

And it is hereby authorized and empowered to borrow at its discretion a sum of money not to exceed One hundred sixty thousand (\$160,000.00) Dollars, to be used for carrying out the above named purposes

Section 2. That the Board of School Trustees of School District No. 111, Sussex County, in case they shall not be able to procure by agreement with the owner or owners a lot of land suitable and proper for the erection of said high-school building, shall be and hereby is authorized to conduct condemnation proceedings and thereby to obtain the aforesaid lot of land which proceedings, insofar as is reasonable, shall be the same in all respects as the proceedings by statute authorized for the State Highway Department in order to enable it to obtain land for public roads.

AUTHORIZING TRUSTEES OF SCHOOL DISTRICT NO. 111
(REHOBOTH) TO ISSUE BONDS

Section 3. That the Board of Education of the State of Delaware through its appropriate agencies shall render to the Board of School Trustees of School District No. 111, Sussex County, even though the purposes named in this Act are not to be carried out with funds appropriated by the State or applied under the direction of the State Board of Education all such expert advice and assistance as they are required to and do in practice render to School Districts which construct or remodel school properties with the aid of State funds or according to plans submitted by the State Board of Education or some agency thereof.

Section 4. That it shall be the duty of the State Board of Education to accept and make use of said building after its completion as a part of the public school system of the State under the direction of the Board of School Trustees at Rehoboth, and for such school there shall be allocated and expended its proportional part of the educational funds of the State so as to support and operate an efficient and adequate school for elementary, grammar, and high-school students.

Section 5. That the Board of School Trustees of Rehoboth, for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue and sell Bonds of the said Board of School Trustees of Rehoboth in an amount not exceeding, in the aggregate, the sum of One hundred sixty thousand (\$160,000.00) Dollars, and said Bonds shall be known by whatever name the Board of School Trustees shall determine.

Section 6. That the said Bonds shall be authorized by a resolution of the Board of School Trustees and shall be issued in one or more series, shall bear such date or dates, mature at such time or times, not exceeding twenty-five (25) years from their respective dates, bear interest at such rate or rates, not exceeding four and one-half ($4\frac{1}{2}\%$) per centum per annum, payable at such time, be in such denominations, and payable at such place or places as such resolution or subsequent resolutions may provide. The Bonds

AUTHORIZING TRUSTEES OF SCHOOL DISTRICT NO. 111
(REHOBOTH) TO ISSUE BONDS

may or may not be coupon Bonds and may or may not be registered Bonds, as the said Board of School Trustees shall determine. Any or all of said Bonds may be redeemed at the option of the Board of School Trustees at par and accrued interest at any interest period after the expiration of five (5) years from the date of said Bonds; provided, however, that if the said Board of School Trustees shall elect to redeem any or all of said Bonds as aforesaid, such redemption shall be made in pursuance of a notice signed by the Chairman and one other member of the Board of School Trustees, published once a week for two consecutive weeks in a newspaper or newspapers published and circulating in Sussex County, Delaware. Such notice shall indicate the Bonds called, and in making such call or calls for redemption the said Board of School Trustees shall begin with the lower numbers and select serially the Bonds to be called, and, provided further, that if the Bonds issued under the provisions of this Act shall be "Registered Bonds", such Bonds shall not be called until two weeks after notice has also been sent in writing by registered letter to the registered owners of the Bonds to be called.

The interest on any of said Bonds so called shall cease from the date named in any of said calls for redemption.

Section 7. That the Board of School Trustees shall direct and effect the preparation and sale of the Bonds which are authorized by this Act at such time or times and upon such terms as the said Board of School Trustees may deem expedient. Provided that such Bonds may, in no event, be sold for less than their face value and, provided that the said Board of School Trustees 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. All monies arising from the sale of said Bonds shall be used for the purpose of carrying out the provisions of this Act.

AUTHORIZING TRUSTEES OF SCHOOL DISTRICT NO. 111
(REHOBOTH) TO ISSUE BONDS

Section 8. That the form of said Bonds with the coupons that may be attached thereto shall be prescribed by resolution of the Board of School Trustees, and said Bonds shall be signed by the Chairman and Secretary of the Board of School Trustees and sealed with some seal which the Board of School Trustees are hereby authorized to select and adopt as their own for this purpose and shall be exempt from State, County and municipal taxes. As said Bonds and coupons attached thereto shall be paid, the same shall be cancelled as the said Board of School Trustees shall direct.

Facsimile signatures of the Chairman and Secretary of the Board of School Trustees may be imprinted upon the coupons that may be attached to said Bonds in lieu of the respective signatures of the said Chairman and Secretary.

Section 9. That the faith and credit of School District No. 111, Sussex County, shall be deemed to be pledged for the due payment of all of the Bonds and interest thereon that may be issued under the provisions of this Act.

Section 10. That the Board of School Trustees of Rehoboth shall be and hereby is authorized to provide funds for the payment of the interest and annual payments on such Bonds which without further authority shall be provided for by an additional tax levy on the real and personal property subject to taxation for County purposes in School District No. 111, Sussex County, and by a poll tax on all persons twenty-one years of age and upward residing in the District of such amount as shall be determined by the Board of School Trustees of the aforesaid District.

The rules governing the assessment and collection of taxes for the purpose of discharging the indebtedness represented by the Bonds authorized by this Act shall, in so far as it is reasonable, be the same in all respects as the rules which govern the Board of School Trustees at present in respect to the taxes for the purpose of raising additional funds for the maintenance and

AUTHORIZING TRUSTEES OF SCHOOL DISTRICT NO. 111
(REHOBOTH) TO ISSUE BONDS

operation of the Rehoboth School, except that the Receiver of Taxes and County Treasurer of Sussex County shall pay the proceeds of any such tax so levied directly to the Board of School Trustees of Rehoboth who shall give the aforesaid Receiver of Taxes and County Treasurer a receipt for those funds, which receipt shall operate as a complete discharge to the aforesaid County officer from his responsibility for these funds: Provided that the sums levied and assessed under and by virtue of this Section shall not exceed the interest on the Bonds then outstanding and the par value of the Bonds called in for that year by more than twenty (20%) per centum of the aggregate amount of said interest and par value of said Bonds.

Section 11. That all monies collected by virtue of the provisions of this Act either from the sale of Bonds or from taxes levied for the discharge of the indebtedness represented by these Bonds shall be deposited and kept in the Farmers Bank, at Georgetown, until they are used by the Board of School Trustees to effect the provisions of this Act.

Section 12. That any Bond issued pursuant to this Act may contain a recital that it is issued pursuant to this Act, which recital shall be conclusive evidence of its validity and of the regularity of its issuance.

Section 13. That before any Bonds shall be authorized and issued under the provisions of this Act, a Special Election shall be held in the Rehoboth School Building in the same manner as other school Elections, of which Election notice shall be given by advertisements published in at least two newspapers in Sussex County at least once a week for at least two weeks before the day of said Election; the last publication thereof to be at least five days before the said Election, and also by notice posted on the door of the Rehoboth School. In all of said advertisements and notices the amount of Bonds proposed to be issued and the purposes and reasons therefor shall be set forth plainly and in detail. At such

AUTHORIZING TRUSTEES OF SCHOOL DISTRICT NO. 111
(REHOBOTH) TO ISSUE BONDS

Election there shall be provided a sufficient number of ballots on which shall be printed the words "For the Bond Issue" and an equal number of ballots on which shall be printed the words "Against the Bond Issue", and each voter shall be entitled to receive both of said ballots, one of which the voter may deposit as his or her ballot. But any voter may prepare his or her own ballot and deposit that in lieu of the ballot provided as aforesaid. The polls for said Election shall be opened at one o'clock P. M. of the day advertised for the said Election according to said advertisements and remain open until eight o'clock P. M. of the said day and the said Election shall be held by such persons as shall be designated by the Board of School Trustees of District No. 111, Sussex County, and if the persons so designated are not present at the time for opening the polls, the voters present may, by viva voce vote, name election officers consisting of an inspector, two judges and two tellers to hold said Election.

At the conclusion of said Election immediately after eight o'clock P. M. the ballot box shall be opened and the election officers shall count the votes in public and publicly announce the result of the Election. The result so announced shall immediately be certified, in writing, to the Board of School Trustees and shall be conclusive in the determination of the rights of the Board of School Trustees in respect to this Act, except that upon the application of twenty-five (25) voters of the aforesaid District filed with the Board of School Trustees before the expiration of one week from the date of the Election an appeal may be taken to the Board of School Trustees of District No. 111, Sussex County, on any question of the qualification of electors who voted at the aforesaid School Election or any question as to whether or not a majority of the votes was obtained either for or against the Bond issue.

An appeal from the decision of the Board of School Trustees may be taken to the Resident Judge of Sussex County, provided that it is taken by means of a written application within one week

AUTHORIZING TRUSTEES OF SCHOOL DISTRICT NO. 111
(REHOBOTH) TO ISSUE BONDS

from the determination of the appeal to the Board of School Trustees.

In all cases the determination of the Resident Judge of Sussex County upon the facts in dispute shall be final and conclusive.

Approved May 19, 1937.

CHAPTER 172

AUTHORIZING LAUREL SPECIAL SCHOOL DISTRICT
TO ISSUE BONDS

AN ACT AUTHORIZING THE LAUREL SPECIAL SCHOOL DISTRICT TO BORROW MONEY AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF REDEEMING AND REFUNDING OUTSTANDING BONDS OF SAID DISTRICT.

WHEREAS, the Laurel Special School District has heretofore issued Fifty-five Thousand Dollars (\$55,000.00) of bonds under and by virtue of the authority of an Act of the General Assembly of the State of Delaware entitled "School Laws of the State of Delaware" approved June 24th, A. D., 1920, being Chapter 48, Volume 30, of the Laws of Delaware; and

WHEREAS the said Bonds were redeemed and the debt refunded pursuant to an Act of the General Assembly of the State of Delaware entitled "An Act authorizing Laurel Special School District to borrow Fifty-five Thousand Dollars (\$55,000.00) to redeem certain bonds issued and outstanding under the authority of Chapter 48, Volume 31, Laws of Delaware," approved March 18, 1927, being Chapter 159, Volume 35, of the Laws of Delaware; and

WHEREAS the said Bonds bear interest at the rate of five per centum per annum and it is desirable to redeem said Bonds and to refund the debt evidenced thereby at a lower rate of interest, but there are no funds available for the redemption of said Bonds. 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 Board of Education of the Laurel Special School District be and it is hereby authorized and empowered

AUTHORIZING LAUREL SPECIAL SCHOOL DISTRICT
TO ISSUE BONDS

to borrow on the faith and credit of the Laurel Special School District, the sum of Fifty-five Thousand Dollars (\$55,000.00), or so much thereof as may be necessary to carry out the provisions and purposes of this Act.

Section 2. That the said Board of Education of the said Laurel Special School District is hereby authorized and directed to call the Fifty-five Thousand Dollars (\$55,000.00) of bonds issued under the authority of Chapter 159, Volume 35, Laws of Delaware, or so much thereof as shall be outstanding on July 1, 1937, for redemption during the year 1937 according to the option reserved in the Laurel Special School District by the terms of the said bonds, and to pay the said bonds with the money secured under the provisions of this Act.

Section 3. That the Board of Education of the Laurel Special School District, for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the Laurel Special School District, said bonds to be denominated "Laurel Special School District Refunding Bonds, Series of 1937" to an amount not exceeding in the aggregate the sum of Fifty-five Thousand Dollars (\$55,000.00).

The said bonds shall be issued in such denomination or denominations as the Board of Education of the Laurel Special School District shall determine, shall bear date July 1, 1937, shall be numbered consecutively beginning with number one, and shall bear interest at such rate per annum as the said Board of Education shall determine, not exceeding five per centum per annum, payable on the first days of January and July at the Farmers Bank of the State of Delaware at Georgetown. The principal of the said bonds shall also be payable at the Farmers Bank of the State of Delaware at Georgetown.

Section 4. That the Board of Education of the Laurel Special School District shall direct and effect the preparation and sale of

AUTHORIZING LAUREL SPECIAL SCHOOL DISTRICT
TO ISSUE BONDS

said bonds authorized by this Act, at such time or times and on such terms as the said Board of Education may deem expedient, 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 shall be prescribed by the Board of Education of the said Laurel Special School District, and the said bonds shall be signed by the President and by one of the Members of the Board of Education of said Laurel Special School District, and sealed with the corporate seal of said district, and shall be exempt from State, County and municipal taxation.

The bonds may or may not have coupons attached as the said Laurel Special School District shall determine.

As the said bonds shall be paid the same shall be cancelled as the said Board of Education of the Laurel Special School District shall direct.

Section 6. That the Board of Education of the Laurel Special School District is hereby authorized and required to levy and raise by taxation in each year, a sum of money sufficient to pay all interest accruing on said bonds whilst any of said bonds shall remain unpaid. Said Board of Education shall also levy and raise by taxation in each year, a sum of money sufficient to pay at least Two Thousand Dollars (\$2,000.00) on the principal of said bonds, and shall retire bonds of the value of at least Two Thousand Dollars (\$2,000.00) in each and every year so long as any bonds remain outstanding. The bonds to be retired shall be ascertained each year by lot and when called for redemption shall be surrendered by the holders thereof on the date fixed for redemption. Interest on said bonds so called for redemption shall cease on the date fixed for redemption. The taxes for the said purpose shall be levied and collected as other taxes in said Special School District are, and shall be assessed on the head and on the property

AUTHORIZING LAUREL SPECIAL SCHOOL DISTRICT
TO ISSUE BONDS

and shall be in excess of, and in addition to the sum or amount heretofore authorized to be raised by the said Laurel Special School District.

Section 7. That the faith of the Laurel Special School District is hereby pledged for the payment of any bonds that may be issued under the provisions of this Act.

Section 8. The bonds to be paid by the moneys arising from the sale of bonds issued under the provisions of this Act shall be cancelled when so paid by writing distinctly on the face of each bond the words "Cancelled and paid" with the date of payment and signed by the President and Secretary of the said Laurel Special School District and the bonds so cancelled shall be preserved by the Treasurer or Secretary of the Laurel Special School District.

Approved May 5, 1937.

CHAPTER 173

FREE PUBLIC SCHOOLS—RELATING TO FIRE DRILLS

AN ACT TO REQUIRE OF BOARDS OF EDUCATION IN CITIES
AND TOWNS TO EQUIP CLASS ROOMS WITH FIRE EX-
TINGUISHERS AND TO CONDUCT REGULAR FIRE DRILLS.

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

Section 1. It shall be the duty of the Boards of Trustees or the Boards of Education in the State of Delaware to furnish and equip all schools in which they have jurisdiction thereof, with adequate fire extinguishers.

It shall be the duty of the said Boards of Trustees and said Boards of Education to provide for fire drills in all schools at least once every month when said schools are in session.

Approved May 5, 1937.

CHAPTER 174

FREE PUBLIC SCHOOLS

RELATING TO SCHOOLS FOR MOORS AND INDIANS

AN ACT TO AMEND SECTION 34, OF CHAPTER 160, OF VOLUME 32, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 222, OF VOLUME 36, LAWS OF DELAWARE, AS FURTHER AMENDED BY CHAPTER 189, OF VOLUME 40, LAWS OF DELAWARE, IN REFERENCE TO SCHOOLS FOR MOORS AND INDIANS.

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

Section 1. That Section 34, of Chapter 160, of Volume 32, Laws of Delaware, as amended by Chapter 222, of Volume 36, Laws of Delaware, as further amended by Chapter 189, of Volume 40, Laws of Delaware, be and the same is hereby further amended by striking out and repealing the following words, as they appear in the said Section 34, of the said Chapter 160, of the said Volume 32, Laws of Delaware, as amended, as aforesaid, to-wit:

"No white or colored child shall be permitted to attend such a school without the permission of the State Board of Education", and by inserting in lieu thereof the following:

"No white or colored child shall be permitted to attend any school for Moors or any school for Indians, and any child who is entitled to membership in the corporation or association known as the Nanticoke Indian Association, whose parents or parent is entitled to membership in the said association, shall be considered as belonging to that class of "people called Indians" provided for in this Section, and if and when any dispute shall arise as to whether any child, or the parents or parent of any such child, is entitled to membership in the said association, and belongs to that class of "people called Indians", as provided for in this Section, and whether or not such child is entitled to attend any such

FREE PUBLIC SCHOOLS

school for Indians, the matter shall be referred to a Committee of three persons, consisting of the Resident Associate Judge of Sussex County, the State Registrar of Vital Statistics, and a member of the State Board of Education residing in Sussex County to be selected by the Resident Associate Judge of Sussex County, and the decision of said Committee, or the decision of the majority of the members of the said Committee, shall be final as to the matter in controversy, and the State Board of Education shall be governed accordingly."

Section 2. That all Acts and parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent of any such inconsistency.

Approved May 19, 1937.

CHAPTER 175

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

AN ACT TO PROVIDE FOR THE CONSERVATION, PROTECTION, IMPROVEMENT AND PROFITABLE USE OF AGRICULTURAL LAND RESOURCES OF THE STATE OF DELAWARE AND FOR COOPERATION WITH THE GOVERNMENT AND AGENCIES OF OTHER STATES AND OF THE UNITED STATES PURSUANT TO THE PROVISIONS OF SECTION 7 OF AN ACT OF THE CONGRESS OF THE UNITED STATES KNOWN AS THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, TO ASSENT TO AND ACCEPT THE PROVISIONS OF SAID ACT; AND, IN CONFORMITY WITH THE PROVISIONS OF SAID ACT, TO DESIGNATE AND AUTHORIZE THE UNIVERSITY OF DELAWARE AS THE STATE AGENCY OF THIS STATE IN CONFORMITY WITH SUCH PROVISIONS, TO FORMULATE, SUBMIT TO THE SECRETARY OF AGRICULTURE OF THE UNITED STATES, AND ADMINISTER, STATE PLANS TO CARRY OUT THE PROVISIONS OF THIS ACT, TO DEFINE THE POWERS AND DUTIES OF SAID UNIVERSITY OF DELAWARE AS SUCH STATE AGENCY, TO PROVIDE FOR AN ADVISORY BOARD AND OTHERWISE TO PROVIDE FOR THE ADMINISTRATION OF THIS ACT, AND MAKING AN APPROPRIATION.

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

Section 1. Short Title:—This act may be known and cited as Delaware Agricultural Conservation and Adjustment Act.

Section 2. Declaration of purpose.

(a) It is hereby recognized and declared:

(1) That the soil resources and fertility of the land of this State, and the economic use thereof, the prosperity of the farming population of this State are matters affected with a public interest;

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

(2) That the welfare of this State has been impaired and is in danger of being further impaired through failure to conserve adequately its soil resources, and by the decrease in the purchasing power of the net income per person on farms in the State as compared with the net income per person in the State not on farms:

(3) That said evils have been augmented and are likely to be augmented by similar conditions in other States and are so interrelated with such conditions in other States, that the remedying of such conditions in this State requires action by this State in cooperation with the governments and agencies of other States and of the United States and requires assistance therein by the government and agencies of the United States, and

(4) That the formulation and effectuation by this State of State plans in conformity with the provisions of Section 7 of the Soil Conservation and Domestic Allotment Act is calculated to remedy said conditions and will tend to advance the public welfare of this State.

(b) Therefore, in order to promote the welfare of the people of this State by aiding in the preservation and improvement of soil fertility, in the promotion of the economic use and conservation of land, and in the re-establishment, at as rapid a rate as is practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the net income per person not on farms that prevailed during the five-year period August 1909 to July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio, the State of Delaware hereby assents to and accepts the provisions of the Soil Conservation and Domestic Allotment Act and adopts the policy and purpose of cooperating with the government and agencies of other States and of the United States in the accomplishment of the policy and purposes specified in Section 7 of said act; subject, however, to the following limitations:

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

(1) The powers conferred in this act shall be used only to assist voluntary action calculated to effectuate such purposes.

(2) In carrying out the purposes specified in this section due regard shall be given to the maintenance of a continuous and stable national supply of agricultural commodities adequate to meet consumer demand at prices fair to both the producers and consumers.

Section 3. Definitions.

(a) The term "person" as used in this act, unless the context otherwise required, includes an individual, corporation, partnership, firm, business trust, joint-stock company, association, syndicate, group, pool, joint venture, and any other unincorporated association or group.

(b) The expression "other States of the United States" as used in this act shall include Alaska, Hawaii, and Puerto Rico.

Section 4. Designation of State Agency.

(a) The University of Delaware (hereinafter called University) is hereby designated and authorized as the State agency of this State to carry out the policy and purposes of this act and to formulate and administer State plans pursuant to the terms of this act.

Section 5. Formulation and Administration of State Plans.

(a) The University is authorized and directed to formulate for each calendar year, commencing with the year 1938, and to submit to the Secretary of Agriculture of the United States for and in the name of this State, a State plan for carrying out the purposes of this act during such calendar year.

(b) The University is authorized to modify or revise any such plan in whatever manner, consistent with the terms of this

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

act, it finds necessary to provide for more substantial furtherance of the accomplishment of the purposes of this act.

(c) Each such plan shall provide for such participation in its administration by such voluntary county and community committees, or voluntary associations of agricultural producers, organized under this act, as the University determines to be necessary or proper for the effective administration of the plan.

(d) Each such plan shall provide, through agreements with agricultural producers or through other voluntary methods, for such adjustments in the utilization of land, in farming practices, and in the acreage or in the production for market, or both, of agricultural commodities, as the University determines to be calculated to effectuate as substantial accomplishment of the purposes of this act as may reasonably be achieved through action of this State, and for payments to agricultural producers in connection with such agreements or methods in such amounts as the University determines to be fair and reasonable and calculated to promote such accomplishment of the purposes of this act without depriving such producers of a voluntary and uncoerced choice of action.

(e) Any such plan shall provide for such educational programs as the University determines to be necessary or proper to promote the more substantial accomplishment of the purposes of this act.

(f) Each such plan shall contain an estimate of expenditures necessary to carry out such plan together with a statement of such amount as the University determines to be necessary to be paid by the Secretary of Agriculture of the United States as a grant in aid of such plan under Section 7 of the Soil Conservation and Domestic Allotment Act, in order to provide for the effective carrying out of such plan, and shall designate the amount and due date of each installment of such grant, the period to which such install-

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

ment relates, and the amount determined by the University to be necessary for carrying out such plan during such period.

(g) The University shall be authorized to conduct such investigations as it finds to be necessary for the formulation and administration of such plans, such investigations to be paid for from Federal funds provided for the purposes of this act.

Section 6. Receipt and Disbursement of Funds.

(a) The University is hereby authorized and empowered to receive on behalf of this State all grants of money or other aid made available from any source to assist the State in carrying out the policy and purposes of this act. All such money or other aid together with any moneys appropriated or other provisions made by this State for such purpose, shall be forthwith available to said University as the agency of the State subject, in the case of any conditioned funds or other aid, to the conditions upon which such funds or other aid shall have been received, for the purpose of administering this act and may be expended by the University in carrying out only such State plans or in otherwise effectuating the purposes and policies of this act.

(b) Subject to any conditions upon which any such money or other aid is made available to the State and to the terms of any applicable plan made effective pursuant to this act, such expenditures may include, but need not be limited to, expenditures for administrative expenses; equipment, cost of research and investigation, cost of educational activities; compensation and expenses of members of the State Advisory Board; reimbursement to other State agencies or to voluntary committees or associations of agricultural producers for costs to such agencies; committees or associations of assistance in the administration of this act requested in writing by the University and rendered to the University; reimbursement of any other fund from which it shall have made expenditures in providing services in the administration of this act;

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

payments to agricultural producers provided for in any plan made effective pursuant to this act; salaries of employees; and all other expenditures requisite to carrying out the provisions and purposes of this act.

(c) The University shall provide for the keeping of full and accurate accounts as such State agency, separate from its accounts kept in its other capacities, showing all receipts and expenditures of moneys, securities, or other property received, held or expended under the provisions of this act and shall provide for the auditing of all such accounts and for the execution of surety bonds for all employees entrusted with moneys or securities under the provisions of this act.

Section 7. Additional Powers and Duties of the University as Such State Agency.

(a) The University shall utilize such available services and assistance of other State agencies and of voluntary county and community committees and associations of agricultural producers as it determines to be necessary or calculated to assist substantially in the effective administration of this act.

(b) The University shall have authority to make such rules and regulations, consistent with the provisions of this act, and to do any and all other acts consistent with the provisions of this act, which it finds to be necessary or proper for the effective administration of this act.

(c) The University shall have power and authority to obtain, by lease or purchase, such equipment, office accommodations, facilities, services and supplies, and to employ such technical or legal experts or assistants and such other employees, including clerical and stenographic help, as it determines to be necessary or proper to carry out the provisions of this act, and to determine

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

the qualifications, duties and compensation of such experts, assistants and other employees.

(d) All other agencies of this State are hereby authorized to assist said University in carrying out the provisions of this act upon written request of the University, in any manner determined by the University to be necessary or appropriate for the effective administration of this act.

Section 8. Agricultural Districts and Communities.

(a) The University shall designate within each County of this State such geographic units, which shall be called "Communities", as it determines to be the most convenient for the administration of this act and of State plans adopted pursuant to this act, and shall establish the boundaries of such communities.

(b) The University may revise the boundaries of such communities, in conformity with the respective standards prescribed herein, at such time or times as it finds that such revision is necessary either to cause such districts or communities, or both, to conform to said standards or to provide for the more substantial or more efficient accomplishment of the purposes of this act.

Section 9. Organization of Producers and Committees.

The University shall establish and define the duties of certain agricultural producers' associations and committees as follows:

(1) The organization within each community of a voluntary association of agricultural producers all of whose members shall be entitled to equal rights.

(2) The organization of a community committee within each community elected by the association membership of said community from their own membership.

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

(3) The organization of a county board of directors within each county, consisting of the chairman of the community committees within the county, which county board shall elect a chairman and such other officers as may be deemed necessary.

(4) The organization of a County Policy Committee within each county elected by the county board of directors from their own members.

Section 10. State Advisory Board.

(a) The University shall by regulations provide for the selection of six persons of legal age, resident in this State, who shall be selected from the standpoint of their qualification by actual farming experience and comprehensive understanding of the agricultural problems of this State, to act as farmer members of a State Advisory Board. Provided, however, that there shall be not less than one nor more than three selected from any one of the counties.

(b) The State Advisory Board, upon the request of the University shall advise with the University with regard to all matters of major importance in carrying out the provisions of this act.

Section 11. Reports:—The University shall compile or require to be made such reports as it determines to be necessary or proper in order to ascertain whether any plans provided for in this act are being carried out according to their terms. The University shall provide for compliance, on the part of all persons and agencies participating in the administration of any such plan, with such requirements, and may make, or cause to be made, such investigations as it determines to be necessary or proper to assure the correctness of and to make possible the verification of such reports.

Section 12. Current Appropriation:—The sum of fifteen hundred dollars (\$1,500.00) is hereby appropriated to be available to

UNIVERSITY OF DELAWARE
DELAWARE AGRICULTURAL CONSERVATION AND
ADJUSTMENT ACT

said University of Delaware as such State agency in preparing for and in carrying out the purposes of this act during the fiscal year ending June 30, 1938.

Section 13. Provisions for Separability:—Should any provisions, clause, paragraph, section, or parts of this act be held invalid, it is hereby declared to be the legislative intent that the remainder of this act shall be in full force and effect and that the terms thereof are feasible and that the same would have been enacted without such provision, clause, paragraph, section, or parts, had such invalidity been apparent.

Section 14. Repeal of Inconsistent Legislation:—All laws and parts of laws insofar as they conflict with this act are hereby repealed.

Section 15. Time of Taking Effect:—This act shall take effect upon July 1, 1937.

Approved May 20, 1937.

CHAPTER 176

UNIVERSITY OF DELAWARE

AN ACT TO AMEND CHAPTER 207, VOLUME 37, LAWS OF DELAWARE ENTITLED "AN ACT PROVIDING FOR THE PAYMENT AND CANCELLATION OF A CERTIFICATE OF INDEBTEDNESS OF THE STATE OF DELAWARE, PAYABLE TO THE TRUSTEES OF DELAWARE COLLEGE IN THE SUM OF EIGHTY-THREE THOUSAND DOLLARS (\$83,000.00), ISSUED PURSUANT TO AN ACT DATED FEBRUARY 22, 1877, AND REPRESENTING A DONATION OF THE CONGRESS OF THE UNITED STATES TO STATES PROVIDING COLLEGES FOR INSTRUCTION IN AGRICULTURE AND MECHANIC ARTS, DATED JULY 2, 1862, AND DIRECTING ITS REINVESTMENT AND THE DISBURSEMENT OF INCOME" BY REDUCING THE REQUIRED RATE OF INTEREST TO BE EARNED ON CERTAIN FUNDS FOR THE USE OF THE UNIVERSITY 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 2, Chapter 207, Volume 37, Laws of Delaware, be amended by striking out the following words, viz:

"four (4)" as the same appear in the ninth line of said Section between the words "than" and "per" and inserting in lieu thereof the following words, viz:

"two (2)."

Approved May 11, 1937.

Fish, Oysters and Game

CHAPTER 177

GAME

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE RIGHT OF SEARCH BY GAME WARDENS; GAME ANIMALS ENUMERATED; OPEN SEASON FOR GAME; UNLAWFUL USE OF DEVICES, DRUGS AND EXPLOSIVES, PEN OR CAGE DEFINED; UNLAWFUL TO HUNT WHILE GROUND COVERED BY SNOW; LAWFUL TO CHASE RED FOX; UNLAWFUL TO SHOOT RED FOX PURSUED BY DOGS; INJURY OF AGRICULTURE BY PROTECTED WILDLIFE.

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 Delaware, 1935, be and the same is hereby amended by adding a new section at the end of 2806 Section 5 to be known as 2806A Section 5A.

2806A Section 5A. Power of Search:—Each member of the Board, the Chief Game and Fish Warden and Game Wardens shall have the power to search and examine without warrant any person, conveyance, vehicle, game bag, game coat or other receptacle for protected wildlife, and in the presence of an occupant of any camp or tent, may search and examine without warrant such camp or tent for protected wildlife, when he has reason to believe and has stated to the suspected person or occupant his reason for believing that any of the laws relating to protected wildlife have been violated, and may seize and possess (take) any protected wildlife illegally in possession. Provided, however, that this section shall not authorize the entering of a dwelling house without first procuring a search warrant.

Section 2. That Chapter 74 of the Revised Code of Delaware, 1935, be further amended by striking out 2819 Section 18

GAME

and inserting in lieu thereof the following Section to be known as 2819 Section 18.

2819 Section 18. Game Animals Enumerated:—Mink, raccoon, opossum, fox-squirrel, gray squirrel, otter, muskrat, red fox, hare, rabbit, frog, deer, and beaver.

Section 3. That Chapter 74 of the Revised Code of Delaware, 1935, be further amended by striking out 2821 Section 20 and inserting in lieu thereof the following Section to be known as 2821 Section 20:

2821. Section 20. Open Season for Game; Proviso:—The open seasons during which it shall be lawful to catch, kill or pursue or attempt to catch, kill or pursue any of the following birds and animals shall, respectively, be as follows:

Quail (bob-white, partridge), from November 15th to December 31st, next following; Rails, reed birds, woodcock, doves, ducks, geese and other waterfowl, including brant, snipe, coot, Wilson snipe or jacksnipe, gallinules, season to conform in all cases to Federal laws and regulations governing migratory birds; mink, otter and muskrat from December 1st to March 10th, next following, provided that in cases of embanked meadow in New Castle County, the open season for muskrats shall be from December 1st to March 20th, next following; red fox from October 1st to April 30th next following (provided, however, it shall be unlawful for any person to shoot or kill a red fox from October 1st to April 30th, this being set apart merely for the privilege of hunting red foxes with dogs); raccoon and opossum from November 1st to January 15th next following; squirrels from September 15th to November 1st next following; hare and rabbit from November 15th to December 31st, next following; frogs from May 1st to December 31st, next following. The above open seasons shall include the days defining them.

Section 4. That Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new

GAME

Section at the end of 2821 Section 20 to be known as 2821A Section 20A and a new Section to be known as 2821B Section 20B.

2821A. Section 20A. Community Injury by Protected Wildlife:—When information is furnished the Board that any species of protected wildlife has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation shall be made by the Board to determine the nature and extent of the injury, whether the protected wildlife alleged to be doing the damage should be killed or captured and, if so, by whom, during what times and by what means, upon such determination the Board shall issue an appropriate order.

2821B. Section 20B. Specific Injury by Protected Wildlife:—Upon receipt by the Board of information from the owner, tenant or share-cropper that any one or more species of protected wildlife are detrimental to his crops, property or other interests on the land on which he resides or controls, together with a statement of the location of the land, the nature of the crops, property or other interests being damaged or destroyed, the extent of such injury and the particular species of protected wildlife committing the injury, an investigation shall be made by the Board, and, if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing or capturing the protected wildlife, or so many thereof as in the opinion of the Board necessary, a permit to kill or capture any number or all of such protected wildlife on such premises shall be issued by the Board, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the protected wildlife may be killed or captured, and the disposition to be made of all protected wildlife so killed or captured, and such other restrictions as the Board may deem necessary and appropriate in the circumstances of the particular case.

Section 5. That Chapter 74 of the Revised Code of Delaware, 1935, be further amended by striking out the first paragraph of 2826. Section 25 and inserting in lieu thereof the following new paragraph as follows:

GAME

It shall be unlawful, at any time, to make use of any pitfall, deadfall, scaffold, cage, snare, trap, net, pen, baited hook, or baited field or any other similar device, or any drug, poison, chemicals, or explosives for the purpose of *injuring, capturing, or killing* birds or animals protected by the laws of this State, except muskrats, minks and otters, and except as otherwise expressly provided and except it shall be lawful for landlords and tenants and their respective children to take rabbits in traps and snares during the open season for same on their freeholds and leaseholds respectively. The unlawful setting or placing of any of the devices or contrivances named in this Section shall constitute an offense against the provisions of this Section, and said devices and contrivances, when found unlawful set or placed, shall be confiscated by the Board of Game and Fish Commissioners of the State of Delaware and disposed of as said Board shall see fit.

Section 6. That Chapter 74 of the Revised Code of Delaware, 1935, 2831. Section 30 be amended by striking out the word "skunk" as the same appears in Paragraph 1 of said Section and striking out the word "fox" as the same appears in the second Paragraph of said Section and inserting in lieu thereof "red fox."

Section 7. That Chapter 74 of the Revised Code of Delaware, 1935, be further amended by striking out 2836. Section 35 and inserting in lieu thereof the following section to be known as 2836. Section 35.

2836. Section 35. It shall be unlawful to shoot at, kill or destroy any red fox while such fox is being chased or pursued by dog or dogs.

Whoever shall violate the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before any Justice of the Peace shall be fined a sum of not less than Ten Dollars (\$10.00) and not more than Fifty Dollars (\$50.00) and in default of payment of said fine and costs shall be imprisoned for not less than thirty days.

GAME

Section 8. That Chapter 74 of the Revised Code of Delaware, 1935, be further amended by striking out the first paragraph of 2879. Section 78 and inserting in lieu thereof the following new paragraph as follows:

It shall be unlawful to sell, or expose for sale, any red fox or any red fox hide in this State, and it shall be unlawful to ship by freight or express, or otherwise, or to take any red fox, or any red fox hide, from any place within said State to any place outside of this State. Whoever shall violate the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions, shall be fined a sum of not less than Ten Dollars (\$10.00) and not exceeding Fifty Dollars (\$50.00), or imprisoned for a term not exceeding ten days, in the discretion of the Court. One-half of all fines collected under the provisions of this paragraph shall go to the informer.

Approved May 19, 1937.

CHAPTER 178

GAME—BULL FROGS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO FISH, OYSTERS, AND GAME, IN REFERENCE TO BULL FROGS.

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 Delaware, 1935, be and the same is hereby amended by adding a new paragraph immediately after 2835. Section 34.

Section 1. It shall be lawful for any person holding a fishing license under 2885. Section 84 of the Revised Code of Delaware, 1935, to take or kill ten bull frogs in any one day or night during the open season for taking and killing bull frogs.

Approved April 15, 1937.

CHAPTER 179

GAME—DOGS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO DOGS, PERSONAL PROPERTY WHEN LICENSED: NO LEGAL PRESUMPTION OF GUILT ARISES WHEN A LICENSED DOG IS ON THE PREMISES OF ANOTHER; DUTY TO NOTIFY THE BOARD OF GAME AND FISH COMMISSIONERS WHEN A LICENSED DOG IS FOUND ON THE PREMISES OF ANOTHER; PENALTY FOR VIOLATION.

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 Delaware, 1935, be and the same is hereby amended by striking out all of 2870. Section 69 and inserting in lieu thereof the following Section to be known as 2870. Section 69:

2870. Section 69. All dogs licensed under the provisions of this Act upon which said license tax is not delinquent, shall be deemed personal property, and may be the subject of larceny and malicious or unlawful trespass, and the owner thereof may maintain any action for injury thereto, or unlawful detention thereof, as in the case of other personal property. Any warrant or other process issued for the arrest of any person charged with larceny under this section may be executed by any sheriff, police officer, constable, or game warden. Any game warden or other officer finding a stolen dog, or a dog held or detained contrary to law, shall have authority to seize and hold such dog pending action of a Justice or the Court trying the case. If no action is instituted within a reasonable time the game warden or other officer shall deliver the dog to its legal owner.

Any person taking or stealing any dog, the property of another, on which taxes are not delinquent, shall be guilty of a misdemeanor, punishable as hereinafter provided. The presence of any

GAME—DOGS

dog, regardless of age, not confined on the premises of a person other than the lawful owner of such dog or dogs shall raise no presumption of theft against the owner or tenant of such premises. Any person or persons who shall confine any licensed dog with or without collar and license tag or any dog or dogs not legally required to be licensed, not his or her lawful property, without first notifying the Board of Game and Fish Commissioners, Dover, Delaware, or a game warden or other officer either by registered mail or by a messenger, of his or her intentions to do so and giving a complete description of the dog or dogs, the exact location of the premises on which such dog or dogs are to be detained and the name of the owner or tenant of such property, shall upon conviction be guilty of a misdemeanor and be fined not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars and cost for each offense and upon failure to pay such fine and costs shall be imprisoned for thirty days in any county jail or workhouse in this State.

Approved May 20, 1937.

CHAPTER 180

OYSTERS

AN ACT RELATIVE TO THE TAKING OF OYSTERS FROM LEIPSIC CREEK, SIMON'S CREEK AND MAHON'S RIVER.

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

Section 1. That from and after the approval of this Act, it shall be lawful for any bona fide resident of the State of Delaware to catch and take oysters by means of tongs, not in excess of twenty-five bushels for each day from Leipsic Creek, Simon's Creek and Mahon's River. Said oysters shall be removed at any time except during the months of July and August of each year. Said oysters may be removed through the mouth of said Creeks and River; provided that not more than twenty per cent of the gross load shall consist of shells.

All oysters so removed shall be transplanted in areas approved by the State Board of Health for transplanting purposes and shall remain for such time as shall be approved by the State Board of Health.

Section 2. Said tongers shall pay to the Oyster Revenue Collector a fee of Five Dollars (\$5.00) per man each year for said privilege. All moneys derived from the sale of said licenses shall be used to defray the expenses of patrolling said creeks and river.

Section 3. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be compelled to pay a fine of Fifteen Dollars (\$15.00) for the first offense and Fifty Dollars (\$50.00) for every additional offense. Upon a third conviction, in addition to the penalty above provided, it shall be the duty of the Collector of Oyster Revenue upon proper certification of the same to revoke the license of the convicted person for a period of one year from the date of said third conviction.

OYSTERS

Section 4. All Acts or parts of Acts inconsistent herewith are hereby repealed insofar as such inconsistency exists.

Approved April 5, 1937.

CHAPTER 181

OYSTERS

**AN ACT RELATIVE TO THE TAKING OF OYSTERS FROM MIS-
PILLION RIVER, CEDAR CREEK AND BROADKILL RIVER.**

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

Section 1. That from and after the approval of this Act, it shall be lawful for any bona fide resident of the State of Delaware to catch and take oysters by means of tongs, not in excess of twenty-five bushels for each day from Mispillion River, Cedar Creek and Broadkill River. Said oysters shall be removed at any time except during the months of July and August of each year. Said oysters may be removed through the mouth of said Creek and Rivers; provided that not more than twenty per cent of the gross load shall consist of shells.

All oysters so removed shall be transplanted in areas approved by the State Board of Health for transplanting purposes and shall remain for such time as shall be approved by the State Board of Health.

Section 2. Said tongers shall pay to the oyster revenue collector a fee of Five Dollars (\$5.00) per man each year for said privilege. All moneys derived from the sale of said licenses shall be used to defray the expenses of patrolling said creek and rivers.

Section 3. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be compelled to pay a fine of Fifteen Dollars (\$15.00) for the first offense and Fifty Dollars (\$50.00) for every additional offense. Upon a third conviction, in addition to the penalty above provided, it shall be the duty of the Collector of Oyster Revenue upon proper certification of the same to revoke the license of the convicted person for a period of one year from the date of said third conviction.

OYSTERS

Section 4. All Acts or parts of Acts inconsistent herewith are hereby repealed insofar as such inconsistency exists.

Approved May 19, 1937.

CHAPTER 182

EELS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, REPEALING THE PROVISION RELATING TO THE CATCHING OF EELS IN KENT COUNTY DURING CERTAIN PERIODS OF THE YEAR.

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 Delaware, 1935, be and the same is hereby amended by striking out and repealing all of the second paragraph of 3001 Section 200 of said Chapter.

Approved April 15, 1937.

CHAPTER 183

HEADS OF HAWKS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO FISH, OYSTERS AND GAME, AND REPEALING THE BOUNTY AUTHORIZED FOR HEADS OF HAWKS.

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 Delaware, 1935, relating to Fish, Oysters and Game, be and the same is hereby amended by striking out and repealing all of 3042. Sec. 241. thereof.

Approved April 30, 1937.

Regulations Concerning Trade

CHAPTER 184

FAIR TRADE PRACTICE IN RELATION TO BARBER SHOPS IN THE CITY OF WILMINGTON

AN ACT TO PROMOTE FAIR TRADE PRACTICE IN REFERENCE TO BARBER SHOPS IN THE CITY OF WILMINGTON, PROVIDING FOR THE CLOSING OF SAID SHOPS ON CERTAIN DAYS, AND LIMITING THE HOURS DURING WHICH SAID SHOPS MAY BE OPEN FOR BUSINESS.

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 to advertise prices for barbering on the outside of any building in which a barber shop is located, or in the window or on the door of any barber shop or any other place adjacent thereto, where it may be readily seen from the outside, or to advertise prices in any periodical, magazine or newspaper.

Section 2. That it shall be unlawful to open or conduct any business of barbering on Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, or Christmas Day. On any working day preceding any of said days, the hours for the conduct of the business of barbering shall be from 8:00 A. M. to 8:00 P. M.; providing, however, that the Board of Examiners of Barbers may, upon the written application of the proprietor of any barber shop, and upon proof that the barber service to the public so requires it, and upon the payment of a special permit fee of One Hundred Dollars to the said Board, issue a special permit to such proprietor for the operation of any particular barber shop at such times outside of and beyond the days and hours in this Section fixed and designated, not to exceed one month, with power to

FAIR TRADE PRACTICE IN RELATION TO BARBER SHOPS
IN THE CITY OF WILMINGTON

renew the same from month to month, upon a like payment for each and every such renewal.

All monies received by the said Board for such special permits shall be used by the said Board for the enforcement of this Act.

Section 3. That on all Sundays and holidays as above mentioned, the shades or curtains of any barber shop shall be so adjusted that a complete view of the interior may be obtained from the outside. On other days, other than Sundays and holidays as aforesaid, the shades or curtains of any barber shop shall be lowered entirely at 7:00 P. M., except on Saturdays and days immediately preceding said holidays, when the shades or curtain shall be lowered entirely at 8:00 P. M. The provisions of this Section as to time for opening and closing refer to Eastern Standard Time, except during those periods when so-called Daylight Saving Time is in common use in the City of Wilmington, when the time herein stated shall refer to and be computed according to said Daylight Saving Time.

Section 4. That in order to cover the extra cost of the enforcement of this Act, each and every proprietor of any barber shop in the City of Wilmington aforesaid, shall pay, in addition to any other fee or charge now required by law, the sum of Two Dollars, to the said Board of Examiners of Barbers, within thirty days after the approval of this Act, and annually thereafter.

Section 5. That any person violating or refusing to comply with any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof by any Court of competent jurisdiction shall be punished by a fine of not less than Twenty-five Dollars and not exceeding One Hundred Dollars or by imprisonment for a term not exceeding one month, or by both such fine and imprisonment, in the discretion of the Court.

Section 6. That this Act shall apply to only such barber

FAIR TRADE PRACTICE IN RELATION TO BARBER SHOPS
IN THE CITY OF WILMINGTON

shops as are situated within the corporate limits of the City of Wilmington, Delaware.

Section 7. That any Act or part of any Act inconsistent with any of the provisions of this Act be and the same is hereby modified only to the extent of such inconsistency.

Approved April 8, 1937.

Domestic Relations

CHAPTER 185

RELATING TO ADVERTISEMENT OF MARRIAGES

AN ACT TO PROHIBIT THE ADVERTISING IN THIS STATE OF THE PERFORMANCE OF MARRIAGES IN ANOTHER STATE.

*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 within this State to erect, maintain, cause or permit to be erected or maintained any sign or billboard or to distribute or cause to be distributed any printed or written bill, card or by any similar means or device relative to the performance of marriages in another State, or the giving of any information relative thereto.

Section 2. Any peace officer of this State is hereby authorized to seize any such bill, card or device, and immediately destroy the same, and in the event of the failure to remove or obliterate any such sign or billboard, after five days notice to the owner or tenant, or by posting a notice on such a sign or billboard to remove or obliterate the same, any peace officer of this State shall have the right and authority to remove, tear down or obliterate any such sign or billboard.

Section 3. Any person violating the provisions of Section 1 of this Act, upon being found guilty thereof, shall be subject to a fine for each offense not to exceed Fifty Dollars (\$50.00); and each day any such sign or billboard is maintained or permitted to be maintained shall constitute a distinct and separate offense.

Approved May 3, 1937.

CHAPTER 186

DIVORCE

AN ACT TO AMEND CHAPTER 86, OF THE REVISED CODE OF
1915 OF THE STATE OF DELAWARE, RELATING TO DI-
VORCE, AND ESPECIALLY CAUSES FOR DIVORCE A VIN-
CULO MATRIMONII.

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

That Section 1, Chapter 86, of the Revised Code of 1915 of
the State of Delaware be and the same is hereby amended by
adding to 3006, Section 3, a new section to be known as (i).

3006. Section 3 (i). When either the husband or wife shall
have been adjudged feeble-minded, epileptic, or a chronic or re-
current insane person, and shall have been under the supervision
or care of an institution for mental diseases, during a period of five
years; provided, however, that along with the requirements as to
jurisdiction, residence, summons and service, herein provided, the
petitioner shall further request the Judges of the Superior Court
to appoint a commission of five persons to inquire into the re-
spondent's mental and physical condition; one of the commission
to be the State Psychiatrist, one, a licensed physician who has prac-
ticed medicine in the State of Delaware for at least five years, one,
an attorney-at-law, who has practiced law in the State of Delaware
for at least five years, and the other two, laymen of good character
who have been residents in the State of Delaware for at least five
years. If the report of the commission, so appointed, shall be
that the person is a feeble-minded, epileptic, or a chronic or re-
current insane person, and has been under the supervision or care
of an institution for mental diseases for a period of five years,
or more, then the Judges of the Superior Court, may, in their dis-
cretion, grant a divorce a vinculo matrimonii, making, however,
such an order upon the petitioner for the support, care and treat-
ment of the said feeble-minded, epileptic, or chronic or recurrent
insane person, as they may deem fitting and proper.

Approved April 15, 1937.

CHAPTER 187

PARENTS AND CHILDREN

AN ACT TO AMEND CHAPTER 88, ARTICLE 2 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO PARENTS AND CHILDREN AND EFFECTING ADOPTION PROCEDURE.

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

Section 1. Paragraph 3550, Section 3 of Chapter 88, Article 2 of the Revised Code of the State of Delaware of 1935 is hereby amended by striking out all of said Paragraph 3550, Section 3 of said Chapter 88, Article 2 thereof and by inserting in lieu thereof the following paragraph to be known as Paragraph 3550, Section 3.

3550, Section 3. 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 Orphans' 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 liquors, or who 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, or the consent may be given by the State Board of Charities. If such parents or guardian join in said peti-

PARENTS AND CHILDREN

tion, it shall be deemed a consent in writing. For the purpose of carrying out the meaning of this Section, the word abandon as hereinbefore referred to and stated shall be and is hereby defined as follows to wit: An abandoned child shall mean a child who is abandoned or deserted in any place by both parents or by the parent having his or her custody, or by any other person or persons lawfully charged with his or her care or custody, and left (1) in destitute circumstances, or (2) without proper food, shelter or clothing, or (3) without being visited or having payments made toward his or her support, for a period of at least one year, by his or her parents, guardian or other lawful custodian without good reason.

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 and/or known; if the parents are not living and/or are not known, 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 permit-
ting them to adopt as their own child.....,
a minor child aged years, who is the child of.....
and who is now

PARENTS AND CHILDREN

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

.....

.....

.....

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,
 State Board of Charities

Witness Address

.....

I, the undersigned the above mentioned

PARENTS AND CHILDREN

child; being aged 14 years or over, do hereby consent to the adoption above prayed for.

.....
Child

Witness Address

.....

To the Clerk of the Orphans' Court:

Enter an order of reference to
for investigation and report.

.....
Judge Orphans' Court

Investigation and Procedure:—Upon the filing of the foregoing petition, the Court shall by appropriate order in the form of an Order of Reference 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 or her findings in writing to the said Court within sixty days from the date of such order of reference and in such investigation shall make the inquiries required by the act of the General Assembly.

The Order of Reference shall be in the following form:

ORDER OF REFERENCE

In the Orphans' Court of the County of.....

.....19....

In the Matter of the Proposed Adoption of an Infant.....

.....

PARENTS AND CHILDREN

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 ofnot 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 toto which
 petition is attached the written consent, duly acknowledged of

Whereupon it is ordered that

.....
 do make a careful and thorough investigation of this matter, and
 report the findings in writing to the Court within sixty days from
 the date of issuance of this order, and in such investigation shall
 make the inquiries required by the Act of the General Assembly.

.....
 Judge

A copy, Teste:

An extention of the time within which to file said report by
 the investigator may be extended by the Judge of the Court upon
 request of said investigator showing the cause or reason therefor.

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

PARENTS AND CHILDREN

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 affiliations.

g. Whether the placement is for the best interests of the child.

The report on proposed adoption by the investigator shall be in the following form:

REPORT ON PROPOSED ADOPTION

To the Hon. Judge of the
Orphans' Court of County 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.

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

PARENTS AND CHILDREN

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.

Section 2. Paragraph 3551, Section 4 of Chapter 88, Article 2 of the Revised Code of the State of Delaware of 1935 is hereby amended by striking out all of said Paragraph 3551, Section 4 of said Chapter 88, Article 2 thereof and by inserting in lieu thereof a new paragraph to be known as Paragraph 3551, Section 4.

3551. Section 4. 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 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 home, that such family and the child are suited to one another by religious affiliations; 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 expects 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.

PARENTS AND CHILDREN

The Interlocutory Order of Adoption shall be in the following form:

INTERLOCUTORY ORDER OF ADOPTION

In the Orphans' 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 pur-
 poses, 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 required by law.

.....
 Judge

A copy, Teste:

Upon the expiration of the period of one year from the date of
 the filing of the preliminary report, the Judge, being satisfied that
 all proceedings have been taken in conformity with the provisions
 of this Act and that the interest of all concerned are duly regarded,
 shall enter a final decree of adoption in the case, which shall be
 in form as follows:

PARENTS AND CHILDREN

FINAL DECREE OF ADOPTION

In the Orphans' 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.....

.....
 Judge

A copy, Teste:

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 as often as within the discretion of the State Board of Charities is deemed necessary, 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, provided, however, that in the event the child has lived in the home of the petitioner or petitioners for a period of one year or more prior to the filing of the petition for adoption, the State Board of Charities may recommend that the issuance of the Interlocutory order of Adoption be waived and the Final Decree issued forthwith in the Court's

PARENTS AND CHILDREN

discretion, when in such instance the necessity for a visit during the Interlocutory period, as hereinbefore provided, shall likewise be waived. 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.

In the event of any Court in any County of the State of Delaware having sanctioned the adoption of any individual, by the issuance of a Final Decree of Adoption, under the 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 of the State of Delaware, the Clerk of the Court in which such application was made shall immediately file in the office of said State Registrar a report indicating and setting forth the name given to the child at its birth, the name given to it by the Court permitting or legalizing the adoption and the date of the issuance of the Final Order of Adoption; and no other or additional information shall be required in connection with the filing of said report by said Clerk. Upon request of the adopted child, if of age, or if not of age then by his or her legal guardian; or upon request of the adopting parent or parents, or if they be deceased, then by their legal representative, duly authorized and empowered to act, the said State Registrar shall issue a birth certificate setting forth the adopted name of the child together with the names of the adopting parents and the actual date of the birth of said child. Nothing in this act, however, shall be construed in such a manner as to permit the said State Registrar

PARENTS AND CHILDREN

to issue such a birth certificate to anyone other than those herein specifically mentioned and referred to.

Upon the entry of the Final Decree of Adoption, the Clerk of the Orphans' Court shall mail to the State Board of Charities a certified copy of the action taken, giving the names and addresses of the natural parents, if known, or of the child's nearest of kin, the age and the name of such child both before and after adoption, and the names and addresses of the foster parents.

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 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 Orphans' 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 givings 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

PARENTS AND CHILDREN

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.

Following the execution of the Final Decree of Adoption by the Judge, the Clerk of the Orphans' Court shall issue a Certificate of Adoption, which shall be in form as follows:

CERTIFICATE OF ADOPTION

State of Delaware }
County } ss:

I, _____, Clerk of the Orphans' Court of the State of Delaware in and for _____ County, being by law a court of competent jurisdiction, do hereby certify that under and by virtue of certain proceedings in said Court on the _____ day of _____ in the year of our Lord One Thousand Nine Hundred and _____ the said Court did Decree the issuance to _____ of a certificate of the adoption of _____ hereafter to be known as _____ a _____ child _____ of age and did further order and decree that thenceforth and forever the said child should be known by the name of _____ and that all the duties, rights, privileges and obligations recognized by law between parent and child should exist between parent and child should exist between the said _____ as

PARENTS AND CHILDREN

fully and to all intents and purposes as if the said
.....were the lawful and natural offspring or
issue of the said

In Testimony Whereof, I have hereunto set my hand and the
seal of said Court, at this day of
....., in the year of our Lord One Thousand Nine
Hundred and

.....
Clerk of Orphans' Court

Approved May 20, 1937.

Titles to Real Property

CHAPTER 188

DEFECTIVE ACKNOWLEDGMENTS

AN ACT TO MAKE VALID THE RECORD OF LEGAL INSTRUMENTS WHICH HAVE NOT BEEN PROPERLY ACKNOWLEDGED.

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 all legal instruments which are dated prior to the first day of January, A. D. 1937 and which by law are directed to be recorded or are entitled to be recorded, and which have been duly executed by the proper party or parties, notwithstanding said instruments have not been acknowledged before an officer authorized by the laws of Delaware to take acknowledgments, or have not been otherwise properly acknowledged, or the acknowledgments of which, including the private examination of any married woman party thereto, have not been taken and certified in conformity with the laws of this State in force at the time each such instrument was executed, shall be and the same are hereby severally made as valid and effective in law as if each said instrument had been correctly acknowledged and the acknowledgment correctly certified; and the said record of each such instrument, or any office copy thereof, or the original instrument itself shall be admitted as evidence in all Courts of this State and shall be as valid and conclusive evidence as if such instrument had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

Approved March 25, 1937.

CHAPTER 189

CONVEYANCES

AN ACT TO AMEND CHAPTER 92 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE EXECUTION OF CERTAIN LEGAL INSTRUMENTS BY HOME OWNERS LOAN CORPORATION.

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

Section 1. That Chapter 92 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing Paragraph (d) of 3675 Section 18 of said Chapter, and inserting in lieu thereof the following paragraph:

Any deed or conveyance of lands and tenements, or any release of the lien of a Mortgage or Judgment, or any other written instrument entitled to be recorded, executed by the Regional Manager or Regional Treasurer for the said Home Owners' Loan Corporation, after a full compliance with paragraph (b) of this Section, shall have the same effect as though the said Instrument had been executed in full compliance with Section 9 of this Chapter.

Approved May 18, 1937.

CHAPTER 190

CONVEYANCES

AN ACT TO AMEND CHAPTER 92 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE TIME FOR RECORDING OF DEEDS.

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

Section 1. That Chapter 92 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 3680, Section 23 and inserting in lieu thereof the following:

3680, Section 23. Deed Not Recorded Within Fifteen Days Not Available Against Innocent Purchasers for Value; Rule as to Leases:—If a deed concerning lands or tenements be not recorded in the proper office within fifteen days after the day of the sealing and delivery thereof, said deed shall not avail against a subsequent fair creditor, mortgagee or purchaser for a valuable consideration unless it shall appear that such creditor when giving the credit, or such mortgagee or purchaser, when advancing the consideration, had notice of such deed. But this provision shall not extend to a lease under a fair rent for a term not exceeding twenty-one years, when the possession accompanies the lease, or the lessee is to come into possession within one year after the making of it.

Approved May 18, 1937.

Administration of Estates

CHAPTER 191

SETTLEMENT OF PERSONAL ESTATES

AN ACT TO AMEND CHAPTER 98, REVISED CODE OF DELAWARE OF 1935, RELATING TO SETTLEMENT OF PERSONAL ESTATES, 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 Section 32 of Article 3 of said Chapter 98 of the Revised Code of Delaware of 1935, being Code Section 3830 of said Code be and the same is hereby amended by striking out all of paragraph one of Section 32 and substituting in lieu thereof the following:

3830. Section 32. Inventory and Appraisement; Oath or Affirmation of Appraisers; Majority May Act; Death of Appraiser After Appraisement and Before Oath or Affirmation; Procedure Upon; Affidavit of Executor, &c. Upon Inventory; Form Of; Affidavit Upon List of Debts; Form Of; Executor's Debt Not Extinguished:—Such goods and chattels shall be distinctly entered on the forms furnished by the State Tax Department and each article, or set, appraised, and its value stated; and the appraisers shall subscribe their names under oath or affirmation, according to this form: "We the subscribers do on oath (or affirmation) say that the goods and chattels in this inventory, have been appraised by us at the sums stated, which are, according to our best judgment, their true value."

Section 2. That Section 32 of Article 3 of said Chapter 98 of the Revised Code of Delaware of 1935, being Code Section 3830 of said Code be and the same is hereby amended by striking out all of paragraph three of Section 32 and substituting in lieu thereof the following:

SETTLEMENT OF PERSONAL ESTATES

If after an inventory and appraisalment be made, but before taking the said oath or affirmation, an appraiser die, remove from the State, or from other cause cannot subscribe said oath or affirmation, the survivor, or survivors, shall subscribe it; and he, or they, or some credible person, shall make affidavit of the facts of the case, to be indorsed thereon by the Register. The inventory and appraisalment, so made shall be valid.

Section 3. That Section 33 of Article 3 of said Chapter 98 of the Revised Code of Delaware of 1935, being Code Section 3831 of said Code be and the same is hereby amended by striking out all of paragraph one of Section 33 and substituting in lieu thereof the following:

Section 33. Every executor or administrator shall within three months after the granting of letters testamentary or administration, file in the office of the Register of Wills of the County in which said letters have been granted, an inventory of goods and chattels, and a list of all debts and credits on forms furnished by the State Tax Department. Any executor, or administrator, who fails to perform this duty, shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed Five Hundred Dollars (\$500.00). An affidavit, signed by the executor, or administrator, and declaring upon oath, or affirmation, that he has diligently inquired, and can obtain no knowledge of any goods or chattels of the deceased, shall be a sufficient excuse for not delivering an inventory; and a like affidavit, that he has diligently inquired and can obtain no knowledge of any debts, or credits, due or belonging to the deceased, shall be a sufficient excuse for not delivering a list. Such affidavit shall be certified by the Register, and filed with the bond.

Section 4. That Section 39 of Article 3 of said Chapter 98 of the Revised Code of Delaware of 1935, being Code Section 3837 of said Code be and the same is hereby amended by striking out all of Section 39 and substituting in lieu thereof the following:

3837. Section 39. Order of Paying Debts:—Executors and

SETTLEMENT OF PERSONAL ESTATES

administrators shall pay demands against the deceased in the following order:

First: Funeral expenses;

Second: The reasonable bills for medicine and medical attendance during the last sickness and for nursing and necessities for the last sickness of the deceased;

Third: Wages of servants and laborers employed in household affairs, or in the cultivation of a farm, but no servant, or laborer, to be allowed this preference for more than one year's wages;

Fourth: Taxes imposed by the State of Delaware;

Fifth: Rent for not exceeding one year; and this, at the election of the party entitled, may be of rent in arrear, or rent growing due;

Sixth: Judgments against the deceased, which shall include judgments before justices of the peace, and decrees of a court of equity against him for the payment of money;

Seventh: Recognizances, mortgages, and other obligations of record, for the payment of money;

Eighth: Obligations and contracts under seal;

Ninth: Contracts under hand for the payment of money, or delivery of goods, wares, or merchandise;

Tenth: Other demands.

Whenever an executor or administrator is unable to determine between two or more creditors, the order of preference to be given to their respective demands, he or she may upon petition to the Orphans' Court have the parties in interest summoned to appear in

SETTLEMENT OF PERSONAL ESTATES

said Court, and upon hearing duly had the Orphans' Court shall determine the order of preference to be given to the respective demands of the creditors who may have been made parties to said proceeding; and upon compliance with such determination the petitioner and his or her sureties shall be discharged from all further liability in respect to the preferences made by said Court.

Section 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency only.

Approved May 19, 1937.

CHAPTER 192

SETTLEMENT OF PERSONAL ESTATES

AN ACT TO AMEND 3867, SECTION 69, CHAPTER 98, REVISED CODE OF DELAWARE (1935), BEING A PART OF CHAPTER 184, VOLUME 38, LAWS OF DELAWARE, RELATING TO DECREES OF DISTRIBUTIONS OF DECEDENTS' ESTATES.

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

Section 1. That 3867, Section 69, Chapter 98, of the Revised Code of Delaware (1935), being a part of Chapter 184, Volume 38, Laws of Delaware, be, and the same is hereby amended so as to read as follows, viz.:

3867. Sec. 69. 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 ad-

SETTLEMENT OF PERSONAL ESTATES

ministrator, legatees, distributees and all persons, other than creditors of the deceased, claiming to have an interest in the distribution 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, by filing with the Prothonotary of the Superior Court for the County in which such decree was entered a written notice of appeal directed to said Prothonotary, signed by the Appellant or his Attorney, naming therein as Appellees the said executor or administrator and all persons whose interests as determined by said decree are sought to be adversely affected by the appeal and setting forth all grounds of the appeal. When the appeal has been taken in manner aforesaid, the said Superior Court shall have jurisdiction and take cognizance thereof, and the proceedings thereafter shall be as in causes commenced in the said Court. Notice of the appeal shall be given to the Appellees in such manner as shall be prescribed by rule of the said Court. The said Court is authorized and shall have power to make rules prescribing the manner of notice to the Appellees, prescribing the character of the pleadings, and governing the framing of issues of fact and law and the trial and determination thereof. 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 8, 1937.

The General Police

CHAPTER 193

REGULATIONS CONCERNING USE OF INSIGNIA

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, PROHIBITING THE UNLAWFUL USE OR DISPLAY OF THE INSIGNIA OF CERTAIN VETERANS' ORGANIZATIONS.

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

Section 1. That Chapter 100, Article 14, of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing 3943, Section 48, of Article 14, Chapter 100, of the Revised Code of Delaware, 1935, and inserting in lieu thereof a new section to be known as 3943, Section 48, of Article 14, as follows:

3943. Section 48. Insignias of Certain Veterans' Organizations Protected; Violation a Misdemeanor; Penalty:—It shall be unlawful for any person or persons not a member or members of the Grand Army of the Republic, The Union Veteran Legion, The United Spanish War Veterans, The American Legion, The American Legion Auxiliary, Sons of the American Legion, 40 et 8, 8 et 40, or any other service or ex-service unit, auxiliary, or organization to wear, use, exhibit, or display any badge, button, or other insignia of any of the said organizations, with intent to make it appear that he is a member of any of the said organizations or entitled to any of the benefits or advantages resulting from membership therein; and any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding Twenty (\$20.00) Dollars for each and every such offense, and in lieu of a payment of such fine shall be imprisoned not exceeding ten days.

Approved April 16, 1937.

CHAPTER 194

RELATING TO AUTOMOBILE JUNK YARDS

AN ACT PROHIBITING THE STORING OF ABANDONED AUTOMOBILES AND PROHIBITING THE MAINTENANCE OF AN AUTOMOBILE JUNK YARD ALONG STATE HIGHWAYS.

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

Section 1. That within thirty days after the passage and approval of this Act it shall be unlawful for any person or persons, firm, association or corporation to place, store or permit the placing or storage of abandoned or scrapped automobiles, or automobiles that have been junked, or to maintain or keep any yard where scrapped, abandoned or junked automobiles are kept or stored within a distance of one-quarter mile from the right of way of the nearest improved State or public highway unless the yard or field wherein such automobiles are kept, placed or stored shall have erected thereon a fence parallel to said improved highway for the full length of said yard or field along said highway; and shall also have a further fence extending back from said parallel fence the full length of that portion of the field used for such storage, or for a distance of seventy-five feet, whichever distance shall be the shorter, which said fence or fences shall be at least seven feet in height, shall be built of wood and the panels thereof shall be spaced not more than two inches apart.

Section 2. Any person or group of persons, firm or association violating any of the provisions of this Act shall, upon conviction thereof, be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each separate offense, and in lieu of the payment of such fine as may be imposed shall be imprisoned for not less than ten days nor more than sixty days.

Each day that any violation shall be continued shall be deemed a separate offense and violation of the provisions of this chapter.

Approved April 30, 1937.

CHAPTER 195

CEMETERIES

AN ACT RELATING TO CEMETERIES IN KENT COUNTY; REQUIREMENT AS TO GRAVEYARDS, MONUMENTS AND VAULTS.

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

Section 1. Any person, firm or corporation owning, controlling, managing or having any interest in any graveyard or cemetery in Kent County, after selling and giving a deed to a burial lot or lots in said cemetery or graveyard, who refuses the owner of said purchased lot or lots the privilege of placing or erecting in said lot or lots any vault or tomb stone he or she desires, or demands any commission or any remuneration from any company or agent for any vault or tomb stone purchased for said lot or lots, shall be guilty of a misdemeanor and upon conviction thereof shall be fined Fifty Dollars (\$50.00) for each offense.

Approved April 29, 1937.

CHAPTER 196

CEMETERIES

AN ACT AUTHORIZING THE DISINTERRING AND REINTERRING UNDER THE SUPERVISION OF THE STATE BOARD OF HEALTH OF BODIES BURIED IN PUBLIC OR PRIVATE BURYING GROUNDS WHICH HAVE BEEN CONDEMNED BY THE STATE OR THE UNITED STATES GOVERNMENT FOR THE PURPOSES OF PUBLIC IMPROVEMENT AND PROVIDING FOR CERTAIN REGULATIONS PERTAINING THERETO.

WHEREAS, human bodies supposed to number approximately 400 and upwards have been interred at intervals during the years between 1867 and 1935 in the burying ground known as Mt. Pisgah Union American Methodist Episcopal Church Burying Ground, near Summit Bridge, Delaware, the dates of interment, the causes of death, and the names of the individuals so interred in many cases now being unknown;

AND WHEREAS, said burying ground has been condemned and taken by the United States of America for purposes of public improvement;

AND WHEREAS, an award has been rendered and set aside in the United States District Court for the District of Delaware in the sum of Twelve Thousand Three Hundred Dollars (\$12,300.00) for the removal of said bodies and their reinterment in another cemetery or cemeteries;

AND WHEREAS, the State Board of Health has advised that the public health will not be endangered by the removal of said bodies;

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

That the State Board of Health is hereby authorized and directed to modify and relax its regulations and restrictions relative

CEMETERIES

to the disinterring and reintering of dead bodies, including the securing of separate disinterment and transfer permits of the bodies in those cases where the bodies are in public or private burying grounds which have been condemned by the State of Delaware or the United States Government for the purposes of public improvement, in order to enable the carrying into effect of complete removals in such cases, to the full extent that the same can be accomplished, in the opinion of said Board, by licensed undertakers under its supervision and without jeopardizing the public health.

Approved April 29, 1937.

CHAPTER 197

REGULATING THE TAKING OF SAND FROM BEACHES

AN ACT TO REGULATE THE TAKING OF SAND FROM THE BEACHES ALONG THE DELAWARE RIVER AND DELAWARE BAY AND THE ATLANTIC OCEAN.

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 group of persons, firm, association, or corporation to dig, mine, remove, or carry away, or to cause to be dug, mined, removed, or carried away any sand from any public or private beach along the Delaware Bay, or along the Atlantic Ocean, within five hundred feet from mean high water mark, whereby because of such digging, mining, removal, or carrying away of such sand the beaches or lands abutting thereon or adjacent thereto would become flooded, or barrier dunes would be destroyed, or so nearly destroyed as to become ineffectual in holding back any of the waters from said Delaware River or Delaware Bay or the Atlantic Ocean, or the probability of the flooding of such lands would be materially increased, without first obtaining written consent from the State Highway Department to dig, mine, remove or carry away the quantity of sand desired from the place designated from which such sand is to be taken.

Section 2. Any person or group of persons, firm, association or corporation violating any of the provisions of this Act, shall, upon conviction thereof, be fined not less than Ten Dollars nor more than Fifty Dollars, or imprisoned for not less than five nor more than Thirty days.

Section 3. The Justices of the Peace of the several counties and the Court of Common Pleas for New Castle County and the Court of Common Pleas for Kent County shall severally have jurisdiction to hear and determine violations of this Act within their respective counties.

Approved April 30, 1937.

CHAPTER 198

REGULATIONS CONCERNING BUYING AND SELLING OF
SECOND-HAND WATCHESAN ACT TO PROVIDE FOR THE REGULATION AND CONTROL
OF THE BUYING AND SELLING OF SECOND-HAND
WATCHES OR THE SALE OF REBUILT MOVEMENTS IN
NEW WATCH CASES.

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

Section 1. Definitions. As used in this Act.

A. "Person" shall be deemed to mean a person, firm, partnership, association or corporation.

B. "Consumer" shall be deemed to mean an individual, firm, partnership, association or corporation who buys for his, her or its own use, or for the use of another but not for resale.

C. A "second-hand" watch shall be deemed to mean:

(1) A watch which, as a whole, or the case thereof, or the movement thereof has been previously sold to a consumer; provided, however, that a watch which has been so sold and is thereafter returned, either through an exchange or for credit, to the same person who sold such watch to the consumer, shall not be deemed to be a second-hand watch for the purpose of this Act if such person keeps a written or printed record setting forth the name and address of the consumer, the date of the sale to the consumer, the date of the return by the consumer, the name of the watch or its maker, and the serial numbers (if any) or if none, any other distinguishing numbers or identification marks on the case and on the movement of the watch, the aforesaid record to be kept for at least three years from the date of the sale of the watch and to be open for inspection during all business hours by any member of the Police Department of the City of Wilmington or other peace officer of the State.

(2) Any watch whose case or movement serial numbers or

REGULATIONS CONCERNING BUYING AND SELLING OF SECOND-HAND WATCHES

other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered.

Section 2. Any person, or any agent or employee thereof, who sells a second-hand watch, shall affix and keep affixed to the same a tag with the words "second-hand" legibly written or printed thereon in the English language. For the purposes of this Act, "sell" shall be deemed to include offer to sell or exchange, expose for sale or exchange, possess with intent to sell or exchange, and sell or exchange.

Section 3. Any person, or any agent or employee thereof, who sells a second-hand watch shall deliver to the vendee a written invoice setting forth the name and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers (if any) or other distinguishing numbers or identification marks on its case and movement. In the event the serial numbers, or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered, this shall be set forth in the invoice. A duplicate of the aforesaid invoice shall be kept on file by the vendor of such second-hand watch for at least one year from the date of the sale thereof and shall be open to inspection during all business hours by any member of the Police Department of the City of Wilmington or other peace officer of the State.

Section 4. Any person advertising in any manner second-hand watches for sale shall state clearly in such advertising that the watches so advertised are second-hand watches.

Section 5. Any person, firm, partnership, association or corporation or any member, officer, agent or employee thereof, who shall violate any provision of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than one hundred dollars and not more than five hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment.

Approved April 26, 1937.

General Provisions Concerning Courts

CHAPTER 199

INDICES OF JUDGMENTS—NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO THE INDICES OF JUDGMENTS IN NEW CASTLE COUNTY.

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

Section 1. That Chapter 108 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new section thereto, to be known as 4251A. Sec. 17A.

4251A. Sec. 17A. It shall be the duty of the Resident Associate Judge of New Castle County, during the month of May in each year to appoint two Commissioners whose duty it shall be to examine all entries of the satisfaction of judgments entered in the Superior Court of the State of Delaware in and for New Castle County, and to enter in the index opposite the record of each and every judgment which they find to be legally and fully satisfied the word "Satisfied", together with the signature of one of them as Commissioner; the term of office of said Commissioners shall be for one year commencing on the first day of June after their appointment; any vacancy appearing in said office by reason of death, resignation, removal from the County or otherwise, shall be filled by the said Resident Associate Judge for the unexpired term. The said Commissioners shall receive for their said services a reasonable compensation to be fixed and paid by the Levy Court.

Approved April 15, 1937.

CHAPTER 200

PENSIONS FOR FORMER MEMBERS OF STATE JUDICIARY
AN ACT IN REFERENCE TO PENSIONS FOR FORMER MEMBERS
OF THE STATE JUDICIARY.

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

That on and after the passage and approval of this Act a pension of One Hundred and Fifty Dollars (\$150.00) per month shall be paid to all former members of the State Judiciary who are more than eighty years of age and who have served upon the bench of the Court of Errors and Appeals under the Constitution of 1832 and who have also served at least twelve years upon the bench of the Supreme Court under the Constitution of 1897. The pension hereby provided for shall be paid to such person or persons for life out of any monies in the State Treasury not otherwise appropriated.

Approved April 7, 1937.

CHAPTER 201
SUPREME COURT
NEW SEAL

AN ACT TO AUTHORIZE THE CLERK OF THE SUPREME COURT
OF THE STATE OF DELAWARE TO PROCURE A NEW SEAL.

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

Section 1. That the Clerk of the Supreme Court of the State of Delaware, be and he is hereby authorized to procure a new seal of said Court, to be made of brass or steel, of the dimensions and engraved with the same devices as the present seal; which said seal, when completed, shall be taken and deemed to be the seal of The Supreme Court of The State of Delaware, and shall thereafter be affixed to all writings, papers and records where the seal of the said The Supreme Court of The State of Delaware is required, and the present seal shall then be broken and destroyed by the said Clerk of The Supreme Court of The State of Delaware in the presence of the sheriff of Kent County.

Section 2. The Levy Court of Kent County shall pay the necessary costs of procuring said new seal.

Approved April 5, 1937.

CHAPTER 202

SUPERIOR COURT

NEW SEAL

AN ACT TO AUTHORIZE THE PROTHONOTARY OF THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR KENT COUNTY TO PROCURE A NEW SEAL OF OFFICE.

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

Section 1. That W. Marion Stevenson, Prothonotary of the Superior Court of the State of Delaware in and for Kent County, be and he is hereby authorized to procure a new seal for the said Office of Prothonotary of the Superior Court of the State of Delaware in and for Kent County, to be made of brass or steel of the dimensions and engraved in the same devices of the present seal, which seal when completed shall be taken and deemed to be the seal of the Prothonotary of the Superior Court of the State of Delaware in and for Kent County, and shall thereafter be affixed to all writings, papers and records where the seal of the said Court is required, and the present seal shall then be broken and destroyed by the said Prothonotary of the Superior Court of the State of Delaware in and for Kent County in the presence of the Sheriff of Kent County.

Section 2. The Levy Court of Kent County shall pay the necessary costs of procuring said new seal.

Approved April 7, 1937.

CHAPTER 203

JUVENILE DELINQUENTS AND PROBATION
RELATING TO FALSE CHARGES AGAINST MINORS

AN ACT MAKING IT A MISDEMEANOR FOR ANY PERSON TO MAKE FALSE CHARGES AGAINST ANY MINOR FOR THE PURPOSE OF COMMITTING SUCH MINOR TO ANY REFORMATORY IN THE STATE, AND PRESCRIBING THE PENALTY THEREFOR.

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 passage and approval of this Act it shall be unlawful for any person to make any false charges against any minor for the purpose of having such minor committed to any reformatory in the State of Delaware.

Section 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof by any Court of competent jurisdiction shall be punished by a fine of not more than One Hundred Dollars (\$100.00).

Approved May 3, 1937.

CHAPTER 204

JUVENILE COURT KENT AND SUSSEX COUNTIES

AN ACT TO AMEND CHAPTER 116 OF THE REVISED CODE OF DELAWARE, 1935, 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, BY PROVIDING FOR THE COMPENSATION OF A PROBATION OFFICER OR OFFICERS, AND FOR THE EXPENSES OF THE SAID COURT.

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

Section 1. That Chapter 116 of the Revised Code of Delaware, 1935, shall be and the same is hereby amended by adding thereto the following new section to be known as 4353A. Sec. 38A.

4353A. Sec. 38A. The compensation of the probation officer or officers for the said Juvenile Court shall be fixed by the Judge of the said Court, provided that the total compensation to be paid to the Probation Officer or Officers shall not exceed Eighteen Hundred (\$1800.00) Dollars annually. The actual travelling expenses incurred by any Probation Officer while in the performance of his duty shall be paid upon approval thereof by the Judge of said Court. The actual expenses of said Court, including mileage, shall also be paid by the Levy Court of Kent County and the Levy Court of Sussex County as hereinafter provided; provided, however, that the total expenses of said Court, including travelling expenses, shall not exceed the sum of Seven Hundred (\$700.00) Dollars during any twelve month period.

All salaries and all expenses, including travelling expenses, authorized and provided for in Paragraph 1 of this Section shall be paid in equal shares, one-half by the Levy Court of Kent County

JUVENILE COURT KENT AND SUSSEX COUNTIES

and one-half by the Levy Court of Sussex County, upon the presentation of an itemized statement showing such claim or claims approved by the Judge of the said Juvenile Court.

Approved May 20, 1937.

CHAPTER 205

JUVENILE COURT CITY OF WILMINGTON

AN ACT REGULATING THE CARE, TREATMENT AND CONTROL OF DELINQUENT, INCORRIGIBLE AND DEPENDENT CHILDREN IN THE STATE OF DELAWARE; CONFERRING EXCLUSIVE JURISDICTION TO THE JUVENILE COURT FOR THE CITY OF WILMINGTON AND NEW CASTLE COUNTY AND THE JUVENILE COURT FOR 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 branch concurring therein):

Section 1. On and after the passage and approval of this Act, the exclusive legal jurisdiction 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, in all cases in New Castle County shall be vested in the Juvenile Court for City of Wilmington and New Castle County, and in all cases in Kent and Sussex Counties shall be vested in the Juvenile Court for Kent and Sussex Counties, provided, however, that said courts shall not have probate jurisdiction.

Section 2. Nothing in this Act shall be construed to impair, limit or restrict the jurisdiction of the Court of General Sessions, or of the Orphans' Court, of the State of Delaware, as now provided by law, in the matters set forth in Section 1 of this Act, or to impair, limit, or restrict the power, duties, responsibilities, and authority of the State Board of Charities, and/or any subdivisions thereof, or any other department, agency, or organization administering child welfare services within the State of Delaware, as may be deemed proper and expedient for the supervision, care, custody, board, and placement of dependent and neglected children as now provided by law.

JUVENILE COURT CITY OF WILMINGTON

Section 3. All Acts or parts of Acts inconsistent with the provisions hereof are hereby repealed.

Approved May 17, 1937.

CHAPTER 206

COURT OF CHANCERY

ACCOUNTING AND DISTRIBUTION OF TRUST FUNDS

AN ACT TO AMEND CHAPTER 117 OF THE REVISED CODE OF DELAWARE, 1935, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 35A, DEFINING THE TERM "PRINCIPAL" IN ACCOUNTING AND DISTRIBUTION OF TRUST FUNDS.

Be it hereby 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, 1935, be amended, by adding a new Section thereto, to be Section 35A thereof, and reading as follows:

Section 35A. If any part of the funds of trustees, guardians and other fiduciaries shall be invested in bonds or other obligations for the payment of money, the market value of such bonds or obligations as of the date of the acquisition of same by the trustee, guardian or other fiduciary, whether by way of purchase or by transfer from an Executor or an Administrator or otherwise, shall be deemed principal regardless of their par or maturity value; and any gain or loss realized upon the sale or other disposition thereof shall fall upon or enure to the principal of the said trust fund. Trustees, guardians or other fiduciaries shall not be required to create or set aside any sinking fund or reserve out of the income of their trusts for depreciation, obsolescence, amortization or other waste of principal.

Section 2. That 3858 Section 60 of Chapter 98 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Approved May 19, 1937.

CHAPTER 207

COURT OF CHANCERY

LIFE TENANTS AND TESTAMENTARY TRUST ESTATES

AN ACT TO AMEND CHAPTER 117 OF THE REVISED CODE OF DELAWARE, 1935, BY ADDING NEW SECTIONS THERETO, RELATING TO THE METHOD OF DETERMINING "INCOME" TO LIFE TENANTS OF TESTAMENTARY TRUST ESTATES.

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

That Chapter 117 of the Revised Code of Delaware, 1935, be amended by adding the following new sections thereof, the new section numbers being numbered as hereinafter indicated:

Section 35B. Every pecuniary bequest in trust shall, unless otherwise provided in the will making such bequest, bear interest from the date of the testator's death to the date of the payment of such bequest, at the rate of four per centum per annum, and such interest shall be payable in lieu of any other payments of income or allowances to the person or persons entitled to the income of such trust had such bequest been paid to the trustee thereof immediately upon the death of the testator.

Section 35C. Any person or persons entitled to the income of a trust of the whole or any part of a residuary estate of a decedent shall, unless otherwise provided in the will creating such trust, be paid in lieu of any other payments of income or allowances out of the property delivered to the trustee of such trust, so much thereof as shall represent interest at the rate of four per centum per annum, on a sum which if invested at such rate of interest at the time of the death of the testator would together with such interest to the date of such delivery to the trustee amount to the value of such property at the time of such delivery.

This Act shall have no application to the distribution of any estate under a will admitted to probate prior to the passage of this Act.

Approved May 19, 1937.

Justices of the Peace

CHAPTER 208

DUTY OF JUSTICE OF THE PEACE IN ALL CIVIL AND CRIMINAL CASES

AN ACT RELATING TO JUSTICES OF THE PEACE; DUTY TO INFORM DEFENDANTS AND PARTY LITIGANTS OF RIGHT TO APPEAL.

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

Section 1. It shall be the duty of all Justices of the Peace in this State, after passing judgment in all civil and criminal cases, to immediately advise the party litigants in civil cases and defendants in criminal cases of their right to take an appeal from the decision of the Justice of the Peace and to inform all party litigants and defendants of the time and manner in which the appeal must be taken. The records of the Justice of the Peace shall contain an entry indicating the information given by the Justice of the Peace.

Approved April 26, 1937.

CHAPTER 209

JUSTICES JURISDICTION IN TRESPASS, REPLEVIN AND
DETINUE CASES

AN ACT TO AMEND CHAPTER 122 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO JUSTICES' JURISDICTION
IN TRESPASS, REPLEVIN AND DETINUE CASES BY GIVING
JURISDICTION IN ACTIONS OF TRESPASS ON THE CASE.

*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 Chapter 122 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing 4543, Sec. 1., thereof, and inserting in lieu thereof the following, which shall be styled 4543. Sec. 1:

4543. Sec. 1. Injuries to Personal and Real Property; Limited Damages:—Justices of the Peace shall severally, within their respective counties, have jurisdiction of action of trespass and trespass on the case for injuries in taking or carrying away, destroying or damaging goods or chattels and for injuries to real property when the damage claimed in such account do not exceed Five Hundred Dollars. Also Justices of the Peace shall severally have jurisdiction within their respective counties of all causes of action arising from trespass upon the land other than the owners, of horses, cattle, hogs, turkeys, geese, chickens, guineas and all other animals and chattels, where the damage claimed is not more than One Hundred Dollars with the right of appeal in all cases to the Superior Court as in other civil actions.

Approved May 18, 1937.

Civil Actions, Pleading and Practice

CHAPTER 210

PLEADING AND PRACTICE IN CIVIL ACTIONS

AN ACT TO AMEND CHAPTER 128 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO THE EXECUTION AND ACKNOWLEDGMENT OF AFFIDAVITS OF DEMAND FOR HOME OWNERS' LOAN CORPORATION.

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

Section 1. That Chapter 128 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting in the fiftieth line of the first paragraph of 4648, Section 6 of said Chapter, between the word "section" and the word "in", the following sentence:

In case of a suit by or against Home Owners' Loan Corporation, a corporation of the United States of America, the affidavit by the Regional Manager or the State Manager of the State of Delaware of said Corporation shall be sufficient in this section.

Approved May 3, 1937.

CHAPTER 209

JUSTICES JURISDICTION IN TRESPASS, REPLEVIN AND
DETINUE CASES

AN ACT TO AMEND CHAPTER 122 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO JUSTICES' JURISDICTION
IN TRESPASS, REPLEVIN AND DETINUE CASES BY GIVING
JURISDICTION IN ACTIONS OF TRESPASS ON THE CASE.

*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 Chapter 122 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing 4543, Sec. 1., thereof, and inserting in lieu thereof the following, which shall be styled 4543. Sec. 1:

4543. Sec. 1. Injuries to Personal and Real Property; Limited Damages:—Justices of the Peace shall severally, within their respective counties, have jurisdiction of action of trespass and trespass on the case for injuries in taking or carrying away, destroying or damaging goods or chattels and for injuries to real property when the damage claimed in such account do not exceed Five Hundred Dollars. Also Justices of the Peace shall severally have jurisdiction within their respective counties of all causes of action arising from trespass upon the land other than the owners, of horses, cattle, hogs, turkeys, geese, chickens, guineas and all other animals and chattels, where the damage claimed is not more than One Hundred Dollars with the right of appeal in all cases to the Superior Court as in other civil actions.

Approved May 18, 1937.

Civil Actions, Pleading and Practice

CHAPTER 210

PLEADING AND PRACTICE IN CIVIL ACTIONS

AN ACT TO AMEND CHAPTER 128 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO THE EXECUTION AND ACKNOWLEDGMENT OF AFFIDAVITS OF DEMAND FOR HOME OWNERS' LOAN CORPORATION.

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

Section 1. That Chapter 128 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting in the fiftieth line of the first paragraph of 4648, Section 6 of said Chapter, between the word "section" and the word "in", the following sentence:

In case of a suit by or against Home Owners' Loan Corporation, a corporation of the United States of America, the affidavit by the Regional Manager or the State Manager of the State of Delaware of said Corporation shall be sufficient in this section.

Approved May 3, 1937.

CHAPTER 211

EXECUTIONS

AN ACT TO AMEND CHAPTER 133 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE EXEMPTION OF WAGES FROM EXECUTIONS UNDER CERTAIN CONDITIONS.

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, 1935, be and the same is hereby amended by striking out and repealing the second paragraph of 4804 Section 13 of said Chapter and inserting in lieu thereof the following:

"The provisions of this Section as to the liability to attachment process of wages in New Castle County shall apply solely to debts incurred for or on account of the purchase of food, provisions and articles used in the home, commonly designated as the necessities of life."

Approved April 15, 1937.

Crimes and Punishments

CHAPTER 212

DEADLY WEAPONS

AN ACT RELATIVE TO DEADLY WEAPONS PROHIBITING THE POSSESSION AND SALE OF AIR COMPRESSION WEAPONS AND MAXIM SILENCERS.

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

Section 1. That to the existing law of this State as set forth in Chapter 154 of the Revised Code of Delaware, 1935, there shall be added the following, which shall be known as Code paragraph 5289A, Sec. 9A, as follows:

"5289A. Sec. 9A. It is and shall be unlawful for any person to own, possess, sell, or in any manner have control of, any revolver, pistol, gun or weapon, which by compressed air or by spring discharges or projects therefrom a pellet, slug, or bullet, or to own, possess, sell, or in any manner have control of any pellet, slug or bullet, for use therein, or to own, possess, sell, or in any manner have control of any device, including what is commonly known as a maximum silencer, which may be attached to any weapon, or firearm, for the purpose of silencing or making less audible the sound of the discharge or firing thereof; provided, the foregoing provisions shall not include what is commonly known as a B. B. or air rifle, which does not discharge or project a round pellet or slug larger than a B. B. shot.

Any person violating the provisions hereof, upon conviction, shall be punished by either fine or imprisonment, or both, in the discretion of the Court."

Approved May 11, 1937.

CHAPTER 213

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITIONAN ACT TO MAKE UNIFORM THE PROCEDURE ON INTER-
STATE EXTRADITION.

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

Section 1. Definitions:—Where appearing in this act, the term "Governor" includes any person performing the functions of Governor by authority of the law of this State. The term "Executive Authority" includes the Governor, and any person performing the functions of Governor in a State other than this State. The term "State", referring to a State other than this State, includes any other State or territory, organized or unorganized, of the United States of America.

Section 2. Fugitives From Justice; Duty of Governor:—Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this State to have arrested and delivered up to the executive authority of any other State of the United States any person charged in that State with treason, felony, or other crime, who has fled from justice and is found in this State.

Section 3. Form of Demand:—No demand for the extradition of a person charged with crime in another State shall be recognized by the Governor unless in writing alleging, except in cases arising under Section 6, that the accused was present in the demanding State at the time of the commission of the alleged crime, and that thereafter he fled from the State, and accompanied by a copy of an indictment found or by information supported by affidavit in the State having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the Executive Authority of the demanding State that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that State; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the Executive Authority making the demand.

Section 4. Governor May Investigate Case:—When a demand shall be made upon the Governor of this State by the Executive Authority of another State for the surrender of a person so charged with crime, the Governor may call upon the Attorney General or any prosecuting officer in this State to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

Section 5. Extradition of Persons Imprisoned or Awaiting Trial in Another State or Who Have Left the Demanding State Under Compulsion:—When it is desired to have returned to this State a person charged in this State with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another State, the Governor of this State may agree with the Executive Authority of such other State for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other State, upon condition that such person be returned to such other State at the expense of this State as soon as the prosecution in this State is terminated.

The Governor of this State may also surrender on demand of the Executive Authority, of any other State any person in this State who is charged in the manner provided in Section 23 of this act

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

with having violated the laws of the State whose Executive Authority is making the demand, even though such person left the demanding State involuntarily.

Section 6. Extradition of Persons Not Present in Demanding State at Time of Commission of Crime:—The Governor of this State may also surrender, on demand of the Executive Authority of any other State, any person in this State charged in such other State in the manner provided in Section 3 with committing an act in this State, or in a third State, intentionally resulting in a crime in the State whose Executive Authority is making the demand, and the provisions of this act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that State at the time of the commission of the crime, and has not fled therefrom.

Section 7. Issue of Governor's Warrant of Arrest; Its Recitals:—If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the State seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

Section 8. Manner and Place of Execution:—Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the State and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act to the duly authorized agent of the demanding State.

Section 9. Authority of Arresting Officer:—Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

criminal process directed to them, with like penalties against those who refuse their assistance.

Section 10. Rights of Accused Person; Application for Writ of Habeas Corpus:—No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record or a justice of the peace in this State, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge or justice of the peace shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the Deputy Attorney General of the county in which the arrest is made and in which the accused is in custody, or to the Attorney General or the Chief Deputy Attorney General, and to the said agent of the demanding State.

Section 11. Penalty for Non-Compliance With Preceding Section:—Any officer who shall deliver to the agent for extradition of the demanding State a person in his custody under the Governor's warrant, in wilful disobedience to the last section, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$1,000.00 or be imprisoned not more than six months, or both.

Section 12. Confinement in Jail When Necessary:—The officer or persons executing the Governor's warrant of arrest, or the agent of the demanding State to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in the jail of any county, town or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

his route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding State to whom a prisoner may have been delivered following extradition proceedings in another State, or to whom a prisoner may have been delivered after waiving extradition in such other State, and who is passing through this State with such a prisoner for the purpose of immediately returning such prisoner to the demanding State may, when necessary, confine the prisoner in the jail of any county, town or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding State after a requisition by the Executive Authority of such demanding State. Such prisoner shall not be entitled to demand a new requisition while in this State.

Section 13. Arrest Prior to Requisition:—Whenever any person within this State shall be charged on the oath of any credible person before any judge or justice of the peace of this State with the commission of any crime in any other State and, except in cases arising under Section 6, with having fled from justice, or with having been convicted of a crime in that State and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or justice of the peace in this State setting forth on the affidavit of any credible person in another State that a crime has been committed in such other State and that the accused has been charged in such State with the commission of the crime, and, except in cases arising under Section 6, has fled from justice, or with having been convicted of a crime in that State and having

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

escaped from confinement, or having broken the terms of his bail, probation or parole, and is believed to be in this State, the judge or justice of the peace shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this State, and to bring him before the same or any other judge, justice of the peace or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit.

Section 14. Arrest Without a Warrant:—The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a State with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or justice of the peace with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

Section 15. Commitment to Await Requisition; Bail:—If from the examination before the judge or justice of the peace it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under Section 6, that he has fled from justice, the judge or justice of the peace must, by a warrant reciting the accusation, commit him to jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the State having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Section 16. Bail; In What Cases; Conditions of Bond:—Unless the offense with which the prisoner is charged is shown to be

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

an offense punishable by death or life imprisonment under the laws of the State in which it was committed, a judge or justice of the peace in this State may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor of this State.

Section 17. Extension of Time of Commitment, Adjournment:—If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, a judge or justice of the peace may discharge him or may recommit him for a further period not to exceed sixty days, or a judge or justice of the peace may again take bail for his appearance and surrender, as provided in Section 16, but within a period not to exceed sixty days after the date of such new bond.

Section 18. Forfeiture of Bail:—If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or justice of the peace by proper order, shall declare the bond forfeited and order his immediate arrest, without warrant if he be within this State. Recovery may be had on such bond in the name of the State as in the case of other bonds given by the accused in criminal proceedings within this State.

Section 19. Persons Under Criminal Prosecution in This State at Time of Requisition:—If a criminal prosecution has been instituted against such person under the laws of this State and is still pending, the Governor, in his discretion, either may surrender him on demand of the executive authority of another State or hold him until he has been tried and discharged or convicted and punished in this State.

Section 20. Guilt or Innocence of Accused, When Inquired Into:—The guilt or innocence of the accused as to the crime of

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

Section 21. Governor May Recall Warrant or Issue Alias:—
The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

Section 22. Fugitives From This State; Duty of Governors:—
Whenever the Governor of this State shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this State, from the Executive Authority of any other State, or from the chief justice or an associate justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this State, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this State in which the offense was committed.

Section 23. Application for Issuance of Requisition; By Whom Made; Contents:

I. When the return to this State of a person charged with crime in this State is required, the Attorney General or any Deputy Attorney General shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time and place of its commission, the State in which he is believed to be, including the location of the accused therein, at the time the application is made and certifying that, in the opinion of the said Attorney General or Deputy Attorney General the ends of justice require

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

II. When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of his bail, probation or parole, the Attorney General or any Deputy Attorney General, the parole board, or any agent thereof, probation or court officer, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the State in which he is believed to be, including the location of the person therein at the time application is made.

III. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or justice of the peace, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The Attorney General or any Deputy Attorney General, parole board, or any agent thereof, probation or court officer, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of State to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Section 24. Costs and Expenses:—Warrants for the payment

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

of the actual expenses of agents appointed by the Governor to serve requisition papers shall be drawn on the State Treasurer, but no such warrants shall be paid by the State Treasurer unless such shall have been approved by the Attorney General, or one of his Deputies. Upon the conviction of one returned to this State by requisition proceedings, the costs of requisition shall be assessed and paid the same as other costs of the case. Any requisition costs so paid shall forthwith be delivered to the State Treasurer, who shall credit such payment to the requisition fund and send notice of the fact and amount to the Attorney General.

Section 25. Immunity From Service of Process in Certain Civil Actions:—A person brought into this State by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the State from which he was extradited.

Section 25a. May Waive Requisition; How Made:—Any person arrested or detained for the commission of a crime in a foreign jurisdiction, may, after his rights to demand requisition papers have been fully explained to him, waive requisition and consent to return to the jurisdiction in which he is wanted. The waiver of requisition shall be in writing, and shall set forth that he voluntarily waives requisition and that his rights have been fully explained to and understood by him, which shall be signed by the prisoner and three other witnesses in his presence. The proper signing of such a waiver of requisition shall constitute ample authority for the sheriff, or other officer having the prisoner in custody, to deliver the prisoner to the duly authorized agent commissioned to receive him. The sheriff, or other officer having the prisoner in charge, before he surrenders the prisoner shall be satisfied that the agent is duly authorized and commissioned to receive

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

the prisoner, and shall, unless the agent is a known peace officer, demand and retain the agent's warrant of authority, which he shall file and preserve together with the prisoner's waiver of requisition.

Section 25b. Non-Waiver by This State:—Nothing in this act contained shall be deemed to constitute a waiver by this State of its right, power or privilege to try such demanded person for crime committed within this State, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this State, nor shall any proceedings had under this act which result in, or fail to result in, extradition be deemed a waiver by this State of any of its rights, privileges or jurisdiction in any way whatsoever.

Section 26. No Right of Asylum; No Immunity From Other Criminal Prosecutions While in This State:—After a person has been brought back to this State by, or after waiver of extradition proceedings, he may be tried in this State for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

Section 27. Interpretation:—The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those States which enact it.

Section 28. Constitutionality:—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 29. Repeal:—All acts and parts of acts inconsistent

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTS
UNIFORM INTERSTATE EXTRADITION

with the provisions of this act and not expressly repealed herein
are hereby repealed.

Section 30. Short Title:—This act may be cited as the Uni-
form Criminal Extradition Act.

Approved April 7, 1937.

CHAPTER 214

UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES
FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGSUNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES
FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS.

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

Section 1. "Witness"—as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a Grand Jury or in a Criminal Action, Prosecution or Proceeding.

The word "State" shall include any Territory of the United States and District of Columbia.

The word summons shall include a subpoena, order or other notice requiring the appearance of a witness.

Section 2. Summoning Witness in This State to Testify in Another State:—If a judge of a court of record in any State which by its laws has made provision for commanding persons within that State to attend and testify in this State certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this State is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other State, and that the laws

UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES
FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS

of the State in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting State to assure his attendance in the requesting State, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting State.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

Section 3. Witness From Another State Summoned to Testify in This State:—If a person in any State, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this State, is a material witness

UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES
FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS

in a prosecution pending in a court of record in this State, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this State he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this State, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

Section 4. Exemption From Arrest and Service of Process:—

If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.

If a person passes through this State while going to another State in obedience to a summons to attend and testify in that State or while returning therefrom, he shall not while so passing through this State be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.

UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES
FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS

Section 5. Uniformity of Interpretation:—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the States which enact it.

Section 6. Short Title:—This act may be cited as "Uniform Act to Secure the Attendance of Witnesses from without a State in Criminal Proceedings."

Section 7. Inconsistent Laws Repealed:—All acts or parts of acts inconsistent with this act are hereby repealed.

Section 8. Constitutionality:—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 9. Time of Taking Effect:—This act shall take effect immediately.

Approved April 7, 1937.

CHAPTER 215

UNIFORM ACT FOR OUT-OF-STATE PAROLEE
SUPERVISION

AN ACT PROVIDING THAT THE STATE OF DELAWARE MAY ENTER INTO A COMPACT WITH ANY OF THE UNITED STATES FOR MUTUAL HELPFULNESS IN RELATION TO PERSONS CONVICTED OF CRIME OR OFFENSES WHO MAY BE ON PROBATION OR PAROLE.

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

Section 1. The Governor of this State is hereby authorized and directed to execute a compact on behalf of the State of Delaware with any of the United States legally joining therein in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled "An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for Cooperative Effort and Mutual Assistance in the Prevention of Crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this Section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

Section 2. If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Section 3. Whereas an emergency exists for the immediate taking effect of this act, the same shall become effective immediately upon its passage.

Section 4. This act may be cited as the Uniform Act for Out-of-State Parolee Supervision.

Approved April 7, 1937.

CHAPTER 216

UNIFORM LAW ON FRESH PURSUIT

AN ACT TO MAKE UNIFORM THE LAW ON FRESH PURSUIT
AND AUTHORIZING THIS STATE TO COOPERATE WITH
OTHER STATES THEREIN.

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

Section 1. Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

Section 2. If an arrest is made in this state by an officer of another state in accordance with the provisions of Section 1 of this act he shall without unnecessary delay take the person arrested before a Justice of the Peace of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the Justice of the Peace determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to bail for such purpose. If the Justice of the Peace determines that the arrest was unlawful he shall discharge the person arrested.

If the person so arrested shall waive extradition in the manner provided by law, upon the filing of the waiver at the central office or headquarters of any local, county or state police, or at the local office of the Attorney General, the officer having the arrested person in charge shall have the authority to forthwith take

UNIFORM LAW ON FRESH PURSUIT

him from this state to the state where said arrested person is wanted for having committed the felony.

Section 3. Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

Section 4. For the purpose of this act the word "State" shall include the District of Columbia.

Section 5. The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

Section 6. Upon the passage and approval by the Governor of this act it shall be the duty of the Secretary of State (or other officer) to certify a copy of this act to the Executive Department of each of the states of the United States.

Section 7. If any part of this act is for any reason declared void, it is declared to be the intent of this act that such invalidity shall not affect the validity of the remaining portions of this act.

Section 8. This act may be cited as the Uniform Act on Fresh Pursuit.

Section 9. This act shall take effect immediately.

Approved April 7, 1937.

Fees of Public Officers

CHAPTER 217

FEES OF PUBLIC OFFICERS

AN ACT TO AMEND CHAPTER 156 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO FEES OF PUBLIC OFFICERS.

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

Section 1. That Chapter 156, of the Revised Code of Delaware, 1935, be and the same is hereby amended, by adding at the end of 5357. Sec. 14, thereof, a new and additional paragraph, as follows:

"For recording, comparing and certifying, a certificate of extension, restoration, renewal or revival of the charter of a corporation, or a certificate of change of location of the principal office, or change of resident agent, or transfer of the location of any office of any agent of corporations in any City or Town of this State to another location in the same City or Town, or from any City or Town in this State to any other City or Town in this State, the fee shall be One Dollar and Twenty-five cents."

Approved April 7, 1937.

Additional Boards and Commissions

CHAPTER 218

STATE REAL ESTATE COMMISSION

AN ACT TO AMEND AN ACT ENTITLED "STATE REAL ESTATE COMMISSION" BY FURTHER DEFINING THE REGULATIONS OF SAID COMMISSION, AND BY CREATING A FURTHER PENALTY FOR VIOLATIONS OF THE PROVISIONS THEREOF, BEING CHAPTER 161 OF THE REVISED CODE OF DELAWARE, 1935.

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

Section 1. That Chapter 161 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding thereto the following new paragraph to Section 2.

"The commission shall adopt from time to time such rules and regulations as it may deem necessary for the proper administration of its functions."

Section 2. That Chapter 161 of the Revised Code of Delaware, 1935, be and the same is further amended by adding to Section 9 the following new paragraph to be styled (i).

(i) A violation of any of the rules and regulations of the Commission.

Section 3. All acts or parts of acts inconsistent hereto are hereby repealed.

Approved May 18, 1937.

CHAPTER 219

DELAWARE RACING COMMISSION

AN ACT TO AMEND CHAPTER 163 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "DELAWARE RACING COMMISSION", BEING CHAPTER 62 OF VOLUME 38, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 112 OF VOLUME 40, LAWS OF DELAWARE, RELATING TO EXPENSES OF COMMISSION, DAYS OF RACING, APPLICATION OF PROFITS, AND COMMISSION ON POOLS.

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

Section 1. That Chapter 163 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5500. Section 5, 5502. Section 7, 5506. Section 11, and 5510. Section 15 of said Chapter, said Sections being Sections 5, 7, 12, and 16 of Chapter 62, Volume 38, Laws of Delaware, as amended by Chapter 112 of Volume 40, Laws of Delaware, and by inserting in lieu thereof respectively, the following new Sections:

5500. 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, which expenses shall be deemed to include premiums on surety bonds of members of the Commission required in Section 3 hereof, shall not exceed the sum of Six Thousand Dollars (\$6,000.00) per annum.

Any person or persons, association or corporation, upon applying to the Commission for a license to conduct a race meeting within the State of Delaware during any calendar year, shall, at the time of such application, pay to the said Commission a fee of Three Thousand Dollars (\$3,000.00).

Any person or persons, association or corporation who shall be granted a license by the Commission to conduct a race meeting

DELAWARE RACING COMMISSION

within the State of Delaware, during any calendar year, shall, at the time such license is granted, pay to the said Commission a fee of Two Thousand Dollars (\$2,000.00).

5502. Section 7. Any person or persons, association or corporation desiring to conduct a race meeting 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 construction 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, on or before the 15th day of January of each year, 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 given a license 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; provided, however, in event that in any year only one applicant to the Delaware

DELAWARE RACING COMMISSION

Racing Commission for a license to conduct racing within the State of Delaware shall qualify for a license on or before the 15th day of January in said year, the Commission may authorize said sole licensee to hold one or more meetings for said year for an aggregate of thirty days.

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.

5506. Section 11. 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 20c on each admission, employees excepted, on each day of said meet. 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 number of admissions, employees of the licensee excepted, 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 num-

DELAWARE RACING COMMISSION

ber or numbers of such paid admissions and 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 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 to reserve from its earnings after provision for the taxes and charges provided by the statutes of the State of Delaware for the use of the State, a reasonable annual depreciation on the buildings and equipment used in the holding of racing meets within the State of Delaware which sum so allowed as depreciation may be used by the licensee in the retirement of his or its funded debt and/or preference stock. From any net revenue resulting after the payment of the taxes and charges provided by the statutes of the State of Delaware for the use of the State, and after the deductions for operating expenses and depreciation charges 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 and equipment employed in holding racing meets as return on said investment. All net revenue of the licensee remaining shall be set aside and employed by the licensee for working capital, for the retirement of outstanding debt and/or preference stock, for the maintenance and development of purses, stakes and rewards, and

DELAWARE RACING COMMISSION

for the maintenance and improvement of the tracks 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.

5510. Section 15. Within the enclosure of any horse race meeting licensed and conducted under this Act, but not elsewhere, the wagering or betting on horse races by the use of pari mutuel machines or totalizators is hereby authorized and permitted.

The Delaware Racing Commission shall have power in its discretion, to grant a license or licenses to any person, firm or corporation, to make, conduct and sell pools by the use of pari mutuel machines or totalizators, for the purpose of receiving wagers or bets on horse races within the enclosure of any race meeting licensed and conducted under this Act, but not otherwise, under such regulations as the Commission shall prescribe.

The Commission shall have power to prescribe regulations governing the granting of applications for licenses, the granting of licenses, and the conditions under which any licensee may conduct, sell, or make any such pool.

The qualification of any licensee shall be such as to afford a reasonable belief that the licensee will be financially responsible and will conduct the business of operating said pools in a proper and orderly manner. A licensee to make, conduct and sell pools by the use of pari mutuel machines or totalizators, must be a person, association or corporation licensed to conduct a race meeting under this Act.

DELAWARE RACING COMMISSION

The Delaware Racing Commission shall have power to require the keeping of books and records by a licensee of a pari mutuel or totalizator pool in such form, or in such manner, as the Commission shall prescribe. The Commission shall also have the power to regulate the duties of any employee of any such licensee, and to visit, investigate, and to place expert accountants and such other persons as it may deem necessary in the office or place of business of any person, corporation or association licensed to operate a pari mutuel or totalizator pool for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with. The Commission shall also have power 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 of a licensee, 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 its duty. If any person shall refuse to obey any such subpoena, or to testify, or to produce any books, papers or 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 said person to appear and testify, or to produce such books, papers and documents before the Commission. 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.

All licenses for the operation of pari mutuel or totalizator pools shall be revocable at any time, without hearing, in the absolute discretion of the Delaware Racing Commission.

Every person, association or corporation engaged in the business of conducting a race meeting under this Act shall pay to the Delaware Racing Commission, for the use of the State of Delaware, a sum equal to three per cent (3%) of the total contributions to all pari mutuel and totalizator pools conducted or made

DELAWARE RACING COMMISSION

on any and every race track licensed under this Act, and on every race at such track.

The Delaware Racing Commission shall authorize commissions on pari mutuel or totalizator pools to the person, firm or corporation operating a race meeting, which said commissions shall be a sum equal to three per cent (3%) of the total contributions to all pari mutuel and totalizator pools conducted or made at said race meeting, and every race at said meeting, plus the odd cents of all redistributions to be made on all pari mutuel or totalizator pool contributions exceeding the sum equal to the next lowest multiple of five.

In addition to the commissions permitted to the person, firm or corporation operating a race meeting under the provisions of the preceding paragraph the Commission shall authorize as further commissions a sum not exceeding one and one-half per cent ($1\frac{1}{2}\%$) of the total contributions on all pari mutuel or totalizator pools to the person, firm or corporation operating a race meeting, and at every race at said meet, so long only however, as the said person, firm or corporation shall have outstanding any funded debt incurred or preference stock issued by him or it in financing the purchase of his or its lands and the construction of his or its buildings and equipment thereon, which said further commissions, after deductions of any taxes thereon, shall be used solely for the purpose of retiring said funded debt and/or preference stock; provided, however, that in no event and at no track licensed under this Act shall the commissions allowed to the person, firm or corporation operating a race meeting when added to the amount payable to the Delaware Racing Commission from such pools, for the use of the State of Delaware, exceed seven and one-half per cent ($7\frac{1}{2}\%$) of the total contributions to all pari mutuel or totalizator pools conducted or made at any track, plus the odd cents of all redistributions to be made on all pari mutuel or totalizator pool contributions exceeding the sum equal to the next lowest multiple of five.

Section 2. That all Acts and parts of Acts inconsistent with any of the provisions of this Act be and the same are hereby re-

DELAWARE RACING COMMISSION

pealed to the extent of, and only to the extent of, any such inconsistency or inconsistencies.

Approved April 7, 1937.

CHAPTER 220

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY CHANGING THE NAME OF THE VEHICLE DEPARTMENT AND THE VEHICLE COMMISSIONER TO THE MOTOR VEHICLE DEPARTMENT AND THE MOTOR VEHICLE COMMISSIONER.

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

Section 1. That Chapter 165 of the revised code of Delaware, 1935, be and the same is hereby amended by striking out the words "Vehicle Department" and "Vehicle Commissioner" wherever the same appears in said Chapter and by inserting in lieu thereof the words "Motor Vehicle Department" and "Motor Vehicle Commissioner."

Approved May 20, 1937.

CHAPTER 221

MOTOR VEHICLES

AN ACT MAKING IT COMPULSORY FOR POLICE OFFICERS, JUSTICE OF THE PEACE AND GARAGE MEN TO INFORM THE MOTOR VEHICLE COMMISSIONER OF THE MAKE AND NUMBER OF MOTOR VEHICLES OF ALL PERSONS COMMITTED TO THE WORKHOUSE IN DEFAULT OF PAYING A FINE AND OF MOTOR VEHICLES STORED IN ANY GARAGE FOR A PERIOD MORE THAN THIRTY DAYS.

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

Section 1. In all cases where a person is committed to prison in default of paying a fine for a violation of the Motor Vehicle Code or any other law of the State of Delaware, and such person was in possession of a motor vehicle at the time of his or her arrest, it shall be the duty of the arresting officer and the Justice of the Peace who made the commitment to immediately notify the Motor Vehicle Commissioner of the make of the car; the engine and serial number and the license number.

It shall be the duty of all persons, firms or corporations who are engaged in the business of storing of automobiles to notify the Motor Vehicle Commissioner of the make, engine and serial number and license number of all cars stored and unmoved in any public garage for a period more than thirty days.

Approved April 19, 1937.

CHAPTER 222

MOTOR VEHICLES

AN ACT TO MAKE UNLAWFUL THE FRAUDULENT SETTING BACK OR DISCONNECTING OR FAILURE TO CONNECT OR CAUSING THE FRAUDULENT SETTING BACK OR DISCONNECTING OR FAILURE TO CONNECT SPEEDOMETERS ON MOTOR VEHICLES FOR THE PURPOSE OF EFFECTING A SALE OF SUCH VEHICLES.

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

Section 1. If any dealer in motor vehicles, or any other person, shall fraudulently change, set back, or disconnect, or fail to connect, or cause to be changed, set back or to be disconnected, or cause the failure to connect the speedometer of any motor vehicle, for the purpose of effecting the sale of such motor vehicle or vehicles, he shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be fined in the sum of not less than one hundred dollars nor more than three hundred dollars for each and every separate offense.

Approved May 17, 1937.

CHAPTER 223

MOTOR VEHICLES

AN ACT RELATING TO THE SALE OF USED TAXI CABS AND VEHICLES USED FOR PUBLIC TRANSPORTATION; INSPECTION; PENALTIES.

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

Section 1. No person, firm or corporation, shall knowingly offer for sale or exchange in this State any motor vehicle which was previously licensed and used as a taxi cab or for public transportation until the certificate of title for such motor vehicle shall have been surrendered to the Motor Vehicle Commissioner and until the Motor Vehicle Commissioner has stamped in a conspicuous place on such certificate of title the words, "THIS MOTOR VEHICLE HAS PREVIOUSLY BEEN USED AS A TAXI CAB OR FOR PUBLIC TRANSPORTATION."

No taxi cab or other motor vehicle which was previously used for public transportation, shall be sold to any person until such vehicle has been examined and determined safe and fit for operation and found equipped according to law by the agents of the Motor Vehicle Commissioner of this State.

In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the owner of the unsafe condition of said motor vehicle. In event the said taxi cab or motor vehicle is not placed in a safe condition and equipped according to law, the department shall rescind, cancel or suspend the registration of such motor vehicle.

Section 2. Any person who shall sell a motor vehicle contrary to the provisions of Section 1 and every officer, agent or employee of any person, firm or corporation and every person who shall sell or who shall authorize, direct, aid in or consent to the sale of a

MOTOR VEHICLES

motor vehicle contrary to the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars or by imprisonment in the County Jail not to exceed one year, or by both such fine and imprisonment."

Approved May 20, 1937.

CHAPTER 224

MOTOR VEHICLES

AN ACT REQUIRING ALL NON-RESIDENT OWNERS, OPERATORS OF MOTOR VEHICLES INVOLVED IN COLLISIONS WITH THE PERSON OR PROPERTY OF ANOTHER IN THIS STATE TO FURNISH SECURITY FOR THE PAYMENT OF THE DAMAGES SUFFERED THEREBY.

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

Section 1. Any person, firm or corporation, a non-resident of the State of Delaware, involved in any accident through the operation of a motor vehicle, wherein there is damage to property or person, the said person, firm or corporation liable to damages shall be required to furnish sufficient security for the payment of damages sustained by any person, firm or corporation before the motor vehicle of said non-resident or the contents thereof are removed from out of the State of Delaware.

Section 2. The security required in Section 1 of this Act shall be double the estimated amount of the damages, as determined by any reputable automobile repair man of the State of Delaware, and shall be posted with any Justice of the Peace in the State of Delaware.

Approved May 5, 1937.

CHAPTER 225

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY PROVIDING FOR THE ASSESSMENT OF AN INSPECTION FEE UNDER CERTAIN CONDITIONS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 5562. Section 24 of said Chapter the following new paragraph:

For any inspection made at any time other than that prescribed for the inspection of Motor Vehicles, in paragraph (a) of this section, the Department shall collect an inspection fee of one dollar (\$1.00).

Approved April 19, 1937.

CHAPTER 226

MOTOR VEHICLES

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY
SPECIFYING MOTOR VEHICLES EXEMPT FROM REGISTRA-
TION FEES.**

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

Section 1. That Sec. 27, Chapter 165 of the Revised Code of Delaware, 1935, be amended by striking out all of 5565. Sec. 27 of said Chapter 165 and inserting in lieu thereof the following:

5565. Sec. 27. Exempt from Registration Fees:—All motor vehicles of the State of Delaware or any governmental agency thereof, or of any Fire Department, Fire Engine Company, Police Department, or any County or incorporated city or town thereof, used exclusively in the performance of the principal's, official's, employee's or agent's respective functions or duties, and all motor ambulances owned and used by any agency in this State for charitable purposes or for the benefit of any hospital or hospitals in this State, and all motor vehicles owned by any veterans' organization and used by such organization in charitable or public welfare work, must be registered, but shall be exempt from the payment of all registration or license fees for said State, County or Municipal purposes and the Vehicle Commissioner shall be hereby directed to furnish, free, license plates, to the above, in such design as will designate them from other license plates.

Approved February 19, 1937.

CHAPTER 227

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY DESIGNATING ALL TOWN CARS OR SUBURBANS AS COMMERCIAL CARS.

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

Section 1. Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 5564. Section 26 of said Chapter the following new paragraph:

All town cars or suburbans registered in this State shall be licensed as commercial cars and any applicant for such license shall specify the maximum load to be transported therein.

Approved April 19, 1937.

CHAPTER 228

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO PERSONS ENTITLED TO OPERATOR'S AND CHAUFFEUR'S LICENSE; INSTRUCTION PERMITS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing paragraph (a) of 5592. Section 54 of said Chapter, and by inserting in lieu thereof the following:

(a) An operator's license shall not be issued to any person under the age of sixteen years, and no chauffeur's license shall be issued to any person who is under the age of eighteen years and who has not had at least one year's previous experience as an operator of a motor vehicle.

Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing paragraph (a) of 5594. Section 56 of said Chapter and by inserting in lieu thereof the following:

(a) The Department upon receiving from any person over the age of sixteen years an application for a temporary instruction permit, together with the fee required by law, may in its discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highway for a period of sixty days, when accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver and there is no other person in the vehicle. Provided, however, that if such applicant is under the age of twenty years, the Department shall require a birth certificate, or a certified copy thereof, to be filed with such application.

Approved April 19, 1937.

CHAPTER 229

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE REVOCATION OF LICENSE TO OPERATE A MOTOR VEHICLE OF PERSONS CONVICTED AND DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding after the word "license" as the same appears in the twenty-fifth line of 5619. Section 81 of said Chapter, the following words:

Nor until such person shall have complied with the provisions of Article 7 of this Chapter.

Approved May 20, 1937.

CHAPTER 230

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, REQUIRING MOTOR VEHICLES TO STOP AT CERTAIN HIGHWAYS AND DECLARING THE VIOLATION THEREOF A MISDEMEANOR.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of Paragraph (a) of 5638. Section 100 of said Chapter, the following sentence:

Any person violating the provisions of this Section shall be deemed guilty of reckless driving and a misdemeanor, and upon conviction shall be punished as provided in 5680. Section 142 of this Chapter.

Approved May 3, 1937.

CHAPTER 231

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO AMBER FOG LIGHTS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, is hereby amended by adding at the end of 5667. Section 129, a new and additional paragraph to be known as 5667. Section 129 (e) as follows:

It shall be permissible for any motor vehicle operated in the State of Delaware, to be equipped with Amber Fog Lights.

Approved April 7, 1937.

CHAPTER 232

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE REQUIREMENT OF CERTAIN MOTOR VEHICLES TO CARRY FLARES OR SIMILAR DEVICES.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out paragraphs (e), (f) and (g) of 5668. Section 130, and by inserting in lieu thereof the following three paragraphs, to be known as (e), (f) and (g):

(e) No person shall operate any motor truck having a width at any part in excess of eighty inches upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least 500 feet for a period of at least 8 hours, except that a motor vehicle transporting flammables may carry red reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section.

(f) Whenever any motor truck having a width at any part in excess of eighty inches and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such motor truck cannot immediately be removed from the main travelled portion of a highway outside of a business or

MOTOR VEHICLES

residence district, the driver or other person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed upon the highway, one at a distance of approximately 100 feet in advance of such vehicle, one at a distance of approximately 100 feet to the rear of the vehicle and the third upon the roadway side of the vehicle, except that if the vehicle is transporting flammables three red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle.

(g) No person shall at any time operate a motor truck transporting explosives as a cargo upon a highway unless it carries reflectors as herein required, but such reflectors must be capable of producing a red light and approved as aforesaid and shall be displayed upon the roadway when and as required in this section.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof in any Court of competent jurisdiction, shall be punished in accordance with Section 141.

Approved May 19, 1937.

CHAPTER 233

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO SECURITY REQUIRED FOR THE PAYMENT OF DAMAGES CAUSED BY THE OPERATION OF MOTOR VEHICLES AND PRESCRIBING A PENALTY FOR THE OPERATION OF A MOTOR VEHICLE WHILE A LICENSE IS SUSPENDED FOR FAILURE TO FURNISH SUCH SECURITY.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5706. Section 168 of said Chapter and inserting in lieu thereof the following:

5706. Section 168. Upon receipt by the said Vehicle Commissioner of an abstract, duly certified by the Clerk of the Court rendering the judgment, showing the rendition of final judgment in the amount of Twenty-five Dollars (\$25.00) or upwards of that amount, by a court of record in this State against any person to whom has been issued a license to operate a motor vehicle or against any person, firm or corporation in whose name has been issued a certificate of registration of such vehicle and also showing that such judgment was rendered against such defendant by reason of an accident, in which such vehicle was involved, together with such further proof as may be required by the said Vehicle Commissioner to satisfy him that such judgment remains unsatisfied after thirty days from the time the same became final, he shall suspend such license or certificate of registration, or both, until such judgment is fully satisfied of record and shall require such licensee and/or registrant to furnish to him proof of financial responsibility as herein provided; and until such satisfaction is made and such proof of financial responsibility furnished such defendant shall be ineligible to receive a certificate of registration or a license to operate.

MOTOR VEHICLES

Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by adding immediately after 5710. Section 172 of said Chapter, the following new section, to be known as 5710. (A) Section 172 (A):

5710. (A) Section 172 (A). Any person being the owner of any motor vehicle, the registration of which has been suspended under the provisions of this Article 7, who operates or permits the operation of said motor vehicle without first having complied with the provisions of said Article, shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment of not less than Thirty (30) days nor more than Six (6) months, or by both such fine and imprisonment.

Approved May 5, 1937.

CHAPTER 234

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO SAFETY GLASS EQUIPMENT FOR ALL MOTOR VEHICLES.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5714. Section 176 of said Chapter and by inserting in lieu thereof the following:

5714. Section 176. On and after July 1st, 1937, it shall be unlawful to operate, on any public highway or street in this State, any motor vehicle which is registered in the State of Delaware and shall have been manufactured or assembled on or after July 1st, 1937, unless such motor vehicle and/or any trailer drawn thereby, be equipped with safety glass wherever glass is used in partitions, doors, windows or windshields.

Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5716. Section 178 of said Chapter.

Approved May 20, 1937.

CHAPTER 235

STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND SECTION 3, CHAPTER 166, REVISED CODE OF DELAWARE, 1935, BY AUTHORIZING AND DIRECTING THE STATE HIGHWAY DEPARTMENT TO ACQUIRE AND PERPETUALLY MAINTAIN A STATE PARK IN THE CITY OF WILMINGTON.

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

Section 1. That Section 3, Chapter 166, Revised Code of Delaware, 1935, be, and the same is hereby, amended by adding to said Section a new paragraph reading as follows:

The Department is hereby authorized and directed to acquire by agreement, purchase, or condemnation in the manner in this Chapter provided for the condemnation of land for the purpose of a State highway, a lot, piece or parcel of land in the City of Wilmington in and on which are located what are known as "The Rocks" where the first Swedish settlers landed, for the purpose of a State Park in which may be erected, under the supervision of The Delaware Tercentenary Commission, a monument commemorative of the landing of the Swedes. The size of the parcel of land so to be acquired shall be such as shall be approved by the said The Delaware Tercentenary Commission. The said parcel of land when so acquired shall be perpetually maintained by the Department as a State Park and shall be planted and beautified as such and such paths, ways and/or roads as the Department may deem desirable shall be constructed therein, but it shall at all times be available for the erection therein, under the supervision of the said The Delaware Tercentenary Commission, of a monument commemorative of the first landing of the Swedes in the United States of America. Any such monument so erected shall thereafter be cared for by the Department as a part of the said State Park. To accomplish the purposes of this Act, the Department is hereby au-

STATE HIGHWAY DEPARTMENT

thorized to use any funds under its general jurisdiction and control and otherwise available for the construction, reconstruction and maintenance of State highways.

Section 2. That all acts and parts of acts inconsistent with this Act, especially Section 3 of the Joint Resolution adopted by the Senate of the State of Delaware, the House of Representatives concurring therein, approved by the Governor February 10, 1937, entitled "SENATE JOINT RESOLUTION NO. 2 AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO PLAN AND EXECUTE ITS PLAN FOR THE CELEBRATION OF THE THREE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF THE FIRST PERMANENT CIVILIZED SETTLEMENT IN THE STATE OF DELAWARE", be and the same are hereby repealed.

Approved April 28, 1937.

CHAPTER 236

STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND SECTION 22, CHAPTER 166, REVISED CODE OF DELAWARE, 1935, BEING A PART OF SECTION 6, CHAPTER 63, VOLUME 29, LAWS OF DELAWARE, AN ACT ENTITLED, "AN ACT TO CREATE A STATE HIGHWAY DEPARTMENT ESTABLISHING A SYSTEM OF STATE HIGHWAYS AND PROVIDING FOR THE IMPROVEMENT AND MAINTENANCE THEREOF AND THE APPROPRIATING AND BORROWING MONEY 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 House concurring):

Section 1. That Section 22, Chapter 166, Revised Code of Delaware, 1935, being a part of Section 6, Chapter 63, Volume 29, Laws of Delaware, as amended by Chapters 79 and 80, Volume 34, Laws of Delaware, be, and the same is hereby amended by striking out all of the second paragraph of said Section 22, being the third paragraph of said Section 6, and by inserting in lieu thereof the following:

All work pertaining to the construction of any overhead or undergrade structure within the limits of the right-of-way of any railroad or railway company whose property is being crossed by a State Highway shall be done and performed or contracted for by the State Highway Department or by the said railroad or railway company as may be mutually agreed upon, provided, however, that said work shall be so done and performed so as not to interfere with the safe and continuous operation of said railroad or railway, and, provided further, that if said work should require the relocation, removal or alteration of any tracks, poles, wires, signals, or other appurtenances of said railroad or railway, the plans and specifications, in so far as they relate to such relocation, removal or alteration, and the work done in accordance therewith, shall be subject to the approval of the Chief Engineer of the railroad or

STATE HIGHWAY DEPARTMENT

railway company owning or controlling such property. All work pertaining to the construction of any overhead or undergrade structure which is without the limits of said right-of-way of any railroad or railway company shall be done and performed by the said State Highway Department. The cost of all such work shall be paid for as hereinbefore provided or as may be agreed by and between the said State Highway Department and any such railroad or railway company.

Approved April 5, 1937.

CHAPTER 237

STATE HIGHWAY DEPARTMENT

AN ACT EMPOWERING THE STATE HIGHWAY DEPARTMENT TO PROVIDE FOR AN ADEQUATE FLOW OF WATER IN SILVER LAKE, AT OR NEAR THE TOWN OF REHOBOTH, SUSSEX COUNTY, DELAWARE, AND TO REGULATE THE WATER LEVEL THEREIN.

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

Section 1. The State Highway Department is hereby authorized and directed to perform such work as shall be necessary to provide for an adequate flow of water in Silver Lake, at or near the Town of Rehoboth, Sussex County, Delaware, and to regulate the water level therein, for the purpose of protecting game and fish, the elimination of breeding spots for mosquitoes, and the restoration of said lake to its former state of natural beauty.

Section 2. The sum of Twenty-five Thousand Dollars (\$25,000.00), or so much thereof as shall be necessary, is hereby appropriated out of the State Highway Fund for such purposes and the State Treasurer is hereby directed to pay upon proper vouchers drawn by the State Highway Department on the State Highway Fund such amounts as may be expended not exceeding in the aggregate the sum of Twenty-five Thousand Dollars (\$25,000.00).

Approved April 26, 1937.

CHAPTER 238

STATE HIGHWAY DEPARTMENT

AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT TO DRAIN CERTAIN LANDS ALONG HIGHWAYS UNDER THE CONTROL AND SUPERVISION OF THE STATE HIGHWAY DEPARTMENT.

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

Section 1. That from and after the passage and approval of this Act, the State Highway Department is hereby authorized and directed to drain or cause to be drained by suitable and sufficient ditches, or other conduits, waters which have backed upon lands along the right of way of any road or highway caused by the construction, alteration or changing of the natural contour lines and levels along and over the area confined within such right of way, whereby the natural flow and drainage from such lands along and over such right of way is retarded, hindered, or stopped.

Section 2. It is also the duty of said State Highway Department, and the said State Highway Department is hereby authorized and directed, at all times hereafter to cause suitable and sufficient ditches or other conduits to be constructed along the right of way of any road or highway hereafter constructed, altered or changed, whereby, because of such construction, alteration, or changing of such lands included in the right of way of such road or highway, the natural contour lines and levels of the lands included within such right of way of such road or highway would be changed, and waters would tend to collect upon and over the lands adjacent to such road or highway because of such change.

Section 3. It is also the duty of said State Highway Department, and the said State Highway Department is hereby authorized and directed, upon being notified that any lands along the right of way of any road or highway are covered with water resulting from the construction, alteration, or changing of such road or

STATE HIGHWAY DEPARTMENT

highway as provided in Section 1 and Section 2 of this Act, to forthwith drain, or cause to be drained by one or more ditches, or other conduits, such water from such lands.

Approved April 12, 1937.

CHAPTER 239

COURT OF COMMON PLEAS NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 169 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

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

Section 1. That Chapter 169 of the Revised Code of Delaware, 1935, be and the same is hereby amended, by adding at the end of 5811. Section 5, a new and additional paragraph, as follows:

Section 1. In all cases where the Justice of the Peace now has jurisdiction and power to hear and finally determine the matter and the accused has the right to elect to have the case tried by the Court of Common Pleas for New Castle County, it shall be the duty of every Justice of the Peace for New Castle County, and the officer making the arrest, to advise such accused of his right to so elect, and every officer making the arrest and every Justice of the Peace for New Castle County is hereby required to so advise the accused before the said Justice of the Peace shall have jurisdiction and power to try the case.

Approved April 15, 1937.

CHAPTER 240

COURT OF COMMON PLEAS KENT COUNTY

AN ACT TO AMEND CHAPTER 170 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE COURT OF COMMON PLEAS FOR KENT COUNTY BY GIVING SAID COURT CONCURRENT JURISDICTION WITH THE COURT OF GENERAL SESSIONS IN MATTERS RELATING TO DESERTION AND NON-SUPPORT CASES.

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 from and after the passage and approval of this Act the Court of Common Pleas for Kent County shall have concurrent jurisdiction with the Court of General Sessions in matters relating to desertion and non-support cases.

Approved April 30, 1937.

CHAPTER 241

DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED DELAWARE WORKMEN'S COMPENSATION LAW, BY EXTENDING THE PROVISIONS OF SUCH LAW TO OCCUPATIONAL DISEASES INCURRED BY EMPLOYEES.

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

Section 1. That 6114. Section 44 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out all of the said 6114. Section 44 and substituting in lieu thereof the following new 6114. Section 44:

6114. Section 44. Terms Construed:—The term "injury" and "personal injury" as used in this Chapter shall be construed to mean violence to the physical structure of the body, such disease or infection as naturally results directly therefrom when reasonably treated and compensable occupational diseases, as are hereinafter defined, arising out of and in the course of the employment. When death is mentioned as a cause for compensation under this Chapter, it shall mean death resulting from such violence, its resultant effect when reasonably treated as aforesaid and occurring within two hundred and eighty-five weeks after the accident, and compensable occupational diseases, as are hereinafter defined, arising out of and in the course of the employment.

When applicable in this Chapter to compensable occupational diseases the following words and phrases shall be construed to have the following meanings:

Compensable occupational diseases shall not include any other than those scheduled below and shall include those so scheduled only when the exposure stated in connection therewith has occurred during the employment, and the disability has commenced within five months after the termination of such exposure:

DELAWARE WORKMEN'S COMPENSATION LAW

Occupational Diseases:

Anthrax;
Lead Poisoning;
Mercury Poisoning;
Arsenic Poisoning;
Phosphorus Poisoning;
Benzene, and its homologues, and all derivatives thereof;
Wood Alcohol Poisoning;
Chrome Poisoning;
Caisson Disease;
Mesothorium or radium poisoning;
Carbon Disulphide;
Hydrogen Sulphide.

Willful self-exposure to occupational diseases shall include (1) failure or omission to observe such rules and regulations as may be promulgated and posted in the plant by the employer tending to the prevention of occupational diseases, and (2) failure or omission to truthfully state to the best of the employee's knowledge, in answer to inquiry made by the employer, the location, duration and nature of previous employment of the employee in which he was exposed to any occupational disease as herein listed.

The compensation payable for death or disability total in character and permanent in quality resulting from an occupational disease shall be the same in amount and duration and shall be payable in the same manner and to the same persons as would have been entitled thereto had the death or disability been caused by an accident arising out of and in the course of the employment.

In determining the duration of temporary total and/or temporary partial and/or permanent partial disability, and the duration of such payments for the disabilities due to occupational diseases, the same rules and regulations as are now applicable to accident or injury occurring under the act to which this act is an amendment or supplement, shall apply.

DELAWARE WORKMEN'S COMPENSATION LAW

Unless the employer during the continuance of the employment shall have actual knowledge that the employee has contracted a compensable occupational disease, or unless the employee or some one in his behalf, or some of his dependents, or some one on their behalf, shall give the employer written notice or claim that the employee has contracted one of said compensable occupational diseases, which notice to be effective must be given within a period of five months after the date when said employee shall have ceased to be subject to exposure to such occupational disease, no compensation shall be payable on account of the death or disability by occupational disease of such employee.

All claims for compensation for compensable occupational disease shall be forever barred unless a petition is filed in duplicate with the secretary of the Industrial Accident Board, within one year after date on which the employee ceased to be exposed in the course of employment with the employer to such occupational disease as hereinabove defined, or in case an agreement of compensation for compensable occupational disease has been made between such employer and such claimant, then within one year after the failure of the employer to make payment pursuant to the terms of such agreement; or in case a part of the compensation has been paid by such employer, then within one year after the last payment of compensation.

Whenever it shall appear that any disability from which any employee is suffering following the contraction of a compensable occupational disease, is due in part to such occupational disease, and in part to a pre-existing disease or infirmity, the Industrial Accident Board shall determine the proportion of such disability which is reasonably attributable to the said occupational disease and the proportion thereof which is reasonably attributable to the pre-existing disease or infirmity, and such employee shall be entitled to compensation for that proportion of his disability which is reasonably attributable solely to the said occupational disease, and shall not be entitled to compensation for that proportion of his disability which is reasonably attributable to the pre-existing disease or infirmity.

DELAWARE WORKMEN'S COMPENSATION LAW

Section 2. That Chapter 175 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing Paragraph (c) of 6115. Section 45 of said Chapter.

Approved May 19, 1937.

CHAPTER 242

DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO DELAWARE WORKMEN'S COMPENSATION LAW BY PROVIDING FOR THE APPLICATION THEREOF TO THE OFFICERS AND ENLISTED MEN OF THE DELAWARE NATIONAL GUARD.

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

Section 1. That 6118. Sec. 48, of Chapter 175, Revised Code of Delaware, 1935, be amended by adding at the end of the first paragraph thereof the following words, to-wit:

"And excepting officers and enlisted men of the Delaware National Guard."

Section 2. That 6118. Sec. 48, of Chapter 175, Revised Code of Delaware, 1935, be further amended by adding at the end of the second paragraph thereof the following words, to-wit:

"And the election to be bound by the provisions of this Chapter shall be made by the Adjutant General of the State of Delaware."

Approved April 16, 1937.

CHAPTER 243

DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO DELAWARE WORKMEN'S COMPENSATION LAW.

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

Section 1. That 6118. Sec. 48, of Chapter 175 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of the said 6118. Sec. 48, the following:

Provided, nevertheless, that in any and all cases where any employer of less than five employees carries insurance to insure the payment of compensation to such employees or any of them, or their or either of their dependents, then in any and all such cases, such employer, employers, employee and employees shall come under the provisions of this Chapter and all of the provisions thereof shall apply with the same force and effect as in cases where five or more employees are engaged, as provided in this Chapter; provided, however, that neither employer or employee shall be exclusively presumed to have elected to be bound by the compensating provisions of the Delaware Workmen's Compensation Law but such employer and employee shall jointly elect to be so bound by filing with the Industrial Accident Board a written notice of their election to so be and the said Board shall approve their acceptance of the said compensating provisions.

Approved May 3, 1937.

CHAPTER 244

DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND SECTION 48, CHAPTER 175, REVISED CODE OF DELAWARE, 1935, CALLED AND CITED AS "THE DELAWARE WORKMEN'S COMPENSATION LAW OF 1917."

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

Section 1. That Section 48, Chapter 175, of the Revised Code of Delaware, 1935, be and the same is hereby amended, by inserting in the eighteenth line of the first paragraph thereof between the words "Delaware" and "who" the following words to-wit: "and excepting officers and employees of the Board of Public Works of Lewes."

Section 2. That Section 48, Chapter 175, of the Revised Code of Delaware, 1935, 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 Commissioners of Lewes shall be by and be under the control of the Board of Public Works of Lewes."

Approved May 19, 1937.

CHAPTER 245

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "ALCOHOLIC LIQUORS, WINES, AND BEER", RELATING TO PURCHASES FOR PERSONAL USE.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 6149. Section 20, and inserting in lieu thereof the following new Section, to be known as 6149. Section 20, to read as follows:

6149. Section 20. Other Purchase for Personal Use:—Subject to the provisions of 6163, Section 34, of the Revised Code of Delaware, 1935, any individual twenty-one years of age or over may purchase, without license from the Commission, "spirits", "wines", or "beer" by the glass or, at one purchase, an amount not exceeding one "bottle" of "spirits", or 12 "bottles" or 24 half-bottles of "wine" or "beer", provided that such purchases are made from a person authorized to make the "sale."

Approved April 27, 1937.

CHAPTER 246

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE CANCELLATION OR SUSPENSION OF LICENSE FOR THE SALE OF ALCOHOLIC LIQUOR, WINES AND BEER, AND THE DISPOSITION OF ALCOHOLIC LIQUOR, WINES AND BEER BY THE COMMISSION.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Paragraphs 2a; 2b; 2c; 2d; and 2e of 6158. Section 29, and inserting in lieu thereof the following paragraphs:

6158. Section 29. 2 (a) The cancellation or the acceptance of a surrender of any license shall entail the loss of the privilege conferred by the license and shall entail the acceptance of or the seizure by the Commission of any "alcoholic liquor" found in the possession of the holder of the license. Notice of the order of the cancellation or the acceptance of the surrender of the license may be served by an officer designated by the Commission by affixing a duplicate thereof to the outside of the entrance door of the licensed premises, 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 or acceptance of the surrender. All cancellations or acceptances of surrender shall take effect as soon as the order is served. The cancellation or acceptance of surrender 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 or from

ALCOHOLIC LIQUORS, WINES AND BEER

making at the same time a seizure of "alcoholic liquor" as above provided.

2 (b) The Commission shall within thirty days of the date of the cancellation or acceptance of surrender 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" accepted or seized as remains in packages sealed by the Commission, less ten per cent of the amount received. When other legally acquired "alcoholic liquors" have been accepted or seized under this section, the current wholesale value thereof, shall be remitted to the holder of the license cancelled or surrendered by the Commission, less ten per cent of such value. When other and illegally acquired "alcoholic liquors" have been seized under this Section, no payment shall be made therefor.

2 (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.

2 (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.

2 (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 liquor" found in the possession of the judgment debtor or bankrupt, as the case may be.

ALCOHOLIC LIQUORS, WINES AND BEER

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 ten per cent of such proceeds, and the value, as established by the Commission, of other legally acquired "alcoholic liquor" so delivered, less ten per cent of such value. No payment shall be made for any illegally acquired "alcoholic liquor" so delivered.

2 (f) Any "alcoholic liquor" purchased or seized by the Commission through the cancellation or surrender of a license, the death of a licensee, under a judgment or in case of the insolvency of a licensee may be offered and sold to the "importers" licensed by the Commission for the sale of such "alcoholic liquor", who shall file sealed bids for such liquors in accordance with regulations adopted and published by the Commission and in the event there are not any purchasers such "alcoholic liquors" may be destroyed by order of the Commission.

Approved May 5, 1937.

CHAPTER 247

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO A LICENSE FOR A TAP ROOM WHEREIN ALCOHOLIC LIQUORS, WINES AND BEER ARE SOLD.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 6159. Section 30 (6) a new paragraph to be known as 6159. Section 30 (6a):

6159. Section 30 (6a). To sell alcoholic liquors, wines or beer in a tap room Three Hundred Dollars (\$300.00) if such tap room be in a city of 25,000 inhabitants or more; One Hundred Fifty Dollars (\$150.00) if such tap room is located elsewhere.

Approved May 5, 1937.

CHAPTER 248

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO TARIFF OF LICENSES, FOR THE SALE 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. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Paragraph 8 of Subsection (b) of 6159. Section 30 thereof and inserting in lieu thereof the following:

6159. Section 30. (b) (8) To sell "alcoholic liquor" at "gatherings of persons" the sum of One Dollar (\$1.00) for each day of said "gathering".

Section 2. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out Paragraph 10 of Subsection (b) of 6159. Section 30, and inserting in lieu thereof the following:

6159. Section 30. (b) (10) (a) For a license to "manufacture" and to "sell" "beer" as provided in this Act, the sum of Three Thousand Dollars (\$3,000.00).

(b) For a license to operate a "distillery" for distillation or rectification, the licensee shall, based upon annual production, pay a sum to be computed upon the following schedule:

For the first 500 gallons, the sum of Fifty Dollars (\$50.00);

For the next 5,000 gallons, or fraction thereof at the rate of Four Cents (\$0.04) per gallon;

For the next 10,000 gallons, or fraction thereof, at the rate of Three Cents (\$0.03) per gallon;

ALCOHOLIC LIQUORS, WINES AND BEER

For the next 50,000 gallons, or fraction thereof, at the rate of Two Cents (\$0.02) per gallon;

For the next 100,000 gallons, or fraction thereof, at the rate of One Cent (\$0.01) per gallon;

For each 100,000 gallons in excess of the amounts set forth, or the fraction thereof, at the rate of one-half cent (\$0.005) per gallon.

(c) For a license to "bottle" five hundred barrels or less of "beer" the sum of Fifty Dollars (\$50.00);

For each additional 500 barrels or less bottled, the sum of Fifty Dollars (\$50.00);

(d) For a license to operate a "winery" or to "bottle" and to sell "wine" as provided in this Act, the sum of One Hundred Dollars (\$100.00).

Approved May 5, 1937.

CHAPTER 249

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "ALCOHOLIC LIQUORS, WINES AND BEER", RELATING TO SALE TO CERTAIN INDIVIDUALS.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out paragraph (2) of 6163. Section 34 and inserting in lieu thereof the following new paragraph:

6163. Section 34 (2). It is forbidden to sell any "beer" to any individual who has not reached the age of twenty-one years.

Approved April 26, 1937.

CHAPTER 250

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE KEEPING AND SALE OF CHEMICALS OR SO CALLED "SMOKE", WITH THE INTENT TO SELL FOR BEVERAGE PURPOSES; PENALTIES.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 6173. Section 44 a new and additional paragraph, to be known as Paragraph (h):

(h) Whosoever sells, offers to sell, or keeps with the intent to sell for beverage purposes, denatured alcohol, perfume, lotion, tincture, fluid extract or essence, or other liquid or solid not originally manufactured or intended for use as a beverage, containing more than one-half of one per cent of ethyl alcohol by volume, shall be guilty of a misdemeanor and upon conviction, in addition to the 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.

Approved April 27, 1937.

CHAPTER 251

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO PLACES WHERE ALCOHOLIC LIQUORS MAY BE KEPT.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 6165. Section 36 thereof and inserting in lieu thereof the following:

6165. Section 36. (A) (1) No person shall keep "spirits", "wines" or "beer" in the State except:

(a) In the stores and warehouses of the Commission, or in any 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 "alcoholic liquor".

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

(e) In the residence of any person, provided such "alcoholic 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 6146. Section 17, Paragraph 11 of Chapter 176 of the Revised Code of Delaware, 1935, and that such license be in force.

(g) In the baggage of an individual who is transporting such "alcoholic liquor" for his individual use.

ALCOHOLIC LIQUORS, WINES AND BEER

(h) In a church, or a chapel, or other place for religious worship or a dependence thereof where sacramental "wine" may be kept.

(2) No person shall keep "alcohol" in the State, except:

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

(b) In the "establishment" of a Pharmacist, Physician, Dentist, Veterinarian, Wholesale Druggist, University, College, School, Manufacturing Plant, where said "alcohol" is used in industrial or scientific work, or for the manufacture of pharmaceutical products where it is expressly permitted by the Commission to keep such "alcohol".

(c) In a distillery licensed by the Commission to manufacture said "alcohol."

Any person keeping any "alcoholic liquor" elsewhere than in the places mentioned in this Act shall be guilty of an offence under this Act.

(B) (1) No person shall transport "spirits", "wines" or "beer" in this 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 such alcoholic liquor to the "establishment" of a like holder of a license to sell or to the residence in this State of any person, holder of a license to purchase such "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

ALCOHOLIC LIQUORS, WINES AND BEER

(d) In the baggage of an individual who is transporting such "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"; or

(e) By the Commission in vehicles owned or hired by it in accordance with a published regulation of the Commission providing for such transportation.

(2) No person shall transport "alcohol" in the State, except:

(a) By the Commission in vehicles owned or hired by it in accordance with a published regulation of the Commission providing for such transportation; or

(b) Where it is expressly permitted by the Commission to transport such "alcohol."

Any person transporting any "alcoholic liquor" except as permitted in this Act shall be guilty of an offence under this Act.

Approved May 5, 1937.

CHAPTER 252

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO TAP ROOMS AND MINORS.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 6174. Section 45 (q) the following:

Whoever being the holder of a license to operate a "tavern" or "taproom", admits or permits to remain in such "tavern" or "taproom", any minor under the age of twenty-one years, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$25.00.

For the purposes of this Act the definition of a taproom is an establishment provided with special space and accommodations and operated primarily for the sale by the glass and for consumption on the premises of alcoholic liquors with the sale of food as a secondary object as distinguished from a restaurant where the sale of food is the primary object.

Approved May 5, 1937.

CHAPTER 253

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO OFFENSES AND PENALTIES.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 6174. Section 45 (q) the following, to be known as 6174. Section 45 (r):

Any person under the age of twenty-one years who knowingly makes false statement to any person engaged in the sale of wine or alcoholic liquor for the purpose of obtaining the same and to the effect that he or she is twenty-one years of age or older, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the payment of costs, pay a fine of not more than Fifty Dollars (\$50.00), and on failure to pay such fine and costs shall be imprisoned for not less than five days nor more than thirty days.

Section 2. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by adding at the end of 6174. Section 45 (r) the following to be known as 6174. Section 45 (s):

Any person or persons who purchase, buy or give wine or alcoholic liquor for or to a person or persons under the age of twenty-one years shall be guilty of a misdemeanor, shall upon conviction, and in addition to the payment of costs, pay a fine of not more than One Hundred Dollars (\$100.00), and on failure to pay such fine shall be imprisoned for not less than five days, nor more than thirty days.

Approved April 29, 1937.

CHAPTER 254

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO OFFENCES AND PENALTIES FOR VIOLATION OF THE STATE LIQUOR CONTROL ACT.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 6174. Section 45 thereof the following new paragraph to be known as 6174. Section 45 (r):

6174. Section 45 (r). Whosoever shall violate any other provision of this Act or any regulation of the Commission, adopted and published under the authority of this Act for which no penalty is provided herein, shall be guilty of a misdemeanor and shall upon conviction, in addition to the payment of the costs, be subject to fine or imprisonment, or both, in the discretion of the Court.

Section 2. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is further amended by striking out Paragraph (e) of 6174. Section 45 and inserting in lieu thereof the following:

6174. Section 45 (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 33 of this Act; or

Approved May 5, 1937.

CHAPTER 255

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO PENALTIES FOR VIOLATION OF THE STATE LIQUOR CONTROL ACT.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 6179. Section 50 and inserting in lieu thereof the following to be known as 6179. Section 50:

6179. Section 50. 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 6163. Section 34, paragraph 3 (e) of said chapter, 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 Five Hundred Dollars (\$500.00) by way of exemplary damages.

Approved May 5, 1937.

CHAPTER 256

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO SEIZURES 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. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting a new paragraph to be known as 6182. Section 53:

6182. Section 53. Wherever alcoholic liquor is being peddled in this State or whenever any alcoholic liquor in excess of 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 in accordance with the provisions of 6165. Section 36, of said chapter, or unaccompanied by a way bill as provided in 6166. Section 37 of this Act, any police officer of the State or sub-division thereof or any inspector of the Commission 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, in its discretion, disposed of them by a judgment.

Approved April 29, 1937.

CHAPTER 255

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO PENALTIES FOR VIOLATION OF THE STATE LIQUOR CONTROL ACT.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 6179. Section 50 and inserting in lieu thereof the following to be known as 6179. Section 50:

6179. Section 50. 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 6163. Section 34, paragraph 3 (e) of said chapter, 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 Five Hundred Dollars (\$500.00) by way of exemplary damages.

Approved May 5, 1937.

CHAPTER 256

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO SEIZURES 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. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting a new paragraph to be known as 6182. Section 53:

6182. Section 53. Wherever alcoholic liquor is being peddled in this State or whenever any alcoholic liquor in excess of 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 in accordance with the provisions of 6165. Section 36, of said chapter, or unaccompanied by a way bill as provided in 6166. Section 37 of this Act, any police officer of the State or sub-division thereof or any inspector of the Commission 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, in its discretion, disposed of them by a judgment.

Approved April 29, 1937.

CHAPTER 257

CONSTITUTION SESQUICENTENNIAL COMMISSION
OF DELAWARE

AN ACT IN RELATION TO THE OBSERVANCE OF THE ONE
HUNDRED AND FIFTIETH ANNIVERSARY OF THE ADOPTION
OF THE CONSTITUTION OF THE UNITED STATES
AND OF ITS RATIFICATION BY 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. A state commission of thirteen members is hereby created to cooperate with the Federal Government in the celebration of the One Hundred and Fiftieth Anniversary of the Formation and Adoption of the Constitution of the United States, and said Commission shall be known as the "Constitution Sesquicentennial Commission of Delaware."

Section 2. Such Commission shall consist of the Governor and Lieutenant Governor, the President pro-tem of the Senate and the Speaker of the House and nine members, to be appointed by the Governor. A vacancy in the Commission arising by reason of death, resignation or otherwise, shall be filled by the Governor. The Commission shall organize by selecting from its members a chairman and appointing a secretary. A majority of the members of the Commission shall constitute a quorum. The members of the Commission shall serve without pay, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. The Commission may act within or without the State and shall lend every assistance within its power so that the celebration will be of lasting honor to the nation. The Commission shall keep a record of all its proceedings and make a report of same to the next Session of the General Assembly.

Section 3. The sum of Twenty-five Hundred Dollars (\$2,500.00) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise ap-

CONSTITUTION SESQUICENTENNIAL COMMISSION
OF DELAWARE

propriated, to pay the expenses of the Commission created by this Act, payable from the treasury on the warrant of the chairman of the Commission.

Approved April 26, 1937.

CHAPTER 258

UNEMPLOYMENT COMPENSATION COMMISSION

AN ACT TO ESTABLISH A SYSTEM OF UNEMPLOYMENT COMPENSATION FOR THE UNEMPLOYED CITIZENS OF THE STATE OF DELAWARE, WITHOUT LIABILITY ON THE PART OF THE STATE OF DELAWARE, TO BE ADMINISTERED BY A COMMISSION AND ITS NEWLY CREATED AGENCIES, REQUIRING EMPLOYERS TO KEEP RECORDS AND MAKE REPORTS AND CERTAIN EMPLOYERS TO PAY CONTRIBUTIONS BASED ON PAYROLLS, TO PROVIDE MONEYS FOR THE PAYMENTS OF COMPENSATION TO CERTAIN UNEMPLOYED PERSONS, PROVIDING PROCEDURE AND ADMINISTRATIVE DETAILS FOR THE DETERMINATION, PAYMENT AND COLLECTION OF SUCH CONTRIBUTIONS, AND THE PAYMENT OF SUCH COMPENSATION PROVIDING FOR COOPERATION WITH THE FEDERAL GOVERNMENT AND ITS AGENCIES, CREATING CERTAIN SPECIAL FUNDS IN THE CUSTODY OF THE STATE TREASURER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

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

DECLARATION OF STATE PUBLIC POLICY

As a guide to the interpretation and application of this Act, the public policy of this State is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this State. Involuntary unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. The achievement of social security requires protection against this greatest hazard of our economic life. This can be accomplished by encouraging employers to provide more stable employment and by the systematic accumulation of funds during

UNEMPLOYMENT COMPENSATION COMMISSION

periods of employment from which benefits may be paid for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this State require the enactment of this measure, under the police power of the State, for the compulsory setting aside of unemployment reserve to be used for the benefit of persons unemployed through no fault of their own.

SHORT TITLE

Section 1. This Act shall be known and may be cited as the Unemployment Compensation Law.

DEFINITIONS

Section 2. As used in this Act, unless the context clearly requires otherwise:

(a) "Base period" means the period beginning with the first day of the nine completed calendar quarters immediately preceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding any week with respect to which benefits are payable.

(b) "Benefits" mean the money payments payable to an individual, as provided in this Act, with respect to his unemployment.

(c) "Benefit year," with respect to any individual, means the fifty-two-consecutive-week period beginning with the first day of the week with respect to which benefits are first payable to him, and thereafter the fifty-two-consecutive-week period beginning with the first day of the first week with respect to which benefits are next payable to him after the termination of his last preceding benefit year.

(d) "Contributions" means the money payments to the State unemployment compensation fund required by this Act.

UNEMPLOYMENT COMPENSATION COMMISSION

(e) "Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding, however, any calendar quarter or portion thereof which occurs prior to January 1, 1938, or the equivalent thereof as the commission may by regulation prescribe.

(f) "Commission" means the Unemployment Compensation Commission established by this Act.

(g) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all other purposes of this Act. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work, which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of section 2 (h) or section 8 (c) of this Act, the employing unit shall for all the purposes of this Act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such work; except that each such contractor or subcontractor who is an employer by reason of section 2 (h) or section 8 (c) of this Act shall alone be liable for the employers' contributions measured by wages payable to individuals in his employ, and except that any employing unit which shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of section 2 (h) or section 8 (c) of this Act, may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing the work of any

UNEMPLOYMENT COMPENSATION COMMISSION

agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this Act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which in each of twenty different weeks within either the current or the preceding calendar year (whether or not such weeks are or were consecutive) has or had in employment, one or more individuals (irrespective of whether the same individuals are or were employed in each such week);

(2) Any employing unit which acquired the organization, trade, or business or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this Act;

(3) Any employing unit which acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this Act) and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which, together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing units or interests, or both, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit which, having become an employer under paragraph (1) (2) (3) and (4) has not, under section 8, ceased to be an employer subject to this Act; or

UNEMPLOYMENT COMPENSATION COMMISSION

(6) For the effective period of its election pursuant to section 8 (c) any other employing unit which has elected to become fully subject to this Act.

(i) (1) "Employment," subject to the other provisions of this subsection, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this State if—

(A) The service is localized in this State; or

(B) The service is not localized in any State but some of the service is performed in this State and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any State in which some part of the service is performed but the individual's residence is in this State.

(3) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other State or of the Federal Government, shall be deemed to be employment subject to this Act if the individual performing such services is a resident of this State and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this Act.

(4) Service shall be deemed to be localized within a State if—

(A) The service is performed entirely within such State; or

(B) The service is performed both within and without such

UNEMPLOYMENT COMPENSATION COMMISSION

State, but the service performed without such State is incidental to the individual's service within the State, for example, is temporary, or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for wages shall be deemed to be employment subject to this Act unless and until it is shown to the satisfaction of the commission that—

(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession, or business.

(6) The term employment shall not include:

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed in the employ of any other State or its political subdivisions, or of the United States Government, or of an instrumentality of any other State or States or their political subdivisions or of the United States;

(6) Service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions;

UNEMPLOYMENT COMPENSATION COMMISSION

(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(8) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress: Provided, that the commission is hereby authorized and directed to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in section 11 (b) of this Act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this Act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this Act.

(j) "Employment office" means a free public employment office or branch thereof, operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) "Fund" means the unemployment compensation fund established by this Act, to which all contributions required and from which all benefits provided under this Act shall be paid.

(l) "States" includes, in addition to the States of the United States of America, Alaska, Hawaii, and the District of Columbia.

(m) "Total and partial unemployment"—

(1) An individual shall be deemed "totally unemployed" in any week during which he performs no services and with respect to which no wages are payable to him.

(2) An individual shall be deemed "partially unemployed" in any week of less than full-time work if the wages payable to him

UNEMPLOYMENT COMPENSATION COMMISSION

for such week are less than six-fifths of the weekly benefit amount he would be entitled to receive if totally unemployed and eligible.

(3) As used in this subsection, the term "wages" shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of \$2 in any one week, and the term "services" shall not include that part of odd jobs or subsidiary work, or both, for which remuneration equal to or less than \$2 in any one week is payable.

(4) An individual's week of unemployment shall be deemed to commence only after his registration at any employment office, except as the commission may by regulation otherwise prescribe.

(n) "Wages" means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. Gratuities customarily received by an individual in the course of his employment from persons other than his employing unit shall be treated as wages payable by his employing unit. The reasonable cash value of remuneration payable in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the commission.

(o) "Week" means such period of seven consecutive calendar days, as the commission may by regulations prescribe.

(p) "Weekly benefit amount": An individual's "weekly benefit amount" means the amount of benefits he would be entitled to receive for one week of total unemployment.

BENEFITS

Section 3 (a) Payment of Benefits: Twenty-four months after the date when contributions first accrue under this Act, benefits shall become payable from the fund. All benefits shall be paid through employment offices, in accordance with such regulations as the commission may prescribe.

UNEMPLOYMENT COMPENSATION COMMISSION

(b) **Weekly Benefit Amount for Total Unemployment:**—Each eligible individual who is totally unemployed in any week shall be paid, with respect to such week, benefits at the rate of fifty per centum of his full-time weekly wages but not more than \$15.00, nor less than \$5.00 per week.

(c) **Weekly Benefit for Partial Unemployment:**—Each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be an amount equal to the difference between his weekly benefit amount and five-sixths of his wages (as used in section 2 (m) for such week). If such partial benefit for any week equals less than \$2, it shall not be payable unless and until the accumulated total of such partial benefits with respect to weeks occurring within the thirteen preceding weeks equals \$2 or more.

(d) **Determination of Full-Time Weekly Wage:**—(1) The full-time weekly wage of any individual means the weekly wages that such individual would receive if he were employed at the most recent wage rate earned by him for employment by an employer during the period prescribed pursuant to paragraph (3) of this subsection, and for the customary scheduled full-time weekly hours prevailing for his occupation in the enterprise in which he last earned wages for employment by an employer during the same period.

(2) If the commission finds that the full-time weekly wage, as above defined, would be unreasonable or arbitrary or not readily determinable with respect to any individual, the full-time weekly wage of such individual shall be deemed to be one-thirteenth of one-eighth of his total wages for employment by employers during his base period.

(3) The full-time weekly wage of any individual shall be determined and redetermined at such reasonable times as the commission may find necessary to administer this Act and may by regulation prescribe. The period hereinabove referred to shall consist of the next to the last completed calendar quarter immediately

UNEMPLOYMENT COMPENSATION COMMISSION

preceding the date with respect to which an individual's full-time weekly wage is determined.

(e) Duration of Benefits:—The commission shall compute wage credits for each individual by crediting him with the wages earned by him for employment by employers during each quarter, or \$390, whichever is the lesser. Benefits paid to any eligible individual shall be charged, in the same chronological order as such wages were earned, against one-sixth of his wage credits which are based upon wages earned during his base period and which have not been previously charged hereunder. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of (1) thirteen times his weekly benefit amount, and (2) one-sixth of such uncharged wage credits with respect to his base period.

(f) Part-Time Workers:—(1) As used in this subsection the term "part-time worker" means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full-time hours prevailing in the establishment in which he is employed or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which he is employed.

(2) The commission shall prescribe fair and reasonable general rules applicable to part-time workers for determining their full-time weekly wage and the total wages for employment by employers required to qualify such workers for benefits. Such rules, shall with respect to such workers, supersede any inconsistent provisions of this Act, but, so far as practicable, shall secure results reasonably similar to those provided in the analogous provisions of this Act.

BENEFIT ELIGIBILITY CONDITIONS

Section 4. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that—

UNEMPLOYMENT COMPENSATION COMMISSION

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe.

(b) He has made a claim for benefits in accordance with the provisions of section 6 (a) of this Act.

(c) He is able to work, and is available for work.

(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of two weeks (and for the purposes of this subsection, two weeks of partial unemployment shall be deemed to be equivalent to one week of total unemployment). Such weeks of total or partial unemployment or both must be consecutive. No week shall be counted as a week of total unemployment for the purposes of this subsection—

(1) Unless it occurs within the thirteen consecutive weeks preceding the week for which he claims benefits, provided that this requirement shall not interrupt the payment of benefits, for consecutive weeks of unemployment; and provided further that no individual shall be required to accumulate more than five waiting period weeks during any sixty-five consecutive week period;

(2) If benefits have been paid with respect thereto;

(3) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of section (b) and (e) of this section;

(4) Unless it occurs after benefits first could become payable to any individual under this Act.

(e) He has within the first three out of the last four completed calendar quarters immediately preceding the first day of his benefit year, earned wages for employment by employers equal to not less than thirteen times his weekly benefit amount.

DISQUALIFICATION FOR BENEFITS

Section 5. An individual shall be disqualified for benefits—

UNEMPLOYMENT COMPENSATION COMMISSION

(a) For the week in which he has left work voluntarily without good cause, and for not less than one or more than the five weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case.

(b) For the week in which he has been discharged for misconduct connected with his work, and for not less than one or more than the five weeks which immediately follow such week (in addition to the waiting period) as determined by the Commission, according to the circumstances in each case.

(c) If the commission finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commission.

(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

UNEMPLOYMENT COMPENSATION COMMISSION

(d) For any week with respect to which the commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed.

(e) For any week with respect to which he is receiving or has received remuneration in the form of—

(1) Wages in lieu of notice;

(2) Compensation for temporary partial disability under the Workmen's Compensation Law of any States or under a similar law of the United States; or

(3) Old-age benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress:

Provided, That if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

CLAIMS FOR BENEFITS

Section 6 (a) Filing:—Claims for benefits shall be made in accordance with such regulations as the commission may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commission to each employer without cost to him.

(b) Initial Determination:—A representative designated by the commission, and hereinafter referred to as a deputy, shall promptly examine the claim and, on the basis of the facts found by him, shall either determine whether or not such claim is valid,

UNEMPLOYMENT COMPENSATION COMMISSION

and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal, which shall make its decision with respect thereto in accordance with the procedure described in subsection (c) of this section. The deputy shall promptly notify the claimant and any other interested parties of the decision and the reasons therefor; the deputy may for good cause reconsider his decision and shall promptly notify the claimant and such other interested parties of the denial of such application or of his amended decision and the reasons therefor, as the case may be. Unless the claimant or any such interested party, within five calendar days after the delivery of the deputy's notification, or within seven calendar days after such notification was mailed to his last-known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed benefits with respect to the period prior to the final decision of the commission shall be paid only after such decision: Provided, That if an appeal tribunal affirms a decision of a deputy, or the commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

(c) Appeals:—Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection (e) of this section.

(d) Appeal Tribunals:—To hear and decide disputed claims, the commission shall appoint one or more impartial appeal tribunals consisting in each case of either a salaried examiner, or a body consisting of three members, one of whom shall be a salaried ex-

UNEMPLOYMENT COMPENSATION COMMISSION

aminer who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the commission and be paid a fee of not more than \$10 per day of active service on such tribunal plus necessary expenses. No person shall participate on behalf of the commission in any case in which he is an interested party. The commission may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearing proceed unless the chairman of the appeal tribunal is present.

(e) Commission Review:—The commission may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeal before it. The commission shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and by the deputy whose decision has been overruled or modified by an appeal tribunal. The commission may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the commission shall be heard by a quorum thereof in accordance with the requirements of subsection (c) of this section. The commission shall promptly notify the interested parties of its findings and decision.

(f) Procedure:—The manner in which disputed claims shall be presented and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the commission for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded,

UNEMPLOYMENT COMPENSATION COMMISSION

but need not be transcribed unless the disputed claim is further appealed.

(g) **Witness Fees:**—Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the commission. Such fees shall be deemed a part of the expense of administering this Act.

(h) **Appeal to Court:**—Any decision of the commission in the absence of an appeal therefrom as herein provided shall become final ten days after the date of notification or mailing thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his administrative remedies as provided by this Act. The commission shall be deemed to be a party to any judicial action involving any such decision, and may be represented in any such judicial action by any qualified attorney employed by the commission and designated by it for that purpose or at the commission's request by the attorney general.

(i) **Court Review:**—Within ten days after the decision of the commission has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action in the Superior Court in the County in which the claimant resides or the employer's place of business is located, against the commission for the review of such decision, in which action any other party to the proceeding before the commission shall be made a defendant. In such action, a petition which need not be verified, but which shall state the grounds upon which a review is sought, shall be served upon the commission, or upon such person as the commission may designate and such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the petition as there are defendants and the commission shall forthwith mail one such copy to each defendant. With its answer, the commission shall certify and file with said court all documents and papers and a transcript of all testimony taken in the matter, together with the commission's findings of fact and decision therein. The commission may also, in its discretion,

UNEMPLOYMENT COMPENSATION COMMISSION

certify to such court questions of law involved in any decision. In any judicial proceeding under this section, the findings of the commission as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of said court shall be confined to questions of law. Such actions, and the questions so certified, shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the Workmen's Compensation Law of this State. An appeal may be taken from the decision of the Superior Court to the Supreme Court of State of Delaware in the same manner, but not inconsistent with the provisions of this Act, as is provided in civil cases. It shall not be necessary in any judicial proceeding under this section, to enter exceptions to the rulings of the commission and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the commission shall so order.

CONTRIBUTIONS

Section 7 (a) Payment:—(1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act, with respect to wages payable for employment occurring during such calendar year. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulation as the commission may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(b) Rate of Contribution:—Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

UNEMPLOYMENT COMPENSATION COMMISSION

(1) 1.8 per centum with respect to employment during the calendar year 1937;

(2) With respect to employment after December 31, 1937, 2.7 per centum, except as otherwise prescribed in subsection (c) of this section.

(c) Future Rates Based on Benefit Experience:—(1) The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf. But nothing in this Act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amount hereinafter provided, against the account of his most recent employers, in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer shall not exceed one-sixth of the wages payable to such individual by each such employer for employment which occurs on and after the first day of such individual's base period, or \$65 per completed calendar quarter or portion thereof, whichever is the lesser; but nothing in this section shall be construed to limit benefits payable pursuant to section 3 of this Act. The commission shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

(2) The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) The commission shall, for the year 1942 and for each calendar year thereafter, classify employers in accordance with their

UNEMPLOYMENT COMPENSATION COMMISSION

actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such experience. The commission shall determine the contribution rate of each employer in accordance with the following requirements:

(i) Each employer's rate shall be 2.7 per centum, except as otherwise provided in the following provisions. No employer's rate shall be less than 2.7 per centum unless and until there shall have been three calendar years throughout which any individual in his employ could have received benefits if eligible.

(ii) Each employer's rate for the twelve months commencing January 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions paid on his own behalf for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(A) 1.8 per centum, if such excess equals or exceeds $7\frac{1}{2}$ but is less than 10 per centum of his average annual pay roll;

(B) .9 per centum, if such excess equals or exceeds 10 but is less than 12.5 per centum of his average annual pay roll;

(C) Cease if such excess equals or exceeds 12.5 per centum of his average annual pay roll.

If the total of his contributions, paid on his own behalf for all past periods or for the past sixty consecutive calendar months, whichever period is more advantageous to such employer for the purposes of this paragraph, is less than the total benefits charged against his account during the same period, his rate shall be 4 per centum.

(iii) As used in this section the term "annual pay roll" means the total amount of wages payable by an employer (re-

UNEMPLOYMENT COMPENSATION COMMISSION

ardless of the time of payment) for employment during a calendar year, and the term "average annual pay roll" means the average of the annual pay rolls of an employer for the last three or five preceding calendar years, whichever average is higher.

PERIOD, ELECTION, AND TERMINATION OF
EMPLOYER'S COVERAGE

Section 8. (a) Any employing unit which is or becomes an employer subject to this Act within any calendar year shall be subject to this Act during the whole of such calendar year.

(b) Except as otherwise provided in subsection (C) of this section, an employing unit shall cease to be an employer subject to this Act only as of the 1st day of January of any calendar year, only if it files with the commission, prior to the 5th day of January of such year, a written application for termination of coverage, and the commission finds that there were no twenty (20) different days, each day being in a different week within the preceding calendar year, within which such employing unit employed one (1) or more individuals in employment subject to this Act. For the purposes of this subsection, the two or more employing units mentioned in paragraph (2) or (3) or (4) of section 2 (h) shall be treated as a single employing unit.

(c) (1) An employing unit, not otherwise subject to this Act, which files with the commission its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the commission, become an employer subject hereto the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January, it has filed with the commission a written notice to that effect.

(2) Any employing unit for which services that do not constitute employment as defined in this Act are performed, may file

UNEMPLOYMENT COMPENSATION COMMISSION

with the commission a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all purposes of this Act for not less than two calendar years. Upon the written approval of such election by the commission, such services shall be deemed to constitute employment subject to this Act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January such employing unit has filed with the commission a written notice to that effect.

UNEMPLOYMENT COMPENSATION FUND

Section 9 (a) Establishment and Control:—There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an unemployment compensation fund, which shall be administered by the commission exclusively for the purposes of this Act. This fund shall consist of (1) all contributions collected under this Act, together with any interest thereon collected pursuant to section 14 of this Act; (2) all fines and penalties collected pursuant to the provisions of this Act; (3) interest earned upon any moneys in the fund; (4) any property or securities acquired through the use of moneys belonging to the fund; and (5) all earnings of such property or securities. All moneys in the fund shall be mingled and undivided.

(b) Accounts and Deposit:—The State Treasurer shall be ex-officio, the treasurer and custodian of the fund who shall administer such fund in accordance with the directions of the commission and shall issue his warrants upon it in accordance with such regulations as the commission shall prescribe. He shall maintain within the fund three separate accounts: (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commission shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable

UNEMPLOYMENT COMPENSATION COMMISSION

pursuant to section 14 of this Act may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commission. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the commission and in a form prescribed by law or approved by the Attorney General. Premiums for said bond shall be paid from the administration fund.

(c) Withdrawals:—Moneys shall be requisitioned from this State's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commission. The commission shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this State's account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants issued by the treasurer for

UNEMPLOYMENT COMPENSATION COMMISSION

the payment of benefits and refunds shall bear the signature of the treasurer and the counter-signature of the commission or its duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commission, shall be redeposited with the Secretary of the Treasury of the United States of America to the credit of this State's account in the unemployment trust fund, as provided in subsection (b) of this section.

UNEMPLOYMENT COMPENSATION COMMISSION

Section 10. (a) Organization:—There is hereby created a commission to be known as the Unemployment Compensation Commission of Delaware. The commission shall consist of four members, who shall be appointed by the Governor, with the advice and consent of a majority of all the members elected to the Senate, within ninety days after the passage of this Act or after any vacancy occurs in its membership. During his term of membership on the commission no member shall serve as an officer or committee member of any political party organization, and not more than two members of the commission shall be members of the same political party. Each member shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the Governor at the time of appointment, one at the end of two years, one at the end of four years, and two at the end of six years after the date of enactment of this Act. The Governor may at any time, after notice and hearing, remove any commissioner for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

UNEMPLOYMENT COMPENSATION COMMISSION

(b) The Commission shall appoint an executive director who shall be the chief executive and approval officer of the commission and its official agent, who shall perform such duties hereunder as shall be delegated to him by the commission. He shall act as Secretary of the Commission and shall hold office for a term of six years subject to removal for cause upon the unanimous decision of the commission. He shall give his full time to the duties of this office, and shall be paid a suitable salary to be fixed by the commission.

(c) Divisions:—There is hereby established in the commission two coordinate divisions: The Delaware State employment service division hereby transferred to the commission as a division thereof, pursuant to Section 12 of this Act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the commission may find that such separation is impracticable. Each commissioner shall be paid from the unemployment compensation administration fund a fixed monthly salary at a rate determined by the Governor.

(d) Quorum:—Any three commissioners shall constitute a quorum. No vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the commission.

ADMINISTRATION

Section 11. (a) Duties and Powers of Commission:—It shall be the duty of the commission to administer this Act; and it shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this Act, which the commission shall prescribe. The commission shall determine its own organization and methods of procedure in accordance with

UNEMPLOYMENT COMPENSATION COMMISSION

the provisions of this Act and shall have an official seal which shall be judicially noticed. Not later than the last day of February of each year, the commission shall submit to the Governor a report covering the administration and operation of this Act during the preceding calendar year and shall make such recommendations for amendments to this Act as it deems proper. Such reports shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commission believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the Governor and the legislature, and make recommendations with respect thereto.

(b) Regulations and General and Special Rules:—General and special rules may be adopted, amended, or rescinded by the commission only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this State. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the commission and shall become effective in the manner and at the time prescribed by the commission.

(c) Publication:—The commission shall cause to be printed for distribution to the public the text of this Act, its regulations and general and special rules, its annual reports to the Governor, and any other material it deems relevant and suitable and shall furnish the same to any person upon application therefor.

(d) Personnel:—Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and

UNEMPLOYMENT COMPENSATION COMMISSION

prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this Act. The commission may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder. The commission shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments of not to exceed six months duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examinations. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any public office shall be appointed or employed under this Act. The commission shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

(e) Advisory Council:—There is hereby created a State advisory council, hereafter called the advisory council of seven members to be appointed by the Governor, with the advice and consent of the Senate. Three of the appointees to this council shall be persons who, on account of their vocations, employments, or affiliations, can be classed as representatives of employers and three shall be persons who, on account of their vocations, employments or affiliations, can be classed as representatives of employees, and one who may be fairly regarded as a representative of the general public. Each member of the advisory council shall serve without salary but shall be allowed traveling and other incidental expenses, and shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of the enact-

UNEMPLOYMENT COMPENSATION COMMISSION

ment of this Act shall expire, as designated by the Governor at the time of appointment, three at the end of two years, two at the end of four years, and two at the end of six years after the date of enactment of this Act. The advisory council shall choose one of its members as chairman. The advisory council shall have access to all the records of the commission and to the reasonable services of employees of the commission. It may request any member of the commission or any of its employees, or any employer or employee, subject to this act to appear before it and to testify relative to the functioning of the act and to other relevant matters. The advisory council may conduct research of its own, make public reports, and recommend to the commission, the Governor and the Legislature needed changes from time to time.

(f) **Employment Stabilization:**—The commission with the advice and aid of advisory council, and through the appropriate divisions, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in time of business depression and unemployment, to promote the re-employment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

(g) **Records and Reports:**—Each employing unit shall keep true and accurate work records, containing such information as the commission may prescribe. Such records shall be open to inspection and be subject to being copied by the commission or their authorized representatives at any reasonable time and as often as may be necessary. The commission and the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by such employing unit which the commission or such chairman deems necessary for the effective administration of this Act. Information thus ob-

UNEMPLOYMENT COMPENSATION COMMISSION

tained, or obtained from any individual pursuant to the administration of this Act, shall except to the extent necessary for the proper presentation of a claim be held confidential and shall not be published or be open to public inspection (other than to members or employees of the commission or of the Federal Social Security Board in the performance of their public duties) in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeal tribunal or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee of the commission, an appeal tribunal or the Advisory Council who violates any provision of this section shall be fined not less than \$20 nor more than \$200, or imprisoned for no longer than ninety days, or both.

(h) Oaths and Witnesses:—In the discharge of the duties imposed by this Act, the members of the commission, the chairman of an appeal tribunal, and any duly authorized representative of either of them shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of this Act.

(i) Subpoenas:—In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this State within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commission, a chairman of an appeal tribunal or any duly authorized representative of either shall have jurisdiction to issue to such person an order requiring such person to appear before the commission, an appeal tribunal or any duly authorized representative of either there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question and any failure to obey such order of the Court may be pun-

UNEMPLOYMENT COMPENSATION COMMISSION

ished by said Court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the commission, a chairman of an appeal tribunal or any duly authorized representative of either, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(j) Protection Against Self-Incrimination:—No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commission, the chairman of an appeal tribunal, or any duly authorized representative of either of them, or in obedience to the subpoena of any of them in any cause or proceeding before the commission, or an appeal tribunal, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(k) State-Federal Cooperation:—In the administration of this Act, the commission shall cooperate to the fullest extent consistent with the provisions of this Act, with the Social Security Board, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall

UNEMPLOYMENT COMPENSATION COMMISSION

comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this Act.

Upon request therefor the commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this Act.

EMPLOYMENT SERVICE

Section 12. (a) State Employment Service:—The Delaware State Employment Service is hereby transferred to the commission as a division thereof which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for co-operation with the States in promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C., title 29 Sec. 49 c) as amended. The said division shall be administered by a full-time salaried director. It shall be the duty of the commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The commission is hereby designated and constituted the agency of this State for the purposes of said Act. All records and property of the Delaware State Employment Service shall become the records and property of the division and all persons employed in such service shall become employees of the division in similar capacity subject to the power of the commission to change or make new appointments in accordance with

UNEMPLOYMENT COMPENSATION COMMISSION

the regulations prescribed by this Act and the director of the United States Employment Service.

(b) Financing:—All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the commission for the Delaware State Employment Service, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commission is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

UNEMPLOYMENT COMPENSATION
ADMINISTRATION FUND

Section 13. (a) Special Fund:—There is hereby created in the State treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the commission. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this Act, and for no other purpose whatsoever. The fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board and the United States Employment Service, or from any other source, for such purpose. All moneys in this fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State treasury. Any balances in this fund shall not lapse at any time, but shall be continuously available to the commission for expenditure consistent with this Act. The State Treasurer shall give a separate and additional bond conditioned upon the faithful per-

UNEMPLOYMENT COMPENSATION COMMISSION

formance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commission and in a form prescribed by law and approved by the Attorney General. The premiums for such bond and the premiums for the bond given by the treasurer of the unemployment compensation fund under section 9 of this Act shall be paid from the moneys in the unemployment compensation administration fund.

(b) Employment Service Account:—A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There shall be transferred into this account all moneys heretofore appropriated to the Delaware State Employment Service. In addition, there shall be paid into such account all moneys hereinafter appropriated for the purpose of maintaining public employment offices in this State, moneys designated in section 12 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

COLLECTION OF CONTRIBUTIONS

Section 14. (a) Interest on Past-Due Contributions:—Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall bear interest at the rate of one-half per centum per month from and after such date until payment plus accrued interest is received by the commission. Interest collected pursuant to this subsection shall be paid into the unemployment compensation fund.

(b) Collection:—If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the commission, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard

UNEMPLOYMENT COMPENSATION COMMISSION

by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this Act and cases arising under the workmen's compensation law of this State.

(c) **Priorities Under Legal Dissolutions or Distributions:**—In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this State, including any receivership, assignment for benefits of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than \$250 to each claimant, earned within six months of the commencement of the proceeding. In the event of an employer's adjustment in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section 64 (b) of that Act (U. S. C., title 11, sec. 104 (b)), as amended.

(d) **Refunds:**—If not later than one year after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the commission shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commission's own initiative.

PROTECTION OF RIGHTS AND BENEFITS

Section 15. (a) **Waiver of Rights Void:**—Any agreement by an individual to waive, release or commute his rights to benefits or

UNEMPLOYMENT COMPENSATION COMMISSION

any other rights under this Act shall be void. Any agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this Act from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his employ. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be fined not less than \$20.00 nor more than \$200.00 or be imprisoned for not more than ninety days, or both.

(b) Limitation of Fees:—No employer or individual claiming benefits shall be charged fees of any kind in any proceeding under this Act by the commission or its representatives. No individual claiming benefits shall be charged fees of any kind in any proceeding under this Act by any court or any officer thereof. Any individual claiming benefits in any proceeding before the commission or its representatives or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the commission. Any person who violates any provision of this subsection shall, for each such offense, be fined not less than \$20.00 nor more than \$200.00 or imprisoned for not more than ninety days, or both.

(c) No Assignment of Benefits; Exemptions:—Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this Act shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or his spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this subsection shall be void.

UNEMPLOYMENT COMPENSATION COMMISSION

PENALTIES

Section 16. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or for any other person, shall be punished by a fine of not less than \$20 nor more than \$50, or by imprisonment for not longer than ninety days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this Act or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense.

(c) Any person who shall willfully violate any provision of this Act or any order, rule, or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this Act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

UNEMPLOYMENT COMPENSATION COMMISSION

(d) Any person who, by reason of the nondisclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this Act while any conditions for the receipt of benefits imposed by this Act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commission, either be liable to have such sum deducted from any future benefits payable to him under this Act or shall be liable to repay to the commission for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in section 14 (b) of this Act for the collection of past-due contributions.

REPRESENTATION IN COURT

Section 17. (a) In any civil action to enforce the provisions of this Act the commission and the State may be represented by any qualified attorney who is employed by the commission and is designated by him for this purpose or at the commission's request by the Attorney General.

(b) All criminal actions for violation of any provision of this Act, or of any rules or regulations issued pursuant thereto, shall be prosecuted by the Attorney General of the State; or, at his direction, by one of his deputies.

RECIPROCAL ARRANGEMENTS

Section 18. The commission is hereby authorized to enter into arrangements with the appropriate agencies of other States or the Federal Government whereby individuals performing services in this and other States for a single employing unit under circumstances not specifically provided for in section 2 (i) of this Act, or under similar provisions in the unemployment compensation laws of such other States, shall be deemed to be engaged in employment performed entirely within this State or within one of such other States and whereby potential rights to benefits accu-

UNEMPLOYMENT COMPENSATION COMMISSION

mulated under the unemployment compensation laws of several States or under such law of the Federal Government or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

SEASONAL EMPLOYMENT

Section 19. Whenever in any employment, it is customary to operate only during a regular recurring period or periods of less than 40 weeks in a calendar year, benefits shall be payable only with respect to unemployment occurring in the longest seasonal period or periods of employment which the best practice of such industry or classes of employment will reasonably permit. The commission shall, after investigation and hearing, ascertain and determine or redetermine the longest seasonal period or periods during which by the best practice of the occupation or industry in question operations are conducted. Until such determination by the commission, no employment shall be deemed seasonal. The commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the total wages in employment by an employer required to qualify such workers for benefits and the period during which benefits shall be payable to them.

The term "seasonal worker" means an individual who is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not in operation, is ordinarily not engaged in any other work.

SAVING CLAUSE

Section 20. The legislature reserves the right to amend or repeal all or any part of this Act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this Act or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this Act at any time.

UNEMPLOYMENT COMPENSATION COMMISSION

SEPARABILITY OF PROVISIONS

Section 21. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE—TERMINATION

Section 22. This Act is enacted as part of a national plan of Social Security in conformity to the Federal Social Security Act (Public No. 271—74th Congress), and shall become effective on approval by the Governor. In the event that the tax levied under Section 901 of said Federal Social Security Act, against which contributions under this Act may be credited, shall be amended or repealed by Congress or declared unconstitutional by the Supreme Court of the United States, with the result that no portion of the contributions required under this Act may be credited against such Federal tax, the provisions of this Act, except those of this Section and except as herein otherwise provided, shall become inoperative. Thereupon all assets standing to the credit of this State in the Unemployment Trust Fund in the United States Treasury shall be promptly requisitioned by the Unemployment Compensation Commission, which is hereby granted continuing authority for the purposes of this Section, and together with all assets in the Unemployment Compensation Fund, shall be refunded to persons required to pay contributions under this Act in accordance with the regulations prescribed by the Commission. Any interest or earnings of the Fund, and any fines or penalties collected pursuant to this Act shall be available to the Commission to pay for the costs of making refunds pursuant to the Section. In the case of the Unemployment Compensation Administration Fund, any monies therein received from the Federal Social Security Board shall thereafter be dealt with by the Treasurer of the State of Delaware in accordance with the regulations of said Board and the conditions of the grant to the State of Delaware by said Board; any assets in the Unemployment Compensation Administration Fund which have been received by the State of Delaware from the United States

UNEMPLOYMENT COMPENSATION COMMISSION

Employment Service or which have been appropriated by the General Assembly for the Delaware State Employment Service shall remain available to the Delaware State Employment Service, which service shall continue in existence as if this Act had not been enacted. The same action shall be taken with respect to assets in the Unemployment Compensation Fund, the Unemployment Trust Fund, and the Unemployment Compensation Administration Fund in the event that this Act shall be repealed by the General Assembly or finally declared invalid by the Supreme Court of the State of Delaware or by the Supreme Court of the United States.

NON-LIABILITY OF STATE

Section 23. Benefits shall be deemed to be due and payable under this Act only to the extent provided in this Act and to the extent that moneys are available therefor to the credit of the unemployment compensation fund and neither the State nor the Commission shall be liable for any amount in excess of such sums.

Approved April 30, 1937.

CHAPTER 259

STATE PARK COMMISSION

**AN ACT TO CREATE A STATE PARK COMMISSION; POWERS;
DUTIES; PENALTY FOR VIOLATIONS HEREOF.**

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

Section 1. Creation of Commission; Purposes:—The "State Park Commission of Delaware" is hereby created. The purpose of this Commission is to preserve and protect the scenic, historic, scientific, prehistoric and wildlife resources of the State, and to make them available for public use and enjoyment. It shall be composed of five Commissioners, not more than three from any one political party, to be appointed by the Governor for periods of one, two, three, four, and five years, and all reappointments shall be made upon the basis of five years. The Commissioners are to elect their own Chairman and Secretary from among their members.

None of the Commissioners shall receive any compensation and they shall be chosen upon the basis of their interest in the subject of conservation and recreation.

Section 2. Powers; Duties:—The Commission shall be empowered to select and to acquire by gift, devise, bequest, purchase, and through the exercise of the power of eminent domain, such lands as are desirable to be utilized chiefly for recreation, and to develop and maintain such areas; to expend for such acquisition, development, and maintenance, such funds as may be appropriated for such purposes, or as may be received as earnings from the operation of such areas, or as may be received from any other source; to employ such administrative and technical assistance as is, in the opinion of the Commission necessary in order to plan, develop, and maintain the areas which it administers; to make and enforce regulations relating to the protection, care, and use of the areas it administers; to establish and collect such fees as it may deem reasonable for the use of such facilities as may be provided in the areas it administers; to make on its own motion or in co-operation

STATE PARK COMMISSION

with other agencies of the State, studies of the recreational facilities now available in the State, and of the recreational needs of the State, and to determine what areas not now available for public recreation should be acquired; and to enter into agreements with proper persons or corporations for periods of not to exceed five years for operation of services on the areas it administers.

The Commission shall have the power to establish state parks on any or all portions of state lands in Sussex County bordering on the Atlantic Ocean which have been or may hereafter be acquired and to administer them directly.

It shall be the duty of the Commission so to plan, develop, and maintain all areas entrusted to its administration as to preserve in every reasonable degree the scenic, historic, scientific, prehistoric, and wildlife values of such areas.

All state parks and other areas acquired primarily for recreational use shall, from the date of their establishment as such, come under the jurisdiction of the State Park Commission of Delaware and be closed to hunting.

Section 3. Rules; Regulations; Violations; Penalty:—Any person violating any of the rules and regulations promulgated by the State Park Commission shall be guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall be liable to such fines and imprisonment as may hereafter be determined at the discretion of the court.

Section 4. That all laws or parts of laws in conflict herewith are hereby repealed.

Approved May 11, 1937.

CHAPTER 260

THE TEACHER RETIREMENT COMMISSION

AN ACT TO CREATE A COMMISSION TO STUDY THE PROBLEM OF TEACHER RETIREMENT IN THE PUBLIC SCHOOLS OF THE STATE TO APPROPRIATE MONEYS FOR THE WORK OF SUCH COMMISSION.

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

Section 1. The Governor is hereby authorized and empowered to appoint a Commission of five members to be known as "The Teacher Retirement Commission."

The object and purpose of the said Commission shall be to study the problem of the retirement of teachers and other employees in the public schools of this State and to report thereon to the Governor prior to the 1939 session of the General Assembly.

Section 2. The said report of the Commission shall set forth in detail the money cost involved in the establishment and operation of a retirement system for the teachers and the employees in the public schools of the State of Delaware and how such costs shall be apportioned between the State and the teachers and other employees.

The report shall also set forth facts and data showing the number, and percentage to the whole, of teachers and other employees who continue to serve in the public schools of the State after arriving at the age of seventy during each year of the last ten years; the number, and percentage to the whole, of teachers who ceased serving in the public schools of this State prior to the age of sixty during each year of the last ten years; and all such other matters shedding light on the problem.

Section 3. The Commission shall meet and organize as soon as possible after its appointment at such place as shall be designated by the Governor. It is hereby authorized and empowered

THE TEACHER RETIREMENT COMMISSION

to purchase such books, supplies and materials and to employ such actuarial and clerical assistance as it shall deem necessary for carrying out the duties imposed upon it by this Act within the limits of the funds appropriated herein.

Section 4. The members of the said Commission shall serve without compensation for their services, but shall be allowed travel and other necessary expenses incidental to the work of the commission.

Section 5. The said Commission shall have free access to all public records and the power to call to its assistance any or all members of the Department of Public Instruction or the public school system of the City of Wilmington for the purposes of obtaining information and help.

Section 6. The sum of Five Hundred Dollars (\$500.00) is hereby authorized out of the general fund of the State, to be paid by the State Treasurer on orders drawn by the Commission, signed by its Chairman or Vice-Chairman and Secretary or one other member.

Section 7. This Act shall take effect from the date of its approval by the Governor.

Approved May 17, 1937.

CHAPTER 261

STATE BOARD OF CHIROPRACTIC EXAMINERS

AN ACT PROVIDING FOR THE CREATION AND APPOINTMENT OF A STATE BOARD OF CHIROPRACTIC EXAMINERS, DEFINING ITS POWERS AND DUTIES; REGULATING THE PRACTICE OF CHIROPRACTIC; PROVIDING FOR THE LICENSING OF CHIROPRACTORS AND PRESCRIBING PENALTIES FOR ANY VIOLATIONS OF THIS ACT.

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

Section 1. There is hereby created a body to be known as the State Board of Chiropractic Examiners, which Board shall consist of three members of State resident chiropractors of good character, who have practiced chiropractic in the State for three years, and who shall be graduates of a recognized, reputable school or college of chiropractic. No two members of said Board shall be graduates of the same school or college of chiropractic.

Section 2. The Governor of the State shall within thirty days after this Act becomes effective, appoint said three members of said Board from five names submitted to him by the Delaware Chiropractic Association. One of said members shall be appointed for the term of one year, another for two years and the third one for three years.

Annually thereafter the Governor shall appoint one member from three names submitted to him by the Delaware Chiropractic Association for the full term of three years. Vacancies for any cause shall be filled by the Governor for the unexpired term. All of said appointees shall possess the qualifications set out in Section one of this Act.

Section 3. The said Board of Chiropractic Examiners shall convene within thirty days after their appointment and elect a President, a Vice-President and a Secretary-treasurer from their membership who shall hold office during their respective terms as

STATE BOARD OF CHIROPRACTIC EXAMINERS

Examiners, and as each respective term expires a new officer shall be elected for the term of the newly appointed Examiner. A majority shall constitute a quorum for business. The said Board shall hold regular meetings at such places as the Board may by resolution decide, during the first week in January and July, respectively, of each year; and shall publish such dates and places of meetings in some newspaper of general circulation in the State, at least fifteen days prior to said meetings, which said meetings shall be for the examination of applicants who wish to practice chiropractic.

Before any applicant shall apply for the examinations below set forth, he or she shall furnish proof to said Board that he or she is a graduate of a high school or other school having equal educational requirements, and also a graduate of a chiropractic school or college teaching a four-year course.

Section 4. The said Board shall give to all applicants who wish to practice chiropractic two examinations. The first examination shall be to test whether the person examined has such knowledge of the elementary principles of the Basic Sciences as might be acquired after the completion of study of the following subjects for the number of hours specified, to-wit:

<i>Subject</i>	<i>Hours</i>
Anatomy	400
Physiology	200
Chemistry	200
Pathology	160
Bacteriology	100
Hygiene	40

And upon the applicant passing with a grade of 75% in each subject, the State Board of Chiropractic Examiners shall issue a Certificate to that effect. Upon the completion of this examination, the Board of Chiropractic Examiners shall then conduct a second examination on the subjects usually taught by reputable schools of

STATE BOARD OF CHIROPRACTIC EXAMINERS

Chiropractic, designed to ascertain whether the applicant is qualified to practice chiropractic, to-wit: upon the subjects of anatomy, physiology, symptomatology, chiropractic orthopedy, principles of chiropractic and adjusting, nerve tracing, chemistry, hygiene, bacteriology, chiropractic analysis and drugless therapy as taught by chiropractic schools and colleges, and upon the applicant passing with a grade of 75% in each subject, and also if upon said examination the said Board shall consider the applicant to be a person of good, moral character, and to have passed a satisfactory examination, as above stated, the said Board shall issue to said person a Certificate stating him or her to be qualified to practice chiropractic.

Before said Certificate is issued, the said applicant shall pay to said Board, the fee or sum of Twenty-five Dollars (\$25.00) provided said examination and said fee shall not apply to any resident chiropractor who has been practicing chiropractic in this State for five years continuously prior to the passage of this Act, and provided, also, said requirement shall not apply to any bona fide resident chiropractor who is a graduate of a high school or other school having equal educational requirements, and also a graduate of a chiropractic school or college, and who was practicing in this State prior to January 1, 1937.

After an applicant shall have received his said Certificates, he or she shall apply yearly thereafter for a renewal Certificate for which he or she shall pay to said Board a fee or charge of Five Dollars (\$5.00) before said Board shall be required to issue said Certificate showing him or her to be qualified to practice Chiropractic; and provided also, before said renewal Certificate shall be issued, the applicant shall have attended one of the two-day educational programs as conducted by the Delaware Chiropractic Association, or furnish satisfactory evidence of non-attendance. This renewal fee shall apply to all practitioners. The said sums of Twenty-five Dollars (\$25.00) and Five Dollars (\$5.00) shall be as compensation for the members of said Board for performing and discharging the duties of their respective office, and defraying all expenses incident thereto.

STATE BOARD OF CHIROPRACTIC EXAMINERS

If, in the discharge of said duties, any member of said Board shall have to leave his or her place in which he or she practices his or her profession, he or she shall receive the sum of three cents for every mile travelled, and also the sum of Ten Dollars (\$10.00) for each day he or she is serving on said Board, which said expense shall likewise be paid out of the above monies received by said Board.

Section 5. Reciprocity:—Persons licensed to practice chiropractic under the laws of any other State having equivalent requirements of this Act, shall be issued a Certificate showing him or her to be qualified to practice chiropractic in this State without examination, upon payment of the fee of Twenty-five Dollars (\$25.00), as herein provided.

Section 6. Upon obtaining said above-mentioned Certificates any person may practice chiropractic in this State upon his or her first obtaining and paying therefor, the proper license or licenses required to be paid by the laws of this State.

Section 7. Said Board shall have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters pertaining to their duties. They shall adopt a seal, which shall be affixed to all Certificates issued by them and shall from time to time adopt such rules and regulations as they deem proper and necessary for the performance of their duties, which shall be without prejudice, partiality or discrimination as to the different schools of Chiropractic. The Secretary of said Board shall keep a record of the proceedings of the Board which shall at all times be open to public inspection.

Section 8. Definition of Chiropractic:—Chiropractic is the science of locating and removing any interference with the transmission of nerve energy. A license granted under the provisions of this Act shall not entitle a licensee to use drugs, surgery, osteopathy, obstetrics, dentistry, optometry nor chiropody.

Section 9. Chiropractic practitioners shall observe and be subject to all State-and Municipal regulations relating to the control

STATE BOARD OF CHIROPRACTIC EXAMINERS

of contagious and infectious diseases, and any and all matters pertaining to public health, reporting to the proper health officer the same as other practitioners.

Section 10. Any person or persons practicing Chiropractic in this State without first obtaining a proper license or licenses required by the Laws of this State, or violating any of the other provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof in the Court of General Sessions of the State of Delaware shall forfeit and pay a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00), or be imprisoned for a term not exceeding one year, or both, in the discretion of the Court.

Section 11. If any Section of this Act shall be declared unconstitutional, it shall not render void the rest of the Act.

Section 12. All laws and parts of laws inconsistent with this Act are hereby repealed.

Approved May 18, 1937.

CHAPTER 262

STATE POLICE PENSION BOARD

AN ACT PROVIDING FOR PENSIONS FOR RETIRED OR DISABLED STATE POLICE OR THEIR WIDOWS, MINOR CHILDREN OR SOLE DEPENDENT PARENTS, ESTABLISHING A POLICE RETIREMENT FUND, AND CREATING A STATE POLICE PENSION BOARD TO HANDLE SAID FUND AND MAKE PAYMENTS THEREFROM.

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 created a board to be known as the State Police Pension Board, which shall consist of three members, one of whom shall be appointed by the Governor, one of whom shall be appointed by the State Highway Department, and one of whom shall be appointed by the State Police. The members of the said Board shall serve during the pleasure of the said appointing authority, in each case, and until their successors are in like manner appointed, and they shall serve without compensation for their services under this Act. The said Board shall have control and management of the Police Retirement Fund provided for in this Act and of the retirement of members of the State Police, and is hereby empowered to make all necessary rules and regulations regarding the same not inconsistent with this Act.

Section 2. That the Police Retirement Fund shall be created in the following manner:

All rewards offered for any particular service, when otherwise payable to any member of the State Police, shall be paid to the State Treasurer and shall be credited by him to the account of said Fund. Also there shall be deducted each month from the monthly payroll of each member of the State Police two per centum of the amount of his salary and such amount shall be paid to the State Treasurer and shall be credited by him to the account of the said Fund. At the same time, the State Treasurer shall transfer from

STATE POLICE PENSION BOARD

the funds of the State Highway Department and credit to the said Police Retirement Fund, each month, a sum equivalent to two per centum of the amount of the monthly payroll of all of the members of the State Police. If at any time there shall be insufficient money in said Fund for the purposes of this Act, the State Treasurer shall transfer from the funds of the State Highway Department sufficient money to make up any such deficiency. No money shall be paid out of the said Fund thus created, except for the purposes of this Act and on warrants of the said Board.

Section 3. That any member of the State Police who has served as such for a period of twenty years, or who has reached the age of fifty-five years, upon application of said member, together with a certificate of such service, with the approval of the said Board, shall be retired and shall thereupon receive monthly, from the said Fund, an amount equal to one-half of the monthly salary received by such member at the time of his retirement.

Section 4. That any former, present or future member of the State Highway Police or the State Police, who has heretofore received or who may hereafter receive permanent injuries in the performance of his duties, shall upon certification of a physician selected by the said Board or by said injured person, be entitled to receive a pension equal to one-half of his salary at the time said injury was received; provided, however, that no such pension shall be paid as long as such person is regularly employed as a State Police. When, however, a member of the State Police shall desire to retire by reason of injury or disease, he shall make application in writing to the said Board for such retirement. Whereupon, the said Board shall call to its assistance the aid of a physician or surgeon representing the said Board, and the member may also call to his aid a physician or surgeon. Any member of the said Board is authorized to administer oaths to such physician or surgeon or to any other person called as a witness with respect to the matter before the said Board, and the said Board shall determine by resolution passed by at least a majority of the members of the said Board, whether such member is entitled to the benefits of this Act, and if so determined, such member shall be retired upon a pension

STATE POLICE PENSION BOARD

equal to three-fourths of his salary at the time of his retirement, together with cost of medical attention, if such medical attention be made necessary by reason of such injury or disease.

Section 5. That the widow or minor children or sole dependent parent of any member of the said State Police, who shall have heretofore or shall hereafter die after having been retired under the provisions of this Act, or who shall have heretofore or shall hereafter lose his life in the performance of his duties, or when death results from injury received in the performance of his duties, shall receive a pension equal to three-fourths of the salary of such member at the time of his death. Provided, however, such pension to such widow shall be discontinued in the event that such widow shall remarry; and such pension to such minor children shall be discontinued when the youngest child shall arrive at the age of eighteen years.

Approved April 27, 1937.

Resolutions

CHAPTER 263

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO JOINT MEETING TO HEAR PROGRAM OF
LEGISLATIVE COMMITTEE OF STATE FEDERATION OF
LABOR.

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

That a joint session be held of the Senate and House of Representatives in the Senate Chamber on Tuesday, February 9, 1937, at 2:00 P. M., to hear the program of the Legislative Committee of the Delaware State Federation of Labor.

CHAPTER 264

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT UNTIL MONDAY, FEBRUARY 15, 1937.

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 on Thursday, February 11, 1937, both Houses of the General Assembly shall adjourn until Monday, February 15, 1937, at 12 o'clock noon.

CHAPTER 265

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO A JOINT MEETING TO HEAR ADDRESSES
BY REPRESENTATIVES OF THE AMERICAN LEGION.

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

That a joint session of the Senate and House of Representatives be held in the Senate Chamber on Friday, April 16, 1937, at 2 P. M., to hear addresses by the Honorable Harry W. Colmery, National Commander of the American Legion, and Mrs. Oscar Hahn, National President of the American Legion Auxiliary.

Approved April 15, 1937.

CHAPTER 266

SENATE CONCURRENT RESOLUTION

RESOLUTION MODIFYING AND CHANGING THE CONCURRENT RESOLUTIONS HERETOFORE ADOPTED WITH REFERENCE TO INTRODUCTION OF NEW BILLS AND JOINT RESOLUTIONS.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That House Concurrent Resolution No. 6, as changed and modified by House Concurrent Resolution No. 10, as further changed and modified by House Concurrent Resolution No. 13 be and the same is hereby further changed and modified in such manner and to such extent as to permit the introduction and consideration of the following:

An Act to amend Chapter 207, Volume 37, Laws of Delaware, entitled "An Act Providing for the Payment and Cancellation of a Certificate of Indebtedness of the State of Delaware, payable to the Trustees of Delaware College in the Sum of Eighty-three Thousand Dollars (\$83,000.00), Issued Pursuant to an Act dated February 22, 1877, and Representing a Donation of the Congress of the United States to States Providing Colleges for Instruction in Agriculture and Mechanic Arts, dated July 2, 1862, and Directing its Reinvestment and the Disbursement of Income" by reducing the required rate of interest to be earned on certain funds for the use of the University of Delaware.

An Act Relative to Deadly Weapons Prohibiting the Possession and Sale of Air Compression Weapons and Maxim Silencers.

CHAPTER 267

SENATE CONCURRENT RESOLUTION

RESOLUTION MODIFYING AND CHANGING THE CONCURRENT RESOLUTIONS HERETOFORE ADOPTED WITH REFERENCE TO INTRODUCTION OF NEW BILLS AND JOINT RESOLUTIONS.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That House Concurrent Resolution No. 6 as changed and modified by House Concurrent Resolution No. 10 as further changed and modified by House Concurrent Resolution No. 13 and as further changed and modified by Senate Concurrent Resolution No. 12 be and the same is hereby further changed and modified in such manner and to such extent as to permit the introduction and consideration of the following:

An Act to amend an Act entitled "An Act authorizing the borrowing of money and the creation of a debt by or in behalf of the State of Delaware, for the erection, repairs and improvements of buildings at institutions of the State, and for the payment of a portion of the cost of construction of the inlet with the Indian River and Rehoboth Bays, and the issuance of bonds therefor", by increasing the amount thereof.

CHAPTER 268

SENATE CONCURRENT RESOLUTION

MODIFYING AND CHANGING HOUSE CONCURRENT RESOLUTION NO. 6 AS MODIFIED AND CHANGED IN REFERENCE TO INTRODUCTION OF NEW BILLS.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That House Concurrent Resolution No. 6, as subsequently modified and changed, be and the same is further modified and changed as to permit the introduction and consideration of the following:

"An Act Appropriating Certain Money to State College For Colored Students For Repairs, Replacements and Completion of Certain Buildings at Said School."

CHAPTER 269

SENATE JOINT RESOLUTION

AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO PLAN AND EXECUTE ITS PLAN FOR THE CELEBRATION OF THE THREE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF FIRST PERMANENT CIVILIZED SETTLEMENT IN THE STATE OF DELAWARE.

WHEREAS, in the year 1938, will occur the three hundredth anniversary of the founding of the first permanent civilized settlement in the State of Delaware and in the entire Delaware River Valley, by the Swedes in 1638; and

WHEREAS, it is fitting that the State of Delaware should celebrate such anniversary in a manner commensurate with the importance of the occasion and the dignity of the State and, to that end, should co-operate with the government of the United States, the governments of the States of Pennsylvania and New Jersey, and other States and government of the Kingdom of Sweden; therefore,

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

Section 1. That the Governor of the State of Delaware be and he is hereby authorized and requested to appoint a Commission to be called The Delaware Tercentenary Commission, which shall consist of thirty-three members, whereof the Governor and the Mayor of Wilmington shall be two members ex-officio, all three counties of the State to be represented, by residents thereof, in the remaining thirty-one members. The Governor is further authorized and requested to call the members of The Delaware Tercentenary Commission to meet in Dover for the purpose of organization as soon as possible after their appointment.

Section 2. That the duties of said Commission shall be to prepare plans and to carry out and execute said plans for a fitting celebration, in the year 1938, by the State of Delaware of the three-hundredth anniversary of the founding by the Swedes, in the

SENATE JOINT RESOLUTION

year 1638, of the first permanent civilized settlement in the territory of the present State of Delaware and in the entire Delaware River Valley, at Fort Christina, near "The Rocks" on the Christiana River, and, to that end, to co-operate with other State Commissions, the National Commission, and the Commission appointed by the Government of the Kingdom of Sweden, also with all other commissions, committees, organizations and individuals having a similar purpose.

Section 3. That said Delaware Tercentenary Commission be and is hereby authorized to acquire, by any practicable method, "The Rocks" and a sufficient area behind them, and to put the place in order and to arrange for its permanent preservation.

Section 4. That said Commission be and is hereby further authorized to take over from the present Delaware Swedish Tercentenary Commission all rights and powers granted to it by joint resolution of the Congress of the United States authorizing the coinage of a half-dollar commemorating this tercentenary and to receive from said last named commission all moneys hitherto received by it from the subscribers and purchasers of said coins, less any portions of said receipts hitherto paid out by said last named commission on account of necessary expenses incurred by it in the discharge of its duties, and to continue to sell said commemorative coins and to use the entire proceeds thereof in its discretion to meet, as far as possible, the expenses of the proposed celebration in any and all of its aspects.

Section 5. That said Delaware Tercentenary Commission be and is hereby authorized to make such report as it deems advisable to the General Assembly of Delaware during its present session, with such recommendations for further legislation by the General Assembly as it deems proper and necessary for the proper fulfillment of its duties.

Section 6. That said Delaware Tercentenary Commission shall make its final report and submit it to the General Assembly in the year 1939.

Approved February 10, 1937.

CHAPTER 270

SENATE JOINT RESOLUTION

RELATING TO THE PURCHASE OF FOOD SUPPLIES BY THE
SECRETARY OF AGRICULTURE FOR FLOOD RELIEF.

WHEREAS, the Secretary of Agriculture of the United States of America has authorized a huge purchase of eggs, beef and pork to be distributed in flood relief, and

WHEREAS, there is at this time in excess of 87,000,000 pounds of poultry in cold storage, being an increase of 33,000,000 pounds over the corresponding period of 1936, and

WHEREAS, it is desirable that such excess shall be disposed of at the earliest date possible so as not to effect the market for live poultry;

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

Section 1. That the Secretary of Agriculture of the United States of America be requested to include in his purchases for flood relief poultry in cold storage, and to distribute the same in flood relief work contemplated by the Department of Agriculture.

Approved February 11, 1937.

CHAPTER 271

SENATE JOINT RESOLUTION

RELATING TO DISTRIBUTION OF REVISED CODE OF DELAWARE, 1935, BY AUTHORIZING THE STATE LIBRARIAN TO EXCHANGE COPIES THEREOF WITH STATE LIBRARIES OF OTHER STATES.

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

Section 1. That the State Librarian be and he is hereby authorized and directed to distribute one copy of the Revised Code of Delaware, 1935, to the State Library of each State of the United States maintaining or entering into a reciprocal exchange system or agreement with the State Library of this State.

Approved April 30, 1937.

CHAPTER 272

SENATE JOINT RESOLUTION

APPROPRIATING CERTAIN MONEY OUT OF THE STATE
TREASURY TO PAY A CERTAIN CLAIM 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 amount be and the same is hereby appropriated out of any money in the general fund of the State Treasury not otherwise appropriated, for the payment of a certain claim against the State of Delaware, and the State Treasurer is hereby authorized and directed to pay to the person hereinafter named the amount set opposite its name, viz:

The Star Publishing Company, Wilmington, Delaware, on account of printing and binding the Revised Code of Delaware, 1935, \$6,517.40.

Approved April 15, 1937.

CHAPTER 273

SENATE JOINT RESOLUTION

APPROPRIATING MONEY OUT OF THE STATE TREASURY TO
PAY A CERTAIN CLAIM AGAINST THE STATE OF DELA-
WARE.

*Be it resolved by the Senate of the State of Delaware, the
House of Representatives concurring therein:*

Section 1. That the sum of Four Hundred and Seventy-six Dollars and Ninety-one Cents (\$476.91) be and the same is hereby appropriated out of the State Treasury to pay a certain claim for printing and supplies furnished to the Supreme Court of Delaware, and the State Treasurer is hereby authorized and directed to pay to the claimant hereinafter named the said amount set opposite the name of the said claimant, to-wit:

Hugh A. George Co.,
905 Shipley Street,
Wilmington, Delaware\$476.91

Section 2. That this Act shall be taken and deemed to be a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State.

Approved April 30, 1937.

CHAPTER 274

SENATE JOINT RESOLUTION

**APPROPRIATING MONEY OUT OF THE STATE TREASURY TO
PAY A CERTAIN CLAIM AGAINST THE STATE OF DELA-
WARE.**

*Be it resolved by the Senate of the State of Delaware, the
House of Representatives concurring therein:*

Section 1. That the sum of Five Hundred and Seventy (\$570.00) Dollars be and the same is hereby appropriated out of the State Treasury to pay a certain claim for repairs to the Budget Room in the Legislative Building, and the State Treasurer is hereby authorized and directed to pay to the claimant hereinafter named the said amount set opposite the name of the said claimant, to-wit:

Johns-Manville Salés Corp.,

Philadelphia, Penna.\$570.00

Section 2. That this Act shall be taken and deemed to be a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State.

Approved April 30, 1937.

CHAPTER 275

HOUSE CONCURRENT RESOLUTION

Be it resolved by the House of Representatives, the Senate concurring therein:

That the two houses meet in joint session on Tuesday, January 19, 1937, at 11:30 o'clock A. M. for the purpose of attending the inauguration of the Honorable Richard C. McMullen, as Governor of the State of Delaware.

CHAPTER 276

HOUSE JOINT RESOLUTION

IN REFERENCE TO ATTENDING THE INAUGURATION OF
THE HONORABLE FRANKLIN D. ROOSEVELT AS PRESI-
DENT OF THE UNITED STATES AND APPROPRIATING
MONEY FOR THE EXPENSES THEREOF.

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

That the sum of Seven Thousand Five Hundred Dollars (\$7,500.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of the funds of the State of Delaware, not otherwise appropriated, for the purpose of defraying the expenses of the Inaugural Committee of the General Assembly in arranging for the attendance of the Governor and his staff, the members of the General Assembly, certain State Officers and certain officers and attaches of the General Assembly in the inaugural ceremonies of the Honorable Franklin D. Roosevelt as President of the United States and the State Treasurer is hereby authorized and directed to pay such sums of money from time to time upon warrants signed by the Chairman and Secretary of the said inaugural committee as shall not exceed in the aggregate the sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

Approved January 15, 1937.

CHAPTER 277

HOUSE JOINT RESOLUTION

**IN REFERENCE TO THE INAUGURATION OF THE HONORABLE
RICHARD C. McMULLEN AS GOVERNOR OF THE STATE
OF DELAWARE, AND APPROPRIATING MONEY FOR THE
EXPENSES THEREOF.**

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

That the sum of Three Thousand Dollars (\$3,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of the funds of the State of Delaware, not otherwise appropriated, for the purpose of defraying the expenses of the inaugural committee of the General Assembly in arranging for the inaugural ceremonies of the Honorable Richard C. McMullen as Governor of the State of Delaware, and the State Treasurer is hereby authorized and directed to pay such sums of money from time to time upon warrants signed by the Chairman and Secretary of said inaugural committee as shall not exceed in the aggregate the sum of Three Thousand Dollars (\$3,000.00).

Approved January 18, 1937.

CHAPTER 278

HOUSE JOINT RESOLUTION

PROVIDING FOR ADDITIONAL MEMBERS TO THE COMMISSION TO PLAN AND EXECUTE ITS PLAN FOR THE CELEBRATION OF THE THREE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF THE FIRST PERMANENT CIVILIZED SETTLEMENT IN THE STATE OF DELAWARE.

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That in addition to the thirty-three persons authorized to be appointed by the Governor, according to Senate Joint Resolution No. 2, providing for the appointment of a Commission to plan and execute its plan for the celebration of the three hundredth anniversary of the founding of the first permanent civilized settlement in the State of Delaware, the Governor be and he is hereby authorized to appoint seven additional members of the said Commission, one of whom shall be the Mayor of the City of New Castle, ex-officio; and the President Pro Tem of the Senate is hereby authorized to appoint ten additional members of the said Commission, and the Speaker of the House of Representatives is hereby authorized to appoint ten additional members of the said Commission.

Approved March 5, 1937.

CHAPTER 279

HOUSE JOINT RESOLUTION

PROVIDING FOR THE ASSENT OF THE STATE OF DELAWARE TO THE PROVISIONS AND REQUIREMENTS OF AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE FOR RESEARCH INTO THE BASIC LAWS AND PRINCIPLES RELATING TO AGRICULTURE AND TO PROVIDE FOR THE FURTHER DEVELOPMENT OF COOPERATIVE EXTENSION WORK IN AGRICULTURE AND FOR THE MORE COMPLETE ENDOWMENT AND SUPPORT OF LAND GRANT COLLEGES" IN THE SEVERAL STATES RECEIVING THE BENEFITS OF THE ACT ENTITLED "AN ACT DONATING PUBLIC LANDS TO THE SEVERAL STATES AND TERRITORIES WHICH MAY PROVIDE COLLEGES FOR THE BENEFIT OF AGRICULTURE AND MECHANIC ARTS", APPROVED JULY 2, 1862, AND OF ALL ACTS SUPPLEMENTARY THERETO.

WHEREAS, the 74th Congress of the United States has passed an Act designated as H. R. 7160, approved by the President, June 29, 1935, designated as an Act to provide for research into the basic laws and principles relating to Agriculture and to provide for the further development of Cooperative Extension Work and the more complete endowment and support of land grant colleges;

WHEREAS, it is provided by Title I and Sections 21 and 22 of Title II of the Act aforesaid that the grants of moneys authorized by the Act shall be paid to each State which by action of its legislature assents to the provisions of the Act:

Therefore, be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the assent of the State of Delaware be and is hereby given to the provisions and requirements of said Act and that the Trustees of the University of Delaware be and they are hereby authorized and empowered to receive the grants of moneys appropriated under said Act and in accordance with the provisions thereof.

HOUSE JOINT RESOLUTION

And be it further resolved that two approved copies of this resolution be sent to the Secretary of Agriculture.

Approved March 25, 1937.

CHAPTER 280

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 Senate and House of Representatives of
the State of Delaware in General Assembly met:*

That the following amount be and the same is hereby appropriated out of any money in the General Fund of the State Treasury for the payment of certain claims against the State of Delaware and the State Treasurer is hereby authorized and directed to pay the claimants hereinafter named, the amounts set opposite the names of said claimants, viz:

The Court of the State of Delaware to supply the deficiency in the expenses of the said Court for the balance of the fiscal year ending June 30, 1937, Two Hundred Fifty Dollars (\$250.00);

The Delaware State News for printing of the Argument List for the Supreme Court of the State of Delaware, One Hundred Twenty Dollars (\$120.00).

Approved May 5, 1937.

CHAPTER 281

HOUSE 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:*

That Grover C. Frear, William D. Denney and Frank R. Manahan, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware at Dover; and that E. Ennals Berl, Aaron Finger and Leland Lyon, be and they are hereby appointed Directors on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Wilmington; and that William A. B. Dodd, John G. Townsend, Jr., and J. Edward Goslee, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Georgetown.

Approved April 7, 1937.

CHAPTER 282

HOUSE JOINT RESOLUTION

**AUTHORIZING THE CONTINUANCE OF THE AUTHORITY
AND POWERS OF THE TEMPORARY EMERGENCY RELIEF
COMMISSION OF NEW CASTLE COUNTY UNTIL THE SIX-
TEENTH DAY OF APRIL, 1937.**

WHEREAS, by the provisions of Chapter 115, Volume 40, Laws of Delaware, an "emergency period" was declared to exist in New Castle County until the first day of April, A. D. 1937 and the Temporary Emergency Relief Commission for New Castle County was created and its powers and duties were defined; and

WHEREAS, the Public Health and Safety of the State, and each city and town therein, requires the extension of the relief contemplated by the said act and the existence of the "emergency period" therein declared; now, therefore,

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

Section 1. That the authority, powers and duties of the Temporary Emergency Relief Commission for New Castle County, as set forth and defined in Chapter 115, Volume 40, Laws of Delaware, are hereby extended in full force and effect for the "emergency period" between the date of the enactment of this resolution and the Sixteenth day of April, A. D. 1937.

Approved April 8, 1937.

LAWS
OF THE
STATE OF DELAWARE
SECOND SPECIAL SESSION

OF THE
ONE HUNDRED AND SIXTH
SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, May 18, A. D. 1937

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES
THE ONE HUNDRED AND SIXTY-FIRST

State Revenue

CHAPTER 283

APPROPRIATION FOR DEAF AND DUMB, BLIND, IDIOTIC AND CRIPPLED CHILDREN

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE GOVERNMENT FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1938 AND JUNE 30, 1939 RESPECTIVELY" APPROVED APRIL 26, 1937, BY MAKING AN APPROPRIATION FOR DEAF AND DUMB, BLIND, IDIOTIC AND CRIPPLED CHILDREN.

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

Section 1. That "AN ACT Making Appropriations for the Expenses of the State Government for Each of the Two Fiscal Years Ending June 30, 1938 and June 30, 1939 Respectively" approved April 26, 1937, be and the same is hereby amended by adding thereto a new paragraph to be designated as I 1.

I 1. Governor.

	For year ending June 30	
	1938	1939

Board and Tuition deaf, dumb, blind,		
Idiotic and Crippled Children	\$19,000.00	\$19,000.00

Approved May 20, 1937.

CHAPTER 284

AUTHORIZING MONEYS OUT OF THE SCHOOL FUND FOR THE USE OF UNIVERSITY OF DELAWARE, STATE COLLEGE FOR COLORED STUDENTS AND STATE TAX DEPARTMENT

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO PAY OUT OF THE SCHOOL FUND OF THE STATE OF DELAWARE ANY APPROPRIATION THAT MAY HEREAFTER BE MADE TO UNIVERSITY OF DELAWARE, STATE COLLEGE FOR COLORED STUDENTS AND FOR OPERATION AND MAINTENANCE OF THE STATE TAX DEPARTMENT", APPROVED APRIL 12, 1937, BY DIRECTING THE STATE TREASURER TO DEPOSIT A PORTION OF THE FUNDS DERIVED FROM FRANCHISE TAX COLLECTIONS TO THE GENERAL FUND.

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

Section 1. That "An Act Authorizing and Directing the State Treasurer to Pay Out of the School Fund of the State of Delaware any Appropriation that may hereafter be made to University of Delaware, State College for Colored Students and for Operation and Maintenance of the State Tax Department", approved April 12, 1937, be and the same is hereby amended by striking out and repealing all of said Act and by inserting in lieu thereof the following:

That Article 8, Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting a new paragraph as follows:

For the fiscal year beginning July 1, 1937, and ending June 30, 1938, the sum of Four Hundred and Forty Thousand Six Hundred Seventy-four Dollars and Fifty-three Cents (\$440,674.53) 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

AUTHORIZING MONEYS OUT OF THE SCHOOL FUND FOR
THE USE OF UNIVERSITY OF DELAWARE, STATE COLLEGE
FOR COLORED STUDENTS AND STATE TAX DEPARTMENT

Revised Code of Delaware, 1935, and assessed and collected thereunder; and, for the fiscal year beginning July 1, 1938, and ending June 30, 1939, a further sum of Four Hundred and Thirty-two Thousand Twenty-four Dollars and Fifty-three Cents (\$432,024.53) 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 Sixth General Assembly of the State of Delaware under item J "Education", and comprising sums appropriated for the University of Delaware and the State College for Colored, to-wit, Three Hundred Twenty-eight Thousand Six Hundred Seventy-four Dollars and Fifty-three Cents (\$328,674.53) for the fiscal year beginning July 1, 1937, and ending June 30, 1938, and Three Hundred and Twenty Thousand Twenty-four Dollars and Fifty-three Cents (\$320,024.53) for the fiscal year beginning July 1, 1938, and ending June 30, 1939, 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, 1937, and ending June 30, 1938, the sum of One Hundred and Twelve Thousand Dollars (\$112,000.00), and the further sum of One Hundred and Twelve Thousand Dollars (\$112,000.00) is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1938, and ending June 30, 1939, 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.

The provisions of this Section, and the provisions of paragraph b of 2704. Section 82 of Chapter 71 of the Revised Code

AUTHORIZING MONEYS OUT OF THE SCHOOL FUND FOR
THE USE OF UNIVERSITY OF DELAWARE, STATE COLLEGE
FOR COLORED STUDENTS AND STATE TAX DEPARTMENT

of Delaware, 1935, 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 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 Eight Hundred Seventy-two Thousand Six Hundred Ninety-nine Dollars and Six Cents (\$872,699.06) 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 20, 1937.

CHAPTER 285

APPROPRIATION FOR THE SCHOOL BUDGET

AN ACT MAKING APPROPRIATION FOR THE SCHOOL BUDGET FOR THE SCHOOL YEARS BEGINNING RESPECTIVELY JULY 1, 1937, AND JULY 1, 1938, AND ENDING RESPECTIVELY JUNE 30, 1938, AND JUNE 30, 1939.

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 Five Hundred Fourteen Thousand Dollars (\$3,514,000.00) for the School Budget hereinafter described for the school year beginning July 1, 1937, and ending June 30, 1938, and there is hereby further appropriated the sum of Three Million Five Hundred Fourteen Thousand Dollars (\$3,514,000.00) for the said School Budget for the school year beginning July 1, 1938, and ending June 30, 1939, 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 by statute, 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 per centum;

"OPERATION" not more than eleven per centum;

"MAINTENANCE" not more than five per centum;

APPROPRIATION FOR THE SCHOOL BUDGET

"AUXILIARY AND CO-ORDINATE ACTIVITIES" not more than eleven per centum; provided that the State Board in making the distribution of this item is authorized to reserve first, not more than eight and three-tenths per centum of the total budget for transportation of pupils and second, not more than one per centum of the total budget for the following activities; Oratorical and Declamation Association, Adult Education, a teacher in Sunnyside Preventorium and a teacher in Brandywine Sanitorium.

"FIXED CHARGES" not more than one and five-tenths per centum;

"CAPITAL OUTLAY" not more than two per centum;

"DEBT SERVICE" no part of the total;

"FOR MATCHING THE APPROPRIATION OF THE FEDERAL GOVERNMENT FOR 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 Superintendent 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;

(a) The Supervisional part of salaries of Superintendents and Supervisors and their expenses.

APPROPRIATION FOR THE SCHOOL BUDGET

- (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 Transportation of Pupils, Vocational Teacher-Training, Americanization, Adult Education, Promotion of Health, salaries of teachers at Sunnyside Preventorium and Brandywine Sanatorium, 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 workmen'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.

Section 4. Each year after the sums for the State-wide activities hereinbefore mentioned have been deducted from the total amount set forth in Section 1, the remainder shall be divided among the following divisions, to wit: The State Board, the City of Wil-

APPROPRIATION FOR THE SCHOOL BUDGET

mington, and the various Special School Districts of the State, according to their respective enrollments, the amounts for each to be calculated as follows:

1st. Multiply Eighty-one Dollars (\$81.00) by the net enrollment in grades ten, eleven and twelve during the previous school year.

2nd. Multiply Seventy-four Dollars and Twenty-five cents (\$74.25) by the net enrollment in grades seven, eight and nine during the previous school year.

3rd. Multiply One Hundred Dollars (\$100.00) by the net enrollment in special classes for retarded children, provided the said special classes and their teachers meet with the standards and qualifications set up by the rules and regulations of the State Board of Education in this behalf.

4th. 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, but excluding the net enrollment in special classes for retarded children as provided in the preceding paragraph.

Net enrollment of pupils shall be calculated on the basis of the following conditions:

(a) To be counted enrolled a pupil must attend twenty or more school days in a public school in Delaware.

(b) In case a pupil transfers from one school to another in Delaware: (1) he shall be counted as enrolled in the school in which he attends the largest number of days; (2) 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 last attended.

APPROPRIATION FOR THE SCHOOL BUDGET

(c) 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.

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, that the expenditure of any sum or sums so transferred shall be subject to the percentage limitations in Section 2 of this Act.

Section 6. In addition to the sums hereinbefore appropriated by this Act there is hereby further appropriated for the school year beginning July 1, 1937, and ending June 30, 1938, the sum of Two Hundred Eighty-six Thousand Dollars (\$286,000.00) and for the school year beginning July 1, 1938, and ending June 30, 1939, the further sum of Two Hundred Eighty-six Thousand Dollars (\$286,000.00). The said sums shall be allotted by the State Board of Education to the State Board, the City of Wilmington, and the various Special School Districts of the State, and by them used for the purpose of restoring the total of the salary reductions which were required by Section 5 of Chapter 141, Volume 38, Laws of Delaware. The said sums shall be paid by the State Treasurer out of the school funds.

Section 7. In addition to the amounts appropriated in Sections 1 and 6, respectively, there is hereby appropriated the further sum of Twenty-five Thousand Dollars (\$25,000.00) for the school year beginning July 1, 1937, and the further sum of Twenty-five Thousand Dollars (\$25,000.00) for the school year beginning July 1, 1938. The said sums shall be used for the painting and repair of school buildings and shall be allotted for this purpose by the State Board of Education to the State Board, the City of Wilmington, and the various Special School Districts of the State. Provided, however, that two-fifths of the money so appropriated shall be allotted to the City of Wilmington. The said sums shall be paid by the State Treasurer out of the School Funds.

APPROPRIATION FOR THE SCHOOL BUDGET

Section 8. In addition to the amounts appropriated in Sections 1, 6 and 7, respectively, of this Act there is hereby further appropriated the sum of Fifteen Thousand Dollars (\$15,000.00) for the school year beginning July 1, 1937, and the further sum of Fifteen Thousand Dollars (\$15,000.00) for the school year beginning July 1, 1938, and the said sums shall be used by the said State Board of Education for the purpose of matching the appropriation of the Federal Government for Vocational Education under the provisions of the George-Deen Act approved June 8, 1936. The said sums shall be paid by the State Treasurer out of the school funds.

Section 9. In addition to the amounts appropriated in Sections 1, 6, 7, and 8 respectively of this Act there is hereby further appropriated the sum of Ten Thousand Dollars (\$10,000.00) for the school year beginning July 1, 1937, and ending June 30, 1938, and the further sum of Ten Thousand Dollars (\$10,000.00) for the school year beginning July 1, 1938, and ending June 30, 1939. The said sums shall be allotted by the State Board of Education to the State Board, the City of Wilmington, and the various Special School Districts of the State, and shall be used for the purpose of increasing the salaries of regular, full-time employees who would receive no benefits or who would benefit to the extent of less than Fifty Dollars (\$50.00) a year under the provisions of Section 6 of this Act. The said sums shall be paid by the State Treasurer out of the School funds.

Approved May 20, 1937.

Fish, Oysters and Game

CHAPTER 286

FISH, OYSTERS AND GAME

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "FISH, OYSTERS AND GAME" BY PROHIBITING THE CATCHING OF FISH IN WATERS UNDER THE JURISDICTION OF THIS STATE BY MEANS OF TRAWL-NETS OR OTHER SIMILAR DEVICES; PENALTY.

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 Delaware, 1935, be and the same is hereby amended by striking out Section 80 of Article 1, 2881, and inserting in lieu thereof a new section to be known as Chapter 74, Article 1, 2881, Section 80, as follows:

All persons, firms and corporations, whether resident or non-resident, are prohibited from catching or taking, or attempting to catch or take, from the waters of the Atlantic Ocean within three nautical miles of the coast line of this State, or from any other waters within the jurisdiction of this State, fish, whether edible or not, by means of trawl-nets or other similar devices.

Any person, firm or corporation violating any of the provisions of this Section shall, upon conviction thereof, be fined not less than \$1,000.00 nor more than \$5,000.00, and costs, together with a forfeiture of all nets, boats and other appliances used. If any person shall fail to pay any fine and costs imposed under the provisions of this Section, such person shall be committed to the jail of the County where such conviction is had for a period not exceeding one year, or until such fine and costs are paid.

Approved May 20, 1937.

Additional Boards and Commissions

CHAPTER 287

STATE HIGHWAY DEPARTMENT

AN ACT TO PROVIDE FOR THE PROTECTION FROM EROSION OF THE BEACH FRONT OPPOSITE THE TOWN OF BETH- ANY BEACH, SUSSEX COUNTY, DELAWARE.

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

Section 1. The State Highway Department is hereby authorized, empowered, and directed to provide and erect such groins and jetties as in the judgment of said Department may be necessary to protect from erosion the ocean front or beach opposite and adjacent to the Town of Bethany Beach, Sussex County, Delaware.

Section 2. A sum not in excess of Thirty-five Thousand (\$35,000.00) Dollars is hereby appropriated out of the State Highway Fund for such purpose and the State Treasurer is hereby directed to pay upon proper vouchers drawn by the State Highway Department on the State Highway Fund for such amounts as may be expended within the limits hereinbefore set forth.

Approved May 20, 1937.

Resolutions

CHAPTER 288

SENATE CONCURRENT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring therein:

That the Presiding Officer is hereby authorized and directed to appoint a Committee of two on the part of the Senate to act with a like Committee on the part of the House of Representatives, to notify the Governor that both Branches of the General Assembly are duly organized and ready to receive any communication he may have; and the Secretary of the Senate is hereby instructed to notify the House of Representatives of the adoption of this Resolution and the names of the Senate members of the said Committee.

CHAPTER 289

SENATE CONCURRENT RESOLUTION

WHEREAS, certain out-of-State Newspapers and Magazines have been publishing false and libelous reports concerning the conduct of the members of this General Assembly during the closing hours of the Regular Biennial Session; and

WHEREAS, the members of this General Assembly are satisfied that these false reports did not originate with any of the members of the Press, who are regular attendants at the Sessions of the Delaware Legislature, but undoubtedly emanated from one or more scandal mongers who snook around the Legislative Building seeking notoriety for themselves by attempting to assassinate the character of people far above their own low state in life; therefore

Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein:

That the members of this General Assembly hereby condemn in the strongest terms the unscrupulous conduct of these scandal mongers and notice is hereby given to each and all of them, if there be more than one of them, that their presence here is very offensive to all of us, and they are warned to apply their nefarious trait elsewhere; and

BE IT FURTHER RESOLVED, that we strongly condemn the unseemly conduct of the newspapers and magazines that published such false reports without taking the trouble to find out the truth or falsity of such reports.

Proclamations

CHAPTER 290

STATE OF DELAWARE EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the home is of supreme importance as the basis of our community life, constituting, as it does, an essential factor in the health and happiness of both present and future generations; and

WHEREAS, local Better Housing Programs in all parts of our State are helping citizens to build new homes and to modernize homes which they now own—thus putting men back to work, and contributing in a positive way to industrial and business recovery.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do set aside and appoint Saturday, the fifteenth day of June, 1935, to be known as

DELAWARE BETTER HOUSING DAY

and I call upon all our citizens to join with the citizens of other States throughout the Nation in marking the day with appropriate observances, in order that the benefits of the Better Housing Program may be brought to a still greater number of our people.

IN TESTIMONY WHEREOF, I, C. D. Buck, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed
(Great Seal) this twelfth day of June, in the year of our Lord One Thousand Nine Hundred and Thirty-five.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 291
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

C. D. BUCK, Governor of said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETINGS:

WHEREAS, Thomas B. Rash, a citizen of Kent County, residing near Camden, State of Delaware, was slain by a person or persons unknown, on or about June 3, 1935; and

WHEREAS, there are reasonable grounds for the belief that the laws of this State have been violated and it is necessary for the purpose of securing the arrest of the person or persons offending, that a reward be offered for the arrest and conviction of such person or persons;

NOW, THEREFORE, I, C. D. BUCK, GOVERNOR OF THE STATE OF DELAWARE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6, OF CHAPTER 13, OF THE REVISED CODE OF THE STATE OF DELAWARE, DO HEREBY OFFER A REWARD OF

FIVE HUNDRED DOLLARS

FOR THE ARREST AND CONVICTION OF THE PERSON OR PERSONS WHO COMMITTED THE CRIME AFORESAID, SAID REWARD TO BE PAID TO SUCH PERSON OR PERSONS AS THE ATTORNEY GENERAL OF THIS STATE SHALL CERTIFY TO BE ENTITLED THERETO.

PROCLAMATION

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State
(Great Seal) to be hereunto affixed this tenth day of September in the year of our Lord one thousand nine hundred and thirty-five and of the Independence of the United States of America the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 292

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, by Act of the General Assembly of the State of Delaware, the Governor is directed to issue a proclamation on October 11th of each year, inviting the people of our State to observe this day in schools and churches with appropriate ceremonies, in commemoration of the death of a great American hero of the Revolutionary War—Brigadier General Casimir Pulaski;

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, under and by virtue of the authority vested in me by the aforesaid Act of the General Assembly do proclaim Friday, October 11, 1935, as

GENERAL PULASKI'S MEMORIAL DAY

and call upon the citizens of the State of Delaware to honor the memory of this illustrious hero by the holding of such exercises and ceremonies in the schools and churches, as may be deemed appropriate; and I do direct that on that day the flag of the United States be displayed on public buildings and other suitable places.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the Great Seal of the State of
Delaware, this first day of October, in the
(Great Seal) year of our Lord one thousand nine hundred
and thirty-five.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 293

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Each year the Nation's burden of property loss by fire continues to increase; and

WHEREAS, Destruction by fire costs not only hundreds of millions of dollars in property loss, but lives and jobs and other economic loss as well; and

WHEREAS, A proportionate share of this tremendous toll is borne by our own State;

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim and designate the week beginning

October 6, 1935

as

FIRE PREVENTION WEEK

and I earnestly request all State and Municipal officials, civic organizations, School authorities, the Clergy and the press to emphasize the danger of any needless waste caused by fire and urge the citizens of the State to exercise extreme care to avoid fire, not only during Fire Prevention Week, but throughout the entire year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this third day of
(Great Seal) October, in the year of our Lord one thousand nine hundred and thirty-five and of the Independence of the United States the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 294

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, October 5th and October 6th have been designated as Loyalty Days by the organized Church people of America; and

WHEREAS, in these difficult times of great economic and social stress the lives of our people require moral and spiritual reinforcement; and

WHEREAS, we are desirous of cooperating with this nationwide movement which promises to strengthen the basic spiritual forces of our nation;

THEREFORE, I, C. D. Buck, Governor of Delaware, am happy to express my deep interest in this religious movement sponsored by Protestant, Catholic and Jewish authorities, and urge upon the citizens of Delaware that they observe Saturday, October 5th, and Sunday, October 6th, as

LOYALTY DAYS

and that they mark these days by memorable attendance upon the church or synagogue of their choice and by an earnest interpretation and acceptance of their spiritual responsibilities.

IN TESTIMONY WHEREOF, I, C. D. Buck, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this
(Great Seal) fourth day of October, in the year of our Lord one thousand nine hundred and thirty-five, and of the Independence of the United States of America, the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 295

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, American Education Week, sponsored jointly by the National Education Association, the United States Office of Education, and the American Legion, will be observed from November 11-17, 1935; and

WHEREAS, the general theme for American Education Week is "The School and Democracy", a subject which is exceedingly appropriate to the times. Since the Nation's founding, our people have remained steadfast in the faith that democracy based upon an intelligent citizenry is the only form of government under which the rights of "life, liberty and the pursuit of happiness" may be achieved. In this firm belief they have established and continuously improved a system of free public schools as a basis for the loyalty and independence upon which the success of self-rule depends. Any threat to our schools is a threat to our form of government. In the stress of the present it is fitting that parents, teachers and other citizens consider seriously the relation of the school and democracy.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby set aside the week of November 11-17, in order to join with other States in the observing of

AMERICAN EDUCATION WEEK

and during this period urge that the schools of Delaware be visited so that the work that is being done may be observed and the citizens of our State may have first-hand knowledge of the part the school is playing in the training of citizens of tomorrow.

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 af-

PROCLAMATION

(Great Seal) fixed, at Dover, this first day of November, in the year of our Lord, one thousand nine hundred and thirty-five, and of the Independence of the United States of America, the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 296

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, each year from Armistice Day to Thanksgiving, the American Red Cross Roll Call is held, at which time an opportunity is given to every one to become a member and by so doing to give the necessary financial support to the activities of the Red Cross; and,

WHEREAS, in addition to the need for service growing out of great emergencies and the ever present need for disaster relief, the Red Cross carries on programs of service to Public Health Nursing, Home Hygiene, First Aid, Life Saving and Junior Red Cross, all of which are essential to the welfare of hundreds of communities which have been so cruelly handicapped through several emergency years.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do proclaim November 11-28, 1935, for the

ANNUAL ROLL CALL OF THE AMERICAN RED CROSS

and wish to impress upon the people of the State of Delaware, the importance of continuing to support the activities of the Red Cross which are more urgent and more numerous than the present generations have previously experienced, and suggest that by becoming a member of such a splendid organization, you will not only show your confidence in its worthwhile efforts, but perform a service invaluable to your community.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of
the State of Delaware, have hereunto set my
hand and caused the Great Seal of the State
(Great Seal) of Delaware to be hereunto affixed, at Dover,
this first day of November, in the year of our

Lord, one thousand nine hundred and thirty-five and of the Independence of the United States of America, the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 297

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, American Education Week, sponsored jointly by the National Education Association, the United States Office of Education, and the American Legion, will be observed from November 11-17, 1935; and

WHEREAS, the general theme for American Education Week is "The School and Democracy", a subject which is exceedingly appropriate to the times. Since the Nation's founding, our people have remained steadfast in the faith that democracy based upon an intelligent citizenry is the only form of government under which the rights of "life, liberty and the pursuit of happiness" may be achieved. In this firm belief they have established and continuously improved a system of free public schools as a basis for the loyalty and independence upon which the success of self-rule depends. Any threat to our schools is a threat to our form of government. In the stress of the present it is fitting that parents, teachers and other citizens consider seriously the relation of the school and democracy.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby set aside the week of November 11-17, in order to join with other States in the observing of

AMERICAN EDUCATION WEEK

and during this period urge that the schools of Delaware be visited so that the work that is being done may be observed and the citizens of our State may have first-hand knowledge of the part the school is playing in the training of citizens of tomorrow.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my

PROCLAMATION

(Great Seal) hand, and caused the Great Seal to be here-
unto affixed, at Dover, this first day of No-
vember, in the year of our Lord, one thou-
sand nine hundred and thirty-five, and of the
Independence of the United States of America,
the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 298

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

The early settlers upon our shores, beset by hardships and perils, not only asked Divine protection and guidance, but also gave devout thanks for the limited comforts they enjoyed. The blessings of peace and security, of national resources and social vision, have so increased that each year, when the fruits of the earth have been gathered in, the Nation and State have turned to the Divine Providence with renewed expressions of gratitude. The annual harvest-home festival is one of the high-lights in the American scene.

In keeping with this worthy tradition, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim the day appointed by the President of the United States

THURSDAY

NOVEMBER THE TWENTY-EIGHTH

NINETEEN HUNDRED AND THIRTY-FIVE

AS

THANKSGIVING DAY

and invite the citizens of our Commonwealth to observe the day in such manner as will show forth our sense of the Divine favor and our desire to give sincere obedience to those moral laws upon which we base our hopes for even greater security and progress in the years to come.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said

PROCLAMATION

(Great Seal) State to be hereunto affixed at Dover, this fifteenth day of November in the year of our Lord one thousand nine hundred and thirty-five, and the Independence of the United States of America, the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 299

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the One Hundred and Forty-eighth Anniversary of the ratification of the Federal Constitution by the State of Delaware will occur on December 7, 1935; and

WHEREAS, being cognizant of the importance and significance of this historical event, we, as citizens of "The First State in the Union" should pay a fitting tribute to Delaware's part in the Constitution;

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, in accordance with the authority in me vested by an act of the General Assembly, do hereby designate Saturday, December 7, 1935, as

DELAWARE DAY

and request all schools and civic organizations to commemorate the occasion with appropriate patriotic and public services, at the same time, inviting the people of the State of Delaware to observe the day by displaying the American Flag on their homes and places of business.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal to be hereunto affixed this second day of December, in the year of our Lord, one thousand nine hundred and thirty-five, and of the independence of the United States of America, the one hundred and sixtieth.

(Great Seal)

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 300

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, a vacancy exists in the office of Associate Judge for New Castle County, by reason of the death of Honorable David J. Reinhardt on November 22, 1935; and

WHEREAS, the Constitution of the State of Delaware provides that if a vacancy shall occur among the State Judges by expiration of term or otherwise, when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, in and by virtue of such authority vested in me by the aforesaid Constitution of the State of Delaware, do issue this proclamation convening the Senate of the State of Delaware in Extraordinary Session at Dover, the capital of the said State, on the Eighteenth day of December, A. D. 1935, at twelve o'clock noon to consider and act upon the following business, to wit:

To confirm the appointment which will be made to fill the vacancy in the office of Associate Judge for New Castle County; and

To transact such other executive business as may come before the Senate of the State of Delaware.

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 hereunto affixed this Ninth day of December, in the year of our Lord one thousand nine hundred and thirty-five and of the In-

(Great Seal)

PROCLAMATION

dependence of the United States of America,
the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 301

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

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 Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid are repealed:

A. B. A. Engineering Corporation, Abrasive Brush Corporation, A. E. Fitkin & Company Limited, Abbey Gold Placers, Inc., A. H. Blank Theatre Corporation, A. J. Powell Co., Aarrock Security Company, A. S. Henderson Co., Inc., A. & W. Root Beer Company of Virginia, Acme Automotive Equipment Company, Inc., Active Auto Radiator Corporation, Acco Engineering Company, Accommodation Loan Corporation, Ace Publishing Co., Ackerman & Rosenthal, Inc., Acme Works, Inc., Adsby Corporation, Advance Duplicator Company, Adco, Inc., Ads-In-Air, Inc., Adolph J. Schippert, Inc., Advanced Motors Corporation, Advisory Management Corporation, Adelpia Machinery Company, Inc., Adams Productions Corporation, Advance Welding & Alloys, Limited, Aeradio Corporation of America, Air Cooling & Conditioning Corporation, Airflex Corporation, The, Affiliated Distributors, Inc., Ajax Engineering Co., Inc., Air Express Corporation, Air Flow Company, Akme Flue, Inc., Ajax Gold Mines, Inc., Aircraft Gasoline Corporation, Aero Gasoline, Inc., Airport Grills, Inc., Aetna Oil Company, The, Air-O-Gas Equipment Co., Air Promotion Service, Inc., Ajax Paper Company, Affiliated Purchasers, Inc., Air

PROCLAMATION

Service of Pittsburgh, Inc., Air Transport Engineering Corporation, Aldine Apartments Company, Aleograph Company, The, Alabama Graphite Corporation, Alexander Hamilton Plan, Inc., Albertamax Holding Corporation, Alans, Inc., Albert Industries, Inc., Albert J. Mellon, Inc., Algiers Oil Company, Inc., Albert Products Co., Alaska Products Corporation, Albemarle Park Company, Alger Soap Company, Inc., All American Holding Corporation, Allied Brotherhood Corporation, Allegheny-Butler Gas & Oil Company, Alloid Corporation, Allied Cement Industries, Inc., Allied Drug Stores Company, The, Allied Equities, Ltd., Allied Freight Distributors of Delaware, Inc., Allied Motion Picture Advertising Corporation, Allied Motors Company, Inc., Almerican Products Company, Allied Producers, Inc., Alliance Realty Corporation, Almar Realty Corporation, Allied Rock & Materials Co., All State Petroleum Corporation, Allenco Stores, Incorporated, All States Power Corporation, Allenhight Texas Oil Co., Allied Television Industries, Inc., Alpar Theatre Enterprises, Inc., Alpar Tea Company, Inc., Allied Telephone Utilities Co., Altoona Butter Co., Altoona Flying Service, Inc., Altheatrust, Incorporated, Alta Sales Corporation, Aminco Corporation, Amazon Corporation, The, Amiesite Corporation, Amorskin Corporation, Amalgamated Depositors, Inc., Amex Gold Mines, Ltd., Amory Hotel & Realty Co., Amasco Incorporated, Amico Laboratories, Inc., Amber Projection Screen Corporation, Amusement World Corporation, American Association for Repeal of Eighteenth Amendment, American Alloy and Steel Corporation, American Agricultural Association, American Assembling Machine Company, American Business Corporation, American Brazilian Exploration Corporation, American Church Histories, Inc., American Capital & Management Corporation, American Conduit Corporation, American Cotton & Commodities Corporation, American Corporation, The, American Cotton Association, American Coke and Chemical Contracting Co., American Cement Sheet Lath Company, American Chamber of Secret Service, Inc., The, American Devices Corporation, American Export Corporation, American Foreign Agencies Co., Inc., American Family Aid Society, American Fireworks Company, Inc., American Floating University, Inc., American Gold Standard Mining Co.,

PROCLAMATION

American Gem Corporation, American Girl Products Company, The, American Hospital and Clinic Association, American Industrial Service, Inc., American Intercontinental Corporation, American International Wines Corporation, American Ichthyol Company, Inc., American Loan Company of Evansville, American Loan Company of Kansas City, American Loan Company of Philadelphia, American Lumber Company, American Miersbe Corporation, American Metal Coating Company, American-Mex Mining Corporation, American National Terminals, Inc., American National Agency, Inc., The, American North China Trading Company, Inc., American Navigation Company Inc., American Organization Corporation, American Preferred Investors Corporation, American Properties Corporation, American Petroleum Producers Corporation, American Protestant Corporation, The, American Rock Asphalt Company, American Radio System, Inc., American Radio & Sound Advertisers, Incorporated, American Retailers, Inc., American Realty & Improvement Company, American Road Machinery Company, American Supply Company, Incorporated, American Silica Refining Company, The, American Seismos Co., Inc., American Stemmer Corporation, American States Public Utility Corporation, American States Water Service Company, American Theatres Corporation, American Traders, Inc., American Television Exhibitors, Inc., American Toasted Sandwich Company, American Tung Oil Products Corporation, American Television Laboratories, Incorporated, American Typewriter Exchange, Inc., American Temperance Life Insurance Company, American Travel Sea Company, Inc., American Title & Trust Company, American Water Heater Company, Anderson Metal Ring Corporation, Ancient Order of Hibernians, Division No. 1, Anthony Corleto, Inc., Angostura Ginger Ale Inc., Annapolis Hotel Bus Terminal, Inc., Annapolis Hotel Terminal Company, Annapolis Hotel Corporation, Anglinservice, Inc., Antiphyminol Laboratories, Inc., The, Annapolis Management Corporation, Andrea Process Corporation, Anthony Salmon, Incorporated, Apex Amusement Company, Aqua Engineering Company, Apple Electrical Mfg. Co., The, Apple Gum Corporation, Appalachian Gas Corporation, Appollo Holding Corporation, Appalachian Mining Corporation, Apache Oil Corporation, Apex Sample Book Co.,

PROCLAMATION

Apparel Trading Corporation, Arthur August & Company, Inc., Arlington Apartments, Inc., Arrar Corporation, Arco Crown Cork & Cap Co., Inc., Arnold and Company, Arlington Candy Company, Ardee Company Inc., Arthur E. Claus & Company Inc., Arrow Foods, Inc., Arcade Garment Shop, Incorporated, Ariston Ice Cream Company, Arrowhead Investment Corporation, Arthur I. Fink Inc., Arvolin Laboratories, Inc., Architectural Magnesite Products, Inc., Arizona Mine and Milling Co., Army, Navy, and Marine Purchasing Corporation, Arbuckle Oil Corporation, The, Arab Petroleum Corporation, Arthur S. Haney, Inc., Arcweld Shipbuilding Corporation, The, Armadrol Securities Corporation, Arthur Theatres Corporation, Associated Battery Co., Inc., Associated Building Employers of Detroit, Inc., Asher Fire Proofing Company, Associated Garners, Inc., Asocia, Incorporated, Associated Industries, Inc., Associated Ice Company, Associated Industries of Venezuela Inc., Association of Manufacturers of Full Fashioned Hosiery, Inc., Associated Management Service, Inc., Aston Oil Company, Associated Oil Company, Ash-Pak Co., The, Associated Process Patents, Inc., Assets Realization Co., Associated Realty Operators, Inc., Associated Sales Company, Associated Sparton Distributors, Inc., Associated Tourists Homes, Incorporated, Associated Telephone Investment Company, Atlantic Amusement Co., Athens Baking Co., Inc., Athens Baking Corporation of America, Atlantic Coast Express, Inc., Atlas Crushed Stone Co., Inc., Atlantic Construction & Engineering Company, Atlas Dental Manufacturing Company, Inc., Atlantic Gas and Power Company, Atwood Holding Corporation, Atlas Holding Company, Inc., At-Last Specialty Company, Inc., Atlanta Nehi Bottling Company, Atoka Petroleum Co., Inc., Atco Products Corporation, Atlantic, Pacific & Gulf Oil Company, Atlantic, Pacific & Gulf Refining Company, Atlas Shoe Manufacturing Company, Autotel Corporation, The, Automatic Control Sales Corporation No. 1, Automatic Control Sales Corporation No. 2, Automatic Control Sales Corporation No. 3, Automatic Control Sales Corporation No. 4, Automatic Control Sales Corporation No. 5, Automotive Devices Corporation, Augustine Davis Company, Avocado Growers, Incorporated, Aurisk Gold Mining Company, Inc., Aurora Gold Mining Company, The, Aztec Gold Fields Explora-

PROCLAMATION

tion & Development Co., Automatic Merchandising Machine Corporation, Avongrove Packing Corporation, Auto Parts Company, Auditorium Supply Company, Inc., Avoca Silk Corporation, Auburn Sales, Inc., Automatic Wood Co., Inc.

Backus Corporation, The, Badger Corporation, The, Badenhause Engineering Corporation, B. & H. Poultry Farm, Inc., B. M. P. Company, Inc., Baender-Nelson Engineering Company Ltd., Baff Poultry Corporation, The, Bagnall Spring Support, Inc., Bailey Company, The, Baker-Rushing Oil & Development Corporation, Baltic-American Feed Corporation, Ball Cab Company, Balch Foundation Incorporated, Banks and Bryan, Incorporated, Bantin-Carlson Engineering Industries, Inc., Banner Gold Mines, Inc., Bank Stamp Co., Inc., Bank Vault Service, Ltd., Barling Aircraft Inc., Barbey Company, Inc., The, Barker Machine Company of Delaware, Barbour Petroleum Corporation, Barnes-Blanken Printing Company, Barnes Emulsion Co., Ltd., Barnsdall Mining Company of Idaho, Barr Hotel System, Inc., Barrier Lake Copper Corporation, Barrett Securities Corporation, Barry Sales Corporation, Barth-Lourens Corporation, Bartles-Scott Oil Company, Bates Service Company, Inc., Bavarian Brewing Company of Wilmington, The, Bay Bridge Development Co., The, Baxter Laundries Incorporated of Illinois, Baxter Laundries Incorporated, Beaux Arts Lighting Studios, Inc., Beatrice Corporation, The, Beatrice Mabie, Inc., Beam-O-Lite Manufacturing Company, Beaver Oil and Gas Company, Bearcat Products Company, Bear Tractor Corporation of America, Beaver Valley Paper Company, Bedaux-Anderson Corporation, Beck Incorporated, Becker Research Laboratories, Inc., Beeman Chicle Corporation, Beitzell and Horning, Inc., Bee Line Company, Bellevue-Griswold Hotel Company, Belmont Water Company, Inc., Benham Engineering Co., Ben Franklin Press, Incorporated, Bennett and Howells Coal Company, Benjon, Inc., Benjamin's, Inc., Beneficial Loan Society of South Bend, Beneficial Loan Society of Terre Haute, Beneficial Loan Society of Des Moines, Beneficial Loan Society of Davenport, Bendien's World Service, Inc., Ben Wood Corporation, Bergers Enterprises, Limited, Inc., Berch Finance Corporation, Berk-Leigh Farm Incorporated, Berkley-Robinson, Inc., Berge-Rose

PROCLAMATION

Coal Company, Beryllium Corporation of America, Bertles & Pile, Incorporated, Betty Bolton, Incorporated, Best Kid Company, Inc., The, Bibelot Brothers, Inc., The, Bible Corporation of America, Big Dipper Oil & Gas Corporation, Bill Lynch Auto Laundry Inc., Big States Telephone Co., The, Bilt-Well Parlor Frame Co., Bird-sall & Robinson, Inc., Binghamton Scale Manufacturing Company, Inc., Birmingham Theatrical Amusements, Inc., Black Cat Amusements Inc., The, Blankenhorn & Co., Inc., Blanchard Securities Corporation, Blabon-Sandura Company Inc., Black Servant Manufacturing Company, Black & White & Yellow Cab Co., Blue Motor Transit Lines, Inc., Blue Ridge Coca Cola Bottling Company, Blue Ridge Investment Company, The, Blue Seal Malt Corporation, Blum Stores, Incorporated, The, Bogardus-Hawk Co., Bontex Cleaners, Inc., Bop Corporation, Bonaccord Corporation, Bolivian Power & Light Company, Bond Torpedo Company, Borst Engineering, Incorporated, Boston Investors, Inc., Boston Mountains Oil Corporation, Borden Method Incorporated, The, Borushak & Rubenstein Incorporated, Boulevard Properties Corporation, Ltd., Bowers Signs, Inc., Bradford Products Company of Bradford, Pennsylvania, Bradford-Tioga Gas and Oil Company, Brandywine Construction Company, Brandywine Motors, Inc., Branded Products Corporation, Brandywine Real Estate and Improvement Company, Brandywine Summitt Camp Meeting Association, The, Brevoort Co., Inc., Brewery Engineering & Financing Corporation, The, Bridgeville Auto Co., Briarfield Holding Corporation, Brighton Realty Co., British-American Metals, Inc., Broadway Dry Corp., Broadway Productions, Inc., Brockperton Productions Corporation, Bronx-Hudson Realty Company, Broom Realty Company, Brooks Securities, Inc., Brown's Mills Novelty Manufacturing Company, Brown Realty Corporation, The, Bruce Evans Corporation, Brushton Enterprise Real Estate Company, Buckley Brothers Corporation, Buckingham Products Corporation of Delaware, Building Construction & Remodeling Co., Buffalo Electrical Equipment Corporation, Buffalo Grain Corporation, Building Mechanic's Association, Buffalo Mineral Company, Builders' Mortgage and Finance Co., Builders Needs, Incorporated, The, Budget Plan Corporation, The, Buena Ventura Company of Cuba, The, Burg Co., The, Bureau of Foreign Service,

PROCLAMATION

Inc., Burgess National Detective Bureau, Inc., Burke's Stores Inc., Burton-Page Company, Burnham Red River Bowie Properties, Inc., Business Clinic, Inc., The, Business Systems Corporation, Bush Service Corporation, Butte Central Mining and Milling Company, Byerly Crest Corporation, Buyers Information Bureau, Inc., Buyers Mart, Inc., The, Butchart-Nicholls Company, The, By-Products Surplus Corporation, Buyers' Service, Incorporated.

C. A. Oesterman, Inc., California Auto Laundry Company, C. Burpee Wenger & Co., Inc., Caldino Chemical Corporation, Caldant Corporation, Calhon Company, The, Cabinet Corporation of America, C. F. Stores, Incorporated, Cadle & Fellows, Inc., C. H. Buck & Co., California Medicinal Springs Co., Calcium Products Corporation, California Peach & Fig Growers, Inc., Caliposa Quicksilver Mines, Inc., C. R. Hope, Inc., C. R. P. Rodgers, Inc., California Refining Company, Cafe San Remo Co., California Sierra Gold Mines, Inc., C. W. Dannenhauer, Inc., C. W. Beam Company, Inc., Camp Company, The, Cammack Clark & Company, Inc., Campbell and Co. of Washington, D. C., Camden Glazed Paper Mills, Inc., Cambria Investment Company, Camp Sales Corporation, Camp Saginaw Inc., Cambria Truck & Sales Co., Canadian-American Motor Co., Inc., Cantor & Esack, Inc., Capital Finance Corporation, Capital Finance and Mortgage Company, Capital Gasoline Company, Inc., Capital Housing Corporation, Capital Laundry, Inc., Capon Mineral Water Company, Capital Reserve Corporation, Capitol Tour Association, The, Carolina Discount Corporation, Carmax Estates, Inc., Carolina Fuel and Transportation Corporation, Carefree Heat, Incorporated, Carolina Investment Corporation, Carl M. Hansen, Inc., Carey Newsbox Co., Inc., The, Carolina Wood Products Company, Carpenter & Brunsdale Co., Castype Corporation of America, Cash Income Corporation, Casa Lambros, Inc., Cashewnut Products Company, Inc., Central Atlantic States Service Corporation, Century Bottle Co., Inc., Cemetery Consultants of Chester, Inc., The, Catania Construction Company, Centrex Corporation, Cesiano De Archangelis, Inc., Central Delivery Company, Inc., Central Filling Stations, Incorporated, Cement Floor Finishing Company, Cayuga Gas Company, Inc., Central Gas Corporation,

PROCLAMATION

Central Gas and Electric Company, Century Holding Corporation, Central Hotel Company, Catalini, Inc., Central Loan & Investment Company, Century Masonry Cement Company, The, Century Manufacturing Company, Certibilt Mortgaging Co., Inc., Central Montana Utilities Co., Central Petroleum Corporation, Century Roofing Products Corporation, Centrifugal Recoveries Company, Central Screw Company, Inc., Celina Securities Inc., Central States Petroleum Company, Central Tile Company, Inc., Central Telephone Company, Century Trading Corporation, Central Utilities Corporation, Central West Construction Company, Champion Coal Company, Chagres Corporation, Chamouni Coal Company, Chaiken Dental Center Incorporated, Chamberlin Hotel Corporation, Chain Theatrical Enterprises, Inc., Charles C. A. Baldi Company, Inc., Chandler & Collier, Incorporated, Charles G. Bristow, Inc., Charles Gallery Incorporated, Charles H. Bauer Company, Chas. K. Shaw Corporation, Chapman Lumber Company, Character Loans Inc., Chas. M. Smith Company, Chapwood Securities Corporation, Chas. S. Marshall, Inc., Charles S. Salin & Company, Charles W. Harrison Mortuary Service, Inc., Chester Cab Sales & Service, Inc., Check-Checker, Inc., Cheyenne Creek Oil & Gas Company, Chesapeake & Delaware Steamboat Co., Chester Economy Refrigeration Co., Inc., Cheshire Kitchens, Inc., Chevron Lubricants, Inc., Cherokee Land, Irrigation and Investment Company, The, Chestatee Mining Company, Cherner Motor Company, Chemical Metal Solvents Corporation, Chemical Paper Company, Chateau Paris, Inc., Chesapeake Public Service Company, Chester Valley Lime and Products Company, The, Chil Aire Corporation, Chic-American Distributing Co., Inc., Chicago Artificial Ice Corporation, Chicago Cab Company, Chilean Cinema Corporation, Chic Dress Company, Chisholm Oil Company, Chicago Pacific General Agency Company, Chicago Union Securities Corporation, China Woodworking and Dry-Kiln Co., Inc., Cinder Building Units, Inc., of Chicago, Citibanc Corporation of Huntington Park, City Gas Co., Inc., Christopher Gebicke, Inc., Christiana Lodge No. 10,287 Grand United Order of Odd Fellows in America, Inc., Cimarron Mining Corporation, Cilos Printing Machinery Co., Inc., Clark-Johnson, Inc., Claremont Realty Co., Inc., The, Clerkenwell Corporation, Cleanall Corpora-

PROCLAMATION

tion, Clement Contracting Company, Clifford-Adams Property Company, Clover Farms Dairy Co., Clients Reinvesting Corporation, Coast-To-Coast Features, Inc., Coal Carbonization Company, Coast Copper Company, Coastal Farms, Inc., Coast's, Inc., Coastal Pipe Line Company, Coil & Co., Coggins Gold Mines, Inc., Cohen Hardware Company, Inc., Coin Machine Operator's Association of Washington, D. C., Inc., Coherency Manufacturing Company, Coleman-Bronner Corporation, Cold Carbonic Corporation, Coliseum Incorporated, The, Collateral Bankers, Incorporated, Collier's Cafe, Inc., Collins Process, Inc., Colonial Antique Shop, Incorporated, Color Corporation of America, Columbia Funeral Parlors, Inc., Colonial Food Shops, Inc., Colonial Investors Corporation, Colombia Lumber Corporation, Columbus Marine Corporation, Columbia Nitecoach Lines, Inc., Columbia News Agency Incorporated, Columbia Prudential Corporation, Columbia Storage Co., Colonial Theatre Company of Boston, Commercial Building Corporation, Commercial Credit Finance Company, The, Community Collateral Corporation, Comfort Community Stores, Inc., Commercial and Domestic Security Corporation, Commercial Discount Corporation, Commercial Finance Service, Inc., Commerce Grocery Company, Inc., Commonwealth Guarantee Corporation, Commerce Holding Co., Commercial House and Window Cleaning Company, Inc., Commercial-Industrial Corporation, Commercial Industrial Farm and Manufacturing Corporation, Commonwealth Plays, Inc., Commonwealth Petroleum Corporation, Commercial Rabbit Company, Community Realty Corporation, Community Swimming Association Incorporated, Commercial Steamship Company, Commercial Supply Company, Inc., Commonwealth Service Corporation, Community Transportation Company, Commonwealth Wool Company, Inc., Conlin Brush Electroplating Corporation, Condon Engineering Company, Concrete Engineering Company, The, Concord Live Stock Farms, Inc., Concord Loan Company, Congo Products Company, The, Conco Serv-Ice, Inc., The, Confectioners Syndicate Inc., Conemaugh Valley Motor Sales Inc., Connecticut Roofing Tile Manufacturing Corporation, Conn & Thurman Inc., Consolidated American Corporation, Consolidated Battery Company, Conservation Corporation, The, Construction Company of North America, Consolidated

PROCLAMATION

District Steam Co., Inc., Consolidated Darwin Mines Corporation, Consolidated Eastern Mines, Inc., Consumers' Food Stores Inc., Consolidated Gold Mines, Inc., Consolidated Gold Mines of America, Ltd., Consolidated Hospitals Incorporated Ltd., Conservative Investors, Incorporated, Consolidated Management Association, Consolidated Power & Light Corporation, Consolidated Realty and Investment Corporation, Consolidated Royalties Corporation, Consolidated Sound Equipment Corporation, Consumers Tobacco Company, Consolidated Tailoring Company, Constant Vision Corporation, Conveyor Autowash of Washington, Inc., Continental-Breakfast Service Co., Continental Exploration Company, Continental Five Cents to Two Dollars Stores, Inc., Continental Guarantee Trust Company, Conway Mill and Lumber Company, Continental Metal Company, Contractors Paving Corporation, Continental Smoked Fish Corporation, Continental Utilities Development Corporation, Co-Operative Chocolate Company, Co-Operative Fuel Supply Company, Cooper Brothers, Inc., Copee Duplicator Corporation, Cooper & Griffin, Inc., Cope Printer Company, Co-Operative Rabbit Raising and Marketing Association, Coppered Strip Steel Company, Co-Operative Theatres of America, Inc., Corpus Coast Oil Co., Corporation Control Institute, Cornwall Co., Inc., Corozone Company, The, Cornish Gold Mining Company, Ltd., Cornplanter Lumber Company, The, Corporation Perfecting Co., Cosgrove Corporation, The, Cosmic Products Corporation, Cosmos Theatres, Inc., Cotton Machinery Corporation, Counties Securities Corporation, Cox Multi-Color Photo Company, Crawford Burial Case Company, The, Crazy Crystal Corporation, Crane Company, The, Crawford Gatlin Inc., Craig and Hutchinson Company, Credit & Adjustment Service Company, Cripple Creek Gold, Inc., Credit Fraud Protection Bureau, Inc., The, Cresswell Trading Corporation, Crompton, Inc., Cross Motor Corporation, Cross Steamship Company, Inc., Crosby, Welch & Shook Inc., Crozite Building Units, Inc., Crystal Carbon Ice Company, Crystal Rock Company, Cuban & American Engineering & Contracting Co., Inc., Cuban American Trading Co., Inc., Cummings Brothers Funding Company, Cumberland Lime Company, Cuban Reclamation Company, Curtis Air Control, Inc., Curtis and Brother Company, Cushing Lighting Cor-

PROCLAMATION

poration, Cushing Lamp, Incorporated, Cuthbert Realty Company, Cynara Realty Corporation, Cushion Spring Rubber Co., Inc.,

D. B. Cogswell & Company, Incorporated, D. C. Refining Co., Inc., D. E. W. Amusement Corporation, D. F. S. Auto Company, Inc., The, D-N Corporation, Dakota Utilities, Inc., D. Wendell Phillips, Inc., Daniel Bros., Incorporated, Daniel B. Frazier, Inc., Daniel I. Murphy, Inc., David C. Reid, Inc., Davenport Medicine Co., David Maimin & Co., Inc., Davis Solid Truss Brake Beam Company, Dealer Advertising Corporation of America Inc., Death Benefit Association of The Junior Order of United American Mechanics of the State of Delaware, De Bear Motor Car Company, Dean Corporation, The, De Luxe Service Laundry, Inc., DeMilt-Friedland, Inc., Decorative Development Inc., Dechi Food Products Co., Deegee Trust, Incorporated, DeLacto Corporation, Delisco, Inc., Delman Shoe Salon, Inc., Delaware Amusement Supplies, Inc., Delaware Army and Navy Stores Co., Delaware Building Supply Company, Delaware-Cape May Ferry Corporation, Delaware Cosmetics, Inc., Delaware Distributing Company, Delaware Fireworks Specialty Mfg. Co., Delaware Home Builders, Inc., Delaware Ledger Printing and Publishing Company, Delaware Land Corporation, Delaware Paper Box Company, Delaware River Production Company, Delaware Railway Specialty Company, Delaware Trading Stamp Company, Dempster Mining Corporation, Denmark Light and Telephone Corporation, Depositors Mutual Estate, Inc., Dennis Realty Co., Inc., Departmental Securities Corporation, The, Detroit Auto Body Services, Inc., Desmonds, Inc., Detroit and Ironton Railroad Company, Dermacine Laboratories, Inc., Detroit Packing Company, Detroit Specialty Products Corporation, Devine Detective Agency, Inc., The, Dew Drop Oil & Gas Corporation, Dick's Barber Shop, Inc., Dibeco Corporation, The, Digby Corporation, The, Dietz & Dietz Inc., Diamond Health Food Company, Inc., Diamond Machine Company, Diamond Marathon, Inc., Diamond Motor Parts, Inc., Diamond State Window Shade Co., Discount and Finance Corporation, District Finance Corporation, Distributors Incorporated, District Mill and Lumber Company, Distillation Products, Inc., Direct Royalty Sales Corpora-

PROCLAMATION

tion, District Sales Corporation, Diversified Securities Corporation, Dixie Stages, Inc., Dirtex Sales Co., Inc., Distributors & Underwriters Corporation, Doloway's, Inc., Domestic Maid Sales Division, Inc., Donnor Corporation, Ltd., Donovan-White Company, Douglas Exchange Corporation, Dover Finance Corporation, Dover News Agency, Inc., Dow Brick & Tile Co., Inc., Downey and Company, Downs Mining & Milling Corporation, Downes Music House, Inc., Downtown Tire Service, Inc., Drug Advertising Service, Incorporated, Driscoll Drive Corporation, Dresher Fur Farm, Inc., Dri Frost Equipment Corporation, Druid Fraternity, Inc., The, Dress Holding Corporation, Drinks, Inc., Dresden Investors, Inc., Drake Investment Co., Drug Manufacturers Syndicate, Inc., Dr. Pepper Kay Bottling Company, Drillers Supply, Inc., The, Drewry & Sons Company, Duluth Buick Company, Dulin's Cafe Lunch, Inc., Duplex Fire Alarm Company, The, Dutcher Construction Corporation, Durant Hotel Corporation, Ltd., Dust Recovering and Conveying Company, The, Dyamol Corporation, Dyrektor Signal Sales Corporation.

E. A. France & Company, E. A. Gallagher Trucking Corporation, East Arkansas Lumber Company, Earle Beauty Shop, Inc., Eastern Bec Company, Earlybird Corporation, E. C. Brown, Incorporated, Eastern Dredging Company, E. E. Thompson & Co., E. E. Hanna Company, Eastern Gas Company, E. H. Stackhouse Regrooving Tool Company, Inc., The, E. H. Shannon Inc., Easy Housekeeping Shop, Inc., Eastern Institute of Electronics, Inc., Eastern Improvement Corporation, The, E. M. Ellis Corporation, E. M. Wright Furniture Company, Eagan Manufacturing Company, Eastern Ohio Development Corporation, The, Eagle Paint & Supply Co., Eastern Radiumized Applicator Company, Inc., Eastern Royalties Corporation, Eastern States Decorators, Inc., East Texas Natural Gasoline Corporation, Eastern Times, Inc., Eastern Trade and Travel Inc., E. Tosse & Co., Inc., Economy Box & Machine Company, Economy Blower Co., Inc., Economy Burner & Engineering Company, Echo Dale Gardens, Inc., Economy Decorating Company Incorporated, Economy Fish & Poultry Market, Inc., Edward Bayuk Company, Edmund Burke Corporation, Edbert Card & Letter Shop,

PROCLAMATION

Inc., Edid Company, Inc., Edwanna Corporation, Edham Co., Inc., The, Egan and Fullmer, Inc., Educational Films Exchange Inc., of Pittsburgh, Edward Hines Yellow Pine Co., Edward J. Jennings, Inc., Edmond M. Miller, Incorporated, Egyptian Mausoleum Company, Edgar M. Hoopes Advertising Agency, Incorporated, Efficiency Service, Inc., Effron Stores Corporation, Edward Tailoring Company, The, Eilert Brewing, Inc., Eichhorn Heel Corporation, Electrical Appliance Finance Company, Electric Blanket Sales Company, Electro Color Ray Company, Electro Chemical Corporation of America, Elbros Corporation, Elizabeth C. Norris System of Hair Growing & Beauty Culture, Inc., El Caimital Fruit Company, Electric & Gas Industries, Incorporated, Electrochemical Hydrocarbon Corporation, El Juan, Inc., Electraply Laboratories, Inc., Electric Management and Engineering Corporation, Electrical Record Publishing Co., Inc., Elben Realty Co., Inc., Elektra-Steam Heating Corporation of New Jersey Electric Steel & Iron Development Inc., Eleftheros Typos Publishing Co., Inc., Electric Television & Broadcast Corporation, Electromatic Votemachine Corporation, Eleventh Ward Democratic Club, The, Ellis Channel System, Incorporated, Ellay Company, The, Elra, Inc., Ella Oil Company, Eller Realty Corporation, Engineering Appliance Corporation, Emulsified Asphalt Distributors, Inc., Emerson Bowling Parlors Co., Empire Bond & Financial Corporation, Empire Bond & Mortgage Corporation, Emerson Corporation, Empire Displays Company, Inc., Empire Engineering Corporation, Engineers Equity & Improvement Company, Empire Fiscal Corporation, Equitable Finance and Mortgage Company, The, Equitable Finance Company, Emil's Laboratories, Inc., Emelsa Mining Corporation, Epworth Methodist Episcopal Church, Incorporated, Equitable National Realty Company of America, The, Emergency Rain Cape Co., Empire Refinery Products, Incorporated, Engineering Share and Bond Corporation, Emerson's Scientific Farming Corporation, Erie Drug Co., Inc., Erie Iron and Steel Company, Esembe Company, Eureka Finance & Funding Co., Inc., Estates Holding Company, Esskaye Movement Inc., The, Eureka Mica Manufacturing Corporation, Esslinger Oil Company, Estates Realty Company, Incorporated, Excell Corporation, Exmar Corporation, Evans-Duner & Company, Exclusive Glove

PROCLAMATION

& Corset Shops, Inc., Exchange Investment Corporation, Evangeline Novelties, Inc., Expansion Rim & Wheel Co., Exchange Oil Company.

F. B. Liquidating Company, F. B. Downing Corporation, Falls City-Rulo Bridge Company, F. G. Elliott Hardware Company, Fair, Inc. of the District of Columbia, The, Fair, Inc. of Baltimore, The, Factory Outlet Co., F. Polish, Inc., Fanfax Publishing Co., The, Falconian Petroleum Corporation, Fairmount Realty Co., Famous Story Pictures, Inc., F. W. Service Corporation, The, F. W. Lietzow Corporation, Farmers Acceptance Corporation, Farmandairy Corporation, Farmers National Market, Inc., Farmers Supply Co., Farrell and Sons, Inc., Fassette Finance Corporation, Fashionlox, Incorporated, Fawn Sandwich Shops, Inc., Federal Bridge and Power Company, Fellers Beverage Corporation, Fensgate Corporation, Federal Construction Company, Federal Economy Gas Generator Company, Inc., Federal Land and Securities Company, The, Federal Mines Corporation, Federal Motor Tours, Inc., Federal Oil & Development Company, Feeder Patents Company, Federated Theatres, Inc., Ferdinand Anderson, Incorporated, Fetter-Davis, Incorporated, Fern Fabrics, Incorporated, Fifth Avenue Theatre Corporation, Fidelity Cast Stone Co., Inc., Fidelity Commercial Company, Film Fire Prevention Company, Fidelity Investors Inc., Fidelity Service Stations, Inc., First American Helicopter Company Inc., The, First Depositer Corporation, First Farm Mortgage Company, Fink Laboratories, Inc., First Mortgage Syndicate, Incorporated, First National Guaranty Company, First National Management Corporation, Fire-O-Larm Company of America, First Pictures Securities Corporation, Fire Protection Company of America, Finance Realty and Investment Corp., First Securities Holding Corporation, Finance Shares Corporation, Fischer Consolidated Manufacturing Company, Fisher Investment Corporation, Fitz-Geoffrey, Ltd., Flexible Blade Co., Inc., Flanders Company, Fletcher & Company, Flake Gold Recovery Company, Flanagan, Inc., Fleetway, Inc., Fleetwood Sales, Inc., Flintlock Corporation, Fly-Flu Corporation, Flintridge Inc., Flint, Inc., Florsheim Shoe Store Company, Food Distributing Co., Foodtown Kitchens, Inc., Food Specialties, Inc.,

PROCLAMATION

Foster Associates, Inc., Foshay Building Corporation, Fourseam Block Collieries Company, Fox Chase Lumber & Merchandise Company, Inc., Fordworth Company, Incorporated, Ford Cash & Carry Cleaning Company, Forty and Eight Legion Athletic Association, Fox Lake Gold Mines, Inc., Fox-New England Theatres Inc., Fort Pitt Flask Equipment Company, Ford Robbins, Inc., Fort Steuben Riding School, Inc., Franks Auto Supply Co., Frankford Amusement Company, Frankford Bowling Recreation, Inc., Frank Berman, Inc., Fr. Bergner and Company, Franklin Cafeteria, Inc., Fraser Company, Inc., The, Franwood Corporation, Franklin Drugs, Inc., Franklin Finance Company, Frank Kovatch, Jr., Inc., Frapau Mineral Reduction Corporation, Franklin Optical Company, Franklin Plan of Alabama, Inc., Franklin Plan Corporation, Franklin Plan of Kentucky, Inc., Frank Rubenstein & Co., Inc., Francis W. Hoopes, Inc., French-American Cosmetic Corporation, Freneau Corporation, French Gulch Gold Mining Company, Fred J. Schaefer Co., Inc., Fred L. Dennis Company, Incorporated, Fred L. Hawk Sales Co., Inc., Freez-O-Meter, Inc., Frederica Packing Co., The, Frederica and Philadelphia Navigation Company, Fred Stone Concerts, Inc., Freezer Sales Company, Fry Company, Inc., The, Friction Devices Company, Frymier and Hanna Company, Fry Industries, Inc., Friel and McLeister Company, Furniture Fabrics Corporation, Fulton Knitting Mills Company, Fulton R. Gordon Productions, Inc., Full Value Postage Corporation, The.

Gamble Chemical and Equipment Co., Gammon Catering Company, Gailey Ice Cream Company, Inc., Gachi Lead Silver Mining Company, Gaithersburg Motor Co., Inc., The, G. M. Gest, Inc., Gano Oil Company, G. S. Keeley, Inc., G. T. Young Co., G & W Trust Company, G. W. Hotel Corporation, Gardner Corporation of Washington, D. C., The, Gas-Electric Corporation, Garrison Fire Detecting System, Inc., Gas Heat Corporation, Gasoyl Heat Inc., Gas Lift Engineering Corporation, Garage Services, Inc., Gas Service Company of Key West, German-American Inventors and Industrialists Society, Inc., German-American Construction Co., Inc., General Advertising Company, General Auto Investment Company, Inc., General Automatic Merchandising Corporation, The, General

PROCLAMATION

Automatic Lock Nut Corporation, General Brokerage Co., Inc., General Benzol Corporation, Georgian Co., Inc., The, Germantown Coal Co., Inc., George C. Moon Company, George C. Priestley Company, General Engineering Industries Corporation, General Eastern Airways Corporation, General Exposition Company, Inc., General Factors, Inc., General Founders Corporation, Georgetown Furniture Company, Getzoff, Gill & Co., Inc., General Gold Corporation, George Geffner Inc., Gem Holding Company, Gest Holding Corporation, General Industrial Alcohol Corporation, General Industrial Management Corporation, General Metal Stamping Corporation, General Macaroni Corporation, Georgia National Savings Certificate Company, General Plastic Products, Inc., General Pharmaceutical, Inc., General Parts Corporation, General Power and Light Company, George Q. Palmer Corporation, The, General Research Laboratories, Inc., Gernet Ryan Company, General Research, Inc., General Real Estate Company, Inc., General Specialties Corporation, General Seal & Lock Corporation, General Television Manufacturing Corporation, General Tanning Co., General Transportation Corporation, General Utilities Holding Company, General Ventures of Canada, Incorporated, George V. Garrick, Inc., George Washington Foundation, Incorporated, Geo. W. Potter & Company, George Washington Travel Publishing Company, George Washington Memorial Campaign Committee, Inc., Gibson Development Company, Gibson Theatres, Incorporated, Gilpin Company, The, Gilhal Corporation, Gill-Doyle Corporation, Gilmour Rosslyn Steel Co., Gladiators of America, Inc., The, Globe Amusement Company of Wilkes-Barre, Pa., Glasser's Auto Wrecking Co., Inc., Glan-Aid Company, The, Globe Bindery, Inc., Globe Clothier's, Inc., Globe Coal & Coke Co., Inc., Glen Logan Corporation, Globe Metal Company of Philadelphia, Glidden Oil Corporation, Gold Bar Mining Co., Golf Engineering & Service Co., Goldenberg Furniture Company, The, Golden Guernsey Dairies, Inc., Gold Hill Development Company, Golden Hawk Mining Company, Goldenberg's Inc., Gold Leaf Consolidated Mining Company, Gold N Dry Corporation, The, Golden Products Company, Gold Seal Television & Supply Corporation, Golden Shell Nut Corporation, Golconda-San Juan Mines, Inc., Gold Seal Appliance Corpora-

PROCLAMATION

tion, Good Housekeeping Company of Erie, Gommels Sales Co., Goodie Shop, Inc., The, Goodrich Transit Company, Goss Gas Generator & Burner Co., Gould's, Inc., Gould Television, Inc., Gowin United Companies, Graceland Farm, Inc., Grandanor Corporation, Grays Ferry Corporation, Grand Haven Radio Corporation, Grand Island Hotel Company, Great American Paper and Board Mills, Inc., Green Bay Company, Greene County Limestone Company, Great Eastern Shares Corporation, Great Eastern Corporation, The, Green Gold Cosmetic Company, Greenwood Realty Company, Green Tree Company, The, Great Valley Anthracite Corporation, Great Western Paper Corporation, Great Western Utilities Corporation, Greyhound Airplanes, Inc., Grelck-Hovey Patent Company, Gregory Ratoff Theatrical Enterprises, Inc., Greyhound Securities Corporation, Griffith Beauty School, Inc., Growers & Cannery Warehouses, Inc., Grossman-Keeley Electric, Inc., Groome MacMillan Corporation, Grocery Products, Inc., Guardsmen of America, Incorporated, Gulf Coast Securities Corporation, Gulf Coast Oil and Gas Company, Gulf Coast Pipe Line Company, Guardian Deposit and Savings Company, The, Guarantors Investment Corporation, Guy Megargee Paper Co., Inc., Guaranteed Mortgage and Bond Corporation, Guanajuato-Mother-Lode Silver-Gold Corporation, Guiberson Oil and Investment Company, Guaranty Plan, Inc., Guide Publishing Co., Gulf Pecan Orchard Company, Guided Radio Systems, Inc., Gypsy Tea Shop, Inc., Guy T. Berry Mfg. Co.

H. B. Wilder Company Inc., H. Burstein & Co., Inc., H. B. Tribby, Inc., H. Bucholtz Son & Co., H. D. & M. Sales Corporation, H. Daniel Sorg, Incorporated, Haarmeyer Furniture Co., H. F. Dinkelacker Inc., H. F. Wilcox Loan and Investment Corporation, H. H. Potts Corporation, H. L. Patton Company, H. L. Roberts, Incorporated, H. M. Behre, Inc., H. R. King Co., The, H. S. Goodson Sales Company, H. V. Eva Motor Company, H. W. Pettingill Company, Incorporated, The, H. Weintrub & Co., H. W. Nelson Company, H. W. Daniels Company, Hair Care Institute, Inc., Hairbak Company of America, Inc., Hall Arch Company, Hale's Bedding Stores Inc., Halco, Inc., Hamilton Credit Corpora-

PROCLAMATION

tion, Hamilton Drug Company, Hamilton Holding Company, Hamilton Paper Industries, Incorporated, Hamilton Plan Corporation, Handy-Andy Community Stores, Inc., of Corpus Christi, Hanes Bros., Inc., Hannah Manufacturing Corporation, Harbor Construction Corporation, Harbor Dredging Co., Harmony Wrecking Company, Harry C. Maynard, Inc., Harris Hahlo, Inc., Harry Kaufman, Inc., Harry P. Grier, Jr., & Company, Harry's Service Stations, Inc., Harriman Sales Agency, Inc., Harry Toplan, Inc., Harry W. Greene Construction Company, Hart Bros. Construction Co., Harto Corporation, Hart Loan Society of Scranton, Hart Loan Society of North Philadelphia, Hart Loan Society of Allentown, Hasco Realty Company, Hat Shop Inc., The, Hazleton Company, The, Hayes Middlesex Corporation, Health Air Corporation, Health Beverage Co., Hearn Brothers Security Corporation, Hedwal Company, The, Health Products Corporation, Health Products Corporation of America, Healing Waters, Incorporated, Heim & Breker Mfg. Co., Heidelberg Furniture & Rug Company, Henningsen Construction Company, Inc., Henry Clarke Inc., Herald Company, The, Heralds Finance Company, Her Trading Corporation, High Grade Realty Company, Highfield Realty Company, Highway Stations of America, Inc., Highway Shuttle Spreaders, Inc., Hillpot Company, Hilton Hotels, Inc., Hill Read, Inc., Hindu Toilet Luxuries Corporation of America, Hobson & Company, Incorporated, Hocker Corporation, The, Hodgkins Securities Corporation, Hoffman Construction Company, Hoffman-Rotter, Inc., Holland Hand Laundry, Inc., Holding Investments, Incorporated, Hollander Manufacturing Company, Inc., Holland Stores, Inc., Hood Bros., Incorporated, Honkers Club, The, Home Grocery Company, Hoodland Inc., Homecrafters, Inc., The, Hope Mining & Reduction Co., Inc., Home Owners Service Corporation, Hometown Realty Corporation, Homosassa Realty Corporation, Home Utilities, Inc., Hotel Cassidy Inc., Houston Coal Companies, Hough Driving Control Company, Hotel Delaware, Incorporated, Household Furniture Company, Incorporated, Hotel Haddam, Incorporated, Hotel Marion Company, Household Necessities, Inc., Hosiery Stores, Inc., Hotel Securities Company, Hotel and Traveler Associates, Inc., Howards Cleaners, Inc., Hudson Bay Fur Co., Inc., Hub Bottling Company, Inc., Hudson Shares

PROCLAMATION

Corporation, Hudson Torpedo Company, Humming Bird Motor Corporation, Hugh Pitcher Company, Inc., Hunt Leather Company, Huron Navigation Corporation, Hush Publications of Delaware, Inc., Huston, Rawls & Co., Inc., Hydrogenation Corporation of America, Hydrozone Company, Hy-Fox Apparel Dept., Inc., Hydro-Golden Gasoline Corporation, Hyman & Lieberman-Justman Co., Inc., Hydroil and Refining Company.

Illinois Bankers Securities Company, Iceyair Cabinet Corporation, Idlehour Club, Igeebair Corporation, Illidela Corporation, Imperial Crown Royalty Corporation, Imperial Dyeing Company of America, Inc., Illusion Displays, Inc., Illinois Empire Company, Ideal Finance Corporation, I. Fisher & Son Inc., Ideal Glass Company, Illinois-Indiana Natural Gas Co., Idaho-Montana Gold Mining Corporation, Imperial Poultry Products, Inc., Ide-Parker Company, I. Rich & Co., Inc., Illuminated Screen Posts Advertising Co., Inc., Ideal Tire Service, Inc., I. Wilson, Inc., Industrial Administration, Incorporated, Individual Credit Corporation, Insulation Corporation, The, Industrial Coal Company, Industrial Construction Company, Insulation Contracting Company, Insurance Equities Corporation, Industrial Engineering & Construction Company, Independent Electric Fixtures Inc., Industrial Finance Co., Individual Finance Co. of North America, Independent Fuel Company, Inc., Independent Finance Co., Indestructo Glass Products Corporation, Industrial Gas Engineering Corporation, Infantwear, Inc., India Investment Corporation, Independent Merchants Association, Inc., Inland Marine Underwriters, Incorporated, Inserting and Mailing Machine Corporation, Indiana-Ohio Theatre Corporation, Insurance Premium Finance Company of America, The, Independent Patent Holding Company, Instill Refiners Incorporated, Incan Sales Co., Instan-Starter, Inc., Indian Swan Orchard Company, Indiana Trading Corporation, Inter-Allied Mining Corporation, International Airways Corporation, Interlocking Arch Company, Interstate Acceptance Corporation, Interstate Bankers Trust Co., International Brokerage and Finance Corporation, International Burners Corporation, Interstate Bridge Company, Interest-Chek Corporation of America, Integrity Construction Company, International Crown and

PROCLAMATION

Cork Corporation, Inter-Continental Commercial Company, Interstate Contracting Company, International Combustion Engineering Corporation, International Christensen, Incorporated, International Combustion Tar & Chemical Corporation, International Desk Company, Integrity Developers Company, International Equipment & Finance Corporation, International Finance & Discount Corporation, Inventors Finance Corporation, International Information Service, Inc., International Importing Corporation, International Investment Securities, Inc., Inter-Lingual Press of America, Inc., Intercoastal Lumber Corporation, Investment Mortgage Company, International Match Corporation, Inter-Ocean Lines, Inc., International Oil Light Signal Corporation, Interior Oil & Development Company, International Patent Commercialization Company, International Production Corporation, Interstate Public Service Corporation, International Real Estate Corporation, International Re-Insurance Corporation, Inter-Regional Properties Inc., International Salax Corporation, International Superpower Corporation, Investors Securities Corporation, International Television & Broadcasting Corporation, Interstate Telephone Company, Investment Trustees Incorporated, International Utility Corporation of Ohio, The, International Utility Corporation, The, Island Airways, Inc., Iron City Furnace Foundry and Mining Co., Italian Cigar, Inc. of Pittsburgh, The, Iola Construction Material Company, Italian Citizens Beneficial Society, Iron City Heights Realty Company, Itasca Export Corporation of New York, Israel Furniture Company, Iowa Home Builders, Inc., Iowa Land Corporation, Italian Mutual Beneficial Society—Prince of Naples, of Wilmington, Delaware, Island Park-Long Beach, Inc., Isaac Silver & Brothers Company, Inc., Ionetic Therapy Institute (Incorporated), Isle of Wight Water Company.

J. A. Greene & Co., James A. Hirons & Company, J. A. McKeever Company Inc., J. B. Rex Company, James B. Lynch & Company, Jane Dene Products Corporation, James Davis Wall Paper & Paint Co., J. E. Cunningham Co., James E. Atkinson—E. L. Deacon Company, J. F. Ahlers Production Company, The, Jadu, Inc., J. I. Gore & Co., J. J. Higgins Insurance Service, Inc., James K. Stone and Co., J. L. Hanson, Inc., J. L. Winslow Medical Group,

PROCLAMATION

Inc., The, Jacobson's Meat Market, Inc., J. M. McNiece Company, Jacob Oxman, Inc., Jacobson Plastering Corporation, J. P. Foley Construction Co., Inc., The, J. Parry Lukens Company, J. R. Crawford, Inc., J. R. Swigart Corporation, J. S. Cuthbertson Incorporated, J. Wesley Ash Amusement Company, Inc., J. Willard Heisley & Co., Inc., J. W. Barnes, Inc., J. W. Cooper Corporation, Jefferson Airways Incorporated, Jefferson Beach Amusement Company, Jersey City Cold Storage Company, Jim Cloud Inc., Jewish Community Center of Wilmington, Delaware, Inc., Jennison Company, Inc., Jet-O-Plane Corporation of America, Jeannin Steel Wool Corporation, Jemison Seibels & Company, Jennings-Wurlitzer, Inc., John A. Hawthorne, Jr., Inc., Johnston & Davies, Inc., John F. Burke, Inc., Johnston Foundation Company, John H. Gibson & Co., Inc., Jofre, Inc., John J. Schellberg, Inc., John J. Shanley & Co., Inc., John J. Gardner Company, Johnstown Luncheonette, Incorporated, John L. Cummings Company, The, John M. Finn, Inc., John Marsh Florist, Inc., John McIntyre Inc., Johnston Pistons & Rings, Inc., John S. Dobbins & Sons, Funeral Directors, Inc., Johnstown Sand & Supply Co., John Van Range Company, The, Joseph Bass & Co., Jos. F. McCarthy Incorporated, Jordan, Kelleher & Company, Inc., Joseph M. Tomlinson, Incorporated, Jordan Motors, Inc., Joseph R. Jones, Inc., Jones Speed-Indicator Corporation, Joseph Seka Company, Julius Estees Incorporated, Juno Mines Company, Inc., The, Justright Packing Company, Junior Plan Corporation, Julius T. Pantley Company, Juvenile Thrift Society.

K-B Cut Rate Drugs, Inc., Kadow Foundation, Inc., Kamp's Pure Food Market Company, K. S. Products Co., Inc., Kansas City Industrial Loan Corporation, The, Kansas City Distributing Corporation, Karmial Corporation of America, Kate Crane Gartz Foundation, Inc., Kanola Corporation, The, Kaufmans Department Stores, Inc., of Uniontown, Pa., Kaymo Electric Boat Corporation, "Kant-Glare" Manufacturing Co., Kant-Krode, Inc., Kari-Keen Manufacturing Co., Inc., Katolox Laboratories, Inc., Keefer and Company, Kearny Liquidation Corporation, Kemozone, Inc., Kellogg Radiator Corporation, Kellogg Service, Inc., The, Kenilworth Co., Inc., Kenneco Corporation, Kenwood Corporation, The, Ken-

PROCLAMATION

nedy and Davis Company, Kenwood Investment Co., Kenney & Johnson Incorporated, Kent Motors Inc., Kennedy Products Corporation, Keystone Composition Co., Kettle Creek Refining Company, Keystone Hotel Corporation, Keystone Investing Corporation, Keystone Laboratories, Inc., Key Men of America, Incorporated, Kerma Products Corporation, The, Keystone Realty Company, Keystone Textile Company, Kim Chemical Products Company, Kim-Pai Company, Kingsbury Beverage Co., Inc., King David Cigar Company, Inc., King Edward Pharmacy Inc., King's X Incorporated, Klik Corporation, Kleinberg, Ostroff & Co., Inc., Klean-Rite Auto Laundry Company of California, Klear-Seal Corporation, Knickerbocker Funding Corporation, Knit to Fit Mills, Inc., Knit Goods Corporation of America, Kostic Beverage Co., Kovalite Company, Konetzka Clothing Corporation, Krug Aircraft Engineering Company, Kraco Manufacturing Company, Kraus & Shaw, Inc., Kupkreem Incorporated.

La Bonne, Inc., L. Barrett Co., The, La Capitale Publishing Co., Inc., La Casa Company, Lacy Chevrolet Company, Ladson Corporation, La France Dollar Cleaners & Dyers Inc., L & H Investment Corporation, Lafayette Investment Company, L. & M. Investment Company, Lakin Manufacturing Co., The, L'Opinione Italian Publishing Company of Delaware, Lackner Products Corporation, Lake-Railey Marine Recovery Corporation, La Rosa Electric & Refrigerating Co., Inc., La Salle Loan Corporation, Lake Shore Development Co., Lake of the Woods International Bridge Company, Lamb Expedition to Northern Tibet, Inc., The, Lambert Products Co., Inc., Lane Drug Stores Inc., Land Estates, Inc., Lander and Kahn, Inc., Lancaster Shenandoah Company, Land Title Realty Company, Langhorne Speedway Association, Inc., Latin-American Expedition, Ltd., Lath Corporation, Phila., Latherizer Sales Company, Inc., The, Laura Rose, Inc., Lawrence Gas Production Corporation, Leblang Holding Corporation, Lebrós Orange Drink Co., Inc., Leader Stores, Inc., Leadway Stores Corporation, Ledogar & Company, Incorporated, Lee T. Ward Co., Leighton Chicago No. 2 Co-Operative Dairy Lunch Co., Leighton Chicago No. 1 Co-Operative Dairy Lunch Co., Leighton Chicago No. 3

PROCLAMATION

Co-Operative Lunch Co., Leighton Holding Corporation Ltd., The, Lehigh Natural Gas Corporation, Lenox Building Company, Lenoco Corporation, Leonard & Holt Mortgage Co., Lenolt National Securities Corporation, Levine Bros. Company of Minnesota Incorporated, Lerner Bros. Inc., Leseman Fredrick Co., Lester Investment Company, Leue Oil Company, The, Les Tours Apartments, Incorporated, Lewey, Inc., Ligonier Bluestone, Inc., Liberty Foundation, Inc., Lido Hand Bags, Inc., Liberty Industrial Bankers of Maryland, Inc., Liberty Pharmacals Corporation, Liberty Securities Company, Life Service, Incorporated, Lincoln College Preparatory School, Inc., Lintex Corporation, The, Lincoln Extension University, Inc., Lincoln Holding and Investment Corp., Lincoln Lines, Inc., Lincoln Press, Inc., Lindsay Paper Company, Lincoln Storage Company, Linea Venezolana, Inc., Little Brown Jug, Inc., The, Little Falls Holding Company, Liquid Food Process, Inc., The, Livingston Home Supply Company, Inc., Little Shrine Corporation, Little Sol's Men's Shop, Inc., Liptak and Schaeffer, Inc., Lockwood Foods Corporation, Logan County Marketing Company, Loizeaux Studios, Inc., Loomis Building Corporation, Lorimer Corporation, The, Loranz Finance Company, London & Mexico Mining & Smelting Company, Limited, Loomis Publishing Company, Lone Star Mortgage Company, Lone Star Securities Company, Love and Coffman Co. Ltd., Louise-Flowers, Inc., Louise Hand Laundry Inc., Louis Josloff, Inc., Louis Mansky and Co., Inc., Lovshar Realty Co., Lower California Petroleum Corporation, Lupasa Company, Inc., Luxury Cab Co., Luxtron Manufacturing Company, Incorporated, Lumber & Pulp Trading Corporation, Luco Products Corporation, Lub-Ri-Gear Petroleum Co., Inc., Lucky-7-Stable, Inc., Lumber Terminals, Incorporated, Lumen-X Displays, Inc., Lytle Anthracite Company, Lyric Amusement Company Inc., Lynn Concrete Co., Inc., Lyons Storage Battery Company.

M. A. Closky, Incorporated, Mackie & Co., Inc., Mack Corporation, The, Maccar Corporation, M. E. Bailey Engineering Corporation, M. G. C. Natural Gas Company, Mackee-Heller, Inc., MacKirdy Industries, Incorporated, M. J. Mann Co., Mack-Landis Vacuum Gear Shift Company, M. M. Kahn, Inc., MacMillan Na-

PROCLAMATION

tional Oil Corporation, Macolite Products Corporation, M. Patrick Inc., M. S. Investment Corporation, M. Steinberg Company, Inc., Mac Tag Laboratories, Inc., M. & W. Company, Magic Advertising Machine Corporation of America, Magnesia Cement and Carbonic Gas Company, Magistral Copper Company, Magi Gold Corporation, Madcine Theatre Corporation, Maidstone Acres Corporation, Majestic Coal Company, Major Corporation, The, Maher Engineering and Construction Company, Maine Industries Corporation, Main Line Hotels Corporation, Major Royalties Co., Mammoth Channel Gold Mines Corporation, Malva Medicine Company, The, Malcolm Manufacturing Company, Maplewood Building Company, Mansfield, Bolton & Kent, Incorporated, Manville Coal Company, Mapleton Corporation, Manufacturers Millinery Stores, Inc., Manufacturers' Outlet Millinery Co., Mann Securities Co., Management Trading Corporation, Manos Theatres Inc., Marchwood Construction Company, Marathon, Inc., Marco Oil Company, Markle Hotel Company, Marshy Hope Improvement Company, Marshall Laboratories Inc., Maryland Assets Realization Company, Mary Agnes Mining Company, Maryland Credit Corporation, Marysville Development Company, Mary E. Nugent, Inc., Marydell Farm Products Co., Inc., Martin F. Connor Incorporated, Maryland Holding Corporation, Martin News Pictures, Incorporated, Martin Stotter, Inc., Mas Patent Bottle Corporation, Master Masons Inc., Master Production Co., Massey Real Estate Company, Mathios Coffee Pot, Inc., Matlack Corporation, Mathug Marine Operating Company, Inc., Matoil Service & Transport Co., Mathiasen Shipping Company, Inc., Mat-Tey Company, The, Mathiasen Towing Line, Inc., Mayflower Art Company, Mavis Bottling Company of Philadelphia, The, Maywood Corporation, Mavis-Deal Hosiery Co., Matteo-Filomena-Moffa & Son, Inc., Max Feldbaum Inc., Mayflower Accessories and Garage Company, Mayflower Hotels Management Corporation, Mayona Pharmacal Company, Mattituck Steamboat Company, Inc., Mavis Securities Company, Mayhew Steel Products, Inc., Mayfair Tailoring Company, Max Zimmerman, Incorporated, Meade Baking Company, Medallion Corporation, The, Mechanical Engineering and Construction Corporation, Mechanical Merchandisers Company, Inc., Mechanicsburg Manufacturing Company,

PROCLAMATION

Mee-Oakes Corporation, Mechanical Operating Corporation, Medicinal Products Co., Inc. of Pennsylvania, Medical Products Laboratories, Inc., Medvedkin's Pharmacy, Inc., Meadow Realty Corporation, Med Theatre Company, Me-U-Laboratories, Inc., Mellite Co., Inc., Meldor Corporation, Meline Mortgage Company, The, Mellinger Tire & Rubber Co., Mendenhall Gold Concentrator Company, Mentho-Nova Corporation, Mentone Oil & Refining Co., Merchants' Cooperative Stores, Inc., Merchant Minute Men Association, Merchant Oil Co., Inc., The, Mercantile Printing Company, Merchant-Theatre Corporation, Metropolitan Art Alliance Inc., Metropolitan Bond and Mortgage Co. of America, Metro Hotel Company, Metropolitan Investment Company, Metropolitan Motor Speedways, Inc., Metropolitan Productions Company, Ltd., Metropolitan Service Inc., Metropolitan Shirt Co., Metcalf Stationery Company, Mexico City Dairy Corporation, Mexico-Cuba-American Aviation Corporation, Mexican National Petroleum Corporation, Mexican National Gas Company, Michel Angelo Studios, Inc., Middleton's Bakeries Corporation, Midland Cigar Corporation, Midwestern Food Products Corporation, Midwest Laco Company, Mi-Lady-Beautiful Appliance Corporation, Michigan Natural Gas Company of Delaware, Mid-Penn Corporation, The, Midtown Realty Co., Middle States Paper Mills Inc., Midwest Trading and Securities Corporation, Mid-Way Service, Inc., Mid-West Baking Corporation, Mid-West Incinerator Corporation, Milan Brewing Corporation, Milford-Dover Bus Co., Inc., The, Mile High Plunge, Inc., The, Milestone System, Inc., of Washington, The, Miller-Carlin, Inc., Millards Delaware, Inc., Mills-Fogarty Corporation, Miller Hardware Co., Miller's Millinery, Inc., Miller Owens Corporation, Millersville Press, Incorporated, The, Millards Philadelphia, Inc., Mills Realty Corporation, Millards Specialty Shops, Inc., Milwaukee Theatre Circuit, Inc., Minneapolis Artificial Ice Rink, Inc., Minerals Beneficiation, Incorporated, Minter Bros. Candy Co., Minnesota & Dakota Telephone Company, Miner-Edgar Chemical Corporation, Mineral Holdings, Inc., Mineral Products Trading Company, Minquadale Service Station, Inc., Ming Toy Inn, Inc., Minnesota Western Railroad Company, Mission Oil Company, Modern Apartments, Inc., The, Modern Builders Inc., Modernesque

PROCLAMATION

Corporation, Modern Cutlery Company, Inc., Modern Fireproof Construction Co., Moe's Incorporated, Model Incinerator Co., Modern Psychologist, Inc., The, Modern Thinker, Inc., The, Modern Toy Building Company, Model Transportation Company, Inc., Modern Wholesalers, Inc., Mogul Products Corporation, Mojave Placer Mining Company, Incorporated, Limited, Montgomery Acceptance Corporation, Monarch Brewing Company, Mondaid Burner Company, Monte Cristi Magnetite Corporation, Monte Carlo Cut Rate Beauty Shoppe Inc., Monocacy Corporation, Montgomery County Motor Company, Inc., Monumental Products Corporation, Montana Rand Corporation, Monessen Real Estate Company, Monthly Record Company, The, Montello Shoe Company, Inc., The, Moodna Corporation, Moody-Seagraves Company, Moonmans Starall-Saveall Stores, Inc., Moon Track Company, Inc., Moore-Creekmore Construction Company, Moreau, Inc., Morris Goldman, Incorporated, Morgan-Texas Corporation, Mortgage-Bond & Title Corporation, Morton and Company, Mortgage Capital Corporation, Mortgage Company of Alabama, Mortgage Discount Company, Morton Freight Service, Inc., Mortgage Guarantee Company of America, Mortgage Purchasing Company of Birmingham, Mortgage Reconstruction Corporation, Mort Supply Company, Mosby Amusement Company, Motors Finance Company of America, Motor Finance Corporation, Mother Nature Corporation, Motilones Oil and Development Company, Motion Picture Corporation of America, Mount Carmel Ice and Beverage Company, Mountain States Theatre Corporation, Mountain View Oil & Gas Company, Inc., Mount Vernon Motors Corporation, Mount Whitney Corporation, Movie Stamps, Inc., Muchnick & Wang, Inc., Mul-Ham Finance Corporation, Multicell Radiator Corporation, Muller Walboard Co. Inc., Muncie Gear Company, Mundo Oil Company, Munrio Steamship Corporation, Municipal Water Company, Murnan Ship Building Corporation, Mushroom Trade Association, Mutual Auto Sales Company, Myrtle Holding Corporation, Mutual Loan Company, Inc., Mutual Life Insurance Company of America, Mutual Natural Gas Company, McCrory Realty Corporation, McCrory Stores Corporation, McDougall Terminal Warehouse Company, McGonagle Motor Sales Corporation, McLean and Galvin Real Es-

PROCLAMATION

tate Improvement Company, McLean Manufacturing Corporation.

N. B. Inc., Nacooga Mining Company, Narco Oil Company, Nason Coal Company, Nash Jewelry Co., Nayarit Consolidated Mines Corporation, Natural Fuel Company, Inc., Natural Food Centre, Inc., Natural Gas Associates, Inc., National Aircraft Corporation, National Apple Orchards, Inc., National Association of Automotive Mechanics, National Association of Sub-Contractors' Councils of America, National Bean Marketing Association, National Chemical Corporation, National Combustion Engineers, Inc., National Cooperative Stores, Inc., National Capital Holding Company, Incorporated, National Depositors Corporation, National Devices Corporation, National Duluth Agency, Inc., National Economic Association, National Electric & Engineering Co., National Exploration, Inc., National Film-Ad Service, Inc., National Flag Distributors, Inc., National Fidelity Company, National Funeral Homes and Service, Inc., National Founders Inc., National Garment Company, National Gas & Power Corporation, National Industries, Inc., National Insuring Scrip Corporation, National Investment Counsel Corporation, National Institute Inc for the Improvement of Memory, National Individual Mausoleum Company, National Investment Syndicate, National Library Bureau, Incorporated, National Linens Company, National Laundry Machinery Company Inc., National Men's Wear, Inc., National Margarine Company of America, National Meat Company, The, National Mortgage Company of Baltimore, The, National Neon Sign Company, National Pharmaceutical Laboratories Corporation, National Profit Sharing Club, Incorporated, National Phonexchange, Inc., National Public Address System, Incorporated, National Paper Can Company, National Reorganization Board, Inc., National Reserve Foundation, Inc., National Sanz Corporation, National Soda Fountain Service Co., National Steel Equipment Company, National Studios, Inc., National System Extension Corporation, National Society of Refrigeration Service Engineers, The, National Synthetic Wood Co., National Taxicab Advertising Company, National Tourist's Guide, Inc., The, National Traffic Advisory Corporation, National Thrift Corporation of America, National Transportation

PROCLAMATION

Company, National Utilities Development Company, National Vault Corporation, Neb Cab Company, Inc., Nebraska-Dakota Bridge Corporation, Nehi Associates Inc., Nelson and Chase & Gilbert Company, Neeld Construction Company, Neff Lumber Company, Inc., Necto Yeast Corporation, Nevada Charter Trust Company, Nequoia Corporation, Neon Displays, Inc., Nevada-Juneau Mining Company, Neo Products Company Limited, Newspaper Acceptance Corporation, New Amsterdam Brewing Company, New Current Digest, Inc., The, Newtype Connector Corporation, Ney Co., New England Cotton Stores, Inc., New Health Foods Company, New Mexico Producing & Refining Co., Ltd., New Orleans Trading Company, Inc., Newark Securities Company, New York Construction Company, New York Home Foundation Corporation, New York Natural Gas Corporation, New York & New England Airways, Inc., New York and New Jersey Steamship Corporation, New York Texas Oil Company, Nichlos Oil and Refining Company, Nichlos Royalty Company, Nickerson Stadel Mining Co., Inc., Nicholas Well and Pump Corporation, Niederman, Inc., No-Ho Manufacturing Company, Noo-Ah's Products Company, Non-Refillable Containers, Inc., Norcross Carrot Company, Norco Corporation, Norristown Cadillac-Olds Company, Normat Company, The, Norfolk Holding Corporation, Norristown Realty Company, Norma Steamship Corporation, North American Distributing Corporation, North American Engineering, Inc., North American Postal Buildings Corporation, North American Diary and Novelty Company, North California Gold Mining, Ltd., North Carolina Securities Company, Northern Illinois Oil Producing Company, Northern Kentucky Equity Corporation, Norton Motor Sales Company, Northern Plumbing and Heating Supply, Inc., Northeastern Public Service Company, Northern States Fur Corporation, Northern States Oil Company, Northern Trading Corporation, Northeastern Utilities, Inc. of America, Northland Utilities Company, Notxa Corporation, Novelty Fireworks Co., Inc., Nugget Hill Gold Mining Company of Delaware, Nu-Way Auto Laundry & Garage, Inc., Nu-Way Ice Systems, Inc.

O'Day Investigation Bureau, Inc., O'Donnell Shoe Corporation, O. Edwin Decker Bronze Foundry Inc., O. K. Furniture Com-

PROCLAMATION

pany, Oak Lane Laundry Company, Oak Leaf Packing Company, Inc., Oakheart Realty Company, Oceanic Instruction Bureau, Inc., Official Journal of New Jersey State Building Trades Council, Inc., Oklahoma Gas Utilities Company, Oil Interests, Inc., Oklaken Oil Company, Oklahoma Steel Corporation, Oil Service and Engineering, Inc., of Delaware, Oklahoma Woodchuck Zinc Lead Company, Old Dominion Dairy Farms Inc., Oliver-Gray Corporation, Ole Hanson Finance Company, Omaha Ice & Cold Storage Company, Old New Bedford Draperies Inc., Olenick's Prime Meats, Inc., Olean Sales Corporation, Old Walnut Inn, Inc., Oppenheim and Company, Incorporated, 1800 Phelps Place, Inc., Oral Advertising Corporation, Original Bar-B-Q-Lunch, Inc., Organaire Corporation, Organic Chemicals, Inc., Orange Cleaners and Dyers, Inc., Orocir Corporation, Orchestrphone Company, Orange Development Company, Oregon Game Farms, Inc., Orr's Garage, Incorporated, Oregon Gold Mines, Inc., Oriole Hosiery Mills Inc., Oroville Inn Building Company Ltd., Ortho-Krome Screen Company, Orazada Mines, Inc., Ora Realty Corporation, Orient Restaurant Inc., Osage Oil and Gas Corporation, Osage Syndicate, Inc., Outten, Reed & Co., Owen Advertising Service, Inc., Oxford Amusement Company, Owen Cementing Corporation, Oxford Corporation, Owens General Lubrication Corporation, Owl Hill Consolidated Mines, Inc., Overnight Motor Freight Service, Inc., Overall Radio Corporation.

P. & A. Rate Company, "P. B." Net Co., Pacific Coast Auto Court Corporation, Pacific Empire Holdings, Incorporated, Pacific Freight Lines Inc., Pacific Garage Co., Pacific Holding Corporation, Ltd., P. J. Fuller Construction Company, Inc., Pacific Sulphur Corporation, Packard Sweater Mills Corporation, P. S. Craig Holding Corporation, Pacific Used Car Exchange, Inc., Packard Utilities Corporation, P. W. Chapman & Co., Inc. of the Pacific Coast, Pajo Amusements, Inc., Page Cotton Company, Pahlavi Trading Corporation, Pan-American Imports, Inc., Pan-American Broadcasting System, Inc., Pan American Coffee Company, Pan American Royalties, Inc., Pan-American Industrial Corporation, Panaroma Advertising, Inc., Pan Continental Oil Corporation, Palestine Home

PROCLAMATION

Construction Finance Corporation, Pamlico Realty Company, Paper Service Company, Inc., Paris-Hecker Hosiery Co. Inc., Park Lodge School, Ltd., Paramount Manufacturing Company, Paradise Publishing Company, Paramount Profit-Sharing Association, Paramount Package Delivery, Inc., Paramount Packers, Incorporated, Park-Plaza Company, Paris Pattern Company Inc., The, Paramount Restaurants, Inc., Paramount Signaling Corporation, Paraguay Tea, Inc., Paramount Taxicab Corporation, Parrott & Company, Inc., "Pavecure" Corporation, Ltd., Paul E. Gaire, Inc., Patrician Holding Corporation, Paul L. Battey Inc., Payrock Mining Company, Pasadena Mercantile Finance Corporation, Patrick Properties, Incorporated, Patents Protective Company, Paul R. Althouse Inc., Patent Rights Co., Peabody and Company, Peck and Hills Furniture Company, Peerless Improved Flat Glass Corporation, Peerless Investors, Inc., Peirce Development Company, Peking Temples Company, Inc., Pennsylvania Automobile Corporation, Penn Animal Industries Inc., Penn Auto Lock Tile Company, Penn Bottling Works, Inc., Pennwood Clock Corporation, Pentagon Corporation, Peninsula Exchange, Inc., Pennsylvania Finance Company, Penn Franklin Lubricating Company, Pennsylvania General Finance Corporation, Pennsylvania Gasoline Drill Company, Penn Hall Hotel Co., Penick and Hughes, Inc., Penndashery, Inc., Penetrating Iodine Corporation, The, Penn-Ken Gas and Oil Corporation, Pennrock Lubricants Corporation, Penn Lexington Land Company, Penn Mining Syndicate Inc., Penn Merchandise Co., Inc., Pennayo Oil & Gas Co., Penn Products Corporation, Pennoco Petroleum Corporation, Pennsylvania Radio and Television Institute, Inc., Pennsylvania Saturnmix Co., Penn Shoals Realty Company, Penn Treaty Finance Company, Penn Theatre Ticket Company, Pennsylvania Utilities Corporation, Perry Addleman and Company, Perkiomen Clothing Company, Peoples Coal Company, Permatite Corporation, Personal Finance Company of Alton, Personal Finance Company of Ambridge, Personal Finance Company of Aurora, Personal Finance Company of Bloomfield, Personal Finance Company of East Orange, Personal Finance Company of Fairmont, Personal Finance Company of Kalamazoo, Personal Finance Company of Kearny, Personal Finance Company of Kokomo, Personal Finance

PROCLAMATION

Company of Lorain, Personal Finance Company of Martinsburg, Personal Finance Company of Millville, Personal Finance Company of Moline, Personal Finance Company of Mount Clemens, Personal Finance Company of Muncie, Personal Finance Company of Perth Amboy, Personal Finance Company of Punxsutawney, Personal Finance Company of St. Joseph, Personal Finance Company of Sedalia, Personal Finance Company of Sheboygan, Personal Finance Company of Toledo, Personal Finance Company of Western Detroit, Personal Liberty League, Incorporated, The, Personal Loan Service, Inc., Personal Products Corporation, Peppard Properties, Incorporated, Peoples Service Stations, Inc., Perfect Sleeve Ironer Manufacturing Company, Peoples Theatre Company, Petroleum Development Corporation, Peter's Hairdressing, Inc., Pfeifers, Incorporated, Pettibone Mulliken Holding Corporation, Pettibone-Mulliken, Inc., Pettit Oil Corporation, Petrelli Rotary Deisel Engine Co., Petroleum Southwestern Corporation, Philadelphia Air Service Inc., Phosphorone Corporation, Philadelphia Credit Mutual Inc., Philadelphia District Cleaners and Dyers Trade Association, Inc., Phila. Equipment & Supply Co., Phillips Livestock & Real Estate Company, Inc., Photomaton Operating Corporation, Philadelphia Painting Contracting Co., Inc., Philadelphia Securities Corporation, Phila. Service Inc., Phillip Sklar, Inc., Philadelphia Steel and Wire Company, Pick Barth Holding Corporation, Pikes Hikes, Inc., Piggly Wiggly Hawkeye Stores, Inc., Pioneer Candy Company, Pilgrim Company, Pilocura Company, Pingree C. Hughes, Incorporated, Pioneer Electric Company, Pilsnuer Importing Co., Inc., The, Pine Institute of America, Inc., Pilsner Liquid Malt Co., Pioneer Management Corporation, Pippert Press, Inc., Piqua Strawboard Company, Pioneer Tanker Corporation, Piper-Wilson Exploration Company, Pittsburgh Boxing Arena, Inc., Pittsburgh Bureau of Analysis, Incorporated, Pittsburgh Bridge Club, The, Pittsburgh-"Crawfords", Inc., The, Pittsburgh Cereal Products Co., Pittsburgh House Moving Company, Pittsburgh Store Fixture and Equipment Co., Pleasure Crafts, Inc., Plastilac Corporation, Placer Gold Mines, Inc., Plastico, Inc., Plainview Oil Corporation, Pleisure Pictures, Inc., Plaza Securities Corporation, Pneumatic Appliances Corporation, Plymouth Securities Company,

PROCLAMATION

Polin's Dress Shop, Inc., Pocahontas Hotel Corporation, Pollock's, Incorporated, Point to Point Company, Inc., Popular Motion Pictures Corporation, Porcupine Mining Company, Port Orford Cedar Co., Inc., Porto Rico Airport Company, Powers Brothers, Inc., Poultry Factors Corporation, Powdered Fuel Burner Corporation, Possum Hollow Antique Shop, Inc., Powder Mill Club, The, Postal Radio Corporation, Powell Signal Belt Company, Powers Waterproofing and Converting Company of Pennsylvania, Pratt Orchard Company, Premier Cereal & Beverage Co., The, Preferred Oil Burners, Inc., Presentation Productions, Inc., Premier Products Corporation, Ltd., Presto Primer and Reducing Valve Corporation, Premium Service Advertising Co., Preserved Woods, Incorporated, Progressive Automatic Corporation, Prosperity Bonds, Inc., Printing Corporation of America, The, Prosperity-Equality League of America, Inc., The, Provident Foundation Management Corporation, Producers Finance Corporation, Protective Foods Inc., Ltd., Prince Hall National Memorial Association, Incorporated, Progressive Labor Union, Progressive Mortgage & Finance Company, Progressive News Service, Inc., Psycho-Physical Revelation Centers & Press, Inc., Progress Players, Inc., Protectaco Paint Corporation, Protective Realty & Mortgage Co., Prosperity Shares, Inc., Providers System, Inc., Professional Service Corporation, Prudence Securities Corporation, Progressive System Inc., Produce World, Inc., Punta Alegre Sugar Company, Publix-Dubinsky Brothers Theatres, Inc., Pure Foods Manufacturing Company, Pure Foods, Incorporated, Publix-Iowa, Inc., Public Industrials Corporation, Pyrolectric Company, Inc., Publix-Lorain Corporation, Public Motor Service, Inc., Publix-Missouri, Inc., Publix-Nebraska, Inc., Publix-Ohio Corporation, Pure Pennsylvania Oil Company, The, Pulp Products Corporation, Purdy Petroleum Corporation, Pyramid Sales Corporation, Publicity Service Corporation, Public Trust Company, The, Public Utilities Development Company, Purity Water Distilling Corporation, Pure White Packing Co., Inc.

Quaker City Builders' Co., Quaker City Linoleum Co., Inc., Quality Lubricating Corporation, Quaker Maid Candies, Inc., Quartz Mountain Consolidated Gold Mines, Incorporated, Quality Tire Service, Inc.

PROCLAMATION

R. A. Oxenham, Inc., Radex Brush Corporation of America, R. B. Shull Co., R. B. Phelps Stone Company, R. Braymes Co., Rademaker Chemical Company, Radbill Coal & Supply Co., Rains County Lease & Royalty Pool, Inc., Ra'chell Shoppe, Inc., Radio Chamber of Commerce of the United States, Inc., R. D. Wyly, Inc., R. H. Walker Products Co., Incorporated, R. H. Arnold Co., Incorporated, R. J. Williams Company, Inc., Radio-Keith-Orpheum Western Corporation, R. M. Travis Corporation, The, Railroad Men's Educational Time and Information Book and Railroad Workers Manual, Inc., The, Radio Networks Surveys, Inc., Ralph Oil Co., Radio Productions Corporation, Raleigh Properties, Inc., Railway Products Company, R. T. Belding Company, Rankin-Masse Corporation, The, Rapid Concrete Construction Units-Incorporated, Rapid Depth-Drill Corporation, Raw Foods Corporation, Raven Honey Dew Mills, Inc., Raymond Oil Co., Raymer Pictures, Inc., Reed Associated Merchants, Inc., Re Cigar, Inc., Redwood Creek Lumber Co., Reclamation Company of America, The, Reading Cold Storage and Ice Company, Redencion Company, The, Reed & Co., Red Dart Motor Transfer Company, Realty Foundation, Incorporated, Reading Hudson, Essex Motors, Inc., Reed Hotel Company, Realty Investment Company of Philadelphia, Rees Manufacturing Corporation, Ready Reference Directory Company, Reclamo Sales Corporation, Redman Steamship Corporation, Redbird Steamship Corporation, Refugio-Woodsboro Oil and Gas Company, Reif Appliance Corporation, Rehoboth Beach Volunteer Fire Company, The, Renotrat Corporation of America, Reliance Construction Company, Reis Cigar Company, Reliable Commercial Company, Republic Engineering & Management Company, Reliance Funding Company, Republic Gas Corporation, Reliance Industries, Inc., Republic Insuranceshares Corporation, Republic Industrial Finance Corporation, Regal Necropolis Company, Regal Publishing Corporation, Reiner's Rotaprint Inc., Reliance Trust Company, Respro Corporation, Research Development Company, Revenue Founders Corporation, Revenue Gold Mines Company, "Review, Inc.", Rhode Island Gardens, Inc., Reward Oil Company, Rex Oil Company, The, Rex Tool Company, Inc., Richcar Corporation, Richard Gordon Waugh Corporation, Rich Oil Corporation, Richardson &

PROCLAMATION

Peterson, Incorporated, Richfield Realty Corporation, Richmond Sand Company, Riverdale Company, Ritz-Carlton Restaurant & Hotel Company of Atlantic City, The, Rite Flavor Poultry Products Company, RKO Southern Corporation, Rite-Wa Mfg. Co., Robert Hammond Construction Co., Inc., Robert Kemp, Inc., Roberts Nash Motor Company, Robin Hood Nut Company, Robinson Supply Company of Penna., Rochester Laboratories, Incorporated, The, Rodax Corporation, Roller Estates, Incorporated, Roller Float Manufacturing Co., The, Ronkonkoma Realty Development Corporation, Rose Brothers Company Ltd., Rosenberg Bros., Inc., Rose Brothers Corporations, Inc., Roosevelt City Centre, Inc., Roosevelt City Foundation, Inc., Roseburn Corporation, Ross Co., Inc., Rooney Corporation, Roslar Corporation, Roofing Engineering Service Co., Inc., Rosens, Inc., Rosenblum & Jaffe Bros., Inc., Rosmor Minnesota Realty Co., Ross NO-Washer Faucet Mfg. Co., Ross Realty, Inc., Rotary Construction Company, The, Rothey Deer Club, The, Roubert, Inc., Roy H. Risser, Incorporated, Royal Laboratories, Inc., Rowan Mines, Inc., Royal Outfitting Company, Inc., Royal Pastry Company, Inc., Rowen & Rowen, Inc., Royal Tire Service of Michigan, Inc., Royal Tire Service of Nebraska, Inc., Royal Tire Service Inc., Roy and Waldis, Inc., Rubel Corporation, The, Rudolph Finance Co., Inc., Rubin-Weiss, Inc., Russian American Trading Corporation, Rutlo Company, Inc., Russell Erskine Hotel Co., Inc., Ryan-Lite Corporation, Rutledge Motors, Inc., Rutledge Printing Company, Russell Woodworking Corporation, The.

S. A. Healy Co., Safety Dry Cleaning System Corporation, S. F. Smith Remedies Co., Inc., S. K. Kurtz Company, Inc., S. M. Goldbert Specialties Corporation, S. N. Wilcox Co., Sa-Pen Inc., Safone Products Corporation, Sager Systems, Inc., S. W. Straus Investing Corporation, S. W. Straus & Co., Incorporated, St. Andrews Bay Lumber Company, St. Antonio Di Padova Italian Catholic Mutual Beneficial Society, of Wilmington, Delaware, Saks and Company, St. Elmo Mining and Construction Company, The, St. Louis Realty Finance Company, St. Louis Western Natural Gas Corporation, St. Luke's Reformed Episcopal Church, Sal Ammoniac Production Corporation, Salon De Beaute', Inc., Salem Engine

PROCLAMATION

Works, Incorporated, Samuel Frank Foundation Society, The, Sales Guild Inc., The, Samson Products Co., Inc., Salisbury Signal Corporation, Sanasep Corporation, Sanitene Corporation, Sangabriel Canyon Development Co., San Diego Corporation, Sanitary Ice Products, Inc., San-I-Sal Laboratories, Inc., San Jose Cement Company, Ltd., San-Pro-Tex Company, The, Sani-Paper Products Company, Sanitary Seal Corporation, Sarnoff-Irving Hat Stores, Inc., Sauvage, Ltd., Satuco Products Company, Savasort Corporation, Scenic Club Sporting Grounds of America, Inc., Ltd., Schaefer Chemical Corporation, The, Schade Purolator Company, Schenley Bridge Club, Inc., Schiffs', Inc., Scheiwe Poultry Farms, Inc., Schnitzer Construction Co., Schoenfeld Company, Schuylkill Chemical Products Co., Schuler Shoe Co. Inc., The, Schulte-United 5c to \$1 Stores, Inc., Schuylkill Valley Metals Company, Schwartz Motor Truck Corporation, Science and Salvage Associates, Inc., Scout Motors, Inc., Scottish Petroleum, Incorporated, Scranton Glass Instrument Company, Scranton Securities Company, Scranton Throwing Company, Inc., Segreti Brothers, Inc., Secured Bond Corporation, Sealands Corporation, The, Seaboard Consolidated Gold Mines, Ltd., Sealed Duplicating Records, Inc., Seaway Equipment Corporation, Seaford Gas Company, Security Investment & Finance Co., Seaboard Industrial Corporation, Security and Peoples Mortgage Company, Seeger Realty Corporation, Security Savings & Loan Association, The, Seaboard Surety Corporation of America, Securities Shares Management Corporation, Selected Associations Management Corporation, Seppelin Automatic Merchandising Corporation, The, Serv-A-Smok Inc., Seneca Co., Inc., The, Sericite Mining Co., Sentenac Minerals Corporation, Semmes Motor Company, Seppelin Oil Corporation, The, Seneca Petroleum Company, Self Siphon Manufacturing Company, Inc., Service System, Inc., Sellers Service, Inc., Selby-Western Hotel Company, Serv-Yur-Self Corporation, Seventh & Flower Building Co., Ltd., Seymour & Harrison, Inc., Seventh Street Auto Rental, Ltd., Seven Wells Corporation, Shamokin Beverage & Ice Co., Shanghai Lumber and Coal Co., Inc., Shaw Apartment-Hotel Company, Shasta Consolidated Gold Mines, Inc., Shaster Mining and Milling Company, Shares in The South, Inc., Shellpot Marathon Corporation, Shelbyville Mills, Inc., Shell Nov-

PROCLAMATION

elty Corporation, Sheffield Oil and Development Company, The, Shemen Oil and Gas Company, Sherman Commission Company, Inc., Sherman and Krakau Co., The, Sherson, Inc., Sherco Manufacturing Company, Sheubrooks & Middleton Co., Shiffer Corporation, Shockley & Company, Shorty's Clothing Store, Inc., Shiawassee Coal Company, Shofner Rabbit Club, Shoppers Service Inc., Sierra Gypsum Products Co., Ltd., Silver's Hair Dressing Company, Silver Lake Manor, Incorporated, Silver-Marshall, Inc., Silver-Marshall, Incorporated, Silver Springs Paradise Company, Sid W. Jensen Incorporated, Siems-Woodbury Realty Co., Inc., Simmons Air & Gas Lift Corporation, Simplex Battery & Manufacturing Co., Sioux City Theatre Corporation, Simplex Pile Foundation Corporation, Simpson Speed Unit Corporation, Siosi Western Oil Corporation, Skinner Horse-Hoof Combination Sweep Co., Skyway, Inc., Skouras-Publix Theatres Co., Sixth and Pierce Street Building Corporation, Skouras Securities Company, Six Wheel Company, The, Smith's Stationery Service, Inc., Smith, Schumacker & Company, Snow Point Placer Mines, Ltd., Snax Stores, Inc., Solidbrite Corporation of America, Sobel & Corson, Inc., Society for Adult Education, Inc., Solar Furniture Company, Inc., Soliday Painting Company, Inc., The, Societa Si Francisco di Piola, Sommers Match Corporation, Southwest American Corporation, Southwestern Acceptance Corporation, South American Development Company, South American Hair Dressing Corporation, South American Line, Inc., Southwest Bank Shares Corporation, Southern Cities Motor Express, Inc., Southaven Corporation, Sound Communications Corporation, Soundform Corporation, Southwestern Corporation, South Chicago Consumer-Credit Finance Co., Southern Cities Public Utility Company, Southern Farms Consolidated, Inc., Southern Gold, Inc., Southern Investment Security Company, Southern Kansas Gas Company, Southern Mexico Light and Power Co., Southgold Nevada Mines Company, Southwestern Natural Gas and Oil Corporation, Southern Petroleum and Gas Corporation, Southern Public Service Company, Southern Realty & Investment Company, Southern Security & Commodity Exchange, Inc., Southern States Royalty Company, Southwestern States Oil Corporation, Sound & Time Corporation, Southern Tea Rooms, Inc., The, Specific Chem-

PROCLAMATION

ical Corporation, Specialties, Inc., Specification Motoroil System of Texas, Inc., Specification Motoroil System, Inc., Sperry Rail Service Corporation, Spic and Span of Wisconsin, Inc., Spic and Span of Rhode Island, Inc., Spic and Span of Maryland, Inc., Spic and Span of Massachusetts, Inc., Spic and Span of Illinois, Inc., Spic and Span of Pennsylvania, Inc., Spic and Span of Minnesota, Inc., Spic and Span of Michigan, Inc., Spic and Span of Washington, D. C., Inc., Spic and Span of Connecticut, Inc., Springer Auto Laundries, Inc., Sprayer & Chemical Corporation, Spreewald Corporation, Springfield Corporation, Spraline Chemical Products Company, Springfield Lake Pavillion Company, Spurrier Lumber Company, Stagabal Company of America, Staaf Manufacturing Co., Sta-Set Manufacturing Co., Ltd., Stainless Steel Corporation, Standard Automatic Sales Corporation, Standard Brewing Corporation, Standard Furniture Company, The, Standard Laboratories, Inc., Standard Malt Products Company, Standard Motor Transportation, Inc., Standard Investment and Development Company, Standard Nut Margarine Company of California, Ltd., Standard Newspaper Corporation, Standard Preserving Company, Standard Stainless Steel Corporation, Standard Safety Clamp Company, Standard Supply & Equipment Company, Standard Steel Propeller Company, Standard Truck Service Inc., Statler Cafeteria and Restaurant Corporation, Statuary Display Corporation, State Merchants' League, Inc., Star Mortgage Company, Star Mining Company, Star Produce Company, Inc., Sterling Automotive Products Corporation, Stein Cosmetics Company, Inc., Stewart Curtis Packers Inc., Sterling Drug Company, The, Stewart & Foulk, Inc., Steel Furnaces Corporation, Stewart-Hinton Co., Steel Inventories Corporation, Steen Manufacturing Corporation, Stephenson & Stephenson, Inc., Stein's United Food Markets, Inc., Steel Wool Pad Corporation, Stiles Manufacturing Corporation, The, Stilwell Steel Windows, Inc., Stock & Bond Trading Company, Stockwell-Kling Corporation, Stockton Oil Company, Stock Service, Incorporated, Stone Department Stores, Inc., Stopshok Wheel Company, Incorporated, Strand Feature Company, Strafford Hosiery, Inc., Strowger Telephone Securities, Inc., Structural Waterproofing Co. of Pennsylvania, Studebaker Associates, Inc., Sunbury Automobile & Machine Shop, Inc.,

PROCLAMATION

Sun Burner Corporation, Sulphrogan Corporation, The, Superior Company, The, Sussex Corporation, The, Summerheat Corporation of America, Sutherland Collapsible Paper Box Company, Sunbury Coal Company Inc., Sullivan Engineering Corporation, The, Superior Enterprises, Inc., Surety Engineering Company Inc., The, Sun-Gazette Broadcasting Co., Supersteam Generator Company, Sunni-Glo Orchards Company, Summit Improvement Company, Surety Investment Corporation, Supreme Lodge of the World United Order of Loyal Americans, Inc., Super-Marine Systems Inc., Supreme Oil & Gas Corporation, Sunnysdale Packing Corporation, Surgical Products, Inc., Sussex Pipe Line Company, Surety Realty Co., Inc., Sun Securities Corporation, Supreme Signal Company, Superior Tube Company, Inc., Szalatnay Book Publishing Co., Inc., Syer Corporation, The, Syndicate 5c-10c to \$1 Stores Inc., Sylvania Hosiery Company, The.

T. A. Oakey & Co., T. K. Kelly Sales System, Inc., T. L. Chapman & Co., T. S. Hose Associates, Inc., T. W. Realty Corporation, Talley Aeronautical Corporation, Taylor Aircraft Company, Tab Beverage Company, Taljess Corporation, Tanners Egg Yolk Manufacturers Association for Research, Tabor Engineering Company, Ta-Go Laboratories, Inc., Tabasso Holding Co., Tahamo Oil Company, Tabloid Productions, Inc., Tar River Mining Corporation, Taxpayers' Research League of Delaware, Inc., Taxpayers' Union, The, Tex Austin's Forked Lightning Ranch, Inc., Tenmen Association, Inc., Terrill Bond & Mortgage Company, Textile Container Corporation, Teko Corporation, Tempador Company, Tennessee Enterprises, Inc., Tetela Gold Mining Corp., Inc., The, Terminal Heating Elements Corporation, Temple Laundry, Inc., Texas Livestock & Finance Corporation, Television Manufacturing Company of America, Inc., Terminal Operating Company, Texas Oklahoma Securities Company, Tennessee River Marble Producers, Inc., Textyle Silk Corporation, Terminal Sales Corporation, Television Sales & Service Corporation, Texas Syrup Company, Texworth Securities Corporation, Tenrem Securities Co., Thermo-Change Specialties Company, The, Thistle Down Jockey Club, Inc., Thermalene Gas Products Company, Theoda Investment Company, "Ther-

PROCLAMATION

mo-Master" Corporation of Delaware, Thermal Products, Incorporated, Theatre Service Corporation, Theodore Stark Construction Company Inc., Three-B Products, Inc., Thorne Company of Delaware, The, Thomas C. Foster & Company, Inc., Thuomond Estates, Inc., Thornton Holding Company, Thompson-Levering Corporation, Thrift Loan Foundation, Incorporated, Tidewater Coal Company, Tillman, Inc., Tierney Soda Fountain Company, Tim Calculating Machine Co., The, Title & Investment Company of Maryland, Times Real Estate Company, Time Service Bureau, Inc., Timblin Shale & Clay Products Company, Inc., Tom's Auto Service, Inc., Toepfer and Bellack Inc., Togrite Co. of Delaware, Tolley Cake Corporation, Toggery Shops, Inc., Tobacco Stemming Machine Company, The, Tourist Garage and Motor Repair Company, Topkis-Jolles Co., Inc., Toridheet Oil Burner Company of Philadelphia, Towne Specialty Shops, Inc., Townsend Securities Corporation, Tonott Trading Corporation, Trans-Atlantic Construction Company, The, Train Control Appliance Company, Trident Company, The, Tranart Engineering and Testing Laboratories, Incorporated, Transportation Finance Corporation, Triune Gold Mining Company, Travel Guild International Inc., Transportation, Inc., Triptalk, Inc., Traung Label & Lithograph Company, Tri-Motor Company, Tremaine Motors Corporation, Travellers Oil Company, Trenton Oil and Gas Company, Trenton-Philadelphia Steamboat Co., Transportation Storage Co., The, Tri-State Oil Company, Tri-State Contractors, Inc., Tri-State Petroleum Corporation, Trent Stores, Inc., Tri-State Construction Company, Trade and Travel, Inc., Traffic and Transport Associates, Incorporated, The, Tractor-Truck Equipment Company, Trusco Company of Baltimore, Troy and Company, Truax Electric Company, Tropical Fruit and Steamship Corporation, Troy Laundry Wet Wash Company, Trustees Mortgage Company, Tropical Papaya Corporation, Trustees System Company of Pennsylvania, Trustees System Company of Baltimore, Trustees System Company of Wilmington, True Value Shoe Co., Inc., Tu-lip Drill Grinder Mfg. Co., Inc., Tunnel Machine Manufacturing and Engineering Company, Tung Oil Corporation of America, Tung Oil Plantation, Inc., Turntable Garage and Service Station Company, The, Turbine Patents Corporation, Turn-Rite

PROCLAMATION

Process Co., 20th Century Coach Lines of Pennsylvania, Inc., Twin City Sporting Club, Incorporated, Twentieth Century Press Inc., Limited, The, Two Nine Six Nine Wilshire Corporation, Ltd., Twelve Seventy Seven Euclid Realty Company.

Uhler Hotels Company, Ulitsky's, Inc., U. I. Theatre Circuit, Inc., U. S. A. United Service Association, U. S. Postal Meter Corp. of N. Y., U. S. Transcit, Inc., U. S. Travelers Hospitalization Corporation, Universal Basic Products Corporation, Universal Clock & Globe Corporation, Uniclox Corporation, Universal Devices Corporation, Universal Gas Corporation of Frewsburg, New York, Universal Guaranty Company, Universal Hotel Associates, Inc., Universal Institute, Inc., Universal Installation Service Company, Uniform Lights & Plates Company, Universal Laundry & Machinery Company, Inc., Unique Manufacturing Co., Inc., Unit Oil Company, University Realty Company, Incorporated, Universal Traffic Signal Co. of Ohio, Inc., Universal Traffic Signal Company, Inc., Unkel Wholesale Lumber Storage and Forwarding Company, United Aerial Surveys, Inc., United Art Productions, Inc., United Aircraft Productions, Inc., Union Aircraft Corporation, Union and Brotherhood of North Italy, The, United Cash and Carry Stores, Inc., United Discount Serice, Inc., Union Deposit and Savings Company, The, United Greyhound Racing Association, United Gas & Electric Utilities Corporation, Union Gas Corporation, United Gas Service Company, United Heat and Power Corporation, United Holding Company, United Italian Import Corporation, United Kaolin Corporation of America, Union Land Company, Union Mortgage Corporation, United Motor Freight Co. Inc., Union Mortgage Guarantee Company, United Manufacturing Company, Inc., United Newspapers Corporation, United Order of Tents of J. R. Giddings and Jollifee Union, Incorporated, United Oxide Company, United Personal Loan Co., Inc., United Protective Association, United Protestant League of America, Inc., The, United Pacific Securities Corporation, United Sales Corporation of New York, United Structural Engineers, Inc., United Service Community Stores, Inc., Union Sales Corporation, Union Southern Company, United Shareholders, Inc., United States Automotive Engineers,

PROCLAMATION

Inc., United States Acceptance Corporation, United States Bond & Mortgage Corporation of Tennessee, United States Bond & Mortgage Corporation, United States Circus Corporation, United States Clariphone Corporation, United States Feldspar Corporation, United States Record Corporation, United Trust Company, United Television and Communications Company, Incorporated, Utility Engineering & Construction Co. Ltd., Utility Improvement Co., Inc., Urban Publications, Inc., Urumaco Petroleum Corporation, Utah Recreational Ranches, Inc.

Vacuum Ovens, Inc., Valhalla Corporation, Van Alstyne Motor Corporation, Vanity Dress Shops, Inc., Vanity Frock, Inc., Van's, Incorporated, Vaqueros Major Oil Company Ltd., Variety Productions, Inc., Vapor Phase Oils, Inc., Vergobbi & Company, Vermiculite Company of America, The, Venture Gardens Co., Vending Machine Corporation of America, Venezuelan Oil Exploration Company, Veterans' Repeal League, Inc., The, Venable Syndicate Inc., Victoria Amusement Corporation, Viking Concrete Machinery Company, The, Victor Finance Corporation, Victor Food Products Co. Inc., Victor Gloves, Incorporated, Victor Motor Service, Inc., Victor Mauck Inc., Viking Oil Sales Corporation, Victor Oil Company, Victor Rubber Corporation, Vincent Cianci & Co., Inc., Viscosity Engineering Corporation, Vivid-Glow Cosmetics, Inc., Vitagum Sales Corporation, Vitaglo Holding Corporation, The, Vitalax, Inc. of Mineral Wells, Texas, Vitsas, Inc., Vitrified Products, Inc., Visual Radio Corporation, Visible Vendors, Inc., Vulcan Brazing and Machine Co., The, Voicewriter Co., Vorr, Incorporated, Voorhies, Incorporated, Vulture Pioneer Mining Corporation, Vulcan Soot Cleaner Co., The, Vortex Wing Corporation.

W. A. Clark III Sales Company, Ltd., W. E. Guild, Inc., W. Frank Coleman Inc., W. J. McCormack, Inc., W. J. Gamble, Incorporated, W. J. Highfield Agency, Inc., Wagmar Leather Company, Inc., W. Newton Jeffress, Inc., Wabash Petroleum Company, W. P. Sales Co., Inc., Waconia Sorghum Mills, Inc., Wagner-Traynor Company, Inc., W. T. Charlesworth Co., Wall Ads Incorporated, Walker Emergency Lighting Company, Wallace & Matthews, Inc., Waldorf Sales Company, Inc., Wall Street Bank

PROCLAMATION

Stock Service, Inc., Walker & Wilcox Co. Walter Clifford & Co., Inc., Walnut Creek Fur Ranches, Inc., Walter Fred Hosiery Mills, Inc., Walter Garland Finance Corporation, The, Walsh Harness Company, Walnut Investment Company, Walter L. Unger, Inc., Walter M. Lowney Company, Walter Wilson, Incorporated, Wanderers, Inc., Ware Radio and Television Corporation, Wardwood Securities Company, Washington Apartment Securities Corporation, Waseca Airport Corporation, Washington Arcade Company, Washington Contract Shops, Inc., Washington Cement Warehouse Co., Washington Enterprises, Inc., Washington Investment Trust, Inc., Washington Mortgage and Investment Corporation, Washington National Corporation, Washington Radio Shop, Inc., Washington Typographers Inc., Wat Tool Company, Inc., Water Works Operators, Inc., Wayan Bald Mining Corporation, Wayne Realty Inc., Watsontown Sash & Door Company, Weber Baking Company, Webb & Company, Welding and Machine Company, Welfare Service Corporation, Western Continental Securities Co., Western Continental Utilities Inc., Western Exterminators, Inc., Western Inland Waterways Corporation, Western Land & Live Stock Company, Western Mines Development Corporation, Western Oil and Refining Company, West Phila. Auburn, Inc., West Point Hotel Company, West Philadelphia Motor Company, Western Penna. Motorcycle Dealers Assn., Inc., Westyde Royalty Corporation, Western Reduction Company, Westmoreland Specialty Manufacturing Company, Western States Acceptance Corporation, Western Television Corporation, Western Water Treatment Corporation, Wheel-Lift Corporation, Whelan-Linck Company, Whistle Company of St. Louis, Whitbred Company of Altoona, The, Whitfield Engineering Company, Whitlock Gas Process Company, Inc., White-stone Management Company, The, Whitedelf Mining & Development Company, White Oak Corporation, White Studios, Inc., Whitehall Steamship Co., Inc., Wm. Armitage & Co., Inc., William A. Badger & Co., Inc., Wilkes-Barre and Hazleton Memorial Corporation, Wilden Company, The, Wm. D. & H. T. Smedley Inc., Willson Flying Corporation, Wil-Fry Corporation, Willard F. Deputy & Company, William H. Reynolds, Inc., Williamsport Insurance Exchange, Incorporated, Wm. J. Farley & Co., Inc., Wm.

PROCLAMATION

Kaufman, Inc., Wilbur Manufacturing Co., Inc., Wilden Publications, Limited, The, Wm. Spiegelman Company, Wilmington Advertisers, Inc., Wilmington Auto Laundry, Inc., Wilmington Bottling House, Inc., Wilmington Hardware & Rubber Co., Inc., Wilmington Inter-City Finance Corporation, Wilmington Investment Co., Wilmington Market Grocery Company, Inc., Wilmington Optical Company, Wilmington Press, Inc., Wilmington Public Market Fruit Company, Inc., Wilmington Radio Laboratories Inc., Wilmington Repertory Company, Inc., Wilshire-Commonwealth Corporation, Ltd., Wiltho Corporation, Winner Aquarium, Inc., Wing Aeronautical Corporation, Winona Used Car Exchange Incorporated, Wisconsin-Georgie Coal and Iron Company, Winter's Hatcheries, Inc., Winter Stables, Inc., Wireless Service Corporation, Woman's Christian Temperance Union of New Castle Co., Del., Woods-Russell Corporation, Woolcott Convertible Top Company, Worth Corporation, The, World Economics Association, Incorporated, World Home Service, Incorporated, World Harmony Movement Inc., The, World Limited, Inc., Worman Motors Inc., World's Perfect Fitting Piston Ring Corporation, World Royalties Corporation, World Theatres, Inc., World Wide Pictures Inc., Wrigley Manufacturing Co., The, Wrigley Repeating Shaving Brush Co., Wunder Antiseptic Corporation.

Yiddish Amusement Co., The, Yacht Mayflower, Inc., The, Yertson's Service & Machine Co., Inc., Yeast Vitamin Foods Corporation, York Auto Supply Company, Inc., Young's Candy Products Co., Inc., York Gold Mining Company, Young's Hats, Inc., Yorkshire, Inc., Yorgey's Laundry, Inc., York Oil Corporation, York Petroleum Company, Yuba Pass Mining & Resort, Inc., York Refrigerator Sales Co., Inc., Yorktowne Tire Company, Inc.

Zimgould Chemical Company, Zac Gas Producer Corporation, Zerozone, Incorporated, Zinco Mining Company, Inc.

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

PROCLAMATION

(Great Seal) affixed this twentieth day of January, in the year
of our Lord one thousand nine hundred and
thirty-six and of the Independence of the United
States of America, the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 302

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the planting and preservation of trees and the protection of bird life are economic necessities and are essential to our industrial life; and

WHEREAS, by an Act of the General Assembly, the Governor is authorized to set apart each year a day to be designated as Arbor and Bird Day,

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby designate

THURSDAY, APRIL 9, 1936

AS

ARBOR AND BIRD DAY

and do hereby urge and request its observance by all public and private schools, colleges and other institutions by the planting of trees, and by suitable exercises, having for their object the advancement of the study of arbor culture and the promotion of the spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.

IN TESTIMONY 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
(Great Seal) to be hereunto affixed this twenty-sixth day of March, in the year of our Lord one thousand nine hundred and thirty-six.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 303

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the seventh day of January, A. D. 1936, a list of the companies that were two years in arrears for taxes having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the twentieth day of January, A. D. 1936, proclaiming the "Pacific Empire Holdings, Incorporated", as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim that, "Pacific Empire Holdings, Incorporated," a corporation incorporated under the laws of the State of Delaware, January 7, A. D. 1930, it having been established to my satisfaction, has not neglected or refused to pay the annual franchise taxes assessed against said corporation and that said company was inadvertently reported to me by said State Tax Department as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 79 of the Franchise Tax Law of the State of Delaware, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of
the State of Delaware, have hereunto set my
hand and caused the Great Seal of this State
(Great Seal) to be hereunto affixed this tenth day of July, in
the year of our Lord one thousand nine hundred and thirty-six, and of the Independence of

PROCLAMATION

the United States of America, the one hundred
and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

PROCLAMATION

CHAPTER 304

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the seventh day of January, A. D. 1936, a list of the companies that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the twentieth day of January, A. D. 1936, proclaiming the "Reed & Co.", as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby proclaim that, "Reed & Co.," a corporation incorporated under the laws of the State of Delaware, June 6, A. D. 1928, it having been established to my satisfaction, has not neglected or refused to pay the annual franchise taxes assessed against said corporation and that said company was inadvertently reported to me by said State Tax Department as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 79 of the Franchise Tax Law of the State of Delaware, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this tenth day of July, in the year of our Lord one thousand nine hun-

(Great Seal)

PROCLAMATION

dred and thirty-six, and of the Independence of the United States of America, the one hundred and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 305
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the seventh day of January, A. D. 1936, a list of the companies that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the twentieth day of January, A. D. 1936, proclaiming the "Standard Investment and Development Company", as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby proclaim that, "Standard Investment and Development Company", a corporation incorporated under the laws of the State of Delaware, June 28, A. D. 1920, it having been established to my satisfaction, has not neglected or refused to pay the annual franchise taxes assessed against said corporation and that said company was inadvertently reported to me by said State Tax Department as failing, refusing or neglecting to pay said taxes as aforesaid; that pursuant to the authority vested in me by virtue of Section 79 of the Franchise Tax Law of the State of Delaware, to correct such mistake, I hereby make the same known by filing this Proclamation to that effect in the office of the Secretary of State.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of
the State of Delaware, have hereunto set my
hand and caused the Great Seal of this State
(Great Seal) to be hereunto affixed this tenth day of July, in
the year of our Lord one thousand nine hundred and thirty-six, and of the Independence of

PROCLAMATION

the United States of America, the one hundred
and sixtieth.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 306
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

C. D. BUCK, Governor of said State

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL
COME, GREETINGS:

WHEREAS, Isabelle Robinson, age 13 years, of the City of
Wilmington, New Castle County and the State of Delaware, after
an attempted assault was shot by one Isaiah Opher near Price's
Corner in New Castle County on August 10th, 1936, of which said
shooting said Isabelle Robinson later did die; and

WHEREAS, the said Isaiah Opher is at large and there are
reasonable grounds for the belief that the Laws of this State have
been violated and it is necessary for the purpose of securing the
arrest of the said Isaiah Opher that a reward be offered for the
arrest and conviction of the said Isaiah Opher;

NOW, THEREFORE, I, C. D. BUCK, GOVERNOR OF THE
STATE OF DELAWARE, IN ACCORDANCE WITH THE PRO-
VISIONS OF SECTION 6, OF CHAPTER 13, OF THE REVISED
CODE OF THE STATE OF DELAWARE, DO HEREBY OFFER
A REWARD OF

FIVE HUNDRED DOLLARS

FOR THE ARREST AND CONVICTION OF THE SAID ISAIAH
OPHER WHO COMMITTED THE CRIME AFORESAID, SAID
REWARD TO BE PAID TO SUCH PERSON OR PERSONS AS
THE ATTORNEY GENERAL OF THIS STATE SHALL CER-
TIFY TO BE ENTITLED THERETO.

PROCLAMATION

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of
the State of Delaware, have hereunto set my
hand and caused the Great Seal of this State to
(Great Seal) be hereunto affixed this eleventh day of August
in the year of our Lord one thousand nine hun-
dred and thirty-six and of the Independence of
the United States of America the one hundred
and sixty-first.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 307

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

I, C. D. BUCK, Governor of the State of Delaware, do hereby proclaim and make known in accordance with the provisions of an Act of the General Assembly that on the third day of November, in the year of our Lord one thousand nine hundred and thirty-six, being the Tuesday next after the first Monday of said month, an election will be held in the several counties of this State at the places in the several election districts respectively, at which the General Election in the said State is held, for the purpose of choosing by ballot by the citizens of this State having the right to vote for Representatives in the General Assembly, three electors for the election of a President and Vice-President of the United States.

IN TESTIMONY WHEREOF, I have set my hand and caused
the Great Seal of the State to be hereunto af-
fixed at Dover this first day of October in the
(Great Seal) year of our Lord one thousand nine hundred
and thirty-six and of the Independence of the
United States, the one hundred and sixty-first.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 308

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, each year fire destroys thousands of lives and millions of dollars in property values, besides causing other economic loss as well, and

WHEREAS, this great waste can be reduced by observing various simple rules relating to fire safety,

NOW THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby designate and proclaim the week of October 4-10 to be

FIRE PREVENTION WEEK

in order that the people of the State of Delaware in every community shall individually and through various organizations discover and correct existing 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 care.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be hereto affixed at Dover, this first day of October, in the year of our Lord, one thousand nine hundred and thirty-six and of the Independence of the United States the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 309

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, October 11, 1936, will mark the anniversary of the death of General Casimir Pulaski, whose deeds at the siege of Savannah, Georgia, remain an inspiration to all Americans and whose memory it is fitting to hold in all honor; and

WHEREAS, by Act of the General Assembly of the State of Delaware, the Governor is directed to issue a proclamation on or about October 11th of each year to remind the people of our State of the service rendered by this illustrious hero,

NOW THEREFORE, I, C. D. Buck, Governor of the State of Delaware, under and by virtue of the authority vested in me by the aforesaid Act of the General Assembly, do call upon the people of this State to honor on

OCTOBER 11, 1936

the memory of Brigadier General Casimir Pulaski, by holding such exercises and ceremonies in schools and churches, as may be deemed appropriate in commemoration of his death; and further I do direct that on that day, the flag of the United States be displayed in all suitable places.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and affixed the Great Seal of the State of Delaware, this first day of October, in the year of our Lord one thousand nine hundred and thirty-six, and of the Independence of the United States the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 310
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the week beginning November 9, 1936, has been set aside and designated as American Education Week. No observance in America is more significant and no institution has a more crucial responsibility for the future of American democracy than the public school, and

WHEREAS, the topic for American Education Week this year is "Our American Schools at Work." During the observance of this week, millions of American citizens will be afforded an opportunity to restudy and investigate one of the world's largest businesses and an excellent opportunity will be provided to increase the appreciation of pupils for their educational advantages.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim the week of November 9 to 15 as

AMERICAN EDUCATION WEEK

and urge all the citizens of the State of Delaware to endeavor to acquaint themselves with the methods of our educational system. Visit your schools—for it is only through the interest and cooperation of all the people that our present high standard of education can be maintained. Democracy will succeed in America only if the general level of intelligence is sufficiently high to deal effectively with the problems facing the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed, at Dover, this fifteenth day of October, in the year of our Lord, one thousand nine hundred and thirty-six.

(Great Seal)

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 311

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Annual American Red Cross Roll Call will be held from Armistice Day to Thanksgiving, thus again affording an opportunity to every public spirited citizen to become a member and lend his financial support to the activities of this organization, and

WHEREAS, during the year ending June 30, 1936, the American Red Cross gave food, clothing, shelter, medical aid and assistance toward rehabilitation of 131,000 families (approximately 550,000) persons, following 150 disasters. Disasters requiring Red Cross assistance included bombings, earthquakes, epidemics, explosions, fires, floods, hail-storms, hurricanes and shipwrecks. Although disaster relief is more generally known because of the wide publicity given the work following the catastrophies, this work constitutes only a part of the yearly accomplishments of the Society. The Red Cross also carries on a program of service including public health nursing, first-aid and life-saving, and 8,331,298 school children enrolled in the Junior Red Cross are carrying on programs for community betterment. This and other work of the Red Cross is supported by your annual membership subscription.

NOW, THEREFORE, I, C. D. Buck, Governor of the State of Delaware, do hereby proclaim November 11 to 26, 1936 for the
ANNUAL ROLL CALL OF THE AMERICAN RED CROSS
and again wish to urge that the citizens of the State of Delaware continue to support the activities of this organization which so valiantly rescues the unfortunate in times of disaster, solely through the donations from American people everywhere.

IN TESTIMONY WHEREOF, I, C. D. Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of

PROCLAMATION

(Great Seal) Delaware to be hereunto affixed at Dover, this sixth day of November, in the year of our Lord, one thousand nine hundred and thirty-six, and of the Independence of the United States of America, the one hundred and sixty-first.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 312

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 3rd day of November, in the year of our Lord one thousand nine hundred and thirty-six 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 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

Henry T. Graham	47,315
Charles M. Wharton	46,942
Wilson M. Vinyard	46,898
Walter B. Pollard	117
Ernest Mills	114
Edmund Smith	112
John D. Haman	41
Athanasais T. Hedges	38

PROCLAMATION

Sadie Tomkin	38
Julia H. Tallman	36,859
William P. Richardson	36,747
George E. Walls	36,736
J. Wirt Willis	992
J. Morris Harrington	957
Frank S. Carter	954
Mary A. de Fanti	442
Thomas Ryan	429
Mary A. Miller	432

KENT COUNTY

Henry T. Graham	9,588
Charles M. Wharton	9,518
Wilson M. Vinyard	9,534
Walter B. Pollard	22
Ernest Mills	16
Edmund Smith	20
John D. Haman	6
Athanasais T. Hedges	5
Sadie Tomkin	3
Julia H. Tallman	6,936
William P. Richardson	6,914
George E. Walls	6,905
J. Wirt Willis	453
J. Morris Harrington	468
Frank S. Carter	449

SUSSEX COUNTY

Henry T. Graham	12,799
Charles M. Wharton	12,712
Wilson M. Vinyard	12,696
Walter B. Pollard	33
Ernest Mills	40
Edmund Smith	37
John D. Haman	4

PROCLAMATION

Athanasais T. Hades	5
Sadie Tomkin	4
Julia H. Tallman	10,219
William P. Richardson	10,173
George E. Walls	10,195
J. Wirt Willis	1,777
J. Morris Harrington	1,779
Frank S. Carter	1,787

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 Electors, the result appears as follows, to wit:

Whole number of votes for Henry T. Graham	69,702
Whole number of votes for Charles M. Wharton	69,172
Whole number of votes for Wilson M. Vinyard	69,128
Whole number of votes for Julia H. Tallman	54,014
Whole number of votes for William P. Richardson	53,834
Whole number of votes for George E. Walls	53,836
Whole number of votes for Walter B. Pollard	172
Whole number of votes for Ernest Mills	170
Whole number of votes for Edmund Smith	169
Whole number of votes for J. Wirt Willis	3,222
Whole number of votes for J. Morris Harrington	3,204
Whole number of votes for Frank S. Carter	3,190
Whole number of votes for John D. Haman	51
Whole number of votes for Athanasais T. Hades	48
Whole number of votes for Sadie Tomkin	45
Whole number of votes for Mary A. de Fanti	442
Whole number of votes for Thomas Ryan	429
Whole number of votes for Mary A. Miller	432

NOW, THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby declare that Henry T. Graham, Charles M.

PROCLAMATION

Wharton and Wilson M. Vinyard 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 12th day of November in
(Great Seal) the year of our Lord one thousand nine hundred and thirty-six and of the Independence of the said State the one hundred and sixty-first.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 313

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 3rd day of November, in the year of our Lord one thousand nine hundred and thirty-six that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States for the Constitutional term, to commence on the third day of January in the year of our Lord one thousand nine hundred and thirty-seven.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

NEW CASTLE COUNTY

James H. Hughes	45,717
Daniel O. Hastings	35,894
Charles W. Perry	129
Robert G. Houston	3,321
William V. P. Davidatis	40

KENT COUNTY

James H. Hughes	9,323
Daniel O. Hastings	6,656

PROCLAMATION

Charles W. Perry	20
Robert G. Houston	887
William V. P. Davidatis	6

SUSSEX COUNTY

James H. Hughes	12,096
Daniel O. Hastings	9,910
Charles W. Perry	34
Robert G. Houston	2,689
William V. P. Davidatis	7

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for James H. Hughes	67,136
Whole number of votes for Daniel O. Hastings	52,460
Whole number of votes for Charles W. Perry	183
Whole number of votes for Robert G. Houston	6,897
Whole number of votes for William V. P. Davidatis	53

NOW, THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby declare that James H. Hughes has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the third day of January in the year of our Lord one thousand nine hundred and thirty-seven.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 12th day of November in

PROCLAMATION

(Great Seal) the year of our Lord one thousand nine hundred and thirty-six and of the Independence of the said State the one hundred and sixty-first.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 314

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 3rd day of November, in the year of our Lord one thousand nine hundred and thirty-six 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-fifth Congress of the United States.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Representative were cast as follows, to wit:

NEW CASTLE COUNTY

William F. Allen	43,767
John George Stewart	38,579
William A. Mayer	128
James Austin Ellison	2,578

KENT COUNTY

William F. Allen	9,436
John George Stewart	6,909
William A. Mayer	15
James Austin Ellison	546

PROCLAMATION

SUSSEX COUNTY

William F. Allen	12,282
John George Stewart	10,176
William A. Mayer	33
James Austin Ellison	2,214

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the Seventy-fifth Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for William F. Allen	65,485
Whole number of votes for John George Stewart	55,664
Whole number of votes for William A. Mayer	176
Whole number of votes for James Austin Ellison	5,338

NOW, THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby declare that William F. Allen 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-fifth Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 12th day of November in the year of our Lord one thousand nine hundred and thirty-six and of the Independence of the said State the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 315
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 3rd day of November, in the year of our Lord one thousand nine hundred and thirty-six 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

Ernest C. Blackstone	44,447
Warren T. Moore	37,841
Alvah W. Lloyd	134
Weldon C. Waples	2,522

KENT COUNTY

Ernest C. Blackstone	9,302
Warren T. Moore	7,115
Alvah W. Lloyd	14
Weldon C. Waples	441

PROCLAMATION

SUSSEX COUNTY

Ernest C. Blackstone	12,307
Warren T. Moore	10,122
Alvah W. Lloyd	33
Weldon C. Waples	2,247

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 appears as follows, to wit:

Whole number of votes for Ernest C. Blackstone	66,056
Whole number of votes for Warren T. Moore	55,078
Whole number of votes for Alvah W. Lloyd	181
Whole number of votes for Weldon C. Waples	5,210

NOW, THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby declare that Ernest C. Blackstone 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 12th day of November in the year of our Lord one thousand nine hundred and thirty-six and of the Independence of the said State the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 316
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 3rd day of November, in the year of our Lord one thousand nine hundred and thirty-six 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

James W. Wise	44,608
J. Henry Hazel	37,783
Morris Goodlewege	131
Ezekiel Cowgill Barnard	2,379

KENT COUNTY

James W. Wise	9,670
J. Henry Hazel	6,617
Morris Goodlewege	13
Ezekiel Cowgill Barnard	581

PROCLAMATION

SUSSEX COUNTY

James W. Wise	12,330
J. Henry Hazel	10,102
Morris Goodlewege	31
Ezekiel Cowgill Barnard	2,199

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 James W. Wise	66,608
Whole number of votes for J. Henry Hazel	54,502
Whole number of votes for Morris Goodlewege	175
Whole number of votes for Ezekiel Cowgill Barnard....	5,159

NOW, THEREFORE, I, C. D. BUCK, Governor of the State of Delaware, do hereby declare that James W. Wise has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the 12th day of November in the year of our Lord one thousand nine hundred and thirty-six and of the Independence of the said State the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 317

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

That the custom of our forefathers to acknowledge the obligation we owe to Almighty God by rendering to Him our grateful thanks as a Nation for blessings received upon a day characteristically American, set apart by decree of the President of the United States, shall be properly observed,

And with the thought that the people of our State are the happy recipients of many blessings bestowed by a Divine Providence,

I, C. D. BUCK, Governor of the State of Delaware, do designate

THURSDAY, NOVEMBER TWENTY-SIXTH

AS

THANKSGIVING DAY

and urge upon our people to lay aside the perplexing problems of everyday life and resolve to give due regard to this day by attendance upon such service as may be held in accordance with our several beliefs.

IN TESTIMONY WHEREOF, I have hereunto subscribed
my hand and caused the Great Seal of the State
of Delaware to be hereunto affixed this fif-
(Great Seal) teenth day of November in the year of our Lord
one thousand nine hundred and thirty-six and
of the Independence of the United States of
America, the one hundred and sixty-first.

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State

CHAPTER 318

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

That the annual sale of Christmas seals has helped provide funds to carry on educational campaigns against the great "white scourge", tuberculosis, is a fact generally recognized; and,

That Miss Emily P. Bissell, one of our distinguished civic workers, inaugurated the idea is a fact in which Delawareans have great pride;

Now, therefore, in celebration of the Thirtieth Anniversary of the inauguration of the Christmas seal sale, I, C. Douglass Buck, Governor of Delaware, do issue this proclamation and call upon our people to join in public tribute to the idea developed by Miss Bissell which has been responsible for the saving of so many precious lives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this fifth day of December, in the year of our Lord one thousand nine hundred and thirty-six, and in the year of the Independence of the United States of America, the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 319

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, by resolution of the General Assembly of the State of Delaware, the Governor has been authorized and directed to issue a proclamation in connection with the proper observance and celebration of Delaware Day; and

WHEREAS, the citizens of Delaware have just reason to be proud of the part their State has played in the foundation and preservation of the Union, particularly as it relates to the ratification of the Federal Constitution on December 7, 1787, since which time our State has been known as "the First State in the Union."

NOW, THEREFORE, I, C. D. BUCK, by virtue of the authority in me vested, do hereby designate the seventh day of December as

DELAWARE DAY

and in reminding the citizens of this State of the honor bestowed upon them by their forefathers, urge them to observe the occasion by displaying the flags of the State and Nation, as well as the holding of appropriate exercises in all the schools, churches and civic organizations in commemoration of an historic event.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of Delaware to be hereunto affixed this first day of
(Great Seal) December, in the year of our Lord one thousand nine hundred and thirty-six, and of the Independence of the United States of America, the one hundred and sixty-first.

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 320
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

By virtue of the authority vested in me by the provisions of Section 16 of Article III of the Constitution of the State of Delaware, whereby "He (the Governor) may on extraordinary occasions convene the General Assembly by proclamation",

I, C. Douglass Buck, Governor of the State of Delaware, do issue this my proclamation:—

That the One Hundred and Sixth General Assembly of the State of Delaware shall convene at Dover, the Capital of the State, on Monday, the twenty-eighth day of December, A. D. 1936, at eleven o'clock in the morning, to consider and act upon the following matters:

1. The enactment of legislation recommended by the Unemployment Compensation Commission under the terms of the Social Security Act.
2. The confirmation of appointments made by the Governor since the adjournment of the last session of the General Assembly.

IN WITNESS WHEREOF, I, C. Douglass Buck, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this nineteenth day of December, in the year of our Lord, one thousand nine hundred and thirty-six, and of the Independence of the United States of America, the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

WALTER DENT SMITH, Secretary of State.

CHAPTER 321
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

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 Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid are repealed:

A. B. C. Corporation, "A" "B" "C" Engineering Company, Inc., A. Chalikian, Inc., ABC Distributors, Inc., A. E. Braunfeld, Inc., A. F. G. E. Purchasing Association, Inc., A. G. McGregor Engineering Co., A. & M. Trucking Corporation, A. M. Carneiro & Co., Inc., A-P Oil Company, A. S. Dunning Incorporated, A. V. Lawless Motor Co. Inc., A. W. Middleton Holding Company, Inc., A. Weiner & Co., Inc., A. W. Strong Company, Acme Construction Co., Acme Auto Finance Co., Inc., Acme Distributing Corporation, The, Acoustical Laboratories, Inc., Aco Oil Corporation, Acme Products Corporation, Acqua-Pruf Company, Incorporated, Accessories Research Corporation, Acme Trading Company, Inc., Adometer Corporation of America, Adams Investment Company, Aeronautical Development Company, Aeronautical & Automotive Co., Inc., Agavan Corporation, Air Equipment Corporation, Affiliated Investments Corporation, Air Refrigerating and Processing Company, "After the Show, Inc.", Ajax Union Mining Company, Inc., Alaska Asbestos Inc., Albert B. Eggers Stores Inc., Alabama Coals, Incorporated, Alaska Chandalar Mines Company, Albemarle

PROCLAMATION

Corporation, The, Algabeno Corporation, The, Algerian Deglett-Noor Date Gardens, Inc., Albert Ely Ives Inc., Alexandria Ferry Company, Alexander Film Service, Inc., Albert Grigg & Company, Albert Guggenheim Distilleries, Inc., Alaska Ketchikan Gold Mining Company, Inc., Alaska Kobuk Mines Inc., Albert Lea Syndicate, Alabama Mills Company, Aljo Securities Co., Inc., Alabama Warehousing Company, All America Tin Plate and Steel Corporation, Allen Discount Corporation, Allegheny Glass Corporation, Allen Gasoline Company, Alpha Holding Company, Allied Industrial Utilities, Inc., Allen Land & Building Co., Allied Organization Corporation, Alliance Plan, Inc., Alpha Printing Company, Alma Petroleum Corporation, Allith Prouty Company, All States Van & Delivery Co., Allen-Walker Associates, Inc., Amalgamated Atlantic Seaboard Network, Inc., Amalgamated Broadcasting System, Inc., Amusement Concessions, Inc., Ambassador Hotel Corporation, Amkorp, Inc., Amaranth Inc., Ambassador Market Company, Inc., Amador Reindeer Company, Amusement Service Corporation, American Air Race Association, Inc., American Air Aces, Inc., American Austin Car Company, Inc., American Carbon Company, American Corporation Bureau, American Cremaker Company, American Cable and Conduit Co., American Clipon Corporation, The, America China Export & Import Company Inc., American Department Stores Corporation, American Electric Brake Corporation, American Eryol Corporation, American Eagle Gold Mines, Inc., American Forwarding Company, American Flax Corporation, American Furniture Manufacturing Company Limited, American Gas Appliance Company, American Gold Mines Consolidation, Inc., American Glass Machine Corporation, American Importers, Ltd., American Indemnity Corporation, American Investment and Realty Co., American Kerament Corporation, American Land & Building Corporation, American Legion Home Incorporated, American Leaders Securities Corporation, American Minerals Company, American Mutual Sales, Inc., American Neon Light Company, Limited, American New Fashion Sales Corporation, American New Fashion Heel Corporation, American Orphans Protective Association, American Public Affairs Association, American Protective Counselors Corporation, Ameri-

PROCLAMATION

can Producing Company of Cuba, Inc., American Rediscount Corporation, American Radio & Television Corporation, American Specialties, Inc., American Storage and Moving Company, America's Theatres Pictures Corporation, American Tax Lien Corporation, American Truck Association, American Train Control Corporation, American Ukrainian Bureau, Inc., American-West Indies Holding Corporation, Anderson Reduction Company, Anglo-American Founders Corporation, Anglo-American Press Association, Anglo-Canadian Funding Co., Inc., Antonio Gasbarro Company, Anthracite Gas and Oil Co., Anglo-Mexican Mfg. Co. Ltd., Ann Murdock Sales Corporation, Anthracite Mechanical Mining Company, Anigraphic Process Co., Inc., Annealing and Plating Corporation, Ann Reno Schools Inc., Annette Simpson Design Studio, Inc., Apex Corporation, Appalachian Gold Mining Corporation, Appliance Sales and Service Company, The, Aridice Corporation of America, Ardsley Corporation, The, Arundel Company Inc., Arizona Dredging and Power Corporation, Arkansas Fuel Company, Arrow Hockey Club, Inc., Armstrongs, Inc., Arizona Lincoln Mines, Inc., Arrowhead Lake Company, Arthropogen Products Corporation, Arena of Pittsburgh, Inc., The, Art Craft Pen Company, Association of Creditors of Governments, The, Associated Gold Mines, Ltd., Associated Holding Corporation, Associated Hotels Inc. of New England, Ashmun Investment Company, Assets Liquidating Corporation, Associated Market Traders, Inc., Associated Metal Lath Manufacturers, Inc., Associated Operations, Inc., Associated Realty Corporation, Associated Shippers of America, Inc., Associated Shops, Inc., Associated Underwriters Corporation, Atlantic Brewing Company, Atlas Coal Corporation, Atlas Coal & Coke Co., Atlantic Corporation, Atlas Fireworks Company, Inc., Athens Gas Corporation, Atkin Industries, Inc., Atlantic Mortgage Company, Atlantic and Pacific Petroleum Corporation, Atlantic Paper Tube Corporation, Atlantic Seaboard Natural Gas Company, Inc., Auto Aircraft Investing Corporation of America, Automatic Drink Corporation, Automatic Florzone Heating Co., Inc., Automatic Molding Machine Corporation, Auto-Motive Finance Corporation, Automotive Parts Jobbers Association, Inc., Auto Servant Equipment Corporation, Aviation Tubing and Manufacturing Company, Inc.

PROCLAMATION

B. & B. Luncheonette, Inc. B & B Products of Delaware, Inc., B & B Underselling Store Inc., B. D. Rose, Inc. Del., B. Finberg Inc., B. Glanckopf, Inc., B. G. Desmond Manufacturing Corporation, Bahama Isles Foods Corporation, Baker Electric Drill Company, Inc., Baker's Eye Rest and Specialty Company, Baltimore Acceptance Corporation, Ballard Plymouth Company, Balkeit Radio Company, Bantam Corporation, Bankers County Club, Bandalloy Piston Company, The, Bankers Realty Company, Barker Bakeries Incorporated, Barium Corporation of America, Barron Chemical Company, Inc., Barr and Dougherty Incorporated, Barshova, Incorporated, Barton Research Development & Manufacturing Corporation, Battle Creek Personal Thrift Service, Inc., Bay Auto Service Co., Bay Brothers Lumber Company, Baxter & Green, Inc., Bayhead Lumber Company, Beaver-Bethnal Gold Mines, Limited, Beausite Corporation, Beaver Finance Corporation, Beaux Publishing Corporation, Beacon Societies, Inc., Beatty & Wise, Inc., Bechtel Loan and Mortgage Company, Bellefonte Academy and School of Aeronautics Inc., Bel Monte Manufacturing Co., Belle Mead Sweats Inc., Bell Rese Industries, Incorporated, Bemis Redwood Company, Belmar Upholstered Furniture Company, Bell-Veatch Company, Beneficial Loan Society of Plainfield, Beneficial Loan Society of Waterville, Benish Restaurant Company, Inc., Ben's Auto Top & Body Co., Bentwood Farm, Incorporated, Bentleys, Incorporated, Bentley Mercantile Corporation of Delaware, Berger Bros. Inc., Berks County Bottling Works, Inc., Bergen County Holding Corporation, Berkmont Company, Bergsland Motor Company, Berol Corporation, The, Berkeley Springs Mineral Water, Incorporated, Beyer International Brick Corporation, Bethlehem Oil Corporation, Betsy Ross Kitchens, Inc., Better Ways, Incorporated, Big Bear Brands, Inc., Bigley Contracting Co., Big Cone Building Corporation, The, Birchmont Beach Hotel, Inc., Biscoe Company, Bingham-Lorimer Manufacturing Co., Bitrodite Paving Company, Biscayne Steamship Corporation, Bingman-Smith Oil Co., Blackhawk Brewing Company, Black Cat Corporation, Black Hawk Hotels Corporation, Blaise-Iberville Garage, Inc., Blackstone Oil Company, Blanche Wolf Corporation, Bloomsburg Anthracite Coal Mining Company, Blue Bird Hosiery Shops, Inc., Blue Jack Mining

PROCLAMATION

Company, Bloomington Personal Thrift Service, Inc., Blue Ridge Gardens Company, Blue Streak Products Company, Inc., Blocks Social Club, Bodine Cereal Beverage Company, The, Boardwalk Interest Company, Bohn Refrigerator Company, Books in Brief Inc., Bonner, Brooks & Co., Inc., Booth & Denton, Inc., Booth Fisheries Company, Bonicot, Inc., Bonded Liquor Stores Service Company, Bond Pool, Inc., Boral Alloy Products Corporation, Borger Land & Grain Co., Borrello Motor Company, Bowman Company, The, Boyer-Nugent Towing Co., Inc., Boxboard Products Co., Bowers Sign Corporation, Bowman Securities Corporation, Bradley Lumber Company, Brake Service Company, Brandywine Arms Hotel, Inc., Brewery & Distillery Securities Corporation, Breweries, Inc., Breezy Music Publishing Corporation, Breece Manufacturing Company, Breuer Wholesale Drugs, Inc., Brick Hotel, Inc., Brigham Petroleum Company, Bridgeside Realty Company, British Agencies Limited, Brooks and Anderson, Inc., Broussard Company, Inc., The, Brookline Country Club, Broomfield, Incorporated, Brooks, Inc., Brown Bros & Brown, Inc., Brown & Chipley, Incorporated, Brownson Library Association, Brown's Mills Financing and Construction Corporation, Brown, Meier & Hemenway, Inc., Brownsboro Oil Corporation, Brownie Razor Co., Inc., Brown and Styling, Inc., Bryto Products Co., Buchner Company, The, Buckeye Sales Corporation, Bullfrog Corporation, Building Code & Directory, Inc., Bunny Farms Products, Inc., Building and Finance Co., Bunker Hill and Original Amador Mines Consolidated, Inc., Buffet Incorporated, The, Buffalo Manufacturing Corporation, The, Building Materials Exhibits Salons, Inc., Budget Purchase Plan, Inc., The, Burge-meister Brewing Company, Bureau of Commercial Economics, Inc., Bureau of Sponsored Education and Vocational Training, Ltd., Inc., Burkart Corporation, Burlin Systems, Inc., Burk-Stone Company, Burnham Ark-Tex Properties, Inc., Business Accounting Machines, Inc., Business Specialists, Inc., Buzza Clark Inc.

Caldwell & Associates, Inc., C. A. Carney, Inc., Cairo-Bridge and Terminal Company, Calvert Club, Inc., California Crushed Fruit Corporation, C. F. J. Corporation, California Frank's Western Attractions, Inc., Claska Gold Mines, Inc., California Income

PROCLAMATION

Corporation, Cady Lumber Corporation, California-Mother Lode Gold Mines, Inc., C. Morrison Smith & Co., Inc., C-O-X Production Co., California & Oregon Lumber Company, C. Privitera, Inc., C. R. Cummins, Inc., Calmaid Shoes, Ltd., C. Stuart Phillips, Inc., C. & S. Furniture Stores, Inc., California United States Bond and Mortgage Corporation, C. W. H. Beyer & Co., Cameo Cinema Products Company, Cambrian Mining Corporation of Canada, Camp Shohola Inc., Canadian-American Distillers Corporation, Capitol Amusements, Inc., Caneal Coal Company, Capitol Candy School, Inc., Canary Food Products Company, Cane Harvester Corporation, Capital Management Corporation, Cantwell Mutual Insurance Company, The, Capitol Park Holding Corporation, Capital Wholesale Lumber & Millwork Corporation, Capitol Washing Machine Patents Corporation, Carl Baking Corporation, Cariboo Channel Mines, Ltd., Carolina Distributing Co., Inc., Carla Doreen Cosmetic Corporation, Caron-duPont, Incorporated, Carolina Exploration Company, Carnation Farm Products Company, Carlings Hotel, Inc., Cardinal Line, Inc., The, Carolina Mills, Inc., Carl N. Corwin Co., Carlton Pipe Line Company, Caravan Studio, Inc., The, Caroleen Securities Corporation, Carroll Mills Corporation, Caruso, Incorporated, Casco Development Company, Castle Motor Company, Central American Securities Company, Cellochrome Corporation, Central Industrial Company, Caton Lightning Conductor Company, Central Menu Service Inc., The, Central Okla Gas & Utilities Corporation, Central States Construction Corporation, Central Speedways, Inc., Central Transportation Company, The, Central Valley Corporation, Central West Public Service Company, Champion Mining & Milling Co., Chain Store Realty Corporation, Charleston Dry Dock and Machine Company, Charles E. Huber, Inc., Charles E. Winters and Company, Charpalas Foundation, Inc., Charles L. Hoyland Company, Charles M. Sledd Farms, Inc., The, Charles Restaurant Company, Chantotype System, Inc., Chandler Store Systems, Inc., Chemico-Biologic Laboratories, Inc., Cherokee Corporation, Chattanooga Coaster Company, Chemical Dusting Corporation, Chase & Gilbert, Inc., Chemicals, Ltd., Chesterfield Mines, Incorporated, Chemical Oil & Gas Company, Chase Williams Corporation, Children's Book Club of America, Inc., Chinati

PROCLAMATION

Corporation, China Cities Service Corporation, Childs Coal Company, Chippewa Oil, Gas, Coal & Clay Company, Chiriqui Properties, Incorporated, Chicago Produce Merchants Cartage Company, Chicago Research Corporation, Chinese Republic Publishing Company, Inc., The, Citizens Company of Minnesota, Cinatol Company, Circo Development Company, Citizens Discount and Investment Company, Incorporated, Citro Excavating Company, Cinamette, Incorporated, The, Christ-Light Ministry, Inc., City Loan System Inc., Civic Music Association of Philadelphia, Christiana Memorial Park, Inc., Clarkson Coal and Dock Company, The, Clarkson Coal Mining Company, Clark's Dollar Stores Inc., Clark Properties, Inc., Clarksburg Packing Company, Cleaners and Dyers Sales and Service Corporation, Club Amusements, Incorporated, Clifford & Chapman, Inc., Club Chantecler, Inc., Clutchless-Gearless Transmission Corporation, The, Clinch-Mitchell Construction Co., Clover Valley Mineral Water Co., Inc., Coaster Corporation of America, The, Coal Engineering Service Company, Incorporated, Codisco Corporation, The, Cod-O-Lene Corporation, Coffee and Tea Importing Company, Col-Cotta Glazing Company, Cold Storage Transportation Company of Brazil, Colman Securities Company, Collison and White, Inc., Colonial Chemical Corporation, Columbia Discount Company, Columbia Fruit and Candy Company, Inc., Colonial Mortgage Investment Company, The, Colonial Village Pool, Inc., Colonial Wholesalers Inc., Commonwealth Bond Corporation, Commonwealth Corporation, Commonwealth Development Company, Commercial Holding Company, Inc., Community Hotel Corporation of Alhambra, Commercial Industrial Loan System, Inc., Commercial Money Corporation, Compania Mecurio de Wadley, Commercial Refrigeration Co., Inc., The, Concord College, Inc., Concord Manor Development Company, Condit Service, Inc., Conroe Corporation, Connor's Dairy Inc., Consolidated Brands, Inc., Consolidated Baking Company, Consumers Coal Co., Constructors Equipment Company, Construction and Finance Corporation, Consumers Farm Corporation, Consolidated Furniture Companies, Consolidated Mining and Milling Company, Consolidated Mortgage Corporation, Construction Materials Corporation, Consolidated Press and Machinery Corporation, Consolidated Press Association, Consumers Supply

PROCLAMATION

Company, Continental Air Conditioning Co. Incorporated, Continental Aircraft Engine Company, Continental Clay Products Corporation, Continental Distillers & Importers Corporation, Continental Mining and Development Co., Continental Products Corporation, Continental Securities Company, Incorporated, Continental Securities and Holding Company, Continental Transportation Corporation, Conways Theatre Ticket Offices, Inc., Cook Book Corporation, The, Cook Baking Company, The, Co-operative Hosiery Sales Co., Cooper Amusements, Inc., Cooney Engineering Company, Corn Belt Land & Investment Company, Corozone Company of America, The, Corona Coal Company, Corbin Door Jamb Corporation, Cordovado Gold Dredging Co., Corporation Representation Company of Delaware, Corporation Security Underwriters, Incorporated, Cortes Corporation, Cosgrove-Meehan Coal Corporation, Cosden Oil Co., Costa and Petersen, Incorporated, Costa Rica Oil Corporation, Country Club Estates, Inc., Cox Baking Co., Inc., The, Coxe and Lloyd Leather Company, Cox Process Corporation, Crandall Realty Company, Crex Carpet Company, Creo-Dipt Corporation, Credit Finance Company, Credit, Incorporated, Creamery Managing and Marketing Company, Credit Service Exchange, Inc., Cronston Company, Inc., The, Cross Investment Company, The, Crown Beverage Company, Crystal Bottling Co., Crystex Corporation, Crownnton Mining Company, Crown Point Gold Mining Company, Crystalene Products Corporation, Crown Printing Company, Cryshold Realty Holdings Corporation, Cuban-American Management Co., Cuban-American Corporation, The, Cue Bag Advertising Service, Inc., Cuban Estates Corporation, Cumberland River Power Company, Curl and Bennett, Inc., Curtis and Brother Company of Pennsylvania, Curtiss Baby Ruth Investments, Inc., Curtiss Gum Company, Curtis J. Cox, Incorporated, Curo Process Company, Custom Construction Company, Inc., Cynchro Electric Manufacturing Co., Custer-Hyantha Gold Mining Company, Inc., Customers Savings Bureau, Inc.

Da Costa Coffee Corporation, D. Di Carlo and Company, Incorporated, Dalton & Fulla, Inc., Dallas Korn-King Service Company, D. M. Hinkle & Company, Inc., D. Miller & Sons, Inc.,

PROCLAMATION

D-V-A-Tor Company of America, Inc., Danville Brewing Company Incorporated, Dan S. Laub Company, David Lupton's Sons Construction Co., Davis Amusement Co., Davis Manufacturing Company, Davis Ponycycle Corporation, Daytona Beach Theatres, Inc., De Camp Consolidated Glass Casket Company, Deepsea Exploration and Salvage Corporation, Dehydrated Foods Corporation, D'Elia Kaufman & Kines, Inc., Del-Mar-Va Grain Company, Delta Orchards Corporation, Delmonico Wine and Liqueur Company, Inc., Delaware Brewing Co., Inc., Delaware Beneficial Association, The, Delaware County Army and Navy Veterans Association, Delaware Hercules Chemical Corporation, Delaware Jewish Mutual Beneficial Association, Delaware Licensees Association, Inc., The, Delaware Manufacturing and Development Company, Delaware Patent Company, Inc., Depositors and Distributors Corporation, De Nu Products Corporation, Desk Equipment Corporation, Detling-Hamilton Company, Detroit Housing Corporation, The, Dew Construction & Development Co., Inc., Dexter & Carpenter, Incorporated, Deverell and Picciotti, Inc., Diesel Light & Power Company, Inc., Diamond Toy Co., District Acceptance Corporation, District Baking Co., Inc., Dixie Curtain Company, Inc., Direct Distributors Incorporated, District Investment Corporation, Discount Purchasing and Liquidating Corporation, Distillers Patents Holding Corporation, Distributing Syndicate, Inc., Dixon Truck Service Company, Inc., Doherty-Brem Company, Dominican Sisal and Development Corporation, Dominican Tobacco Incorporated of Delaware, Dover Credit Bureau, Incorporated, Doralдина, Inc., Dorrc Slate Company, Dormer & Whitney, Inc., Dr. James E. Adkisson Clinic, Inc., Du-Mor Corporation, Duewna Mining Company, Du Ro Asphalt Products Company, Inc., Duffy's Glass Products & Construction Corporation, Dulche Loading Machine Company, Duquesne Beverage Co., Duplex Foundries, Inc., Duplex Heater Company, Duplex Spark Plug Corporation, Durham & Company, Dust Recovery, Inc., Dynamic Balance Co., Dyersburg Cotton Products Company, Dynes Hotel Company, Inc.

Eagle Creek Gas & Electric Corporation, East Coast Corporation, Easton Cooperage Company, The, Eagle Creek Gas and Oil

PROCLAMATION

Company, The, Easton Company, Earl E. Garber & Co., Inc., E. G. Fike & Son, Inc., Earl H. Johnson Coal Company, Eastern Laboratories Corporation, Earth Movers, Inc., Eagle Oil Corporation, Eastern Oklahoma Mortgage & Investment Company, Eastern Oil Corporation, The, E. & R. System, Inc., Eastern States Amusement Company, Eastern Supply Company, The, Easy Stages, Inc., Eastern States Mfg. Co., East Side Tire & Supply Co., E. S. Hughes & Co., Inc., Eastern Torridaire Sales Co., Ebarr Co., The, Economy Coal Company, Economy Hosiery Co., Economy Window Cleaning Company, Inc., Edwin B. Self Incorporated, Edgewood Enterprises, Incorporated, Edwin H. Weil Corporation, Edward Hines Western Pine Company, Eddington Pure Rye Whiskey Distilling Company, Efficiency Realization Corporation, Ltd., Eden Wine Products Company, Ednel Wolf Corporation, Eighth Street Amusement Company, Electric Air-Conditioning Corporation, Electric Carpenter, Inc., Elbert Garage, Incorporated, Electrolytic Iron, Inc., Electric Limestone Company, The, Electronic Research Corporation, Electro-Technical Coatings, Inc., El Triunfo, Inc., Elmwood Farms, Inc., Elliot-Rodgers Company, Elliot Treatment-Western Service, Inc., Englert Brothers Company, Eos Cosmetics, Incorporated, Engineering Development Associates Inc., Equity Investors & Distributors, Inc., Equities Improvement Company, Empire Lab., Inc., Empire Publishing Co., Inc., The, Emery, Peck & Rockwood Development Company, Equitable Sales Corporation, Empire Sheriffs & Police Officers Association, Empro Tile Corporation, Etex Oil Corporation, Essex Publishing Company, Incorporated, The, Evans Corporation of California, The, Everett Industries, Inc., Evansville Operating Corporation, Exchange Royalty Company, Everlasting Sales Company.

F. A. Durrant Advertising Co., Falls & Company, Family Finance Co. of Bethlehem, Fairview Gold Mines, Ltd., F. H. Ayres Agency of America, Inc., F. M. McConihe & Co., F. P. Edwards, Inc., F. Pinet Shoe Company, Inc., Family Security Corporation, F. W. Walter & Sons, Inc., F. & W. Grand-Silver Stores, Inc., Farrell and Clark Inc., Farm Products Chemical Company of America, Farmers Trading Company, Inc., Farmers Union Exchange, Inc.,

PROCLAMATION

Federal Building Realty Corporation, Federal Chemical Co., Federal Land and Livestock Company, Inc., The, Federal Mercantile Company, The, Federal Research Corporation, Federal Securities Company of Texas, Ferrocon-Grid Products Corporation, Ferroid Products Corporation, Fibrone Corporation, Fimanic Corporation, The, Fidelity Gas & Oil Co., Fibel Industries, Incorporated, Filmoid Products Corporation, Fibro Products Company, Fidelity Realty Corporation, Fifth Street Service Station, Inc., Fidelity Securities Trading Corporation, Firner Aircraft Corporation, First Choice Pictures, Inc., Fink's Hotel, Inc., Findon Manufacturing Co., First Montrose Corporation, The, First National Title and Abstract Company, First National Company of Boone, Iowa, First State Brewing Company, First Self Adjustment Brake Co., The, First Utilities Company, Fine Upper Leathers Corporation, Fiske Gold Mining Co., Inc., Flexible Buck Anchor Corporation, Flannery Manufacturing Company, Flexible Record Corporation, Flexo Safety Razor Corporation, Florida Bullfrog and Associated Industries, Inc., Flowerfields, Incorporated, Florenz Land and Building Corporation, Flores Mining Company, Flowery Mines Company, The, Food Securities, Inc., Founders Corporation, The, Ford C. Close Company, Inc., Form Distributing Company, Inc., Forty-Five, Incorporated, Four Hills Gold Mines Company, Inc., Fox Midland Theatre Company, Four and One Club, Ford Restaurant Systems, Inc., Fox Rocky Mountain Theatre Co., Foss-Southmayd, Inc., 4707 Connecticut Avenue Corporation, The, Forrest Theatre Operating Co., Franklin Aircraft Corporation, Frank Bowne Jones Co., Incorporated, Fradel Car Door Corporation, Frankfort Corporation, The, Franklin Commercial Discount Corporation, Franklin House, Inc., Frank Kurlansik, Inc., Francis Kelly & Co., Incorporated, Frank L. Fanning, Incorporated, Fraternal Order of Eagles, No. 2009, Inc., Fraser Patents Company, The, Franklin Realty Company, Incorporated, Frank Sutcliffe Inc., Freeman & Cahn, Inc., Frew Hall, Incorporated, Freeny's, Inc., Fresh-Keeping Package Corporation, Frenklöre Manufacturing Company, Inc., French Sport Shop, Inc., Friedberg's, Inc., Fruit Juice Machine Company, Friends Mutual Association, Fruit Products Co., Inc.

PROCLAMATION

G. B. Emsley, Inc., G. H. Breymann & Bro., Inc., G. M. Gustafson Company, Gause-Beard Plywood Company, Gaulus Corporation, The, Garrett Chevrolet, Inc., Garden State Holding Co., Inc., Gardiana Theatres, Inc., Garbers of Washington, Inc., General American Shares Corporation, Gerardine Corporation, The, General Distilleries, Inc., General Enterprises, Inc., General Hotels Corporation, General Homes & Development Corporation, Gerly, Ltd., George Lunch, Inc., Germantown Loan & Finance Company, General Leather Industries Inc., General Mortgage Co., General Oil Corporation, General Protective Laboratories, Inc., Gery Realty and Building Products Corporation, Georgia Tung Oil Corporation, General Television Corporation, General Water Works and Electric Corporation, George Y. Scoch Co., Gibraltar Casket Company, Gibson-Howell Sales Co., Gillies Lake Porcupine Gold Mines, Incorporated, Gillam Lubricator, Inc., Glenrock Athletic Association, Glassophane Corporation, Glycolite Company, Glenmore Co., Inc., The, Globe Construction Company, Inc., Globe Manganese and Copper Co., Globe Oil Company, Globe Television and Phone Corporation, Globe Welding Company, Inc., The, Gold Bar Holding Corporation, Gold Belt Mines Corporation, Golden Crest Mines, Incorporated, Golf Equipment, Inc., Goldberg & Einhorn, Inc., Gold Mines, Inc., Gold Star Mining Company, Gold Standard Mining Company, Gold Standard Mines of America, Ltd., Gold Seal Electrical Company, Inc., Goodbam, Inc., Goodrich-West Ports Steamship Company, Gorin Construction Company, Incorporated, Graf Enterprises, Inc., Grain Processors Corporation, Graphite Corporation of America, Gray Cab Sales Corporation, Grand National Air Lines, Inc., Granada Oil Company, Greek-American Citizenship Club, Inc., Greenbriar Apartment Company, Great Lakes Flowers & Bulbs, Inc., Green Lamp League, Inc., The, Green Lane Hosiery Company, Great Lakes Detroit Terminal Company, Greater Manhattan Corporation, Green Parrot Coffee Shoppe, Inc., Greyling Realty Corporation, Griffin & Bland Hotel Company, Gruenewald Brewery, Inc., Guggenheim Bros., Inc., Guardian Deposit & Discount Corporation, Guardian Finance and Discount Company, Gustafson Hardware Company, Gulf Mortgage & Development Corporation, The, Guaranteed Mortgage Company, Gulf Products

PROCLAMATION

Corporation, Gulf Shore Corporation, Gurley-Williams Engineering Corporation, The.

Hadley Anthracite Company, H. B. W. Securities Corporation, H. E. Whelan, Inc., H. H. Kahrs—"Cosmos"—Trading Corporation, H. J. Mann & Company, H. L. Carey Company, H. & M. Cash Market, Inc., H. N. D. Parker Mfg. & Pub. Co., The, H. P. Inc., H. Russell Brand Patent Holding Corporation, H. Samuel Leonard, Inc., H. W. Morgan & Sons, Incorporated, Haiti-Caribbean Corporation, Hahn's Cleaners Inc., Hairtona Company, The, Haggerty, Inc., Hahn & Malloy Co., Inc., Hamilton Chemical Company, Inc., Hammond Syndicate Inc., Hancock Beverage Company, Happy Daze, Inc., Hancock Liquid Sulphur Company, Hanford Petroleum Company, Harold C. Heermann Inc., Harlem Merchants Company, Inc., Hare Mfg. Co., Harry E. Gladman, Inc., Harris Electro-Medical Corporation, Harry Mitchell Brewing Company, Harriman Royalty Corporation, Harry Spivack Co., Harrison's South Bend Food Fountains, Inc., Harry Wolf, Inc., Hastings Brothers Company, Inc., Haug Machinery Company, Hazeleton Cooperage Co., Hay and McClure Incorporated, Headley Good Roads Company, Heggie Simplex Boiler Company, Heiser's Delicatessen, Inc., Helgenberg Plumbing, Inc., Helen Wick Investment Company, The, Hepburnite Corporation, Henry's Linen Supply Co., Inc., Henry Price Wright Company, Inc., The, Henry S. Hagert, Incorporated, Hentee Securities Corporation, Herndon Coal Company, Hercules Fibre Company, Hesperia Gold Mining and Dredging Corporation, Hercules Molybdenum Corporation, Herbert Sterilizers, Inc., Higman Express, Inc., Hickory Hill, Inc., High Powered Oil Company of Pa., Inc., High Silica Cement Corporation, The, High Street Store, Inc., Hillside Oil Company, Hirshowitz Brothers, Inc., Historic Films, Incorporated, Hix Royalty Co., Hochreich-Bregman, Inc., Hochreich-Bregman Holding Corporation, Hoche Products Corporation, Hofbrau Breweries, Incorporated, Hoffecker Bros. & Hall Company, Hoffman Coal Company, Inc., Hoffman Chemical Corporation, Hollywood, Inc., Holly Oak Community League, Incorporated, Holland System Breweries, Inc., Holmesburg Golf Club, Inc., Home-wood Amusement Company, Home Bakery Company, The, Hon-

PROCLAMATION

duras Development Association, Inc., Home Heat, Inc., Home Investment Company, Home Makers' Co-operative Association of Philadelphia, Horace G. Rutter, Inc., Horsathon, Inc., The, Horton Sweets Corporation, Hotel Properties Corporation, Hughes Franklin Theatres Company, Ltd., Hultman & Powell Corporation, Hugo W. Newberg, Inc., Hunter Baltimore Rye, Inc., Huntmor Investment Company, Hurricane Lighter, Inc., Hunter National Bonded Warehouses, Inc., Hurst Oil Co., The, Hydrocarbon Chemical Corporation, Hydrauger Corporation, The, Hyman Manufacturing Co., Inc., Hygiene Products Corporation, Imperial Brewery Corporation, Ia Coal Company, Illinois Corporation, The, Ideal Construction Company, Inc., I. C. Wilson Lumber Company, Importation Distributing Corporation, Illinois Die Casting Co., Import & Export Corporation, Ideal Home Construction and Loan Company, Imperial Hosiery Mills, Inc., Improved Industries Corporation, Illinois-Iowa Bridge Company, Ice-Kream-Pak Co., I. Magnin & Co., Inc., Imperial Orchard Company, The, Imperiplas Products, Inc., Imperial Theatres, Inc., Independent Coke & Coal Co., Insurance Credit Club, Independence Colony, A National Membership Association, Ingram & Co., Inner Circle Securities Co., Indiana Eastern Gas Corporation, Industrial Finance Holding & Home Corporation, Income Foundation Distributors of Washington, Inc., Income Foundation Distributors, Inc., Insurance Finance Corporation, Industrialists, Incorporated, Industrial Methods Company, Industrial Milk Processes Corporation, The, Independence Philadelphia Corporation, Industrial Realty Shares, Inc., Indiana Southwestern Gas & Utilities Corporation, Industrial Shares Inc., Industrial Traffic Association, Insulated Top Company, Industrial X-Ray Laboratories, Inc., Inter-American Air Transport Inc., International Beverages Corporation, International Brewing Company, International Battery Corporation, International Bureau of Resorts and Travel, Inc., Interocean Commerce Corporation, Interdependent Credit Corporation, International Cafe, Inc., International Cutlery, Corporation, International Cutting Die Manufacturers Association, Interstate Engineers & Contractors, Inc., International Food Products, Inc., International Fireproof Products Corporation, International Forest Products Incorporated, International Hydrocarbon Corporation, In-

PROCLAMATION

terstate Investors Incorporated, International Knitting Mills, Inc., Intermountain Laboratories, Inc., International Laboratories, Inc., International Liquid Coffee Company, Interstate Mortgage and Discount Company, Inc., Inventors Manufacturing Corporation, Investors National Counsel Co., International Opera Company, International Police Foundation, Inc., Investigation & Research Corporation, Interstate Reporting Bureau, Inc., Interstate Retail Beverage Corporation, The, Internal Revenue Tax and Audit Service, Inc., Investors Sales and Service, Inc., Invincible Shock Absorber Corporation, International Turbine Corporation, Investors Trading Corporation, Investors Underwriting Corporation, Irvin Cobb Hotel Company, Isaac D. Hunt, Inc., Island Fisheries Association, Ltd., The, Iowa-Minnesota Public Service Company, Italian Marble Mosaic Co., Iowa-Wisconsin Bridge Company.

J. A. Andrew Co., Inc., J. B. Sheppard Supply Co., Jard Container Corporation, J. D. Evans Engineering Corporation, Jacob Daniels, Inc., James D. Stroud, Inc., J. D. Hollingshead Company, The, J. E. Eckstein Corporation, J. E. Lauer, Inc., James Haggarty, Inc., J. H. Kim Co., Jacques, Inc., James J. Cardiff Silk Company, J. and J. N. Harman Company, J. K. Sharp, Inc., Jacket Library, Inc., The, J. Laurance Banks, Incorporated, J. M. Grier Company, Jamaica Mining Company, Inc., Jacques Manufacturing Corporation, Jamestown Mortgage Corporation, Jackson Oil Company, Jackson Personal Thrift Service, Inc., J. R. Brossard & Company, Inc., J. R. Ackerman Corporation, J. T. Williams Company, James Thacher Productions, Inc., Jennings Associates, Inc., Jim Butler Tonopah Mining Company, Jennings & Company, Jis Corporation, Jensen's Cafe, Inc., Jefferson Corporation, Jersey Colloidal Company, Jeunesse D'or, Inc., Jean, Inc., Jenkintown Motors, Inc., Jenkins Steamship Company, The, Jersey Winchester Corporation, John Dew Industries, Inc., John Graf Brewing Company, John M. Duff, Jr., Inc., Jolly Manufacturing Company, John P. Seery, Inc., John P. F. White Construction Company, John S. Holden Co., Joal Securities Co., Inc., Joseph A. Gartner, Inc., Jordan's Inc., Joseph M. O'Connor, Inc., Joyce-Moore Social Club, Inc., Joseph Sidewater, Inc., Justice Credit Corporation, Julian J. Chisolm Inc.

PROCLAMATION

K. A. Blending Company, Inc., Kale Corporation, K. Dorfman, Inc., K. F. H. Investment Corporation, K. H. Simmons Corporation, Kallman & Morris Evening Dresses, Inc., Kantos Corporation, Kauffman Co., Kansas & Eastern Gas Corporation, Kaufman's Fur Shop, Inc., Karsmile, Inc., Kegs Corporation of America, Keit-Engel, Inc., Kehrer Motor Company, Kellogg-Dils Inc., Kengreen Gas Utilities Corporation, Kentucky Hydro Electric Company, Kentucky Products Company, Kentucky Pennsylvania Oil & Gas Corporation, Kentucky Tex Oil Corporation, Keystone Gravel Company, Kettleman Hills Corporation, Keystone Heating & Equipment Corporation, Keystone Jersey Corporation, Keystone Manufacturing & Sales Co., Keylock Petroleum Co., Keystone Transportation Co., Inc., Kiel Corporation, The, Kim's, Inc., Kidd Products Corporation, Kingsberg Corporation, The, Kinematic Corporation of America, Kingsbury Commercial Company, Kismet Mines, Incorporated, King & Queen Holding Corporation, King & Queen Sales Corporation, Klegan Coal Co., Inc., Knut-Kola Corporation, Knoeppel & Minor, Incorporated, Kohler Aviation Corporation, Korn-King Service Company, Krupot Gold Mines Corporation, Kulp Coal Company, Kuhnsville Hotel, Inc., Kwick Manufacturing Company, Ky Oil & Gas Development Corporation, Kulair Products Corporation, Kuhn Pressure Motors, Inc.

Lacette Company, The, Lab Electric Company, Laclede Gas and Electric Company, L. & H. Transportation Co., L. L. Harr & Company, Incorporated, Lacma Laboratories, Inc., Lacer Manufacturing Company, Inc., L. M. Decker Co., Laboratory Products, Inc., Laird Products Company, Inc., Labor Products & Ice Company, Labette Petroleum Company, La Rue Chemical Co. Inc., La Salle Bottling Company, La Trinidad Mining Company, La-Tokas Company, Lambros Continental Gardens, Inc., Lambda House Corporation, Landis Analysis Corporation, Landis Press, Inc., The, Lancaster Royalties, Inc., Larry's Apparel Co., Lansdowne Corporation, Laredo Hotel Company, Lash & Black, Inc., Lau Motor Company, Inc., Layne-Bowler Chicago Company, Lawyers' Charter Service Company, Lawrence Martoia Inc., Layton and Owens Manufacturing Company, Lawrence Regan and Company, Le Roi Cinnabar

PROCLAMATION

Mines, Incorporated, Leader Tobacco Company, Limited, The, Ledyard Heckscher & Company, Leechburg Lead & Zinc Mining Company, Lehr Brothers, Incorporated, Legal Clearance Corporation, Lehigh Distributing Company, Inc., Legal Incorporating Co., Inc., Lenape Oil Company, Lemae Petroleum Corporation, Lewiston-Auburn Personal Thrift Service, Inc., Lewis C. Frank Corporation, Lewis-Kite-Walter Company, Lewis Oil Corporation, Liberty Brace-Belt, Incorporated, Lichtin's Pharmacy, Inc., Lightnin' Tacker Company, Light Weight Noiseless Electric Street Car Company, Lincoln Development Corporation, Liner Holding Company, Inc., Lincoln Pleasure Park, Inc., Liquidating Corporation of America, Lite Corporation of America, Lippincott & Co., Incorporated, Little Food Fair, Inc., Lipschultz Finance Corporation, The, Lirames, Inc., Littodd Mining & Smelting Company of America, The, Lititz Motor Sales, Inc., Llano Oil and Development Company, Inc., Loeb Department Store Company, The, Loeber-Gossard Shop, Inc., Loew's Ohio Theatres, Inc., Loop Coal and Dock Company, Longfellow Leasing Company, Inc., Loncashire Realty Company, Long Vein Gold Mining Corporation, Louisiana Coastal Lands, Inc., Loughborough Development Corporation, Louisville Gas Royalties, Incorporated, Louise Manufacturing Company, Louisville Seed Company, Lou-Val Company, Inc., Loxscreen Company, Inc., Luger-Buur Furniture Company, Luminus Color Corporation, Lulu Mining Corporation, Lum-Ray Manufacturing Company, Lupton Steel Equipment Corporation, Lyon Development Company, Inc.

M. & G. Stores, Inc., M. G. Moshithes Land Co., Inc., M. H. Brennan Co., Inc., Macklee Investments, Inc., M. J. Corporation, M. Otlin, Inc., M. P. Lamoureux Motor Co., Machinery Pipe & Supply Co., Mahood Corporation, Majestic Distributors Inc., Maison's Inc., Maier Pipe Company, Maison Rue, Inc., Manufacturers' Agents, Incorporated, Mandale Coal Company, Manstyle Clothes, Inc., Manchester Damp Wash Laundry Co., Manufacturers Finance & Mortgage Loan Corporation, Man-Jack Land & Building Corporation, Manayunk Merchandising, Inc., Manselli Safety Helicopter Corporation, Marge Corporation, The, Marion Coal Company, Mariposa Company, The, Marathon Exhibition Company,

PROCLAMATION

Marie Hailstone O'Connell, Inc., Marion Realty Company, Maria Santissima del Carmine Italian Catholic Mutual, Beneficial Society, Margaret Withers Shop of Washington, Inc., The, Margaret Withers Shops, Incorporated, Marketing Associates, Inc., Markham & Company, Inc., Marshall Fuel & Iron Corporation, Marshall Flour Mills Company, Marshall-Matheson Company, Martin Aeroplane Corporation, Maryland Furniture Co., Inc., Martine Haubret, Inc., Mason Credit Company, Masoneal Gasoline Co., Mas Royalties Corporation, Masonic Star Publishing Corporation, Mastertype Corporation, Mass Production Corporation, Mata-Hari, Incorporated, Maxso Company, The, Mavin Corporation, The, May Development Corporation, Mautal Mines, Inc., Matzka Products Corporation of Delaware, Maurat Realty Company, May Radio and Television Corporation, Maytham Steamship Company, The, Medical Arts Drug Company, Mechanics Association, Incorporated, Medway Corporation, Mechanical Devices Corporation, Medicinal Dispensing Corporation, Mechanical Dispensers, Incorporated, Medow, Inc., Meletis Manufacturing Co., Melsons Sanitary Stores, Inc., Memphis Mines, Inc., Merdel Beverage Company, Inc., Merchants Foundation, Inc., Mercantile Mortgage and Discount Company, Inc., Meramec Portland Cement & Material Company, Merton and Company, Merrimac Coaster Company, Messrs. Daniels & Co., Inc., Messinger's Merchants Lunch Rooms, Inc., Merrittstown Social Club, Metropolitan Brewers, Inc., Metropolitan Credit and Discount Corporation, Metropolitan Chain Stores, Inc., Metals Equities Management Corporation, Metal-Maide Corporation, The, Metallurgical Process Corporation, Metals Powder Co., Inc., Metropolitan Truckers Assoc., Inc., Meter Washing Machine Company, Mexican Autorefrigeration Corporation, Mexican Engineering Corporation, Mexican Mining Company, Midwest Debentures, Inc., Midland Engineering Corporation, Midland Interstate Corporation, Midland Materials Company, Middletown Sales and Service Company, Midland Steamship Corporation, Middle States Public Service Company, Midwesco Theatres, Inc., Midwest Theatres, Inc., Mid-West Railway Supply Company, Mid Western Battery Co., The, Mid-West Monarch Corporation, Milk & Ice Cream Dealers Association of Greater Pittsburgh, Military Outlet Corporation, Miller,

PROCLAMATION

Coke & West Corporation, Mills Electrolien Corporation, Miller Lock & Safe Co., Miller Pork Products, Inc., Miller's Quaker City Trucking Company, Milwaukee Brewing Company, Milton Cemetery Improvement Company, The, Milton Shirt Co., Miquelon Automotive Products, Inc., Minnesota Carbon Black Company, Minwa Corporation, The, Mineral Crystals Corporation, Minquadale Fire Co. Inc., Minnetonka Holding Company, Mines & Metals Corporation, Minute Make-Up Co., Inc., Mineral Products Manufacturing Company, Miracle Refining Company, Inc., Mississippi Gas Company, Miss-Lou-Ala Development Co., Missionary and Relief Workers Association, Mississippi Valley Utilities Corporation, Modern Associates, Incorporated, Modernice Corporation of America, Modoc Gold Mines (Inc.), Modern Investment Company, Model Market, Inc., Mod-Urn Coffee Service, Inc., Montague Construction Corporation, Monterey Inn Company, Monbar Inc., Monumental Perfect Brew Company, Monju Realty Corporation, Moorehead Mines, Inc., Moody Third Corporation, Morgan Mining Company, Inc., Morris Sales Company, Morris-Yost Welding Corporation, Mortgage Company of America, Mortgage Company of Pennsylvania, The, Mort Farr, Inc., Mortgage Finance Company of Baltimore, The, Motion Picture Foundation of the United States of America, Inc., Motor Service Garage Company, Moto-Vita Corporation, Mountain Corporation, The, Mt. Lebanon Brick and Supply Company, Mt. Ophir Mining Company, Mountain Park and Amusement Company, Mount Pleasant Brewing Co., Mountain Ridge Mining Company, Mountain States Credit Corporation, Mount Vernon-Woodberry Cotton Duck Co., Mount Zion Cemetery Association, The, Mrs. E. M. Edwards Co., Inc., Munsch Laboratories, Inc., Munlock Toy Company, Myersdale Coal & Coke Corporation, Mutual Housing Company, Inc., Mutual Profit Corporation of America, The, Mutual Protective Society of America, Mutual Products Company, McCoid-Armstrong, Inc., McCaughey Bros. Inc., McClatchy Bateman Company, McClafferty Engineering Company, The, McChesney Gold Mines, Inc., McDonald Steel Erecting Company, Inc., McElroy Oil Corporation, McElwee Printing Company, Inc., McFall Financing Corporation, McGuckin-

PROCLAMATION

Clark Publishing Company, McKeesport Manufacturing Chemists, Inc., McLean Publishing Company.

N. B. White, Inc., Narrative Publishers, Inc., Nanticoke Tribe, No. 21 Improved Order of Red Men, Incorporation, Nash Products Co., Natural Cheese Corporation, Natural Food Company, The, Natural Gas Conservation Company, Natural Hard Metals Corporation, Navajo Indian Blanket Corporation, Nationwide News, Inc., Nevada Pacific Ranches, Inc., National Address Plate Company, Inc., National Association of Retail Beverage Dealers, National Association of Boat Builders and Repairers, Inc., National Business Enterprise Association, National Breweries Securities Association, Inc., National Bond Deposit Machines Syndicate, National Breweries Enterprises, Inc., National Christian Society, National Cast Stone Products Corporation, National Comfort Company, Inc., National Chiropractic College, Inc., National Clay Products Company, National Dress Stores, Inc., National Distributing Company, National Facade Corporation, National Finance Loan Service Corporation, National Fil-I-Ment Glare Eliminator Corporation, National Fibre Corporation, National Fibre Box Company of Pennsylvania, National Fibre Products, Inc., National Home Aid Society, Inc., National Investors Management Board, Inc., National Institute Eng., Incorporated, National Investment Securities Company, National Loan & Guaranty Co., Inc., National Leather Goods Co., Inc., National Neon Lights, Inc., U. S. A., National Offices Corporation, National Organizers of America, Inc., National Oil and Mining Company, National Pure Water Corporation, National Retail Counsellors, Inc., National Restaurant Institute, Inc., National Radio Advertising Corporation, National Sales System, Inc., National Small Loan Service, Incorporated, National Standard Gold Mines, Ltd., National Sound Studios, Inc., National Steam Barge Lines Corporation, National Stave Corporation, National Service Stations, Inc., National Service Advertising Company, National Service Publishing Company, National Trade Council, Incorporated, National Telepost Company, Inc., National Towel Vendors, Ltd., National Vehicle Advertising Corporation, National Vitamin Corporation, Neal's Food Mart, Inc., Nedick's

PROCLAMATION

Corporation, Neil Manufacturing Company, Incorporated, The, Neovita Company, Inc., Nevada-Mexico Mining Corporation, Nevin Van Lines, Inc., New Centrifugal Threshing Machine Company, The, New Deal Sales Corporation, New Deal Valet Service Co., The, New Era Tool and Manufacturing Company of Philadelphia, New England Galleries, Inc., New England Brewing Company, New Era Holding Company, The, New Era Freezer Corporation, New Era Products Company, New Laundry Company, Inc., New Lake Mokoma Company, Newfoundland-Labrador Film Company, Inc., Newman Lake House, Inc., New Process Water Corporation, The, Newdeal Syndicate, Inc., News Transatlantica, Inc., The, New Tex Brewing Company, New York Cloak Shop, Inc., New York and Gulf States Line, Inc., New York Penn Oil & Gas Company, Inc., New York Transportation Company, New York Weekly, Inc., New York & Western Airlines, Inc., Nicollet Hospitals, Incorporated, The, Nifty-Jiffy Corporation, Nile Restaurant, Inc., Noblok-Cabinet Company, Nobis Cafeteria, Incorporated, Noah MacDowell & Co., Inc., Norris Coal Co., Normanwood Corporation, The, Normandy Company, The, Norma Hosiery Shoppe, Inc., The, Northwest Amusement Company, Inc., North American Investors Company, North American Shipping & Mortgage Co., Inc., North American Finance & Investment Company, North American Mutual Life Insurance Company, North American Commerce Company, North City Drug, Inc., Northwest Company, The, North Central Corporation, Northeast Department Store Inc., Norwood Equipment Corporation, North Jersey Aeroland Corporation, Northern Kentucky Telephone Company, Inc., Northwest Radio Show, Inc., North Star State Hotel Company, Northern States Realty Corporation, Norva Steamship Company, Northwest Theatre Circuit, Inc., Nuway Corporation of America, Nu-Deal Beverage Company, Nu-Surface Products Company, Nu-Tread, Inc.

Oakland Amusement Corporation, Oakland Farms, Inc., O. W. H. Industries, Incorporated, O-Zoine Medical Co., Inc., The, Oceanic Salvage Corporation, Oilwater Burner Company, Oil & Gas Royalties, Inc., Ohio Investors, Inc., Oil Service Company of Washington, D. C., Okaw Stove & Enameling Co., Oil Well Flow-

PROCLAMATION

Meter Corporation, Oliver American Trading Company, Inc., The, Old Colonial Benefit Association, The, Old Colony Wine Company, Inc., Old Germania Brewing Co., Old Guard Lubricants, Inc., of Philadelphia, Old Maryland Rye Corporation, Old Port Brewing Corporation, Omega Upsilon Phi Fraternity, Incorporated, Orion Company, Orient Importing Co., Inc., Ore Roasting Development Company, Oscar Green & Co., Owens Aircraft, Inc., Ozark Development Company.

Pacific Banana Corporation of Costa Rica, P. C. Holter and Co., Inc., Pacific Deep Sea Fishing Corporation, Paducah Electric Company, P. La Boccetta & Sons, Inc., Paducha Ohio River Bridge Company, P. Prodromou Company, Pack Shops, Inc., Paint Products Corporation, Pan American Wine & Liquor Importing Company, Panama Associated Industries, Incorporated, Pan-American Utilities & Mining Corporation, Pan-American Exploration Company, Pan-American Transportation Company, Pappas Bros & Co., Pan-Harmonic Corporation, Palace of India, Inc., Parma Corporation, Parlin Industries, Inc., Paragon Operating Company, Paragon Royalty Corporation, Patterson Engineering Company, Inc., Patapsco Finance & Investment Company, Patoka Holding Corporation, Paul Jones Contracting Corporation, Pecan Corporation of America, Peerless Dress Company, The, Peco Manufacturing Corporation, Pearsons-Taft Company, Pearl Valley Oil & Gas Company, Pelton Products, Inc., Peirce Securities Company, Peirce-Smith Converter Company, Penn Aid Society, Inc., Penn-Butler Hotel Company, Penn-Champ Oil Corporation, Pennsylvania Democrat, Inc., Pencharz Export Corporation, Penn General Securities Company, Pennsylvania Investment Holdings, Inc., Pennsylvania Lime Company, Pennsylvania Motor Freight Lines, Inc., Pennsylvania National Detective Agency, Inc., The, Penn Propeller Company, Pennsylvania Producing & Royalty Corporation, Penn Petroleum Company, Penn-Rye Distillery Company, Penn-Seaboard Corporation, Penn Thrift Corporation, Penn Valley Lumber Distributing Corporation, Penn Wheeling Coal Corporation, Penn Wayne Oil & Gas Corporation, Penn York Distilleries, Inc., Persian-American Trading Corporation, Personal Finance Company of Augusta,

PROCLAMATION

Maine, Personal Finance Company of Claremont, Personal Finance Company of Kenosha, Personal Finance Company of Matamoras, Personal Holding Corporation, Peoples Investment Company, Peoples Motor Service, Inc., Perpetual Management Corporation, Peoples Oil & Gas Company, Perfection Products Co., Percy P. Trump, Jr., Inc., Personal Rating Service, Inc., The, Perlman & Rogal Co., Perco-Steril Machine Corporation, Petrolier, Inc., Pflug, Inc., Petebrook Investment Corporation, Petrilli Motor Corporation, The, Peter Penrose Inc., Peter Schemm & Son's Brewing Company, Petroleum Technical Associates, Inc., Philadelphia Bus Terminal Inc., Philadelphia Creamery Products, Inc., Philadelphia Garage Company, Philadelphia Insurance Brokerage Corporation, Phillips-Jones Employees' Investment Corporation, Philadelphia Legion Convention Corporation, Phoenix Oil Engineering Company, Philadelphia Optical Institute, Inc., Photometric Products Corporation of America, Phillips-Perryman Co., Inc., Philadelphia Petroleum Company, Photo Process Corporation, Physicians & Surgeons Exchange Accounting, Inc., Philadelphia Steam Heating Company, Phi Theta Sigma, Inc., Philadelphia Union Bus Terminal, Inc., Pickard Corporation, Pictures Holdings Company, Inc., Pilot Chemical Corporation, Piper, Drake & Schumacher, Inc., Pioneer Gas and Illuminating Company, Pines Hotel Company, The, Pioneer Industries, Inc., Pineora Pecan Growers, Inc., Pittston Beverage Company, Pittsburgh Beverage Company, Pitman Institute, Inc., Pittsburgh-McAlester Coal Company, The, Playland Athletic Club, Inc., Placer Gold Producers Corporation, Play-Goers' League, Incorporated, The, Planet Oil Company, Pleasant Pastime Company, Inc., Plymouth Patent Development Corporation, Plymouth Rock Gold Mines Company, Polygraphic Company of Washington, Pollock Oil Company, Popular Education, Inc., Port Orford Cedar Products Company, Portable Power Tool Corporation, Porphyry Reserve Copper Co., Potsdam Brewing Corporation, Poston Clay Veneering, Inc., Power Development Corporation, Powdered Fruit Juice Products, Inc., Potomac River Corporation, Powermor Utilities Corporation, Prairie du Chien Bridge Company, Pre Cote Corporation of Kentucky, President Corporation, President Hotel Corporation, Premier Mushroom Company, Producers Coke Company,

PROCLAMATION

Progressive Development Company, Producing Engineers Corporation, Pryor Engineering Corporation, The, Provident Hotel Corporation, Prime Knitting Mills, Inc., Provident Mortgage Corporation, Professional Oil Company, Profit Sharing Sales Corporation, Prosperity Thrift Corporation, Pro-Tex-U Mutual Casualty Co., Progressive Winding Company, Inc., Purety Beverage Company, Puritan Chemical and Solvents Corporation, Publix Enterprises, Inc., Publix-Fitzpatrick-McElroy Inc., Public Interest Corporation, Publix-Kansas Inc., Publix-Kentucky Inc., Pyramid Lighter Co., Puritan Laundry Company, Inc., Publix Netoco Portland Corporation, Pure Paint Manufacturing Company, Puraqua Products and Ice Company, Public Service Ice Corporation, Public Service Gas Corporation, Purity Supply Co., Public Service Corporation of Nebraska, Public Service Equities Company, Publix Westfield Theatres, Inc.

Quality Desserts Corporation, Quality Food Markets, Inc., Quaker Neon Sign Company Inc., Quintette Realty Company, Queen Underwear Company.

Radio Animated Merchandising, Inc., Rademacher Corporation, The, Rackarock Drilling Co., R. D. Arveson, Inc., Radio Electric Service Company, Inc., R. E. Wilsey & Company, R. H. Steward Sanatorium Company, Raiment, Inc., Radiopolis, Inc., R. L. Rankin, Inc., Radio Mineral Locating Company, R. McAllister, Inc., R. P. Whitty Company, Inc., Radio Real Estate Exchange Corporation, Radio Television Industries Corporation, Radio Talking Pictures Corporation, Rana Investment Company, Rand Peach Company, Rancho Rea Co., Rassman Brewing Company, Incorporated, Rawmer Corporation, The, Raymond Construction Company, Ray & Davidson, Inc., Ray D. Lillibridge, Incorporated, Raritan Engineering Co., Inc., Ray Long & Richard R. Smith, Inc., Red Boy, Inc., Redhammer & Bomboy, Inc., Recreation Bowling Company Inc., Reading Chemical Company, Red Comet News Corporation, Realty Corporation, The, Real Estate Management Company, Refrigerating Equipment Company, Real Estate Trust Company, The,

PROCLAMATION

Real Estate Sales Company, Recovery Finance Corporation, Reduction Furnaces, Inc., Reading Mutual Fire Insurance Company, Re-New It Cutter Co., Realty Owners Service Inc., Red Oak Airport Corporation, Refinery Products Distributing Co., Republican Association of Roxborough, The, Republic Bancorporation, Rehabilitation Corporation, The, Regnaw Corporation, Regent 5 Cent & 10 Cent Lunchrooms Inc., Regina Gas Company, Reliance Industrial Bankers, Inc., Remington Machine Company, Reliance Oil Company, Reg Reb Company, Regal Restaurant Corporation, Regent Realty Company, The, Renraw Realty Company, Reliance Tailoring Company, Reliable Tire Company, Inc., Rhodes Alkali & Chemical Corporation, Rhodes Corporation, Retailing Executives, Incorporated, Retailers Mutual Fund, Inc., Restaurant Owners Commissary. Inc., Richard Furniture Co., Richmond Hammered Ring Company, Ricardo Mines, Inc., Ride-O-Graph Corporation, Riedel & Sons Mfg. Co., Rio de Oro Placer Company, Rio Grande Properties Company, Rio Yaqui Produce Company, Rittenhouse Drug Products, Inc., River Excursion Company, The, Ritzi, Inc., Riviera Wine Company, Roaken Corporation, The, Robelle Investment Co., The, Robert Raymond Company, The, Robert Welch Corporation, The, Rock City Oil & Gas Co., Inc., Rockmar, Inc., Rockland Products Corporation, Romano Bros. Antique Reproduction, Inc., Rogers Furniture Company, Rodgers Investment Co., Inc., Roge Laboratories, Inc., Rodgers Motor Co., Rodgers Utilities Corporation, Roseland Amusement Company, Inc., Rosen Brothers, Inc., Roosevelt City Annex, Inc., Roosevelt City Heights, Inc., Roosevelt City Manor, Inc., Roslyn Concrete Products Co., Inc., Roosevelt-Garner Club of Clifton Heights, Pa., Inc., Roosevelt Gold Mines Limited, Rossco Sales and Service, Incorporated, The, Rotoserve Corporation, Rothstein-Goldstein Co., Inc., The, Rotoray Sign Corporation, Royland Corporation, Royce Corporation, Royalty Engineers, Inc., Roy I. Carter Drilling Company, Rowe Institute Inc., Royal Linen Products & By-Products Corporation, Roydon Products Company, Royal Sisters Inc., Rulite, Incorporated, Ruggles-Jackson Co., The, Rudemar Products Corporation, Russell Island Land Company, Russell Maguire & Co., Russell Oil Company.

PROCLAMATION

S. & C. Specialty Company, The, S. M. Biron & Sons, Inc., Safety-Plate Corporation of Pennsylvania, S. R. Stronge Inc., S S and H Oil Company, Safety Sash Corporation of America, The, S. W. Straus & Co., Inc., St. James Corporation, The, Salvatore Cantera & Son, Inc., Salisbury Distributors, Inc., Sally Frocks Inc., Salvage Investment Corporation, Samuel Lakin Company, Samet Laboratories, Inc., Salzer Oil Corporation, Samuel Story & Son, Incorporated, Sandy Creek Oil & Gas Co., Sanitary Disposal Corporation, Santa Dorotea Estates, Inc., Sanitary and Heating Publishing Corporation, San Jude Mining Corporation, San Joaquin Finance Corporation, Sanitary Plumbing and Heating Co., Inc., Sanitary Research Bureau, Inc., Sanitary Service Corporation, Satisfaction Products, Inc., Savannah & Atlanta Railway Company, Savonal Corporation, Savoy Engineering Corporation, Save-the-Odd-Cents System, Inc., Schaffhauser Brewing Corporation, Schatz-Brau Brewing Company, Schiaparelli, Inc., Schillers, Inc., Schmidt Brewing Company, Schuylkill Beverage Co., Schuylkill Carbon Beverage Company, Scranton Airways, Inc., Seaess Corporation, Seaboard Discount Corporation, Security Discount Corporation, Security Ice and Cold Storage Corporation, Seaboard Mortgage Company of Baltimore, Seaboard National Health Foundation, Ltd., Sea-Resistant Cement, Inc., Securities & Realty Management Corporation, Selector Corporation, Seidel's Drug Stores, Incorporated, Selden Electric Indicator Corporation, Seminole Mortgage Loan Corporation, Seiders-Mather Corporation, Selden Steam Generator Corporation, Selected Securities Corporation, Sensibar Transportation Company, Sesler-Rush, Inc., Sewage Treatment Corporation, Shanghai Commercial Services, Inc., Shanghai Express Company, Inc., U. S. A., Shamokin Mining and Developing Corporation, Shafter Oil Company, Shamokin Produce Company, Inc., Shanghai Spectator, Inc., Shasta Coal Company, Shawnee Credit Corporation, Shaw Systems, Inc., Shasta View Gold Mines Corporation, Sheppard Import, Inc., Sherman Shoe Stores, Inc., Shirley Oil & Development Co., Shook Tire Stores, Incorporated, Silverbrook Coal Supply Co., Silver Dollar Tavern, Inc., Sigmund's, Inc., Silvers, Inc., Sierra Madre Gold-Silver Mining Company, Sidewinder Mining Corporation, Silvey Oil Corporation, Silox Pure Water

PROCLAMATION

Company of Philadelphia, Siegel's Realty Corporation, Simon and Co., Skouras Bros. Enterprises, Inc., Skateon, Inc., Sisk Pharmacal Co., The, Sixteenth Street Terrace Development Corporation, Slutzkin Yarn Company, Small Oil & Pipe Line Co., Smith Amusements Incorporated, Smith & Strevig, Inc., Snyder Company of Phila., Inc., The, Socarnat Corporation, Sodasan Company, The, Sofis Catering Co., Soap Products, Ltd., Societe Suisse de Valeurs et de Portefeuille Co., Sonery Company, The, Soronow Furniture Manufacturing Co., Ltd., Southern Amusement Corporation, Southwest Bondholders Corporation, Southern Building Investment Company, Southern California Gold Mines, Inc., Soyex Company, Inc., Southern Enterprises, Inc., South Eastern Development Corporation, Southwest Gas Utilities Corporation, Southeastern Industrial Loan Corporation, South Plaza Corporation, Southern States Loan & Savings Co., Southern Securities Corporation of Washington, D. C., Southern Textile Corporation, Southern United Hotels Corporation, Southern Well Drilling Co., Speedway Sports Corporation, Space-Saving Furniture Corporation, Sportflight Aircraft Corporation, Spot Diner, Inc., The, Spool-O-Wire Fastener Corporation, Spic & Span Cleaners Inc., Spinning Wheel Publishing Company, The, Spuncrete (North China) Limited, Spruce Scranton, Inc., Spring Street Properties, Inc., Spring Valley Club, Stack & Company, Stacey-Trent Company, The, Stambaugh Construction Company, The, Standard Combustion Corporation, Standard Controls, Inc., Standard Dairy Products, Inc., Standard Electric Equipment Corporation, Standard Food Products, Inc., Standard Floor Company, Stanfield Gold Mines, Inc., Standard Group, Inc., Standard Painting & Contracting Co., Stanley Plumbing & Heating Co., Stanley Patents Corporation, Standard Piping and Fitting Company, Standard Road Marker Company, Standard Rock Asphalt Corporation, Standard System Investment Company, Standard Trading Co., State Brewing Co., Inc., Star Confectionery House Inc., Stape's, Inc., Statewide Security Corporation, Statewide Theatres Corporation, Sterling Beverage, Inc., Stetson-Blackman Corporation, The, Sterling Brewing Company, Stein & Company, Sterling Distributing Company, Inc., Steel Furniture Manufacturing Company, Sterling Ink Co., Stencil Research Institute, Inc., Stephen R. Jones,

PROCLAMATION

Inc., Steamship Washington Irving Corporation, Stover Co., Inc., Stonwell Gold Recovery Corporation, Stone's, Inc., Stone, Tile & Lumber Co., Inc., Strauss Light Corporation, Straus Management Corporation, Strange Printing Company (Incorporated), Structural Products Corporation, Sturmack Company, Inc., Studio D'art, Inc., Sturges-Morse, Ltd., Styltone Mens Shop, Inc., The, Suburban Oil Company, Superior Amusement Corporation, Superior Chemical Company, Inc., Supertint Corporation, Superoil Company, The, Sun Engineering, Inc., Superior Finance & Securities Corporation, Summers-Gardner, Inc., Sun Garden Canning Co., Superior Incinerator Company of Texas, Superior Investment Company, Supreme Loan Company, Summit Oil and Gas Company, Supreme Office and Window Cleaning Company, Sunbeam Oil & Gas Company, Super Pictures, Inc., Sun Ray Silk Mills Corporation, Superior Sales Corporation, Suzette Shoppe, Incorporated, Sulphur Vapor Bath Company, Superior Waste Disposal Company, Syndicated Enterprises, Inc., Swartz & Funston, Inc., Swinger's, Inc.

T. M. Smitham, Inc., Tagiti Bay Lumber Company, Tavern Equipment, Inc., Tamarack Gold Mines, Ltd., Tamaqua Holding Corporation, Talisman Pictures, Inc., Targan Sheet Metal Works, Inc., Taylor & Watson, Incorporated, Television and Associated Industries, Inc., Tenney-Conrad, Incorporated, Texart Corporation, Texas Development Company, Technical Development Corporation, Testing Engineers, Inc., Terry Export Lumber Company, Texhoma Gin Company, Texacal, Inc., Texacala Mining Company, Tennessee Neon Company, Tenants Service, Inc., Tenth Street Corporation, Textile Service Corporation, Telegraph and Telephone Age, Inc., Tennessee Valley Properties, Inc., Third and Brady Streets Corporation, Theatre Display Corporation, Tharmit Fabrics Inc., Theatregoers and Producers, Inc., Three Centuries Distillers, Inc., Thomas Holding Company, Thomas J. Regan Co., Thos. L. Blackwood Co., Thunderbolt Oil & Gas Company, Inc., Thompson Plumbing & Heating Co., Inc., Thomas Productions, Ltd., Thru-Service, Inc., Threemor Sales Corporation, Timothy Club, Inc., Tom Ayob Co., Tomato Buyers, Incorporated, Toledo Beach Caroussel Company, The, Toltec Corporation, The, Toronto Apartment Com-

PROCLAMATION

pany, Topkis Manufacturing Corporation, Trans-Europa Corporation, Transatlantic Financial Corporation, Trailershops, Inc., Traveling Library, Inc., The, Traveling Markets, Incorporated, Tri-Pie Corporation, The, Trans-State Corporation, Tri State Consolidated Telephone Company, Triplex Safety Glass Company of Philadelphia, Travawell Tours, Inc., Trau & Trau, Inc., Trustees System Discount Company of Chicago, Tularosa Basin Gas & Oil Co., Inc., Tung Oil Company of the United States, Tulsa Rolling Mills Company, Tumble Snuffer Company, Twin City Rubber Tire Company, Twenty-first Ward Prosperity Association, 2124 I Street, Incorporated.

U. S. Consolidated Paint & Varnish Corporation, U. S. Munitions Manufacturing Corporation, U. S. Foot Tricycle Corporation, U. S. Tung Oil Co., U. S. Treasury Mines Company, Universal Air Conditioning, Ltd., Universal Air Power Electric Corporation, Universal Breweries, Inc., University City Syndicate, Inc., Ltd., Universal Gas Corporation, Universal Home Specialties, Inc., The, Universal Home-Hospital and Temple, Inc., Universal Marine Aircraft, Inc., Universal Metal Sections Company, The, Universal Radio Corporation, Unity Sales Company, Universal Strander Corporation, Unity Service Company, Uncle Willie's Tire Stores, Inc., Union Auto Sales Company, United Agency, Inc., United Alloy Corporation, United Air Industries, Inc., United Brewing & Sales Corporation, United Building Service, Inc., United Bond and Mortgage Company, United Distillers Importers, Inc., United Finance Company, Union Gulf Line Steamship Corporation, Union Gas, Light and Power Company, United Industrial Bankers Incorporated, United Laundries of Florida, Inc., Union Oil Corporation, United Petroleum Engineering Company, United Premium Supply Co., United Producers, Inc., United Plywood Sales Corporation, Union Realty and Investment Company, United Realities, Inc., United Supply Stores, Inc., United Securities Corporation of America, The, United States Capital Corporation, United States Dirigible Corporation, United States Equipment Corporation, United States Finance Corporation, United States Holding Corporation, United States Travel Association, United Veneer Company, Utility Finance Com-

PROCLAMATION

pany, The, Uris Holding Corporation, Utilities Hydro & Rails Shares Corporation, Utilities Supply Company.

Vacuum Rejuvenator Corporation, Valley Port Oil Corporation, Valuable Patents Commercial Corporation, Val-Toon Company, Inc., Varney Air Service, Ltd., Van Gordon Construction Company, Varityper, Incorporated, Varstovia Mines, Inc., Venezuela Gold Fields Corporation, Vermiculite Mines, Inc., Veelock Manufacturing Co., Velvet Pad & Ink Co., Vertrex Patent Corporation, Victor Amusement Company, Inc., The, Victor Holding Corporation, Viking Oil Corporation, Views Publishing Company, Vis-Audio Corporation, Virginian Corporation, Virginia-Carolina Tobacco Corporation, The, Virgbe Inc.

W. A. Brooks Furniture Company, Incorporated, W. A. Hutton & Company, W. B. Carter and Company, Inc., W. B. L. Distributing Corporation, W. C. Keithley & Son, Inc., Waft Corporation, Wahlgren-Carlson Optical Company, Wabasha Corporation of Delaware, The, W. and D. Company, W. Franklin Hodges Company, Wagner's Gas Stations, Inc., W. G. Becker, Inc., W. G. Wetmore Construction Company, Wade-Hunter, Inc., W. J. Highfield Company, W. J. Schoonover Company, Waa-Kee Corporation, W. L. Edison Manufacturing Corporation, The, W. M. Bashlin, Inc., W. M. Rankin Company, Wahlgren Optical Company, Wagner's Tire Shops, Inc., Walker Drug Company, Inc., The, Wallace Securities Corporation, Walters Bottling Company, Inc., Walter G. Keen Agency, Inc., Walmore Investment Corporation, Walter J. Quinn & Brother, Incorporated, Walter M. Ivey Company, Walnut Realty Company, Wanamaker Beauty Culture School, Inc., Warmet Company, Warner's Renowned Remedies Company, Warrant Corporation, Warren Flight Beam, Inc., Warren Oil Corporation, Washington Brokerage Exchange, Inc., Washington Cleaning & Dyeing Co., Inc., Washington Daily Record, Inc., Washington Gold Mines of California, Inc., Washington Legal Bureau, Inc., Washington-Maryland Realty Corporation, Washington Mortgage Investment Company of Reading, Washington Professional Service Association, Inc., Washington State Theatres, In-

PROCLAMATION

corporated, Watkins Company, The, Water Engineering Finance Company, Water Mining Corporation, The, Waterville Personal Thrift Service, Inc., Wayne Manufacturing Company, Weibel Brewing Company, The, Weidner's Hotel, Inc., Welagan Co., Inc., Wellmax Corporation, The, Welte-Tripp Organ Corporation, Wenger Bros., Incorporated, Westend Club, Western Counties Gas Company, West Grove Canning Company, Inc., West High Pharmacy, Inc., West Indies Minerals, Inc., West Kentucky Electric Power Company, Western Logging Company, Westmoreland Observer Publishing Company, West's Pharmacy Inc., Western Royalty and Development Company, Western and Southern Lumber Corporation, Western Service Corporation, Western Venetian Blind Company, Western Water Mining Corporation, The, Wheeler Brothers, Inc., White Cab Corporation, White Enamel Refrigerator Company of Illinois, Wholesale Radio Service Co., Inc., Whitehair & Sinclair Incorporated, Whitemarsh Valley Market Inc., Widemann Brewing and Distilling Corporation, Widow's Mite Corporation, William E. Vogelback & Company, Inc., Wilby's, Inc., Wm. M. Duffy, Inc., Willshay Oil & Gas Corporation, Williams Rotary Still Corporation, Wilmingtonians, Inc., The, Windsor Corporation, The, Windham Corporation, The, Wise Co-operative Shoe Retailers, Inc., Winthrop Orchards Inc., The, Woco Pep Company of Montgomery, Incorporated, Wolf Edger Co., Wonder Heater Co., Wonder Water Company, Inc., Woodland Avenue Gift Shop Incorporated, Woodland Clinic Inc., Ltd., Wood-Peterson-Giffin, Inc., Woodridge Stationery and Printing Company, Woodrow Wilson University, Inc., Woolaway & Ault Inc., World Development Corporation, World Trading and Finance Company, Ltd., Wright Little Watchman, Incorporated, Wurzburger Breweries, Inc., Wulfsohn Company of China, Incorporated, The, Wyoming Avenue Savings & Loan Association.

Xetal Corporation.

Yale Brewing Company, Yellow Breeches Milling Company, The, Yardley Company, Yaqui Company, Yellow Cab Company of Kansas City, Yaqui Fruit Company, Yardsmore Golf Club Man-

PROCLAMATION

ufacturing Company, Ye Old Country Club of Bethlehem and Allentown, Yorktown Breweries, Inc., Young and Company, Young, Gordon & Co., Ltd., Young Novelty Company, Yocum and Power Company, York Valley Lime & Stone Co.

Zandstra Chemical Corporation, Zenith Limestone Company, Zeloid Products Corporation, Zenor Publishing Company, Inc., Zerbey Recreation Company, Zumo Soap Company.

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 fifteenth day of January, in the year of our Lord one thousand nine hundred and thirty-seven and of the Independence of the United States of America, the one hundred and sixty-first.

(Great Seal)

By the Governor:

C. D. BUCK.

W. D. SMITH, Secretary of State.

CHAPTER 322
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, each year more than 300 persons die of cancer in this State, and

WHEREAS, competent medical authorities advise us that a large percentage of these persons might have been saved for happy and useful lives had they sought treatment when the cancer danger signals first appeared, and

WHEREAS, there has been organized the Women's Field Army of the American Society for the Control of Cancer to carry on an educational campaign under the slogan "Early Cancer is Curable. Fight it with Knowledge," and

WHEREAS, the Women's Field Army is conducting an admirable program worked out in cooperation with state and national medical organizations:

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do set aside March 21st-27th as Fight Cancer Week and call on all the citizens of the State to support the Women's Field Army in its humane and noble purpose.

IN WITNESS WHEREOF, I, Richard C. McMullen, have
(Great Seal) hereunto set my hand and caused the Great
Seal to be hereunto affixed at Dover, this fifth
day of March, nineteen hundred thirty-seven.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 323

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the great importance and real value of our trees and birds urge the careful conservation of these natural resources of our State, and

WHEREAS, public interest should be retained as to the importance of creating beauty along our roadsides, developing our parks, preserving our wild flowers, forests, and other natural landscape values, and

WHEREAS, realizing that the most effective way of accomplishing this is by education as provided by our public schools and private institutions of higher learning.

NOW, THEREFORE, in Compliance with the Provisions of the 1935 Revised Code of Delaware, Section 2895, I, Richard C. McMullen, Governor of the State of Delaware, do hereby designate, Friday, April 9, 1937, as Arbor and Bird Day, and do hereby urge and request its observance by all public and private schools and institutions of higher learning by the planting of trees and suitable exercises, having in mind the advancement of the study of arbor culture, the furtherance of the spirit of protection to birds and trees and preserving an appreciative sentiment concerning them.

IN WITNESS WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, this third day of April, in the year of our Lord nineteen hundred and thirty-seven.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 324

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is of great importance to the welfare of Delaware that the conservation of her natural resources should be considered with intelligent interest and promoted with concerted effort by all of our people,

WHEREAS, realizing the State, through its various Departments, is doing a splendid work in forest protection, reforestation, in the conserving and development of the soil, the protection and propagation of fish and the conservation of wild life,

WHEREAS, to bring about the conservation of all these natural advantages, we must educate the young and organize their parents by working together in ways of proven efficiency,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do set aside the week beginning April twenty-sixth, as Conservation Week, and call upon all the citizens of our State to support this worthy endeavor:

IN WITNESS WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and have caused the Great Seal of the said State to be hereunto affixed this Fourteenth Day of April, in the year of our Lord, Nineteen Hundred and Thirty-seven.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 325

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, for many years the President of our United States and the Governors of the various States have, by proclamation designated May Day as Child Health Day,

WHEREAS, our State has, through the State Board of Health, Medical Societies and other agencies of good-will, been of great value in Child Health Education;

WHEREAS, it is important that we maintain our watchfulness over the program made by Delaware in protecting the health and welfare of our children and that all efforts be made toward furthering this commendable work,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby designate and set aside Saturday, May First, as Delaware Child Health Day, and I hereby urge its observance in every School, Church, Club, Community and in every Home, for a continuance of year-round Child Health.

IN WITNESS WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and have caused the Great Seal of the said State to be hereunto affixed this Fifteenth Day of April, in the year of our Lord, Nineteen Hundred and Thirty-Seven.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 326
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

By virtue of the authority vested in me by the provisions of Section 16 of Article III of the Constitution of the State of Delaware, whereby "He (the Governor) may on extraordinary occasions convene the General Assembly by proclamation",

I, Richard C. McMullen, Governor of the State of Delaware, do issue this my proclamation:—

That the One Hundred and Sixth General Assembly of the State of Delaware shall convene at Dover, the Capital of the State, on Tuesday, the eighteenth day of May, A. D. 1937, at eleven o'clock in the morning, to consider and act upon the following matters:

1. To enact legislation providing for an appropriation for the School Budget for the years beginning respectively July 1, 1937 and July 1, 1938 and ending respectively June 30, 1938 and June 30, 1939.

2. To enact legislation which will provide for the diversion or transfer of future Franchise Tax receipts to the General Fund, to be used to meet the appropriations required of the State for the University of Delaware, the State College for Colored Students and the State Tax Department, for the biennium beginning July 1, 1937 and ending June 30, 1939.

IN WITNESS WHEREOF, I Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed this fourth day
(Great Seal) of May, in the year of our Lord one thousand

PROCLAMATION

nine hundred and thirty-seven and of the Independence of the United States of America, the one hundred and sixty-first.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

SECRETARY OF STATE'S OFFICE

Dover, Delaware

October 1, 1937

In obedience to the provisions and directions of Section 2, Chapter 10, of the Revised Code of Delaware, 1935, 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 fifth day of January, A. D. 1937, and ended on Tuesday, the twentieth day of April, A. D. 1937, and approved by the Governor, and also of the special session of the General Assembly commenced on Tuesday, the eighteenth day of May, A. D. 1937 and ended on Tuesday, the eighteenth day of May, A. D. 1937, and approved by the Governor.

CHARLES L. TERRY, JR.,

Secretary of State

**ACTS AMENDING REVISED STATUTES OF 1935 FOUND IN
VOLUME 41, LAWS OF DELAWARE**

R. C. Article 8, C6	818-820	R. C. 470—S9—C20	178-179
R. C. 98—S64—C6	22-25	R. C. 567 A to Q—S107 to S123—C20 (New Article 10)	180-187
R. C. 98—S64—C6	26-27	R. C. 591—S24—C21	188
R. C. 103—S69—C6	28-29	R. C. 592—S25—C21 (Repealed)	188
R. C. 136—S102—C6	30-32	R. C. 593—S26—C21 (Repealed)	188
R. C. 138—S104—C6	32-33	R. C. 778—S35—C25	197
R. C. 139—S105—C6	33-34	R. C. 819A—S76A—C25	198-200
R. C. 140—S106—C6	34	R. C. 920—S8—C27	201
R. C. 143—S109—C6	35	R. C. 921—S9—C27	201
R. C. 150—S116 (g) (4)—C6	36	R. C. 922—S10—C27	201-202
R. C. 150—S116 (b) (2)—C6	37	R. C. 924—S12—C27	202-203
R. C. 150—S116 (b) (3A)—C6	37	R. C. 925—S13—C27	203-204
R. C. 150—S116 (c) (I)—C6	37-38	R. C. 926—S14—C27	204-205
R. C. 154—S120 (h)—C6	38	R. C. 931—S19—C27	205-206
R. C. 158—S124 (h)—C6	38-39	R. C. 944—S9—C28	207
R. C. 171—S137—C6	40-41	R. C. 955—S20—C28	213-214
R. C. 173—S139—C6	42-43	R. C. 956A—S22—C28	208-210
R. C. 192—S158—C6	44	R. C. 956B—S23—C28	210-212
R. C. 193—S159—C6	44-48	R. C. 956C—S24—C28	212
R. C. 194—S160—C6	48	R. C. 956D—S25—C28	212-213
R. C. 195—S161—C6	48-52	R. C. 1022—S5—C32	217
R. C. 196—S162—C6	53-54	R. C. 1023—S6—C32	216
R. C. 196—S162—C6	57	R. C. 1024—S7—C32	215
R. C. 197—S163—C6	54	R. C. 1034—S5—C33	218
R. C. 197—S163—C6	58	R. C. 1090A—S7A—C36	219-220
R. C. 198—S164—C6	54-56	R. C. 1104—S1—C39	223
R. C. 203—S169—C6	59	R. C. 1105—S2—C39	224
R. C. 204—S170—C6	59	R. C. 1106—S3—C39	224
R. C. 206—S172—C6	60	R. C. 1107—S4—C39	224
R. C. 226—S192—C6 (Repealed)	63	R. C. 1108—S5—C39	224-225
R. C. 240—S206—C6 (Repealed)	64	R. C. 1109—S6—C39	225
R. C. 244—S210—C6 (Repealed)	64	R. C. 1109a—S6a—C39	225-226
R. C. 283 (a) S28 (a)—C8	166	R. C. 1109b—S6b—C39	226
R. C. 298—S43—C8	167	R. C. 1109c—S6c—C39	226
R. C. 348—S3—C11	172	R. C. 1109d—S6d—C39	226
R. C. 366—S4—C12	173	R. C. 1109e—S6e—C39	226-227
R. C. 399—S2—C15	174	R. C. 1110—S7—C39	227
R. C. 422—S11—C16	177		

R. C.—Revised Code

S—Section

C—Chapter

R. C. 1111—S8—C39	227-228	R. C. 2831—S30—C74	596
R. C. 1112—S9—C39	228	R. C. 2835—S34—C74	598
R. C. 1126—S12—C41	230	R. C. 2836—S35—C74	596
R. C. 1136—S1—C42	234	R. C. 2870—S69—C74	599-600
R. C. 1136—S1—C42	235	R. C. 2879—S78—C74	597
R. C. 1169A—S23A—C43	249-250	R. C. 2881—S80—C74	827
R. C. 1172—S26—C43	251-252	R. C. 3001—S200—C74 (Re- pealed)	605
R. C. 1177—S31—C43	244	R. C. 3042—S241—C74 (Re- pealed)	606
R. C. 1183A—S37A—C43	241	R. C. 3499—S3—C86	611
R. C. 1183A—S37A—C43	253	R. C. 3550—S3—C88	612-618
R. C. 1193—S47—C43	243	R. C. 3551—S4—C88	618-624
R. C. 1207A—S61A—C43	242	R. C. 3675—S18—C92	626
R. C. 1258—S1—C44	255	R. C. 3680—S23—C92	627
R. C. 1258—S1—C44	256	R. C. 3830—S32—C98	628-629
R. C. 1306—S49—C44	254	R. C. 3831—S33—C98	629
R. C. 1565—S2—C51	262-263	R. C. 3837—S39—C98	629-631
R. C. 1609—S6—C54	264	R. C. 3867—S69—C98	632-633
R. C. 1610—S7—C54	264-265	R. C. 3943—S48—C100	634
R. C. 1626—S23—C54	265	R. C. 4251A—S17A—C108	642
R. C. 1627—S24—C54	265	R. C. 4353A—S38A—C116	647-648
R. C. 1644A—S41A—C54	266	R. C. 4401—S35A—C117	651
R. C. 1644B—S41B—C54	266	R. C. 4401—S35B—C117	652
R. C. 1644C—S41C—C54	266-267	R. C. 4401—S35C—C117	652
R. C. 1644D—S41D—C54	267	R. C. 4543—S1—C122	654
R. C. 1644E—S41E—C54	267	R. C. 4648—S6—C128	655
R. C. 1644F—S41F—C54	268	R. C. 4804—S13—C133	656
R. C. 1826—S17—C60	271-272	R. C. 5289A—S9A—C154	657
R. C. 1826—S17—C60	273	R. C. 5357—S14—C156	679
R. C. 2067—S35—C65	274-275	R. C. 5474—S2—C161	680
R. C. 2080—S48—C65	276	R. C. 5481—S9—C161	680
R. C. 2091A—S59A—C65	277-278	R. C. 5500—S5—C163	681-682
R. C. 2091B—S59B—C65	278-280	R. C. 5502—S7—C163	682-683
R. C. 2109A—S77A—C65	280-282	R. C. 5506—S11—C163	683-685
R. C. 2112—S80—C65	282-284	R. C. 5510—S15—C163	685-688
R. C. 2113—S81—C65	284	R. C. C165	689
R. C. 2114A—S82A—C65	284-285	R. C. 5562—S24—C165	695
R. C. 2405—S148—C66	307	R. C. 5564—S26—C165	697
R. C. 2405 (a)—S148 (a)—C66	308	R. C. 5565—S27—C165	696
R. C. 2406—S149—C66	308	R. C. 5592—S54—C165	698
R. C. 2406 (a)—S149 (a)—C66	308	R. C. 5619—S81—C165	699
R. C. 2806A—S5A—C74	593	R. C. 5638—S100—C165	700
R. C. 2819—S18—C74	594	R. C. 5667—S129—C165	701
R. C. 2821—S20—C74	594	R. C. 5668—S130—C165	702-703
R. C. 2821A—S20A—C74	595	R. C. 5706—S168—C165	704-705
R. C. 2821B—S20B—C74	595		
R. C. 2826—S25—C74	596		

R. C.—Revised Code

S—Section

C—Chapter

R. C. 5714—S176—C165	706	R. C. 6159—S30 (b) (10) (a)—	
R. C. 5722—S3—C166	707-708	C176	728-729
R. C. 5741—S22—C166	709-710	R. C. 6163—S34 (2)—C176	730
R. C. 5811—S5—C169	714	R. C. 6165—S36—C176	732-734
R. C. 5839—S18—C170	715	R. C. 6173—S44 (h)—C176	731
R. C. 6114—S44—C175	716-719	R. C. 6174—S45 (q)—C176	735
R. C. 6118—S48—C175	720	R. C. 6174—S45 (r)—C176	736
R. C. 6118—S48—C175	721	R. C. 6174—S45 (s)—C176	736
R. C. 6118—S48—C175	722	R. C. 6174—S45 (r)—C176	737
R. C. 6149—S20—C176	723	R. C. 6174—S45 (e)—C176	737
R. C. 6158—S29—C176	724-726	R. C. 6179—S50—C176	738
R. C. 6159—S30 (6a)—C176	727	R. C. 6182—S53—C176	739
R. C. 6159—S30 (b) (8)—C176	728		

R. C.—Revised Code

S—Section

C—Chapter

GENERAL INDEX

Acts Amended (Revised Code of 1935)

Chap. 6, Relating to Franchise Taxes	22-25
Chap. 6, Relating to Franchise Taxes	26-27
Chap. 6, Relating to refund of Franchise Taxes	28-29
Chap. 6, Relating to Inheritance Tax	30-34
Chap. 6, Relating to Estate Tax	35
Chap. 6, Relating to Income Tax	36
Chap. 6, Relating to Income Tax	37-39
Chap. 6, Relating to Manufacturers	40-41
Chap. 6, Relating to Merchants	42-43
Chap. 6, Relating to Occupational Licenses	44-56
Chap. 6, Relating to Contractors	57
Chap. 6, Relating to Bottler	58
Chap. 6, Relating to Optometrists and Veterinarians	59
Chap. 6, Relating to Refund of Taxes Erroneously Collected.....	60
Chap. 6, Relating to Disclosure of Amount of Tax Paid	63
Chap. 6, Relating to Pro Ration of Licenses	64
Chap. 6, Relating to Binding and Stubs of Licenses	64
Chap. 8, Relating to Public Arms and Defense	166
Chap. 8, Relating to Public Arms and Defense	167
Chap. 11, Relating to Official Securities of the Clerk of the Peace of Sussex County	172
Chap. 12, Relating to Salary of State Treasurer	173
Chap. 15, Relating to Deputy State Treasurer	174
Chap. 16, Relating to Deputy Auditor of Accounts	177
Chap. 20, Relating to Insurance Department	178-179
Chap. 20, Relating to Mutual Benefit Associations	180-187
Chap. 21, Relating to Grading, Marking and Sale of Apples	188
Chap. 25, Relating to Venereal Disease	197
Chap. 25, Relating to Crippled Children	198-200
Chap. 27, Relating to the Medical Council of Delaware	201-206
Chap. 28, Relating to the State Board of Pharmacy	207-214
Chap. 32, Relating to Undertakers	215
Chap. 32, Relating to Undertakers	216
Chap. 32, Relating to Undertakers	217
Chap. 33, Relating to Barbers	218
Chap. 36, Relating to the Public Archives Commission	219-220
Chap. 39, Relating to Mothers Pension Commission	223-228
Chap. 41, Relating to Non-Resident Dependent Children	230
Chap. 42, Relating to Notaries Public	234
Chap. 42, Relating to Notaries Public	235

Acts Amended (Revised Code of 1935) (Continued)

Chap. 43, Relating to Aetna Hook, Hose & Ladder Company	241
Chap. 43, Relating to Seaford Fire Company	242
Chap. 43, Relating to American Legion Post, Smyrna	243
Chap. 43, Relating to Free Library of New Castle County	244
Chap. 43, Relating to Fire Protection in New Castle County	249-250
Chap. 43, Relating to Costs of Sewers in New Castle County	251-252
Chap. 43, Relating to Street Lighting in New Castle County	253
Chap. 44, Relating to Assessments in Kent County	254
Chap. 44, Relating to exemption from taxation of motion picture studios	255
Chap. 44, Relating to exemption from taxation of New Castle Historical Society	256
Chap. 51, Relating to additional police, New Castle County	262-263
Chap. 54, Relating to the Old Age Welfare Commission	264-265
Chap. 54, Relating to the Old Age Welfare Commission	266-268
Chap. 60, Creating New Election District in New Castle County	271-272
Chap. 60, Changing Voting Place 2nd of 15th in New Castle County	273
Chap. 65, Relating to Corporations	274-275
Chap. 65, Relating to Corporations	276-285
Chap. 66, Relating to Banks, Savings Societies and Trust Companies	307-308
Chap. 74, Relating to Game	593-597
Chap. 74, Relating to use of Trawl-Nets	827
Chap. 74, Relating to Bull Frogs	598
Chap. 74, Relating to Dogs	599-600
Chap. 86, Relating to Divorce	611
Chap. 88, Relating to Adoption Procedure	612-624
Chap. 92, Relating to Conveyances	626
Chap. 92, Relating to Time for Recording Deeds	627
Chap. 98, Relating to Settlement of Personal Estates	628-631
Chap. 98, Relating to Distributions of Decedents' Estates	632-633
Chap. 100, Regulations concerning use of Insignia	634
Chap. 108, Relating to Indices of Judgments in New Castle County	642
Chap. 116, Relating to Juvenile Court, Kent and Sussex Counties	647-648
Chap. 117, Relating to accounting and distribution of Trust Funds	651
Chap. 117, Relating to Life Tenants and Testamentary Trust Estates	652
Chap. 122, Relating to Justices of the Peace Jurisdiction	654
Chap. 128, Relating to Pleading & Practice in Civil Actions	655
Chap. 133, Relating to Exemption of Wages from Executions	656
Chap. 154, Relating to Deadly Weapons	657
Chap. 156, Reference to Fees of Public Officers	679
Chap. 161, Relating to the State Real Estate Commission	680
Chap. 163, Relating to the Delaware Racing Commission	681-688
Chap. 165, Relating to Motor Vehicles	689

Acts Amended (Revised Code of 1935) (Continued)

Chap. 165, Relating to Motor Vehicles Inspection	695
Chap. 165, Relating to Motor Vehicles Registration Fees	696
Chap. 165, Relating to Motor Vehicles Designation	697
Chap. 165, Relating to Motor Vehicles Licenses	698
Chap. 165, Relating to Motor Vehicles License Revocation	699
Chap. 165, Relating to Motor Vehicles in reference to Stop Signs	700
Chap. 165, Relating to Motor Vehicles in reference to Amber Fog Lights	701
Chap. 165, Relating to Motor Vehicles in reference to Flares	702-703
Chap. 165, Relating to Motor Vehicles in reference to Security for damages	704-705
Chap. 165, Relating to Motor Vehicles in reference to Safety Glass Equipment	706
Chap. 166, Relating to a State Park at "The Rocks"	707-708
Chap. 166, Relating to Railroad Crossings	709-710
Chap. 169, Relating to the Court of Common Pleas, New Castle County	714
Chap. 170, Relating to the Court of Common Pleas, Kent County	715
Chap. 175, Extending Workmen's Compensation Law to include occupational diseases	716-719
Chap. 175, Extending Workmen's Compensation Law to National Guard	720
Chap. 175, Relating to Employer of less than 5 Employees un- der Workmen's Compensation Law	721
Chap. 175, Relating to employees of the Board of Public Works of Lewes	722
Chap. 176, Relating to Purchases of Alcoholic Liquors, etc., for Personal Use	723
Chap. 176, Relating to Licenses to sell Alcoholic Liquors, etc...	724-726
Chap. 176, Relating to Tap Room Licenses	727
Chap. 176, Relating to Tariff of Licenses	728-729
Chap. 176, Relating to Sale to Certain Individuals	730
Chap. 176, Relating to Sale of so-called "Smoke"	731
Chap. 176, Relating to Places Where Alcoholic Liquors May Be Kept	732-734
Chap. 176, Relating to Tap Rooms and Minors	735
Chap. 176, Relating to Offenses and Penalties	736
Chap. 176, Relating to Offenses and Penalties	737
Chap. 176, Relating to Offenses and Penalties	738
Chap. 176, Relating to Seizures of Alcoholic Liquors, etc.	739

Acts Amended (Revised Code of 1915)

Chap. 86, Relating to Divorce	611
-------------------------------------	-----

Acts Amending State Constitution

Article IV, Sections 1-35, Proposed Amendment providing separate Supreme Court and reorganizing Courts of the State	3-16
Article X, Section 5, Proposed Amendment relating to the creation of a Public School Trust Fund	17

Acts Repealed (Revised Code of 1935)

R. C. 226—S192—C6, Relating to Disclosure of Amount of Tax Paid	63
R. C. 240—S206—C6, Relating to Pro Ration of Licenses	64
R. C. 244—S210—C6, Relating to Binding and Stubs of Licenses..	64
R. C. 348—S3—C11, Relating to Official Securities	172
R. C. 592—S25—C21, Relating to Sale of Apples	188
R. C. 593—S26—C21, Relating to Sale of Apples	188
R. C. 3001—S200—C74, Relating to Eels	605
R. C. 3042—S241—C74, Relating to Hawks	606
R. C. 3858—S60—C98, Relating to Court of Chancery	651
R. C. 6115—S45—C175, Relating to Workmen's Compensation Law	719

Acts Suspended (Revised Code of 1935)

Revised Code, Article 8, Chap. 6 and R. C. 2704, Section 82 (b), Insofar as relating to the transfer of certain funds derived from franchise tax collections to the General Fund	818-820
--	---------

Acts Amended (Laws of Delaware)

Vol. 22, Chap. 183, Relating to the town of Greenwood	435-437
Vol. 22, Chap. 183, Relating to the Town of Greenwood	438
Vol. 22, Chap. 196, Relating to the Town of Lewes	447
Vol. 27, Chap. 216, Relating to the town of New Castle	459
Vol. 28, Chap. 155, Relating to the town of Blades	311
Vol. 29, Chap. 152, Relating to the town of Hartly	439
Vol. 32, Chap. 160, Relating to schools for Moors and Indians....	581-582
Vol. 33, Chap. 154, Relating to the town of Milton	456
Vol. 35, Chap. 95, Relating to the town of Bellefonte	309-310
Vol. 36, Chap. 192, Relating to the town of Smyrna	556-559
Vol. 36, Chap. 192, Relating to the town of Smyrna	560-561
Vol. 37, Chap. 162, Relating to the town of Milford	452
Vol. 37, Chap. 207, Relating to the University of Delaware	592
Vol. 38, Chap. 119, Relating to the town of Rehoboth	546-547
Vol. 38, Chap. 119, Relating to the town of Rehoboth	548-552
Vol. 38, Chap. 184, Relating to Settlement of Personal Estates....	632
Vol. 40, Chap. 18, S1, Authorizing the State to borrow money and issue bonds therefor	68
Vol. 40, Chap. 71, Relating to the town of Lewes	440-442
Vol. 40, Chap. 115, Continuing Powers of New Castle County Temporary Emergency Relief Commission	814

GENERAL INDEX

v

Acts Amended (Laws of Delaware) (Continued)

Vol. 40, Chap. 178, Relating to the City of Wilmington	563-565
Vol. 40, Chap. 190, S.1 and S.3, Relating to education of children of War Veterans	122
Vol. 41, Chap. 26, Authorizing certain payments out of the School Fund for University of Delaware, State College for Colored Students and the State Tax Department	818-820
Vol. 41, Chap. 28, Appropriation for Deaf and Dumb, Blind, Idiotic and Crippled Children	817

Acts Repealed (Laws of Delaware)

Vol. 27, Chap. 247, Relating to the town of Rehoboth	464-545
--	---------

Accident Board, Industrial

See INDUSTRIAL ACCIDENT BOARD.

Acknowledgments

ACT MAKING VALID CERTAIN LEGAL INSTRUMENTS HAV- ING DEFECTIVE	625
--	-----

Adjutant General

APPROPRIATIONS, salaries, etc.	99
APPROVAL BY THE, of orders on the State Armories Account...	166
ELECTION OF MEMBERS OF NATIONAL GUARD TO BE BOUND BY WORKMEN'S COMPENSATION LAW, to be made by the	720

Administrator

COMMISSION NOT ALLOWED TO, when	34
PENALTY FOR FAILURE TO FILE INVENTORY, etc., with Reg- ister of Wills and State Tax Commissioner	34

Adoption

ADOPTOR, qualifications	612
CERTIFICATE OF ADOPTION, form	623
CHANGE OR RESTORATION OF NAME, certificate of from State Registrar	612-624
CONSENT OF ADOPTEE, when required	612
FINAL DECREE OF ADOPTION, form	620
INTERLOCUTORY ORDER, duration, form	619
INVESTIGATION, scope of, forms	615-618
JURISDICTION OF ORPHANS' COURT	612-624
ORDER OF ADOPTION, when made	618
ORDER OF REFERENCE, form for	615-616

Adoption (Continued)

PETITION FOR, contents of, form	612-615
PROCEEDINGS FOR	612-618
PROPERTY RIGHTS OF CHILD, EFFECT ON, OF REVOCATION	623
REPORT BY INVESTIGATOR, form and scope	617-618
REVOCATION OF ORDERS, effect of	620-623
STATE BOARD OF CHARITIES, duties of relating to	612-622
STATE REGISTRAR OF VITAL STATISTICS, change of name filed with the	621

Advertising

TO PERFORM MARRIAGE IN ANOTHER STATE, unlawful, penalty	610
---	-----

Advertising Agency

DEFINED, license fee	48
----------------------------	----

Aetna Hook, Hose & Ladder Company, Newark

APPROPRIATION TO, for ambulance	240, 241
---------------------------------------	----------

Affidavits of Demand

See PLEADING AND PRACTICE	655
---------------------------------	-----

Agriculture

INJURY TO, by Protected Wildlife, remedy	595
PERSONS ENGAGED IN, may incorporate cooperative association	286-306
RESOLUTION, assent of State to Federal Act relating to	810
See CO-OPERATIVE AGRICULTURE ASSOCIATIONS.	

Agricultural Conservation and Adjustment Act

See DELAWARE AGRICULTURAL CONSERVATION AND ADJUSTMENT ACT	583-591
---	---------

Agriculture, State Board of

See STATE BOARD OF AGRICULTURE.

Alcoholic Liquors, Wines and Beer

AGE REQUIRED OF PURCHASER FOR PERSONAL USE	723
BEER, sale of to minor, unlawful	730
CHEMICALS, non-beverage, sale of certain for beverage purposes, unlawful, penalty	731
INDIVIDUAL PURCHASER, age, quantity purchaseable	723

Alcoholic Liquors, Wines and Beer (Continued)

INDIVIDUALS, sale to certain unlawful, penalty	738
LICENSE FEES	727-729
LICENSES, cancellation, or acceptance of, surrender of, powers and duties of the Commission	724-726
MINOR, under twenty-one years of age:	
BEER, sale of to, unlawful	730
FALSE STATEMENT BY, penalty	736
PURCHASE FOR OR GIFT TO MINOR, unlawful, penalty	736
UNLAWFUL TO ADMIT OR PERMIT TO REMAIN IN TAP ROOM OR TAVERN, penalty	735
PENALTIES:	
FOR SALE TO CERTAIN INDIVIDUALS	738
FOR SALE DURING TIMES FORBIDDEN	737
WHERE NOT OTHERWISE PROVIDED	737
PLACES WHERE LAWFUL TO KEEP	732-734
PURCHASER FOR PERSONAL USE, age of	723
SEIZURE OF, disposal, procedure	724-726, 739
"SMOKE," sale of, unlawful, penalty	731
STORAGE OF, where lawful	732-734
TAP-ROOM, defined	735
TARIFF OF LICENSE FEES:	
BOTTLERS	729
DISTILLERY	728-729
GATHERINGS OF PERSONS	728
MANUFACTURE AND SALE	728
TAP-ROOM	727
WINERY	729
TRANSPORTATION OF, penalty for unlawful	734

Allen, William F.

PROCLAMATION OF ELECTION AS REPRESENTATIVE IN CONGRESS	914
---	-----

Amber Fog Lights

USE ON MOTOR VEHICLES, permitted	701
--	-----

Ambulance Maintenance

APPROPRIATIONS BY LEVY COURTS FOR:

AETNA HOOK, Hose & Ladder Company, of Newark	240, 241
CARLISLE FIRE COMPANY, Milford	239
CLAYMONT FIRE COMPANY	236
DAVID C. HARRISON POST No. 14, Inc.	243
FRANKFORD VOLUNTEER FIRE COMPANY	237
LAUREL FIRE DEPARTMENT	238
SEAFORD FIRE COMPANY	242

Amendments to Constitution of Delaware, Proposed	
ARTICLE IV, relating to the judiciary	3-16
ARTICLE X, relating to the creation of a Public School Trust Fund	17
American Education Week	
PROCLAMATIONS DESIGNATING	837, 841, 904
American Legion	
APPROPRIATIONS:	
AMBULANCE, David C. Harrison Post	243
MEMORIAL DAY	102
OPERATIONS	106
INSIGNIA PROTECTED, penalty	634
JOINT SESSION OF GENERAL ASSEMBLY TO HEAR OFFI- CERS OF	795
Amusement Conductor	
DEFINED, license fee	48
Amusement Park Operator	
DEFINED, license fee	49
Animals	
BOVINE TUBERCULOSIS ERADICATION	94, 189
CATTLE, indemnity for, Bang's disease	189-194
Appeal	
JUSTICES OF THE PEACE REQUIRED TO ADVISE LITIGANTS OF RIGHT TO APPEAL DECISIONS	653
Apples, Packed in Closed Packages	
SALE OR EXPORT OF, how graded	188
Appropriations	
ACT MAKING, for fiscal years ending June 30, 1938 and June 30, 1939, respectively	77-105
ADJUTANT GENERAL, salary, etc.	99
AMERICAN LEGION	102, 106
APPLES, Grading and Inspection	95
ASSOCIATE JUDGES, salaries	78
ATTORNEY GENERAL, salary, etc.	79-80
AUDITOR OF ACCOUNTS, salary, special audit, etc.	81

GENERAL INDEX

ix

Appropriations (Continued)

BAND, National Guard	100
BEEBE HOSPITAL	124
BLIND BABIES, care of	107
BOARD OF BOILER RULES	98
BOARD OF PARDONS	97
BRANDYWINE SANATORIUM:	
SALARIES, operation, etc.	85
Buildings	109
BRIDGEVILLE FREE LIBRARY	102
BUREAU OF MARKETS	94
CANTALOUPE INSPECTION	96
CATTLE DISEASE ERADICATION	94, 189
CHANCELLOR, salary	78
CHIEF JUSTICE, salary	78
CHILDREN, crippled, board and tuition	817
CHILDREN'S BUREAU	232
CLAIMS AGAINST THE STATE:	
BRYAN, Nora W.	160
CANTERA CONSTRUCTION COMPANY	159
EVANS, Horace J.	162
HOLTON, Charles R.	160
HOLTON, William E.	160
HOLTON, William J.	160
JARMON, Rees S.	160
LOCKERMAN, Samuel P.	160
MOORE, William	160
MITCHELL, Edward H.	163
MITCHELL, Leuelle O.	163
ROGERS, Alfred	158
SECURITY TRUST COMPANY, Trustee	160
SMITH, Jennie, et al.	160
WHITTINGHAM, Richard A.	160
COMMITTEE ON UNIFORM LAWS	77
CONSTITUTION SESQUICENTENNIAL COMMISSION	740
CORBIT FREE LIBRARY	101
CORN GROWERS ASSOCIATION	94
COURT OF CHANCERY	78
COURT OF COMMON PLEAS, Kent County	78
COURT OF THE STATE OF DELAWARE	812
CUSTODIAN, State, salaries, operations	84
DELAWARE CHILDREN'S HOME SOCIETY	232
DELAWARE COLONY	112
DELAWARE COMMISSION FOR THE BLIND	113
DELAWARE COMMISSION FOR THE FEEBLE MINDED	88
DELAWARE HOSPITAL, WILMINGTON	124
DELAWARE INDUSTRIAL SCHOOL FOR COLORED GIRLS	88

Appropriations (Continued)

DELAWARE INDUSTRIAL SCHOOL FOR GIRLS	114
DELAWARE REAL ESTATE COMMISSION	99
DELAWARE STATE EMPLOYMENT BUREAU	98
DELAWARE STATE HOSPITAL	87, 117
DELAWARE STATE NEWS	812
DELAWARE TERCENTENARY COMMISSION	115
DEPARTMENT OF JUSTICE	78
DEPUTY ATTORNEYS GENERAL	79
DEPUTY STATE TREASURER	81
DETENTION HOME FOR JUVENILES	97
DOVER FREE LIBRARY	101
EDGEWOOD SANATORIUM	85
EDUCATION OF CHILDREN OF WAR VETERANS	122
EMPLOYMENT BUREAU, State	98
FEDERAL FUNDS, State House Building Commission	120
FEEBLE MINDED, Commission for	88
FERRIS INDUSTRIAL SCHOOL	89
FERTILIZERS AND FEEDS, Analyzing	93
FIRE COMPANIES, outside Wilmington	123
FIRE PROTECTION, Forestry	98
FOREIGN BORN RESIDENTS, Americanizing	141
FRANKFORD FREE LIBRARY	101
G. A. R.	103
GEORGE, Hugh A. Co.	804
GOVERNOR, Inauguration	808
GOVERNOR, salary, expenses, etc.	79
HIGHWAY AND ROAD BONDS, maturity payments	151-153
HISTORICAL SOCIETY OF DELAWARE	102
HOG CHOLERA ERADICATION	95
HOMEOPATHIC HOSPITAL, Wilmington	124
HOSPITALS	124
INDIAN RIVER INLET, additional	146
INDUSTRIAL ACCIDENT BOARD	99
INDUSTRIAL SCHOOL, Colored Girls	88, 126, 127
INDUSTRIAL SCHOOL FOR GIRLS	114
INDIGENT PERSONS, relief	125
INSURANCE COMMISSIONER	82-84
INSPECTION OF FARM PRODUCTS	93
JAPANESE BEETLE ERADICATION	95
JOHNS-MANVILLE SALES CORP.	805
JUDGES, Salaries	78
JUSTICES OF THE PEACE, bond premiums	78
KENT COUNTY JUDGE, reporting	78
KENT GENERAL HOSPITAL	124
LABOR COMMISSION OF DELAWARE	96
LAUREL FREE LIBRARY	101
LAYTON HOME FOR AGED COLORED PEOPLE	130

GENERAL INDEX

xi

Appropriations (Continued)

LEVY COURTS, salaries for Registrars and Assistants	79
LEWES FREE LIBRARY	101
LEWES TERCENTENARY COMMISSION	102
LITTLE CREEK WHARF REPAIRS	143
LIVE STOCK, Control of Disease	93, 189
MARKETS, Bureau of	94
MEDICAL COUNCIL OF DELAWARE	85
MILFORD ARMORY	131-133
MILFORD EMERGENCY HOSPITAL	124
MILFORD FREE LIBRARY	101
MILTON FREE LIBRARY	101
MOSQUITO CONTROL COMMISSION	90
MOTHERS PENSION COMMISSION	88
MOTOR VEHICLE DEPARTMENT	103, 134
MOTOR VEHICLE INSPECTION CAMPAIGN	135
NATIONAL GUARD	99, 100
NEWARK FREE LIBRARY	101
NEW CASTLE FREE LIBRARY	101
OLD AGE WELFARE COMMISSION	89
OCEAN FRONT PROTECTION, Bethany Beach	828
ORAL HYGIENISTS	84
OYSTER REVENUE COLLECTOR	82
PALMER HOME, INC.	136
PAROLE BOARD	97
PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY ...	85
PENINSULA HORTICULTURAL SOCIETY	93
PLANT PATHOLOGIST	95
PORTRAIT COMMISSION, Delaware	102
POULTRY DISEASE	94
PRESIDENT OF THE U. S., Inaugural	807
PUBLIC ARCHIVES COMMISSION	102, 137
REAL ESTATE COMMISSION	99
REGULATORS OF WEIGHTS AND MEASURES	98
REHOBOTH FREE LIBRARY	101
SEAFORD FREE LIBRARY	101
SEAFORD, Town of, for Highway Construction	553
SECRETARY OF STATE	101
CORPORATION DEPARTMENT	103
MOTOR VEHICLE DEPARTMENT	103
OFFICE EXPENSES	103
SALARIES, Operations, etc.	80
DUPLICATOR FOR OFFICE	140
SELBYVILLE FREE LIBRARY	101
SERVICE OFFICER, National Guard	100
SMYRNA FREE LIBRARY	102
SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS	97
SPANISH WAR VETERANS	103, 150

Appropriations (Continued)

STAR PUBLISHING COMPANY	803
STATE BANK COMMISSIONER	83
STATE BOARD OF:	
ACCOUNTANCY	81
AGRICULTURE	92-96, 189
BARBERS EXAMINERS	86
CHARITIES	87, 232
DENTAL EXAMINERS	86
HEALTH	84
NURSES, Graduate, Examiners	86
OPTOMETRY, Examiners	86
PHARMACY	86
UNDERTAKERS	87
VETERINARY, Examiners	86
VOCATIONAL EDUCATION	92
STATE BUILDING, New, at Dover	120
SCHOOL BONDS, payment of principal	154
SCHOOL BUDGET	821-826
SCHOOL FUNDS:	
FOR USE OF UNIVERSITY OF DELAWARE	74
FOR USE OF STATE COLLEGE FOR COLORED STUDENTS	74
FOR USE OF STATE TAX DEPARTMENT	74
STATE COLLEGE FOR COLORED STUDENTS	92, 142
STATE DETECTIVES	80
STATE FORESTRY DEPARTMENT	96, 98
STATE HIGHWAY DEPARTMENT:	
FOR DYKE CONSTRUCTION, Sussex County	144
FOR INDIAN RIVER INLET	146-147
FOR LITTLE CREEK WHARF REPAIRS	143
(See STATE HIGHWAY DEPARTMENT FUNDS)	
STATE HOUSING COMMISSION	87
STATE LIBRARIAN	79
STATE LIBRARY COMMISSION	100
STATE LIQUOR COMMISSION	83
STATE MILITARY BOARD	148, 149
STATE REVENUE COLLECTOR	82
STATE RIFLE RANGE	100
STATE TAX DEPARTMENT	83
STATE TREASURER:	
SALARY, etc.	81
OPERATIONS	98
INTEREST, Redemption, Debt Service	103
ST. FRANCIS HOSPITAL	124
ST. MICHAEL'S HOME FOR BABIES	232
TEACHERS RETIREMENT COMMISSION	784

Appropriations (Continued)

UNIVERSITY OF DELAWARE	
GENERAL ADMINISTRATION	90-91
STATE AGENCY, Agricultural Conservation and Adjustment Act	590
U. S. GOVERNMENT APPROPRIATION	91
VETERANS OF FOREIGN WARS	103
WILMINGTON GENERAL HOSPITAL	124

Arbor and Bird Day

PROCLAMATIONS	892, 957
---------------------	----------

Architect

DEFINED, license fee	44
----------------------------	----

Archives Commission

See PUBLIC ARCHIVES COMMISSION	222
--------------------------------------	-----

Armories

USE OF MONIES RECEIVED FROM RENTAL OF	166
---	-----

Armory

See MILFORD ARMORY.	
See STATE ARMORY COMMISSION.	

Assessable Property

EXEMPTIONS:	
HISTORICAL SOCIETY OF DELAWARE	256
MOTION PICTURE STUDIOS AND PLANTS	255
NEW CASTLE HISTORICAL SOCIETY	256

Assessments and Valuation of Property

HISTORICAL SOCIETY OF DELAWARE, exemption	256
MOTION PICTURE STUDIOS, exemption	255
NEW CASTLE HISTORICAL SOCIETY, exemption	256
NOTICES AND REPORTS OF, in Kent County, when made	254

Associations, Co-operative Agricultural

See CO-OPERATIVE AGRICULTURAL ASSOCIATIONS.	
---	--

Atlantic Coast and Inland Corporation

EXCHANGE OF CERTAIN PUBLIC LANDS WITH, authorized..	18-20
---	-------

Atlantic Ocean	
USE OF TRAWL-NETS PROHIBITED IN	827
Attachment Process	
LIABILITY TO, of wages, in New Castle County, limited to necessities of life	656
Attorney at Law	
DEFINED, license fee	44-45
Attorney General:	
APPEARANCE BY THE, in Civil and Criminal Actions, when...	777
APPROPRIATIONS	79, 80
EXTRADITION PROCEEDINGS, powers and duties of the	658-669
POWERS AND DUTIES REGARDING MUTUAL BENEFIT ASSOCIATIONS	187
STATE BOARD OF CHARITIES, reciprocal agreements with other States to be approved by the	229
UNEMPLOYMENT COMPENSATION COMMISSION BONDS OF CUSTODIAN, to be approved by the	763, 773
Auctioneer	
DEFINED, license, fee	45
LIMITATIONS OF LICENSE FOR	51
Auditor of Accounts	
APPROPRIATIONS, salaries, office expenses, etc.	81
APPROVAL BY, of warrants for payment of appropriations for:	
AMERICAN LEGION	106
DELAWARE COLONY	112
SPANISH WAR VETERANS	150
DEPUTY, powers and duties authorized by the	177
KENT AND SUSSEX COUNTY FAIR, INC., to file report with, when	128
STATE HOUSE BUILDING COMMISSION, warrants by the	120
Automobile Junk Yards	
MAINTENANCE OF, near highway, regulated, penalty	635
Babies, Blind	
See BLIND BABIES	107

Bang's Disease

ACT RELATING TO CONTROL OF	189-194
APPROPRIATIONS, how combined	189-190
POWERS AND DUTIES OF STATE BOARD OF AGRICULTURE IN ERADICATION OF	189-194

Bank Commissioner

See STATE BANK COMMISSIONER.

Bankruptcy

See NATIONAL BANKRUPTCY ACT.	
TRUSTEE IN, duties, regarding certain seizures of alcoholic liquors	725

Banks

See BANKS, SAVING SOCIETIES and TRUST COMPANIES, SUNDRY PROVISIONS	307-308
---	---------

Banks, Savings Societies and Trust Companies, Sundry Provisions

COMMITMENTS MADE TO, by Federal Housing Administrator, exemptions	307-308
DEBENTURES MAY BE USED AS SECURITY, when, exemp- tions	308
INVESTMENT SECURITIES MAY BE USED AS SECURITY, when, exemptions	308
MORTGAGES MAY BE USED AS SECURITY, when, exemptions	308

Bar Association (Kent County)

COMMISSIONERS FROM, to examine and certify new deed rec- ord indices	258-259
---	---------

Bar Association (Sussex County)

COMMISSIONERS FROM, to examine and certify new mortgage record indices	260-261
---	---------

Barber

DEFINED, license fee	49
See STATE BOARD OF BARBERS EXAMINERS.	

Barber Shops in the City of Wilmington	
ADVERTISING, when unlawful	607
FAIR TRADE PRACTICES IN, act to promote	607-609
FEES, additional, paid annually to the State Board of Examiners, by the	608
HOURS, when lawful to be open for business	607-608
PENALTIES	608
SPECIAL PERMIT, fee	607
UNLAWFUL TO OPEN ON CERTAIN DAYS	607
Baths, Public, Keeper of	
DEFINED, license fee	46
Batteries, Headquarters, Bands, National Guard	
APPROPRIATIONS	100
Beautician	
DEFINED, license fee	49
Beebe Hospital	
APPROPRIATIONS FOR	124
Beer	
See ALCOHOLIC LIQUORS, WINES AND BEER.	
Bellefonte	
STREET AND SEWER IMPROVEMENTS, act authorizing bond is- sue for, amended	309-310
TAXES, additional powers to collect	368-375
Bethany Beach	
TRANSFER OF CERTAIN PUBLIC LANDS NEAR, authorized....	18-20
APPROPRIATION FOR PROTECTION OF THE OCEAN FRONT AT	828
Beverages	
See ALCOHOLIC LIQUORS, WINES AND BEER.	
Billiard Tables Operator	
DEFINED, license fee	51

GENERAL INDEX

xvii

Bissell, Miss Emily P.

PROCLAMATION OF ANNIVERSARY OF CHRISTMAS SEAL SALE ORIGINATED BY	921
---	-----

Blackbird

LEVY COURT OF NEW CASTLE COUNTY, authorized to re- move building, and sell tract of land in	247
VOTING PLACE IN TOWN OF, designated	273

Blackstone, Ernest C.

PROCLAMATION OF ELECTION AS STATE TREASURER	916
---	-----

Blades

ACT RELATING TO QUALIFICATIONS OF ELECTORS, and duties of Assessor	311
AUTHORIZED TO ISSUE BONDS TO ESTABLISH WATER SYSTEM	312-315

Blind Babies

APPROPRIATIONS FOR CARE, maintenance and education of....	107, 108
STATE BOARD OF EDUCATION, powers regarding care of	107, 108

Board of Assessment (Kent County)

NOTICES TO AND REPORTS FROM ASSESSABLES, when made	254
---	-----

Board of Boiler Rules

APPROPRIATION	98
---------------------	----

Board of Game and Fish Commissioners

CONFISCATION BY, of traps unlawfully set	596
NOTICE TO, of confinement of stray dog	600

Board of Pardons

APPROPRIATIONS	97
----------------------	----

Board of School Trustees of Rehoboth

Authorized to erect and equip new school building	569-575
---	---------

Boards of Education

DUTIES OF, relating to fire drills and fire extinguishers	530
SCHOOL BONDS, appropriations to pay	154-157
See STATE BOARD OF EDUCATION	

Boards of Medical Examiners

See MEDICAL COUNCIL OF DELAWARE

Boards, State

See under specific title

BONDS

BLADES, town of authorized to issue "Blades Water Improvement Bonds"	312-315
DELMAR, TOWN OF:	
DRAINAGE BONDS, refunding authorized	356-359
SEWER BONDS, refunding authorized	352-355
WATER BONDS, referendum regarding issuance of, authorized	360-364
FRANKFORD, town of, refunding authorized	428-430
FREDERICA, town of, authorized to issue certain	431-434
HIGHWAY IMPROVEMENT AND STATE AID ROAD, appropriation to pay maturities	151-153
LAUREL SPECIAL SCHOOL DISTRICT, refunding authorized	576-579
LEWES, authorized to refund certain	443-446
MILLSBORO, authorized to issue certain	453-455
NEWARK, authorized to refund certain	457-458
NEW CASTLE, authorized to refund certain	460-462
REHOBOTH SCHOOL TRUSTEES, may issue and sell certain, referendum required	569-575
SCHOOL DISTRICTS, appropriations to pay certain	154-157
STATE AUTHORIZED TO ISSUE, to erect certain new State Buildings	65-67
AMOUNT AUTHORIZED, denomination, form, interest rate, maturity	65-67
BUDGET APPROPRIATION BILL TO PROVIDE FOR REDEMPTION	67
EXEMPTION FROM TAXATION	66
PROCEEDS FROM SALE OF, deposited in Farmers Bank Special Fund	67
STATE AUTHORIZED TO ISSUE ADDITIONAL BONDS FOR OPENING INDIAN RIVER INLET	68
WILMINGTON CITY, appropriations for retirements, when and how made	563-565

Bottler	
DEFINED, license fee	49, 58
Bovine Tuberculosis Eradication	
ACT RELATING TO CONTROL OF	189-194
APPROPRIATIONS, how combined	189-190
Bowling Alley Operator	
DEFINED, license fee	51
Brandywine Hundred	
POLICE FOR, appointment, powers, duties	262-263
Brandywine Sanatorium	
ACT PROVIDING FOR SEWER DISPOSAL PLANT AT	65-67
APPROPRIATIONS:	
BUILDINGS	109
SALARIES, operations, etc.	85
Bridgeville Fire Company	
TOWN OF BRIDGEVILLE AUTHORIZED TO HOLD SPECIAL ELECTION, regarding funds for the	316-317
Bridgeville Free Library	
APPROPRIATIONS	102
Broadkill Hundred	
APPROPRIATION FOR ERECTION OF DYKES IN	144
Broadkill River	
OYSTER TONGING IN, regulated	603
Broker	
DEFINED, license fee	49
REAL ESTATE, certificate of revokable, when	680
Bryan, Nora W.	
APPROPRIATION TO PAY CLAIM OF	160
Budget School	
APPROPRIATIONS FOR TWO YEARS ENDING JUNE 30, 1939	821-826

Building and Loan Associations	
See BANKS, Saving Societies and Trust Companies, Sundry Provisions	307-308
Burial of Indigent Soldiers, Sailors and Marines	
Appropriations	110, 111
Bus Operator	
DEFINED, license fee	52
Cancer Control	
PROCLAMATION OF GOVERNOR DESIGNATING A "FIGHT CANCER WEEK"	956
Cantera Construction Company	
APPROPRIATION TO PAY CLAIM OF	159
Capital Stock Insurance Companies	
Minimum requirements for certificate of authority to engage in business in this State	178-179
Carlisle Fire Company, Milford	
APPROPRIATIONS TO, for ambulance	239
Cedar Creek	
OYSTER TONGING IN, regulated	603
Cedar Creek Hundred	
APPROPRIATION FOR ERECTION OF DYKES IN	144
Cemeteries	
IN KENT COUNTY, act relating to certain privileges of burial lot owners	636
REMOVAL OF BODIES BURIED IN CERTAIN, regulated	637-638
See MT. PISGAH UNION AMERICAN M. E. CHURCH BURY-ING GROUND	637
Certificates of Indebtedness of the State of Delaware	
FOR MONEYS BORROWED FROM THE STATE HIGHWAY FUND FOR USE OF THE GENERAL FUND, form of, etc.	71-73
STATE TREASURER AUTHORIZED TO ISSUE TO PROVIDE FOR CASUAL DEFICIENCIES OF STATE REVENUE, form of, etc.	104-105

GENERAL INDEX

xxi

Chancellor	
APPROPRIATION, salary, etc.	78
Chancery	
See COURT OF CHANCERY.	
Charities	
See STATE BOARD OF CHARITIES	
Charters	
MUNICIPAL, amended, relating to counting votes cast in municipal elections	270
Charters of Corporations (Void)	
PROCLAMATION BY GOVERNOR	848-891
PROCLAMATION BY GOVERNOR	924-955
Chauffeur	
LICENSE, requirements for	698
Chief Game and Fish Warden	
Power of Search, without warrant, when	593
Chief Justice	
APPROPRIATIONS, salary	78
Child Labor Inspector	
APPROPRIATIONS, salary, etc.	96
Children	
APPROPRIATION FOR CRIPPLED, etc.	817
DELINQUENT, jurisdiction over vested in Juvenile Courts	649
DEPENDENT AND NEGLECTED, act relating to care of	231-233
EDUCATION OF, of War Veterans, appropriations	122
INDIGENT CRIPPLED, care of by State Board of Health, fund for	198-200
MINOR, procedure for adoption	612-624
NON-RESIDENT DEPENDENT, bringing into State, regulated....	230
PROCLAMATION OF GOVERNOR DESIGNATING A DELAWARE CHILD HEALTH DAY	959

Children's Bureau	
APPROPRIATION	232
Children's Home Society, Delaware	
APPROPRIATION	232
Child Welfare	
See STATE BOARD OF CHARITIES.	
Chiroprapist	
DEFINED, license fee	45
Chiropractor	
DEFINED, license fee	45
See STATE BOARD OF CHIROPRACTIC EXAMINERS	785-789
Christiana Hundred	
POLICE, appointment, powers, duties	262-263
Christiana River	
NAME CHANGED TO CHRISTINA RIVER	21
Christmas Seals	
PROCLAMATION REGARDING SALE OF	921
Circus Exhibitor	
DEFINED, license fees	49-50
MAY CARRY ON BUSINESS IN EVERY COUNTY	56
Cities and Towns	
BELLEFONTE, amending an act authorizing a bond issue for street and sewer improvements	309-310
BELLEFONTE, taxes, powers to collect	368-375
BLADES, duties of assessor, qualifications of electors	311
BLADES, water system bond issue authorized, referendum required	312-315
BRIDGEVILLE, special election authorized for Fire Department fund	316
CLAYTON, act to reincorporate the town of	318-351
DELMAR:	
DRAINAGE BONDS, authorized to refund	356-359
SEWER BONDS, authorized to refund	352-355

Cities and Towns (Continued)

SPECIAL ELECTION AUTHORIZED REGARDING BOND ISSUE FOR PURCHASE AND OPERATION OF WATER SYSTEM		360-364
ELSMERE, taxes, powers to collect in		365-367
FRANKFORD, act to reincorporate the town of		376-427
FRANKFORD, authorized to refund bonds		428-430
FREDERICA, bond issue authorized		431-434
GREENWOOD, charter amendments		435-438
HARTLY, charter of amended		439
LEWES:		
BONDS, refunding of authorized, after referendum		443-446
ELECTRIC LIGHT PLANT, territory extended		447
INLET, lands for, may purchase or condemn		440-442
MIDDLETOWN, authorized to establish sewer system, procedure to assess damages for use of land		448-451
MILFORD, authorized to transmit current or water beyond city limits		452
MILLSBORO, bond issue, authorized, after referendum		453-455
MILTON, limit of amount which may be borrowed by the town of, increased		456
NEWARK, authorized to redeem and refund certain bonds		457-458
NEW CASTLE:		
AUTHORIZED TO REFUND CERTAIN SEWER BONDS...		460-462
CITY CLERK OF, retirement, pension		463
SALE AND CONVEYANCE OF LAND PURCHASED BY THE CITY OF, on tax sales, authorized		459
REHOBOTH:		
ACT CHANGING NAME AND INCORPORATING CITY OF		464-545
SCRAP SEWER ASSESSMENT, when and how made		548-552
SEWER CHARGES, certain, how assessed		546-547
SEAFORD, appropriation to reimburse town of, for highway con- struction		553
SELBYVILLE, authorized to borrow money		555
SMYRNA:		
ALDERMAN, appointment		561
MAYOR AND COUNCIL, election, powers, duties		556-559
TOWN COLLECTOR, nomination and election		560
WILMINGTON:		
RESTRICTIONS AS TO CERTAIN EXTENSIONS OF CITY LIMITS		562
THE COUNCIL OF, appropriations by, to retire bonds of, when made		563-565

Civilian Construction Corps.

STATE HIGHWAY DEPARTMENT TO USE AID OF IN ERECT- ING DYKES	144
---	-----

Claims, Against the State of Delaware

APPROPRIATIONS TO PAY TO:

BRYAN, NORA W.	160
CANTERA CONSTRUCTION COMPANY	159
EVANS, HORACE J.	162
HOLTON, CHARLES R.	160
HOLTON, WILLIAM E.	160
HOLTON, WILLIAM J.	160
JARMON, REES S.	160
LOCKERMAN, SAMUEL P.	160
MITCHELL, EDWARD H. and LEUELLE O.	163
MOORE, WILLIAM	160
ROGERS, ALFRED	158
SECURITY TRUST COMPANY, Trustee	160
SMITH, JENNIE, et al.	160
WHITTINGHAM, RICHARD A.	160

Claymont Fire Company

LEVY COURT OF NEW CASTLE COUNTY MAY MAKE AP- PROPRIATIONS TO, for ambulance maintenance	236
--	-----

Clayton

ACT TO REINCORPORATE THE TOWN OF	318-351
--	---------

Clerk of the Peace (Sussex County)

OFFICIAL SECURITIES OF, additional bond not required of	172
---	-----

Collector of Oyster Revenue

See OYSTER REVENUE COLLECTOR.

Colored Girls

INDUSTRIAL SCHOOL FOR, appropriations	88, 126, 127
---	--------------

Colored People

LAYTON HOME FOR AGED, appropriation	130
---	-----

Colored Students

INDUSTRIAL SCHOOL FOR, appropriations	92
---	----

Commission, State House Building, of 1937

See STATE HOUSE BUILDING COMMISSION OF 1937	118
---	-----

GENERAL INDEX

xxv

Committee on Uniform Laws	
APPROPRIATIONS	77
Compensation Commission, Unemployment	
See UNEMPLOYMENT COMPENSATION COMMISSION	742
Compressed Air Gun	
POSSESSION OR SALE, unlawful, exceptions	657
Condemnation	
LEWES INLET, land for may be acquired by	440-442
MILFORD ARMORY, New, land for may be acquired by	131
REHOBOTH SCHOOL BUILDING, land for may be obtained by	569
STATE PARK, at "The Rocks," in Wilmington, land for may be acquired by	707
Congress of the United States	
RESOLUTION ASSENTING TO ACT OF RELATING TO AGRI- CULTURE	810
Conservation Week	
PROCLAMATION OF GOVERNOR DESIGNATING A	958
Constables	
POLICE FOR BRANDYWINE AND CHRISTIANA HUNDREDS TO HAVE POWERS OF	262
Constitution of Delaware	
PROPOSED AMENDMENTS TO THE:	
RELATING TO THE JUDICIARY	3-16
RELATING TO THE CREATION OF A PUBLIC SCHOOL TRUST FUND	17
Constitution of the United States	
ACT CREATING COMMISSION TO CELEBRATE ANNIVER- SARY OF THE ADOPTION OF THE	740-741
Contractor	
DEFINED, license fees	53, 54, 57
Conveyancer	
DEFINED, license fee	45

Conveyances

ACT RELATING TO EXECUTION OF CERTAIN, and other legal instruments, by the Home Owners Loan Corporation	626
DEED NOT RECORDED WITHIN FIFTEEN DAYS, effect of	627

Co-operative Agricultural Associations

ACT PROVIDING FOR THE INCORPORATION OF	286-306
AGRICULTURE AND AGRICULTURE PRODUCTS DEFINED ..	286
AMENDMENTS TO ARTICLES OF ASSOCIATION, how made....	302
ARTICLES OF ASSOCIATION, where filed and recorded	287-288
AUDIT, when and how made	300
BLACK-LISTING OF MEMBERS, prohibited, penalty	300-302
BOARD OF DIRECTORS OF	298
BY-LAWS, when and how adopted	295-298
CORPORATIONS:	
DELAWARE, may acquire powers of	303
FOREIGN CO-OPERATIVE MAY BECOME DELAWARE CORPORATION, procedure	303-305
FOREIGN CO-OPERATIVE DOING BUSINESS IN DELAWARE, regulations	305-306
DEFINITIONS	286
DISSOLUTION OF, how effected	302
FORMATION AND ORGANIZATION	287-288
OFFICERS, how appointed, terms of office	299
PERSONS ENGAGED IN CERTAIN OCCUPATIONS MAY FORM	286
POWERS AND LIMITATIONS OF	287-305
REPORTS OF ANNUAL AUDIT, where and when filed	300
RESERVE FUND OF, required, use of	299
STATE TAXES, exemption from, of	302-303
STOCKHOLDERS, voting powers, liabilities	292
UNLAWFUL PRACTICES, penalties, under the act creating	300-302
WHO MAY FORM	286

Corbit Free Library

APPROPRIATIONS	101
----------------------	-----

Corporation Department, State

ACT PROVIDING FOR ERECTION OF NEW BUILDING FOR THE	65-67
APPROPRIATIONS	103

Corporations

ANNUAL REPORTS OF, to set forth total gross assets	24
APPEALS, for refund of illegally assessed taxes	28
CERTIFICATES OF, improperly recorded, effect	284
CO-OPERATIVE AGRICULTURAL ASSOCIATIONS	286-306
DIRECTORS OF, liability for illegal payment of dividends, penalty, exoneration from liability	274-275
DIVIDENDS, how declared and paid	274
FEES OF RECORDER IN NEW CASTLE COUNTY, certificates of certain changes of	679
FRANCHISE TAXES, paid to Tax Department, rates	22-25
LOCATION OF OFFICE OF RESIDENT AGENT, change of....	283
MERGER OF:	
JOINT STOCK ASSOCIATION, and corporation	278-279
PARENT CORPORATION AND SUBSIDIARY	277-278
MUTUAL INVESTMENT COMPANIES:	
FRANCHISE TAX, how computed	26-27
ANNUAL REPORT OF	26
NATIONAL BANKRUPTCY ACT:	
PLAN OF REORGANIZATION OF UNDER CERTIFICATES, where filed, fees	280-282
PROCLAMATION OF GOVERNOR VOIDING CHARTERS OF	848-891
PROCLAMATION OF GOVERNOR VOIDING CHARTERS OF	924-955
PRINCIPAL OFFICE OF, change of location	282
RECORDER OF DEEDS:	
CERTIFICATES OF, recorded by the	277-284
EFFECT OF IMPROPERLY RECORDED CERTIFICATE	284
RESIDENT AGENT, change of	282
SECRETARY OF STATE:	
CERTIFICATE, of merger, filed with	277-279
SERVICE OF LEGAL PROCESS ON	276
WAIVER OF NOTICES BY STOCKHOLDERS OF	294

Counties

See KENT COUNTY.	
See NEW CASTLE COUNTY.	
See SUSSEX COUNTY.	
REVISED CODE, 1935 for sale by Prothonotaries of the several....	168-170

County Treasurer of New Castle County

FIRE PROTECTION ACCOUNT, expended by the	250
SINKING FUND ACCOUNT IN NAME OF	245

Court of Chancery

ACCOUNTING AND DISTRIBUTION OF TRUST FUNDS, market value of certain securities deemed "principal", when; sinking fund not required, when	651
--	-----

Court of Chancery (Continued)

APPROPRIATIONS	78
LIFE TENANTS AND TESTAMENTARY TRUST ESTATES: ACT RELATING TO METHOD OF DETERMINING "IN- COME" TO LIFE TENANT	652

Court of Common Pleas (Kent County)

APPROPRIATIONS	78
CONCURRENT JURISDICTION IN DESERTION AND NON- SUPPORT CASES	715
JURISDICTION, in actions regarding unlawful removal of sand from Beaches	639

Court of Common Pleas (New Castle County)

JURISDICTION, in actions regarding unlawful removal of sand from beaches	639
PERSONS ACCUSED BEFORE JUSTICE OF PEACE RIGHT TO ELECT TO BE TRIED BY THE	714

Court of General Sessions

POWERS IN CONTEMPT PROCEEDINGS CERTIFIED FROM STATE TAX BOARD	38
CONCURRENT JURISDICTION, with Court of Common Pleas of Kent County, in certain cases	715

Courts

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE	3-16
CLAIM AGAINST STATE, appropriation	812

Crimes and Punishments

ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS, uniform act to secure	670-673
DEADLY WEAPONS, possession or sale of certain, unlawful, pen- alty, exceptions	657
EXTRADITION, interstate, act to make uniform the procedure on	658-669
PAROLEE SUPERVISION, uniform act for out-of-state	674-676
UNIFORM LAW ON FRESH PURSUIT	677-678

Crippled Children, Fund For

STATE BOARD OF HEALTH TO ADMINISTER	198-200
STATE TREASURER, custodian of the	200

GENERAL INDEX

xxix

Crossings of Railroads

CONSTRUCTION OF OVERHEAD OR UNDERGRADE, regulated, costs, how paid	709-710
--	---------

Cruelty to Animals, Delaware

SOCIETY FOR PREVENTION OF, appropriations	97, 139
---	---------

Custodian, State

APPROPRIATIONS, salaries, operations	84
--	----

Dairyman

DEFINED, license fee	50
----------------------------	----

David C. Harrison Post No. 14, Inc.

APPROPRIATION TO, by Levy Court, Kent County, for ambulance	243
---	-----

Deadly Weapons

POSSESSION OR SALE OF CERTAIN, unlawful, penalty	657
RESOLUTION TO PERMIT INTRODUCTION OF ACT RELATIVE TO	796

Decedents' Estates

ACT RELATING TO DECREES OF DISTRIBUTIONS OF	632-633
---	---------

Deeds

ACT MAKING VALID CERTAIN, having defective acknowledgments	625
NEW INDICES OF KENT COUNTY, authorized	258-259
ACT RELATING TO EXECUTION OF CERTAIN, by Home Owners Loan Corporation	626
TIME FOR RECORDING OF, as against innocent purchasers for value	627

Defective Acknowledgments

ACT MAKING VALID CERTAIN DEEDS HAVING	625
---	-----

Delaware Agricultural Conservation and Adjustment Act

AGRICULTURAL DISTRICTS AND COMMUNITIES	589
APPROPRIATION TO STATE AGENCY	590-591
DECLARATION OF PURPOSE	583-585
DEFINITIONS	585
EFFECTIVE DATE OF THE	591

Delaware Agricultural Conservation and Adjustment Act (Continued)

LIMITATIONS	585
ORGANIZATION OF PRODUCERS AND COMMITTEES	589-590
RECEIPTS AND DISBURSEMENT OF FUNDS	587-588
STATE PLANS, formulation and administration, mandatory provisions	585-587
STATE ADVISORY BOARD, its selection and duties	590
STATE AGENCY:	
UNIVERSITY OF DELAWARE DESIGNATED AS THE	585
ADDITIONAL POWERS AND DUTIES OF THE	588-589
REPORTS AND INVESTIGATIONS	590

Delaware Bay

APPROPRIATION TO PROTECT HIGHWAYS FROM INUNDATION BY THE WATERS OF THE	144
--	-----

Delaware Bay Shore

APPROPRIATION FOR CONSTRUCTION OF DYKES BETWEEN BROADKILL BEACH AND MISPELLION RIVER	144
--	-----

Delaware Better Housing Day

PROCLAMATION, designating	831
---------------------------------	-----

Delaware Child Health Day

PROCLAMATION OF GOVERNOR DESIGNATING A	959
--	-----

Delaware Colony

APPROPRIATION FOR FURNISHINGS, operation and maintenance, two cottages	112
--	-----

Delaware Commission for Feeble Minded

APPROPRIATIONS, salaries, operation, etc.	88
APPROVAL BY, of warrants for payment of special Delaware Colony Appropriation	112

Delaware Commission for the Blind

APPROPRIATIONS, salaries, etc.	113
-------------------------------------	-----

Delaware Day

PROCLAMATION	845, 922
--------------------	----------

Delaware Hospital in Wilmington

APPROPRIATIONS FOR	124
--------------------------	-----

Delaware Industrial School for Colored Girls

See INDUSTRIAL SCHOOL FOR COLORED GIRLS.

Delaware Industrial School for Girls

APPROPRIATIONS, salaries, etc. 114

Delaware Racing Commission

AN ACT TO AMEND CHAPTER 163 OF THE REVISED CODE
OF DELAWARE, 1935:

SEC. 5, Salaries; rentals; expenses; license fees; 681-682

SEC. 7, Application for license; awarding of dates; personal
injury liability insurance; inspections 682-683SEC. 11, Tax on admissions; Records of admissions; Power
to examine records; sworn statement of receipts; allow-
ances and return on investment; penalty; fines paid to
Commission 683-685SEC. 15, Wagering by use of pari-mutuel machines or totaliza-
tors, authorized, limitations; powers of commission to
grant and revoke licenses, prescribe regulations, issue
subpoenas and administer oaths; percentage for use of
State; commissions to operators 685-688

Delaware Real Estate Commission

APPROPRIATIONS 99

Delaware State Employment Bureau

APPROPRIATION 98

Delaware State Employment Service

TRANSFER OF, to Unemployment Compensation Commission 771-772

Delaware State Hospital

ACT PROVIDING FOR ERECTION OF BUILDINGS OR AN-
NEXES AT 65-67

APPROPRIATIONS:

BUILDINGS 117

SALARIES, operations, etc. 87

Delaware State News

CLAIM AGAINST STATE, appropriation 812

Delaware Tercentenary Commission

APPROPRIATION FOR, how paid, etc.	115
TO SUPERVISE THE ERECTION OF A MONUMENT IN STATE PARK, commemorative of the first landing of the Swedes.....	707
RESOLUTION AUTHORIZING APPOINTMENT	799-800
RESOLUTION AUTHORIZING ADDITIONAL MEMBERS OF THE	809

Delaware Workmen's Compensation Law

ACT AMENDING, by extending provisions to include occupa- tional diseases	716-719
APPLICATION OF ACT EXTENDED TO:	
EMPLOYEES AND OFFICERS OF BOARD OF PUBLIC WORKS OF LEWES	722
EMPLOYER OF LESS THAN FIVE EMPLOYEES, when	721
NATIONAL GUARD OF DELAWARE	720

Delmar

DRAINAGE BONDS, authorized to refund	356-359
SEWER BONDS, authorized to refund	352-355
SPECIAL ELECTION AUTHORIZED, regarding bond issue for purchase and operation of water system	360-364

Delmar Water Company, The

TOWN OF DELMAR AUTHORIZED, after referendum, to pur- chase and operate the water plant and system of	360-364
---	---------

Dental Examiners

See STATE BOARD OF DENTAL EXAMINERS	96
---	----

Dentist

DEFINED, license fee	45
----------------------------	----

Department of Agriculture, U. S.

See UNITED STATES DEPARTMENT OF AGRICULTURE.

Department of Justice

APPROPRIATIONS, expenses, salaries, etc.	78
---	----

Departments, State

See under specific title.

GENERAL INDEX

xxxiii

Dependent Children

ACT RELATING TO CARE OF, by the State Board of Charities, appropriations	231-233
NON-RESIDENT, bringing into State, regulated	230

Deputy Attorneys General

APPROPRIATION, salaries	79
EXTRADITION PROCEEDINGS, powers and duties of the	658-669

Deputy Auditor of Accounts

POWERS AND DUTIES ENLARGED	177
SALARY, appropriations	81

Deputy State Treasurer

APPROPRIATIONS, salary	81
DUTIES AND POWERS OF, increased	174

Desertion

JURISDICTION OF COURT OF COMMON PLEAS OF KENT COUNTY IN CASES OF	715
---	-----

Detectives, State

APPROPRIATIONS, salaries	80
--------------------------------	----

Detention Home for Juveniles

APPROPRIATION	97
---------------------	----

Detinue

JUSTICES JURISDICTION IN	654
--------------------------------	-----

Distributor

DEFINED, license fee	45
----------------------------	----

Ditches

LOW LANDS ALONG RIGHT OF WAY OF HIGHWAYS, State Highway Department to drain by construction of	712-713
---	---------

Divorce

CAUSES FOR, a vinculo matrimonii, proceedings	611
---	-----

Dogs

PERSONAL PROPERTY, subject of larceny, when	599
STRAY, on premises, no presumption of theft	600
UNLAWFUL TAKING OR STEALING OF ANY, penalty	599-600

Domestic Relations

ADOPTION, procedure	612-624
DIVORCE, causes for, a vinculo matrimonii	611
MARRIAGES, unlawful to advertise performance of in another State	610

Dover Free Library

APPROPRIATIONS	101
----------------------	-----

Drainage of Low Lands

DREDGES MADE AVAILABLE FOR USE BY FEDERAL AND STATE AGENCIES AND ORGANIZED DITCH COMPANIES IN SUSSEX COUNTY	248
ADJACENT TO HIGHWAYS, act providing for the	712-713

Drayman

DEFINED, license fee	45
----------------------------	----

Duplicator Machine

APPROPRIATION FOR PURCHASE OF, for Secretary of State....	140
---	-----

Eating House Keeper

DEFINED, license fee	50
----------------------------	----

Edgewood Sanatorium

APPROPRIATIONS, salaries, operations	85
--	----

Eels

REGULATIONS FOR THE TAKING OF, in Kent County, repealed	605
---	-----

Election

BELLEFONTE, bond issue for sewer system, special	309
BLADES, bond issue for water system, special	312-315
BRIDGEVILLE, special, authorized, regarding Fire Department Fund	316
DELMAR, special, regarding bond issue for purchase of water system	360-364

Election (Continued)

DISTRICTS, new, created in New Castle County	271-272
MUNICIPAL, votes to be counted openly and publicly	270
PROCLAMATION OF GOVERNOR DESIGNATING ELECTION DAY	901
PROCLAMATIONS OF GOVERNOR OF ELECTION OF:	
HON. WILLIAM F. ALLEN, Representative in Congress	914
HON. JAMES H. HUGHES, United States Senator	911
HON. ERNEST C. BLACKSTONE, State Treasurer	916
PRESIDENTIAL ELECTORS	907
HON. JAMES W. WISE, Auditor of Accounts	918
REHOBOTH SCHOOL BUILDING BOND ISSUE, special election regarding	573-575

Election Districts, New

See TENTH REPRESENTATIVE DISTRICT, New Castle County	271
--	-----

Elsemere

TAXES, additional powers to collect	365-367
---	---------

Employment Agent

DEFINED, license fee	45
----------------------------	----

Engineer

DEFINED, license fee	46
----------------------------	----

Estate Tax

APPLICATION FOR REFUND OF TAX ERRONEOUSLY PAID, limitations	35
REFUND OF TAX PAID, when, by whom	35

Evans, Horace J.

APPROPRIATION TO PAY CLAIM OF	162
-------------------------------------	-----

Executions

EXEMPTION OF WAGES FROM, under certain condition	656
--	-----

Executor

COMMISSION NOT ALLOWED TO, when	34
PENALTY FOR FAILURE TO FILE INVENTORY, etc., with Register of Wills and State Tax Commissioner	34

Extradition

See UNIFORM CRIMINAL EXTRADITION ACT 658-669

Factor

DEFINED, license fee 46

False Charges Against Minor

Unlawful, penalty 646

Farmers Bank

BRANDYWINE SANATORIUM, appropriation for paid out of
Special Fund in the 109
CERTAIN BALANCES IN, to be transferred to the School Fund:
TAX DEPARTMENT, State of Delaware, M. Howard Jes-
ter, Commissioner 165
M. HOWARD JESTER, Special State Tax Commissioner 165
TAX COMMISSIONER, Pierre S. duPont, Account No. 3 165
CERTIFICATES OF INDEBTEDNESS, payable at 104
DELAWARE STATE HOSPITAL:
APPROPRIATION FOR, paid out of Special Fund in the 117
DIRECTORS, on the part of the State, appointment 813
INDIAN RIVER INLET:
APPROPRIATION FOR, from Special Fund in the 146-147
MILFORD STATE ARMORY:
APPROPRIATION FOR PAID OUT OF SPECIAL FUND
IN THE 131-133
PROCEEDS FROM SALE OF CERTAIN STATE BONDS, de-
posited in special funds in, for the purpose of erecting cer-
tain new State Buildings 65-67
STATE BUILDING, new, at Dover, appropriation for paid out of
Special Fund in the 118-121

Farmers Bank, Special Fund

APPROPRIATION FROM, for:
BRANDYWINE SANATORIUM 109
DELAWARE STATE HOSPITAL 117
STATE BUILDING, New, at Dover 121
MILFORD ARMORY 131-133
APPROPRIATION FROM CERTAIN, for Indian River Inlet 146-147

Federal Aid Account

SPECIAL ACCOUNT IN THE STATE TREASURY, how expended 175-176

Federal Grants

KENT COUNTY LEVY COURT, authorized to accept certain.... 259

Federal Grants to the State of Delaware	
RECEIPT AND DISBURSEMENT OF	175-176
Federal Housing Administrator	
COMMITMENTS BY, to Delaware fiduciaries	307
DELAWARE FIDUCIARIES MAY INVEST FUNDS IN CER- TAIN SECURITIES INSURED BY THE, exemptions	308
Federal Social Security Act	
See UNITED STATES SOCIAL SECURITY ACT	228
STATE OLD AGE WELFARE COMMISSION, reports of, under the	265
Feeble Minded, Delaware Commission for	
APPROPRIATIONS, salaries, operation, etc.	88
Fees	
MANUFACTURERS LICENSE	40-41
MERCHANTS LICENSE	42-43
MOTOR VEHICLE INSPECTION, when payable	695
MOTOR VEHICLE REGISTRATION, exemptions from	696
Fees of Public Officers	
RECORDER IN NEW CASTLE COUNTY FOR RECORDING CERTAIN CERTIFICATES OF CORPORATIONS	679
Ferris Industrial School	
APPROPRIATIONS, salaries, operation, etc.	89
Fifteenth Representative District, New Castle County	
SECOND ELECTION DISTRICT, voting place	273
Fight Cancer Week	
PROCLAMATION OF GOVERNOR DESIGNATING A ...	956
Finance Acceptor	
DEFINED, license fee	50
Fines and Forfeitures	
IMPOSED BY COURTS MARTIAL, use of	166

Fire Companies

APPROPRIATIONS TO FOR AMBULANCE MAINTENANCE:

AETNA HOOK, HOSE & LADDER COMPANY, Newark	240-241
CARLISLE FIRE COMPANY, Milford	239
CLAYMONT FIRE COMPANY	236
FRANKFORD VOLUNTEER FIRE COMPANY	237
LAUREL FIRE DEPARTMENT	238
SEAFORD FIRE COMPANY	242
APPROPRIATIONS FOR, outside Wilmington	123
REPORTS TO STATE TREASURER BY	123

Fire Drills, in Free Public Schools

DUTIES OF BOARDS OF TRUSTEES, relating to	580
---	-----

Fire Extinguishers, in Free Public Schools

DUTIES OF BOARDS OF EDUCATION, relating to	580
--	-----

Fire Prevention Week

PROCLAMATIONS DESIGNATING	835, 902
---------------------------------	----------

Fire Protection

LEVY COURT, New Castle County, may levy special tax in un- incorporated communities for purposes of	249-250
--	---------

Fish, Oysters and Game

AGRICULTURE, injury to by Protected Wildlife, remedy	595
BOARD OF GAME AND FISH COMMISSIONERS POWERS TO CONFISCATE UNLAWFUL TRAPS	596
BULL FROG, daily limit	598
DOGS, personal property, when, larceny of, penalty	599-600
EELS, taking in Kent County, restrictions repealed	605
FOX, red:	
LAWFUL TO CHASE, when	596
UNLAWFUL TO SELL OR TRANSPORT FROM STATE	597
UNLAWFUL TO SHOOT, when	596
GAME ANIMALS, enumerated	594
HAWKS, Bounty for, repealed	606
INFORMER, one-half fines to	597
OPEN SEASONS FOR GAME	594
OYSTERS, tonging regulated	601-604
SKUNK, protection removed	596
TRAPS, unlawful, exceptions	596
TRAWL-NETS, etc., unlawful in Atlantic Ocean, penalty	827
WARDENS, power of search without warrant, when	593
WATERS OF SILVER LAKE, Rehoboth, appropriation to regulate	711

Flares

ACT REQUIRING USE OF UNDER MOTOR VEHICLE LAWS 702-703

Foreign Born Residents

APPROPRIATIONS FOR AMERICANIZING 141

Forestry Department

See STATE FORESTRY DEPARTMENT.

Fox, Red

LAWFUL TO CHASE, when ground covered with snow 596

UNLAWFUL:

TO SHOOT WHILE CHASED BY DOG 596

TO SELL OR TRANSPORT FROM STATE 597

Fractional Licenses

See STATE REVENUE.

MANUFACTURERS, lien, when 40-41

MERCHANTS, lien, when 42-43

Franchise Taxes

DIVERSION OF PORTION OF TO GENERAL FUND 69-70

DIVERSION FOR CERTAIN EDUCATIONAL AND OTHER
USES 818-820

MUTUAL INVESTMENT COMPANIES, how computed 26-27

RATES OF CORPORATIONS ANNUAL 22-25

REFUND OF TAX ILLEGALLY ASSESSED 28-29

Frankford

ACT TO REINCORPORATE THE TOWN OF 376-427

APPROPRIATIONS:

FOR FREE LIBRARY 101

FOR VOLUNTEER FIRE COMPANY AMBULANCE 237

BONDS, authorized to refund 428-430

Frankford Free Library

APPROPRIATIONS 101

Frederica

BOND ISSUE AUTHORIZED 431-434

Free Public Schools

BOARDS OF, duties relating to fire drills and fire extinguishers	580
BUDGET FOR TWO YEARS ENDING JUNE 30, 1939	821-826

Free Public Schools

LAUREL SPECIAL SCHOOL DISTRICT, authorized to issue bonds	576-579
MOORS AND INDIANS, act relating to schools for	581
ODESSA OLD SCHOOL LANDS, sale of authorized	566-568
REHOBOTH SCHOOL BUILDING, construction of a new, authorized	569-575

Fresh Pursuit, Uniform Law on

See UNIFORM LAW ON FRESH PURSUIT	677
--	-----

Frogs, Bull

DAILY BAG LIMIT	598
-----------------------	-----

Game

AGRICULTURE, injury to, by Protected Wildlife, remedy	595
ANIMALS, enumerated	594
BULL FROGS, daily limit	598
DOGS, when personal property, larceny of, penalty	599-600
FOX, red, lawful to chase, while snow on ground	596
UNLAWFUL TO SHOOT, when	596
UNLAWFUL TO SELL, or transport from State	597
INFORMER, one-half fines to	597
OPEN SEASONS, defined	594
SKUNK, unprotected	596
TRAPS, unlawful, exceptions	596
WARDENS, search without warrant, when	593

Game Wardens

DOGS, stolen, warden may seize	599
POWER OF SEARCH, without warrant, when	593

G. A. R.

APPROPRIATIONS	103
INSIGNIA OF THE, unlawful use, penalty	634

Garage-Keeper, Public

REPORT REQUIRED BY, of cars stored and unmoved in thirty days	690
---	-----

Gasoline Tax

RELATING TO DISCLOSURE OF AMOUNT PAID BY MOTOR FUEL DEALERS	63
---	----

General Assembly

APPROPRIATION FOR EXPENSES OF ATTENDANCE AT INAUGURATION OF PRESIDENT FRANKLIN D. ROOSEVELT	807
EXTRAORDINARY SESSION, proclamation of Governor convening on December 28, 1936	923
EXTRAORDINARY SESSION, proclamation of Governor convening on May 18, 1937	960
RESOLUTION, adjournment to February 15, 1937	794
SECOND SPECIAL SESSION, Acts of the	815
WILMINGTON CITY LIMITS NOT TO BE EXTENDED BY THE, prior to referendum in certain areas	562

General Fund of the State Treasury

APPROPRIATIONS TO BE PAID FROM THE:	
AMERICAN LEGION	106
ARCHIVES COMMISSION	137
BURIAL OF INDIGENT SOLDIERS, Sailors and Marines....	110, 111
CARE OF BLIND BABIES	107, 108
CLAIMS AGAINST THE STATE:	
COURT OF THE STATE OF DELAWARE	812
DELAWARE STATE NEWS	812
HUGH A. GEORGE CO.	804
JOHNS-MANVILLE SALES CORP.	805
ROGERS, ALFRED	158
STAR PUBLISHING CO.	803
DELAWARE COLONY, special	112
DELAWARE COMMISSION FOR THE BLIND	113
DELAWARE INDUSTRIAL SCHOOL FOR GIRLS	114
DELAWARE TERCENTENARY COMMISSION	115
FIRE COMPANIES OUTSIDE WILMINGTON	123
HOSPITALS	124
INDUSTRIAL SCHOOL FOR COLORED GIRLS	126, 127
KENT AND SUSSEX COUNTY FAIR	128
LAYTON HOME FOR AGED COLORED PEOPLE	130
PALMER HOME, INC.	136
RELIEF, Indigent Persons	125
SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS	139
SPANISH WAR VETERANS	150
STATE BOARD OF EDUCATION, Americanizing	141
STATE BOARD OF CHARITIES	233
STATE COLLEGE FOR COLORED STUDENTS	142

General Fund of the State Treasury (Continued)

STATE MILITARY BOARD	148, 149
STATE OLD AGE WELFARE COMMISSION	125
STAR PUBLISHING COMPANY	803
TEACHERS RETIREMENT COMMISSION	784
FRANCHISE TAX FUNDS DIVERTED TO THE	69, 818
REVERSION OF UNPAID BALANCES OF APPROPRIATIONS TO THE	77, 105, 120
STATE HIGHWAY FUNDS, borrowed for use of the	71-73
REVISED CODE OF 1935, monies from sale of to go into the....	168-170

General Repairman

DEFINED, license fee	50
----------------------------	----

Governor

APPROPRIATIONS, salary, etc.	79
AUTHORIZED TO EXECUTE DEED FOR CERTAIN PUBLIC LANDS NEAR BETHANY BEACH	20
BOND ISSUE, to erect certain new State Buildings, powers and duties of the	65-67
CERTIFICATE OF INDEBTEDNESS: TO MEET CASUAL DEFICIENCIES OF STATE REVENUE, executed by the	104, 105
TO BORROW HIGHWAY FUNDS, signed by the	71-73
EXTRADITION PROCEEDINGS, powers of the	658-659
FRANCHISE TAX FUNDS DIVERSION, duties of the	69-70
INAUGURATION OF THE, joint session to attend	806
INAUGURATION, appropriation	808
INDIAN RIVER INLET, bond issue increase, powers of the	68
KENT AND SUSSEX FAIR, to appoint Prize Committee Member	128
MINQUADALE HOME, deed for, signed by the	266
PAROLEE SUPERVISION, execution of Compact with other States authorized	674
SUNSET OIL COMPANY STOCK, sale authorized	75-76
TO APPOINT MEMBERS OF: STATE HOUSE BUILDING COMMISSION	118
STATE PARK COMMISSION	781
STATE POLICE PENSION BOARD	790
TEACHERS RETIREMENT COMMISSION	783
UNEMPLOYMENT COMPENSATION COMMISSION	764

Governor Printz Boulevard

NAME OF STATE HIGHWAY IN NEW CASTLE COUNTY CHANGED TO	269
--	-----

Grand Jury

UNIFORM ACT TO SECURE ATTENDANCE OF WITNESSES
FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS 670-673

Greenwood

CHARTER AMENDMENTS 435-438

Guardians

See COURT OF CHANCERY 651

Hartly

CHARTERS OF, amended 439

Hawks

BOUNTY FOR HEADS OF, repealed 606

Health, State Board of

See STATE BOARD OF HEALTH

Highway Department

See STATE HIGHWAY DEPARTMENT.

Highway Fund

See STATE HIGHWAY DEPARTMENT FUNDS.

Highway Improvement Bonds

APPROPRIATION TO PAY MATURITIES 151-153

Historical Material

PUBLIC ARCHIVES COMMISSION AUTHORIZED TO PUR-
CHASE 137-138

Historical Society of Delaware

APPROPRIATIONS 102
EXEMPTION FROM TAXATION OF THE 256

Historic Markers

PUBLIC ARCHIVES COMMISSION, powers to locate places for 222

Historic Markers Commission	
PUBLIC ARCHIVES COMMISSION TO MAINTAIN MARKERS ERECTED BY THE	222
Holton, Charles R.	
APPROPRIATION TO PAY CLAIM OF	160
Holton, William E.	
APPROPRIATION TO PAY CLAIM OF	160
Holton, William J.	
APPROPRIATION TO PAY CLAIM OF	160
Homeopathic Hospital Association of Delaware, at Wilmington	
APPROPRIATIONS FOR	124
Home Owners Loan Corporation	
ACT RELATING TO EXECUTION OF CERTAIN LEGAL IN- STRUMENTS BY THE	626
AFFIDAVITS OF DEMAND, in behalf of, by whom made	655
Hospital, Delaware State	
See DELAWARE STATE HOSPITAL.	
Hospitals	
APPROPRIATIONS FOR CERTAIN	124
Housing Commission	
See STATE HOUSING COMMISSION.	
Hugh A. George Co.	
CLAIM AGAINST STATE, appropriation ...	804
Hughes, James H.	
PROCLAMATION OF ELECTION AS UNITED STATES SENA- TOR	911
Income Tax	
CERTAIN REFUNDS OF, prohibited	165
DETERMINATION OF AMOUNT OF GAIN OR LOSS: BASIS WHEN CAPITAL ASSETS ACQUIRED BY A PER- SON PRIOR TO BECOMING A RESIDENT OF DELA- WARE ARE SOLD ...	38

GENERAL INDEX

xlv

Income Tax (Continued)

BASIS WHEN PROPERTY SOLD DURING PERIOD OF ADMINISTRATION	37
BASIS WHEN PERSONAL PROPERTY ACQUIRED BY BEQUEST OR INHERITANCE	37
DIVIDENDS ON SHORT SALES, WHEN DEDUCTIBLE, WHEN PART OF COSTS	36
UNPAID ASSESSMENT ENTERED AS JUDGMENT BY STATE TAX DEPARTMENT, how collected	39

Incorporator

DEFINED, license fee	46
----------------------------	----

Indian River Inlet

APPROPRIATION FOR	146-147
BOND ISSUE, increase of, for opening of	68
BILL CONCERNING, permission to introduce	797

Indians, Moors and

ACT RELATING TO SCHOOLS FOR	581-582
-----------------------------------	---------

Indices

NEW DEED RECORD, authorized for Kent County, specifications	258-259
NEW MORTGAGE RECORD, authorized for Sussex County, specifications	260-261
OF JUDGMENTS IN NEW CASTLE COUNTY, annual examination of, when and how made	642

Indigent Crippled Children

ACT PROVIDING FOR CARE OF	198-200
---------------------------------	---------

Indigent Persons

See STATE OLD AGE WELFARE COMMISSION.	
INTERSTATE TRANSPORTATION OF, regulated	229

Indigent Soldiers, Sailors and Marines

BURIAL OF, appropriations	110, 111
---------------------------------	----------

Industrial Accident Board

APPROPRIATIONS	99
NOTICE TO, from employer of less than five employees, who carries compensation insurance	721
PETITION TO, regarding claims for compensation under Workmen's Compensation laws	718

Industrial School, Colored Girls**APPROPRIATIONS:**

HORSE, purchase of	127
PAYMENT OF MORTGAGE ON	126
REPAIRS	127
SALARIES, operations, etc.	88

Industrial School for Girls

See DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

Inheritance Tax

DEDUCTIONS ALLOWABLE	32
RATES OF TAXATION	30-32
ASSESSED ON BASIS OF RELATIONSHIP, when	33
INTEREST ON, when payable	33
STATE TAX DEPARTMENT, duties as to	34

Injuries to Personal and Real Property

JURISDICTION OF JUSTICES OF THE PEACE, LIMIT OF DAMAGES	654
---	-----

Insanity

CAUSE FOR DIVORCE, when, proceedings	611
--	-----

Insignia of Veterans Organizations

USE OF BY NON-MEMBER, unlawful, penalty	634
---	-----

Insurance**WORKMEN'S COMPENSATION:**

EMPLOYER OF LESS THAN FIVE EMPLOYEES CARRY- ING, effects of under Delaware Acts, proviso	721
---	-----

Insurance Commissioner

APPROPRIATIONS	82, 84
MUTUAL BENEFIT ASSOCIATION, requirements for obtaining Certificate of Authority from the, duties of the	180-187

Insurance Companies

ADDITIONAL REQUIREMENTS FOR CERTIFICATE OF AU- THORITY	178-179
CAPITAL STOCK COMPANIES, minimum capital stock and sur- plus requirements	178

Insurance Companies (Continued)

MUTUAL BENEFIT ASSOCIATIONS, act relating to	180-187
MUTUAL COMPANIES, minimum requirements	178-179
See BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES, Sundry Provisions	307-308

Insurance Department

MINIMUM REQUIREMENTS FOR CERTIFICATE OF AUTHORITY FOR CAPITAL STOCK OR MUTUAL INSURANCE COMPANIES	178-179
MUTUAL BENEFIT ASSOCIATIONS, act relating to	180-187

Investments

See LOANS AND INVESTMENTS	307-308
---------------------------------	---------

Jarmon, Rees S.

APPROPRIATION TO PAY CLAIM OF	160
-------------------------------------	-----

Jester, M. Howard

See M. HOWARD JESTER	165
----------------------------	-----

Johns-Manville Sales Corp.

CLAIM AGAINST STATE, appropriation	805
--	-----

Judge, Resident Associate (Kent County)

DEED RECORD INDICES, new, powers and duties of the	258-259
--	---------

Judge, Resident Associate (New Castle County)

INDICES OF JUDGMENTS, annual appointment of examiners of entries of satisfaction, made by the	642
MIDDLETOWN SEWER SYSTEM, procedure before, to assess damages	448-451

Judge, Resident Associate (Sussex County)

CONDEMNATION PROCEEDINGS, lands for Lewes and Rehoboth Inlet, powers of the	440-442
INDIANS, schools for, disputes regarding attendance at, referred to the	581-582
REHOBOTH BOARD OF SCHOOL TRUSTEES, appeals from decisions of, to the	574-575

Judges, Associate

APPROPRIATIONS, salaries	78
--------------------------------	----

Judges of the Superior Court

ADDITIONAL CAUSES FOR DIVORCE A VINCULO MATRI- MONII, proceedings	611
--	-----

Judgments

INDICES OF, entered in New Castle County, annual examina- tion of entries of satisfaction, when and how made	642
---	-----

Judiciary

PROPOSED AMENDMENTS TO THE CONSTITUTION OF DELAWARE RELATING TO THE	3-16
ACT PROVIDING PENSIONS FOR CERTAIN FORMER MEM- BERS OF THE STATE	643

Junk Dealer

DEFINED, license fee	50
----------------------------	----

Junk Yards, Automobile

MAINTENANCE OF, near highway, regulated, penalty	635
--	-----

Justice of the Peace

APPROPRIATIONS (bond premiums)	78
DUTY OF, to inform litigants of right of appeal from decisions of	653
EXTRADITION PROCEEDINGS, admission to bail by, when....	664
FRESH PURSUIT, Uniform Law on, powers and duties of the....	677
INCOME TAX, duties as to entering unpaid assessment as a judgment	39

JURISDICTION:

AS TO PHARMACY LAWS	213-214
AS TO STATE REVENUE	60
AS TO TAKING OF SAND FROM BEACHES	639
IN TRESPASS, Replevin and Detinue	654
MOTOR VEHICLE OF PERSON COMMITTED IN DEFAULT OF FINE FOR MOTOR CODE VIOLATION, to be report- ed by the	690
NEW CASTLE COUNTY, notice to accused person of right to elect trial by Court of Common Pleas	714
NON-RESIDENT OPERATOR OF MOTOR VEHICLE, involved in accident, security for damages posted with any	694
RECORDS OF, to contain entry of notice to litigants of right to appeal	653

Juvenile Court (City of Wilmington)

LEGAL BUT NOT PROBATE JURISDICTION RELATING TO DELINQUENT AND NEGLECTED CHILDREN VESTED IN	649
---	-----

GENERAL INDEX

xlix

Juvenile Court (Kent and Sussex Counties)

COMPENSATION, and expenses, limits of, how paid	647-648
LEGAL BUT NOT PROBATE JURISDICTION RELATING TO DELINQUENT AND NEGLECTED CHILDREN VESTED IN THE	649

Juvenile Delinquents

FALSE CHARGES AGAINST MINORS, unlawful, penalty	646
LEGAL BUT NOT PROBATE JURISDICTION RELATING TO, vested in Juvenile Courts	649

Keeper of Stallion or Jack

DEFINED, license fee	46
----------------------------	----

Kent and Sussex County Fair, Inc.

APPROPRIATIONS, prize committee appointment, etc.	128
TO FILE STATEMENT WITH STATE AUDITOR, when	128

Kent County

ASSESSMENT NOTICES AND REPORTS IN, when made	254
CEMETERIES, act protecting owners of burial lots in	636
NEW DEED RECORD INDICES FOR, authorized	258-259
NOTARIES PUBLIC, number of authorized for	235
RECORDER OF DEEDS OF, to procure new seal	257

Kent General Hospital

APPROPRIATIONS FOR	124
--------------------------	-----

Labor Commission of Delaware

APPROPRIATIONS	96
----------------------	----

Laundry Operator

DEFINED, license fee	51
----------------------------	----

Laurel Fire Department

APPROPRIATION TO, for ambulance	238
---------------------------------------	-----

Laurel Free Library

APPROPRIATIONS	101
----------------------	-----

Laurel Special School District

ACT AUTHORIZING REFUNDING OF CERTAIN BONDS OF THE	576-579
--	---------

Layton Home for Aged Colored People

APPROPRIATION	130
---------------------	-----

Leases

OF LANDS OR TENEMENTS, provisions of act relating to time for recording of deeds, not extended to	627
--	-----

Legal Instruments

ACT MAKING VALID CERTAIN, having defective acknowledg- ments	625
ACT RELATING TO EXECUTION OF CERTAIN, by Home Owners Loan Corporation	626

Leipsic Creek

OYSTER TONGING IN, regulated ..	601
---------------------------------	-----

Levy Court (Kent County)

CARLISLE FIRE COMPANY, appropriation	239
COMMISSIONERS OF, to certify to State Treasurer money neces- sary to pay certain Highway and Road Bonds maturities	151-153
DAVID C. HARRISON POST, No. 14, Inc., Appropriation	243
JUVENILE COURT, compensation and expenses, paid by the	647
MOTHERS PENSION COMMISSION, appropriations to be made by the	227
NEW DEED RECORD INDICES AUTHORIZED, costs paid by the	258-259
RECORDER OF DEEDS, costs of new seal for, paid by the	257

Levy Court (New Castle County)

AETNA HOOK, HOSE & LADDER COMPANY, appropriation..	240-241
BLACKBIRD BUILDING, owned by the, to be removed	247
CLAYMONT FIRE COMPANY, appropriation	236
COMMISSIONERS OF, to certify to State Treasurer money neces- sary to pay certain Highway and Road Bonds maturities	151-153
FIRE PROTECTION OF UNINCORPORATED COMMUNITY, how provided by the	249-250
MOTHERS PENSION COMMISSION, appropriations to be made by the	227
NEW CASTLE COUNTY FREE LIBRARY, appropriation	244
POLICE FOR BRANDYWINE AND CHRISTIANA HUNDREDS, appointments by the	262-263

GENERAL INDEX

li

Levy Court (New Castle County) (Continued)

PUBLIC IMPROVEMENTS, appropriation for in various Hundreds from certain funds	246
SALE OF TRACT OF LAND IN BLACKBIRD BY THE, authorized	247
SINKING FUND, authorized to create, for public works, etc.	245
SEWERS, costs of, a lien upon abutting properties, how collected by the	251-252
STREET LIGHTING IN UNINCORPORATED COMMUNITIES, PETITIONS FOR, when presented to	253

Levy Court (Sussex County)

AUTHORIZED TO PROCURE DREDGES FOR USE IN DRAINAGE WORK	248
CARLISLE FIRE COMPANY, appropriation	239
COMMISSIONERS OF, to certify to State Treasurer money necessary to pay certain Highway and Road Bonds maturities	151-153
FRANKFORD VOLUNTEER FIRE COMPANY, appropriation	237
JUVENILE COURT, expenses, etc., to be paid by the	647
LAUREL FIRE DEPARTMENT, appropriation	238
MOTHERS PENSION COMMISSION, appropriation	227
NEW MORTGAGE RECORD INDICES, cost paid by	260-261
SEAFORD FIRE COMPANY, appropriation	242

Levy Courts

HIGHWAY IMPROVEMENT AND STATE AID ROAD BONDS, Levy Courts of respective Counties not to provide for paying maturities	152
---	-----

Lewes

BONDS, refunding authorized after referendum	443-446
ELECTRIC LIGHT PLANT, territory served by extended	447
FREE LIBRARY, appropriations	101
INLET, lands for, may purchase or condemn	440-442
TERCENTENARY COMMISSION, appropriations	102
WORKMEN'S COMPENSATION LAW EXTENDED TO INCLUDE CERTAIN EMPLOYEES OF LEWES, election to be bound by, by whom controlled	722

Lewes Free Library

APPROPRIATIONS	101
----------------------	-----

Libraries

See BRIDGEVILLE FREE LIBRARY.
See CORBIT FREE LIBRARY.

Libraries (Continued)

See DOVER FREE LIBRARY.
 See FRANKFORD FREE LIBRARY.
 See LAUREL FREE LIBRARY.
 See LEWES FREE LIBRARY.
 See MILFORD FREE LIBRARY.
 See MILTON FREE LIBRARY.
 See NEWARK FREE LIBRARY.
 See NEW CASTLE COUNTY FREE LIBRARY.
 See NEW CASTLE FREE LIBRARY.
 See REHOBOTH FREE LIBRARY.
 See SEAFORD FREE LIBRARY.
 See SELBYVILLE FREE LIBRARY.
 See SMYRNA FREE LIBRARY.
 See STATE LIBRARY COMMISSION.

Licenses

See STATE REVENUE.
 ENGAGING IN SERVICE OCCUPATION WITHOUT, penalty.. 48
 FEES ERRONEOUSLY COLLECTED, refund of 60, 61-62
 FRACTIONAL:
 CONTRACTORS 53-54
 MANUFACTURERS 40-41
 MERCHANTS 42-43
 OCCUPATIONAL 44-58
 OSTEOPATHS, to practice, fee, etc. 206
 RELATING TO FORM AND STYLE OF 64
 RELATING TO PRO-RATION OF 64
 TEMPORARY, to practice medicine or surgery 204

Lien

MANUFACTURERS LICENSE FEE A LIEN, when 40-41
 MERCHANTS LICENSE FEE A LIEN, when 42-43
 SEWERS, costs of construction by Levy Court of New Castle
 County a lien on abutting properties 251-252

Lieutenant Governor

APPROPRIATIONS, salary, etc., on Board of Pardons 97

Life Tenants of Testamentary Trust Estates

ACT RELATING TO METHOD OF DETERMINING "INCOME"
 TO BE PAID TO 652

Liquor Commission

See STATE LIQUOR COMMISSION.

GENERAL INDEX

liii

Liquors

See ALCOHOLIC LIQUORS, Wines and Beer 723-739

Little Creek

APPROPRIATION FOR WHARF REPAIRS AT 143

Live Poultry

TRANSPORTATION AND SHIPMENT, regulated 195-196

Livery Stable Keeper

DEFINED, license fee 46

Livestock

ACT RELATING TO THE CONTROL AND ERADICATION
OF DISEASES 189-194

Loans and Investments

BANKS, Savings Societies, Trust Companies and other fiduciaries
may invest funds in certain securities, exemptions 307-308

Lockerman, Samuel P.

APPROPRIATION TO PAY CLAIM OF 160

Loyalty Days

PROCLAMATION CONCERNING 836

Mahon's River

OYSTER TONGING IN, regulated 601

Manicurist

DEFINED, license fee 46

Manufacturers

FRACTIONAL LICENSE 40-41
LICENSE FEE, lien, when 40-41
LICENSE, proceedings, fees, term, fractional 40-41
STATE TAX DEPARTMENT, duties as to licensing of 40-41

Marriage

ADVERTISING TO PERFORM IN ANOTHER STATE, unlaw-
ful, penalty 610

Maxim Silencer

POSSESSION OR SALE, unlawful, exceptions	657
--	-----

Medical Council of Delaware

ACT RELATING TO THE	201-206
APPROPRIATIONS, salaries, etc.	85
CANDIDATES, qualifications, fees	202-206
CERTIFICATES, when and to whom issued	202
EXAMINING BOARDS, meetings, etc.	201
EXPENSES, how paid; surplus, how disposed of	201
LICENSES REQUIRED	204
OSTEOPATHS, examination of, etc.	205-206
RECORDS, to be kept by the	203
QUESTIONS FOR EXAMINATIONS	201
TEMPORARY LICENSES	204-205

Mercantile Agency

DEFINED, license fee	46
----------------------------	----

Merchants

FRACTIONAL LICENSE	42-43
LICENSE, fractional, fee a lien, when	42-43
STATE TAX DEPARTMENT, duties as to licensing of	42-43

M. Howard Jester, Special State Tax Commissioner

ACCOUNTS OF, in Farmers Bank, Dover and Wilmington, transferred to School Fund	165
--	-----

Middletown

SEWER SYSTEM, authorized to establish, procedure to assess damages for use of land for	448-451
--	---------

Milford

AUTHORIZED TO TRANSMIT CURRENT OR WATER BEYOND CITY LIMITS	452
--	-----

Milford Armory

ACT AUTHORIZING BOND ISSUE FOR BUILDING A NEW....	65-67
ACT AUTHORIZING STATE ARMORY COMMISSION TO BUILD A NEW AND SELL THE OLD, appropriation for, etc.	131-133

Milford Emergency Hospital

APPROPRIATIONS FOR	124
--------------------------	-----

GENERAL INDEX

lv

Milford Free Library	
APPROPRIATIONS	101
Military Board	
See STATE MILITARY BOARD.	
Millsboro	
BONDS, authorized to issue, after referendum	453-455
Milton	
LIMIT OF AMOUNT WHICH MAY BE BORROWED BY THE TOWN OF, increased	456
Milton Free Library	
APPROPRIATIONS	101
Minors	
FALSE CHARGES AGAINST, unlawful, penalty	646
Minquadale Home, Property of the	
OLD AGE WELFARE COMMISSION AUTHORIZED TO AC- QUIRE, control, sell	266-268
Mispillion River	
OYSTER TONGING IN, regulated	603
Mitchell, Edward H. and Leuelle O.	
APPROPRIATION TO PAY CLAIM OF	163
Monition	
BELLEFONTE, tax collections, use and form of	368-375
ELSMERE, tax collections, use and form of	365-367
Moore, William	
APPROPRIATION TO PAY CLAIM OF	160
Moors and Indians	
ACT RELATING TO SCHOOLS FOR	581-582
Mortgages	
NEW INDICES OF SUSSEX COUNTY, authorized	260-261

Mosquito Control Commission

APPROPRIATIONS, salaries, operation, etc.	90
--	----

Mothers Pension Commission

ACT CREATING A	223-228
ADMINISTRATION EXPENSES, how paid	227
APPEALS	226
APPLICATION FOR ASSISTANCE, how and to whom made	225
APPOINTMENT, how and when made	224
APPROPRIATIONS FOR THE	88, 227-228
ASSISTANCE TO DEPENDENT CHILDREN:	
ELIGIBILITY FOR, amount of	224
GRANTING OF ASSISTANCE	226
DEFINITIONS	223
DUTIES OF THE	224-225
FEDERAL FINANCIAL PARTICIPATION	228
INVESTIGATION OF APPLICATIONS	225-226
LIMITATIONS OF ACT CREATING A	226-227
PAYMENTS, how made	227
RECONSIDERATION OF GRANTS	226
REPORTS BY THE	225
VACANCIES, how filled	224

Motion Picture Studios and Plants

EXEMPTION FROM TAXATION OF	255
----------------------------------	-----

Motor Fuel Dealers

RELATING TO DISCLOSURE OF AMOUNT OF TAX PAID BY	63
---	----

Motor Vehicle Commissioner

CHANGE OF NAME OF THE	689
TO FURNISH FREE LICENSE PLATES FOR VEHICLES EX- EMPT FROM REGISTRATION FEE	696
MOTOR VEHICLE INSPECTION EXPENSES, warrants for, by the	135
REPORTS TO, by arresting and committing officers, required, when	690
REQUIREMENTS FOR RESTORATION OF LICENSE AFTER REVOCATION FOR DRIVING WHILE UNDER INFLU- ENCE OF INTOXICATING LIQUORS OR DRUGS	699
SALE OF USED TAXICABS, ETC., regulated, powers and duties of the	692-693

Motor Vehicle Department, State

ACT PROVIDING FOR ERECTION OF NEW BUILDING FOR THE	65-67
---	-------

Motor Vehicle Department, State (Continued)

APPROPRIATIONS	103, 134
CHANGE OF NAME OF THE	689
INSPECTION FEE, when payable	695
OPERATION AND MAINTENANCE, how paid	134

Motor Vehicles

ACT RELATING TO THE REQUIREMENT OF CERTAIN MOTOR VEHICLES TO CARRY FLARES OR SIMILAR DEVICES	702-703
ACT RELATING TO SECURITY REQUIRED FOR PAYMENT OF DAMAGES CAUSED BY THE OPERATION OF	704
ACT PRESCRIBING PENALTY FOR OPERATING, while license is suspended for failure to furnish security for damages	705
ACT RELATING TO SAFETY GLASS EQUIPMENT FOR ALL MOTOR VEHICLES	706
ACT CHANGING NAMES OF VEHICLE DEPARTMENT AND COMMISSIONER	689
ACT RELATING TO SALE OF VEHICLES PREVIOUSLY USED AS TAXI-CABS OR FOR PUBLIC TRANSPORTATION	692-693
ACT RELATING TO SECURITY FOR DAMAGES REQUIRED OF NON-RESIDENTS INVOLVED IN ACCIDENTS	694
AMBER FOG LIGHTS, use authorized	701
CHAUFFEUR LICENSE, age, and previous experience required	698
COMMERCIAL CARS; Town Cars or Suburbans to be licensed as EXEMPT FROM REGISTRATION FEES, list of	697
FEE, for inspection of, when payable	696
FEE, for inspection of, when payable	695
FEES, Registration, exemptions from	696
FLARES, act requiring use of, on certain	702
GARAGE-KEEPER, public, report by, of cars unmoved in thirty days	690
INSPECTION FEE, when collected	695
INSTRUCTION PERMIT, temporary, provisos	698
JUSTICE OF THE PEACE, report to commissioner of, regarding car of person committed to prison	690
LIGHTS, Amber Fog, authorized	701
LICENSE PLATES FOR VEHICLES EXEMPT FROM PAYMENT OF REGISTRATION FEES	696
LICENSE REVOKED AFTER CONVICTION FOR DRIVING WHILE UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUGS—REQUIREMENTS FOR RESTORATION OF LICENSE	699
NON-RESIDENT OPERATOR OF, involved in accidents, security for damages required	694
OPERATORS LICENSE, age required	698
POLICE OFFICERS, reports required of, relating to cars of persons committed in default of fine for violation of Motor Code	690
REGISTRATION FEES, exemptions from	696

Motor Vehicles (Continued)

SAFETY GLASS EQUIPMENT UNLAWFUL TO OPERATE WITHOUT	706
SIGNAL LIGHTS, act requiring use of, on certain	702
SPEEDOMETER, fraudulent use of to effect sale of motor vehicle, unlawful, penalty	691
STOP SIGNS, penalty for failure to stop at	700
TOWN CARS OR SUBURBANS, how licensed	697

Motor Vehicle Inspection Campaign

APPROPRIATIONS	135
----------------------	-----

Motor Vehicle Serviceman

DEFINED, license fee	51
----------------------------	----

Municipal Charters

AMENDED RELATING TO COUNTING VOTES CAST IN MUNICIPAL ELECTIONS	270
CLAYTON, act reincorporating the town of	318-351
FRANKFORD, act reincorporating the town of	376-427
GREENWOOD, amendments to charter	435-438
HARTLY, charter of, amended	439
REHOBOTH BEACH, act to reincorporate	464-545

Municipal Court of Wilmington

JURISDICTION:

AS TO STATE REVENUE	60
AS TO VENEREAL DISEASES	197
AS TO PHARMACY LAWS	213-214

Municipal Elections

VOTES IN, to be counted openly and publicly	270
---	-----

Mutual Benefit Associations

AGREEMENT HOW CONSTITUTED	185
ANNUAL STATEMENT BY	185
BENEFIT FUND HOW CREATED, Uses of	183
CERTAIN FRATERNAL SOCIETIES DEEMED NOT TO BE	180
CERTIFICATE OF AUTHORITY, requirements for obtaining	181-182
CERTIFICATES OF MEMBERSHIP, approval, conditions	183-184
CONTINUANCE OF EXISTING ASSOCIATIONS	186
DEFINED	180
DOING BUSINESS IN AND OUTSIDE STATE	184-185
EXAMINATION OF, by Insurance Commissioner	185

GENERAL INDEX

lix

Mutual Benefit Associations (Continued)

FEES, paid to whom, when, for use of State	186
GUARANTY FUND, how constituted	182-183
INVESTMENTS, how made	186
MERGERS, how effected	186
REQUIREMENTS ON FILING CERTIFICATE OF INCORPORATION WITH THE SECRETARY OF STATE	180-181
SAVING CLAUSE	187
SCHEDULE OF BENEFITS	184
VIOLATIONS AND PENALTIES	186-187

Mutual Insurance Companies

MINIMUM REQUIREMENTS FOR CERTIFICATE OF AUTHORITY TO DO BUSINESS IN THIS STATE	178-179
--	---------

Mutual Investment Companies

ANNUAL REPORT OF	26
FRANCHISE TAX, how computed	26

Nanticoke Indian Association

See MOORS AND INDIANS	581
-----------------------------	-----

National Bankruptcy Act

CORPORATIONS, reorganization of, under the	280-282
--	---------

National Guard

APPROPRIATIONS	99, 100
ARMORIES, use of rentals	166
BETHANY BEACH CAMP SITE, exchange of certain lands authorized	18-20
ELECTION OF MEMBERS OF TO BE BOUND BY WORKMEN'S COMPENSATION LAW TO BE MADE BY THE ADJUTANT GENERAL	720
REPLACEMENT OF LIGHTING EQUIPMENT, appropriation for	149
RETIRED LIST, eligibility	167

Neglected Children

See STATE BOARD OF CHARITIES	231
------------------------------------	-----

Newark

AUTHORIZED TO REDEEM AND REFUND CERTAIN BONDS	457-458
---	---------

Newark Free Library	
APPROPRIATIONS	101
New Castle	
AUTHORIZED TO REFUND AND REDEEM CERTAIN SEWER BONDS	460-462
CITY CLERK OF, retirement, pension	463
SALE AND CONVEYANCE OF LAND PURCHASED BY THE CITY OF, on tax sales, authorized	459
New Castle County	
ATTACHMENT PROCESS OF WAGES IN, liability to limited to necessities of life	656
BRANDYWINE AND CHRISTIANA HUNDREDS POLICE TO HAVE SAME POWERS AS CONSTABLE	262
CERTAIN HIGHWAY IN, named "Governor Printz Boulevard" ..	269
NEW ELECTION DISTRICTS CREATED IN	271-272
NOTARIES PUBLIC, number authorized for	235
PUBLIC IMPROVEMENTS IN HUNDREDS OF, appropriations ..	246
SECOND ELECTION DISTRICT, Fifteenth Representative District, voting place designated	273
SINKING FUND, Levy Court may create	243
WILMINGTON CITY LIMITS, referendum required to extend to include certain Representative Districts in	562
New Castle County, Free Library of	
APPROPRIATION TO, by Levy Court	244
New Castle County, Treasurer of	
See COUNTY TREASURER OF NEW CASTLE COUNTY.	
New Castle Free Library	
APPROPRIATIONS	101
New Castle Historical Society	
EXEMPTION FROM TAXATION OF THE	256
Non-Resident, Motor Vehicle Operator	
SECURITY FOR DAMAGES REQUIRED OF, in motor accidents ..	694
Non-Support	
JURISDICTION OF COURT OF COMMON PLEAS OF KENT COUNTY IN CASES OF	715

GENERAL INDEX

lxi

North East Boulevard	
NAME OF THE, changed	269
Notaries Public	
ADDITIONAL, numbers authorized to be appointed in the several counties	235
VETERANS ORGANIZATIONS, Governor may appoint notary public for	234
Nurses, Graduate, State Board of Examiners of	
See STATE BOARD OF EXAMINERS OF GRADUATE NURSES	86
Occupational Licenses	
See STATE REVENUE	44-58
Occupations	
BUSINESS, defined	48
SERVICE, defined	44
LICENSES REQUIRED	44-58
Odessa	
STATE BOARD OF EDUCATION AUTHORIZED TO SELL AND CONVEY CERTAIN LAND SITUATED IN THE TOWN OF	566-568
Old Age Welfare Commission	
See STATE OLD AGE WELFARE COMMISSION.	
Old Folks Home at Dover	
Appropriations	136
Operator	
MOTOR VEHICLE, age required for license	698
Optometrist	
DEFINED, license fee	47, 59
Optometry	
See STATE BOARD OF EXAMINERS IN OPTOMETRY.	
Oral Hygienists, Corps of	
APPROPRIATION, salaries, operation	84

Orphans' Court

ADOPTION OF MINOR CHILDREN, procedure	612-624
SETTLEMENT OF PERSONAL ESTATES, order of paying debts, when determined by	629-630

Osteopath

DEFINED, license fee	47
EXAMINATION OF, license to practice	205-206
PRACTICING WITHOUT LICENSE, penalty	206

Oyster Revenue Collector

APPROPRIATIONS, salaries, operation, etc.	82
OYSTER TONGING IN CERTAIN CREEKS AND RIVERS, regulated, duties of the	601-603

Oysters

PENALTIES FOR UNLAWFUL TAKING OF FROM CERTAIN CREEKS AND RIVERS	601-603
TAKING OF, regulated, from waters of:	
BROADKILL RIVER	603
CEDAR CREEK	603
LEIPSIC CREEK	601
MAHON'S RIVER	601
MISPILLION RIVER	603
SIMONS CREEK	601
TONGERS, license fee	601-603

Pacific Empire Holdings, Incorporated

PROCLAMATION CORRECTING FORMER PROCLAMATION REGARDING	893
--	-----

Palmer Home, Inc.

APPROPRIATIONS	136
-----------------------	-----

Park Commission

See STATE PARK COMMISSION	781
---------------------------------	-----

Parole Board

APPROPRIATIONS	97
----------------------	----

Parolee Supervision, Uniform Act for Out-of-State

See UNIFORM ACT FOR	674-676
---------------------------	---------

GENERAL INDEX

Ixiii

Pathological and Bacteriological Laboratory	
APPROPRIATIONS, salaries, operations	85
Pawnbroker	
DEFINED, license fee	52
Pensions	
ACT PROVIDING THE PAYMENT OF, to certain former mem- bers of the State Judiciary	643
See STATE POLICE PENSION BOARD	790
Pensions, Mothers, Commission	
APPROPRIATIONS	88
Personal Estates, Settlement of	
See SETTLEMENT OF PERSONAL ESTATES, Register of Wills	628-633
Pharmacy	
See STATE BOARD OF PHARMACY.	
Photographer	
DEFINED, license fee	52
Physician	
DEFINED, license fee ..	47
Pleading and Practice	
AFFIDAVITS OF DEMAND, in behalf of Home Owners' Loan Corporation, by whom made	655
Police	
ACCUSED PERSON'S RIGHT TO ELECT TRIAL IN COURT OF COMMON PLEAS, notice required of arresting	714
ALCOHOLIC LIQUORS, seizure of by, when	739
BRANDYWINE HUNDRED, appointment, qualifications, powers, duties	262-263
CHRISTIANA HUNDRED, appointment, qualifications, powers, duties	262-263
REPORT BY, to Motor Vehicle Commissioner, required, when person committed in default of fine for Motor Code violation	690
GENERAL PROVISIONS RESPECTING: See INSIGNIA OF VETERANS ORGANIZATIONS	634

Police (Continued)

See JUNK YARDS, Automobile	635
See CEMETERIES	636-637
See DEADLY WEAPONS	657
See SAND, taking of from Beaches	639
See SECOND-HAND WATCHES	640
See EXTRADITION	658
See UNIFORM LAW ON FRESH PURSUIT	677
See STATE POLICE PENSION BOARD	790

Police Retirement Fund

See STATE POLICE PENSION BOARD	790
--------------------------------------	-----

Pool Table Operator

DEFINED, license fee	51
----------------------------	----

Portrait Commission of Delaware

APPROPRIATIONS	102
----------------------	-----

Presidential Electors

PROCLAMATION OF VOTES RECEIVED BY	907-910
---	---------

Probation Officer

JUVENILE COURT (Kent and Sussex Counties) Compensation, expenses, how paid	647
---	-----

Proclamations

ALLEN, WILLIAM F., election as Representative in Congress....	914
AMERICAN EDUCATION WEEK	837, 841, 904
ARBOR AND BIRD DAY	892, 957
BLACKSTONE, ERNEST C., election as State Treasurer	916
CHRISTMAS SEAL SALE	921
CONSERVATION WEEK	958
CORPORATION CHARTERS, repealing	848-891
CORPORATION CHARTERS, repealing	924-955
DELAWARE BETTER HOUSING DAY	831
DELAWARE CHILD HEALTH DAY	959
DELAWARE DAY	845, 922
ELECTION DAY DESIGNATED	901
EXTRAORDINARY SESSION, General Assembly convened May 18, 1937	960
EXTRAORDINARY SESSION, General Assembly convened De- cember 28, 1936	923
EXTRAORDINARY SESSION, Senate of Delaware	846

GENERAL INDEX

lxv

Proclamations (Continued)

FIGHT CANCER WEEK	956
FIRE PREVENTION WEEK	835, 902
HUGHES, HON. JAMES H., election to United States Senate	911
LOYALTY DAYS	836
PACIFIC EMPIRE HOLDINGS, INCORPORATED, correcting former proclamation regarding	893
PRESIDENTIAL ELECTORS, votes received by	907-910
PULASKI, GENERAL, Memorial Day	834, 903
RED CROSS, Annual Roll Call	839, 905
REED & CO., correcting former proclamation regarding	895
REPEALING CORPORATION CHARTERS	848-891
REPEALING CORPORATION CHARTERS	924-955
REWARD, for certain murderers	832
REWARD, for arrest of Isaiah Opher	899
STANDARD INVESTMENT AND DEVELOPMENT COMPANY, correcting former proclamation regarding	897
THANKSGIVING DAY	843, 920
WISE, JAMES W., election as Auditor of Accounts	918

Property

ASSESSMENT AND VALUATION OF, in Kent County, when made	254
HISTORICAL SOCIETY OF DELAWARE, exemption from taxation	256
MOTION PICTURE STUDIOS AND PLANTS, exemption from taxation	255
OF TAXABLE, not exempt from execution or attachment process, when	39
NEW CASTLE HISTORICAL SOCIETY, exemption from taxation	256

Prothonotaries

INCOME TAX, duties as to entering unpaid assessment as a judgment	39
---	----

Prothonotary (New Castle County)

BELLEFONTE, town taxes, judgment for entered by the, when, form of writs, fees	368-375
ELSMERE TOWN TAXES, when judgment for entered by the	365-367

Public Accountant

DEFINED, license fee	47
----------------------------	----

Public Archives Commission

ACT PROVIDING FOR OFFICES FOR THE	65-67
APPROPRIATIONS	102, 137

Public Archives Commission (Continued)

AUTHORIZED TO PURCHASE CERTAIN HISTORICAL MATERIAL IN POSSESSION OF REV. JOSEPH BROWN TURNER	137-138
BOOKS, records, maps, etc., of historic or public interest, transferred to the, when	221
HISTORIC MARKERS, located by and maintained by the	222
PUBLIC RECORDS, not to be disposed of in any way without written consent of the, penalty	219-220

Public Lands

TRANSFER IN EXCHANGE FOR OTHER LANDS OF A CERTAIN TRACT NEAR BETHANY BEACH, authorized	18-20
--	-------

Public Records

CONSTRUED	219
DISPOSAL OF, unlawful, when, penalty	219
TRANSFERRED TO ARCHIVES COMMISSION, when	221

Public School Trust Fund

PROPOSED AMENDMENT TO THE CONSTITUTION OF DELAWARE CREATING A	17
---	----

Public Transportation

ACT RELATING TO SALE OF MOTOR VEHICLES PREVIOUSLY USED FOR	692-693
--	---------

Pulaski, General, Memorial Day

PROCLAMATIONS CONCERNING	834, 903
--------------------------------	----------

Pursuit, Uniform Law on Fresh

See UNIFORM LAW ON FRESH PURSUIT	677
--	-----

Quarantine, for Bang's Disease of Cattle

STATE BOARD OF AGRICULTURE MAY, when	191-193
--	---------

Racing

See DELAWARE RACING COMMISSION	681
--------------------------------------	-----

Railroad Crossings

CONSTRUCTION OF REGULATED, costs, how paid	709-710
--	---------

Rash, Thomas B.

PROCLAMATION OF REWARD FOR ARREST OF MURDERER OF	832
---	-----

Real Estate Agent

DEFINED, license fee	47
STATE COMMISSION MAY REVOKE CERTIFICATE OF, for violation of its regulations	680

Real Property

SALE OF FOR DELINQUENT TAXES IN:	
BELLEFONTE	368-375
ELSMERE	365-367
TITLES TO; an act to make valid certain deeds having defective acknowledgments	625

Receiver of Taxes and County Treasurer (Kent County)

MOTHERS PENSION COMMISSION WARRANTS, duty to pay, when, monthly reports by	227
---	-----

Receiver of Taxes and County Treasurer (New Castle County)

MOTHERS PENSION COMMISSION WARRANTS, duty to pay, when, monthly reports by	227
---	-----

Receiver of Taxes and County Treasurer (Sussex County)

MOTHERS PENSION COMMISSION WARRANTS, duty to pay, when, monthly reports by	227
REHOBOTH SCHOOL TAXES, duties of the	572-573

Recorders of Deeds

CORPORATIONS:

CERTIFICATE, of merger, copy recorded by the	277, 279
CERTIFICATE OF CHANGE OF LOCATION OF OFFICE OR OF RESIDENT AGENT RECORDED BY THE	282, 283
CERTIFICATE OF, under National Bankruptcy Act, recorded by the	281
CERTIFICATES OF, improperly recorded, effect of	284
CERTIFICATES OF INCORPORATION OF CO-OPERATIVE AGRICULTURAL ASSOCIATIONS RECORDED BY	288, 304

Recorder of Deeds (Kent County)

NEW DEED RECORD INDICES FOR, authorized, specifications for, certification of, costs, how paid	258-259
SEAL, new, authorized to procure	257

Recorder of Deeds (New Castle County)	
FEES FOR RECORDING, comparing and certifying certain certificates of corporations	679
Recorder of Deeds (Sussex County)	
AUTHORIZED TO PROCURE NEW MORTGAGE RECORD INDICES, specifications	260-261
Recording of Deeds	
TIME FOR, deed not recorded within fifteen days, not available against innocent purchasers	627
Red Cross	
PROCLAMATIONS OF ANNUAL ROLL CALL	839, 905
Reed & Co.	
PROCLAMATION CORRECTING FORMER PROCLAMATION REGARDING	895
Reflectors	
ACT REQUIRING USE OF, on certain motor vehicles	702-703
Reformatory	
UNLAWFUL TO MAKE FALSE CHARGES AGAINST MINOR TO PROCURE COMMITTAL TO A STATE, penalty	646
Refunds of License Fees Erroneously Collected	
ACT PROVIDING FOR THE	60
APPROPRIATIONS	61-62
Regimental Band, National Guard	
APPROPRIATIONS	100
Register of Wills	
ADMINISTRATORS AND EXECUTORS TO FILE INVENTORY, etc., with, penalty	34
COMMISSION TO EXECUTOR OR ADMINISTRATOR NOT ALLOWED BY, when	34
See SETTLEMENT OF PERSONAL ESTATES, Register of Wills....	628-633
Registrars and Assistants	
APPROPRIATIONS, salaries	79

Regulators of Weights and Measures

APPROPRIATIONS	98
----------------------	----

Rehoboth

ACT CHANGING NAME OF THE TOWN OF, to the City of, and establishing a charter therefor	464-545
SCRAP SEWER ASSESSMENT, regulations	548-552
SCHOOL BUILDING, new, act providing for, in	569-575
SEWER CHARGES, certain, assessment of	546-547
SILVER LAKE, near, appropriation to regulate level of waters of	711

Rehoboth Free Library

APPROPRIATIONS	101
----------------------	-----

Rehoboth School Building

ACT AUTHORIZING CONSTRUCTION OF A NEW	569-575
---	---------

Repairman, General

DEFINED, license, fee	50
-----------------------------	----

Replevin

JUSTICES JURISDICTION IN ACTIONS OF	654
---	-----

Resolutions

ADJOURNMENT OF GENERAL ASSEMBLY TO FEBRUARY 15, 1937	794
AGRICULTURE, assent of State to Federal Act relating to	810
AMERICAN LEGION, joint session to hear officers of	795
CONDEMNING SCANDAL MONGERS	830
CLAIM AGAINST STATE:	
COURT OF THE STATE OF DELAWARE	812
DELAWARE STATE NEWS	812
HUGH A. GEORGE CO., printing appropriation	804
JOHNS-MANVILLE SALES CORP., repairs, appropriation	805
STAR PUBLISHING COMPANY, appropriation	803
DELAWARE TERCENTENARY COMMISSION:	
AUTHORIZING APPOINTMENT OF THE	799-800
AUTHORIZING ADDITIONAL MEMBERS OF	809
FARMERS BANK, appointment of directors	813
FLOOD RELIEF, request, to Secretary of Agriculture	801
GOVERNOR, inauguration expenses, appropriation	808
GOVERNOR, joint session to attend inauguration of	806
JOINT COMMITTEE, to notify Governor of organization of Gen- eral Assembly	829

Recorder of Deeds (New Castle County)	
FEES FOR RECORDING, comparing and certifying certain certificates of corporations	679
Recorder of Deeds (Sussex County)	
AUTHORIZED TO PROCURE NEW MORTGAGE RECORD INDICES, specifications	260-261
Recording of Deeds	
TIME FOR, deed not recorded within fifteen days, not available against innocent purchasers	627
Red Cross	
PROCLAMATIONS OF ANNUAL ROLL CALL	839, 905
Reed & Co.	
PROCLAMATION CORRECTING FORMER PROCLAMATION REGARDING	895
Reflectors	
ACT REQUIRING USE OF, on certain motor vehicles	702-703
Reformatory	
UNLAWFUL TO MAKE FALSE CHARGES AGAINST MINOR TO PROCURE COMMITTAL TO A STATE, penalty	646
Refunds of License Fees Erroneously Collected	
ACT PROVIDING FOR THE	60
APPROPRIATIONS	61-62
Regimental Band, National Guard	
APPROPRIATIONS	100
Register of Wills	
ADMINISTRATORS AND EXECUTORS TO FILE INVENTORY, etc., with, penalty	34
COMMISSION TO EXECUTOR OR ADMINISTRATOR NOT ALLOWED BY, when	34
See SETTLEMENT OF PERSONAL ESTATES, Register of Wills....	628-633
Registrars and Assistants	
APPROPRIATIONS, salaries	79

Regulators of Weights and Measures

APPROPRIATIONS	98
----------------------	----

Rehoboth

ACT CHANGING NAME OF THE TOWN OF, to the City of, and establishing a charter therefor	464-545
SCRAP SEWER ASSESSMENT, regulations	548-552
SCHOOL BUILDING, new, act providing for, in	569-575
SEWER CHARGES, certain, assessment of	546-547
SILVER LAKE, near, appropriation to regulate level of waters of	711

Rehoboth Free Library

APPROPRIATIONS	101
----------------------	-----

Rehoboth School Building

ACT AUTHORIZING CONSTRUCTION OF A NEW	569-575
---	---------

Repairman, General

DEFINED, license, fee	50
-----------------------------	----

Replevin

JUSTICES JURISDICTION IN ACTIONS OF	654
---	-----

Resolutions

ADJOURNMENT OF GENERAL ASSEMBLY TO FEBRUARY 15, 1937	794
AGRICULTURE, assent of State to Federal Act relating to	810
AMERICAN LEGION, joint session to hear officers of	795
CONDEMNING SCANDAL MONGERS	830
CLAIM AGAINST STATE:	
COURT OF THE STATE OF DELAWARE	812
DELAWARE STATE NEWS	812
HUGH A. GEORGE CO., printing appropriation	804
JOHNS-MANVILLE SALES CORP., repairs, appropriation	805
STAR PUBLISHING COMPANY, appropriation	803
DELAWARE TERCENTENARY COMMISSION:	
AUTHORIZING APPOINTMENT OF THE	799-800
AUTHORIZING ADDITIONAL MEMBERS OF	809
FARMERS BANK, appointment of directors	813
FLOOD RELIEF, request, to Secretary of Agriculture	801
GOVERNOR, inauguration expenses, appropriation	808
GOVERNOR, joint session to attend inauguration of	806
JOINT COMMITTEE, to notify Governor of organization of Gen- eral Assembly	829

Resolutions (Continued)

NEW BUSINESS, permitting the introduction of certain, concerning:	
CONSTRUCTION OF PUBLIC BUILDINGS AND INDIAN	
RIVER INLET	797
DEADLY WEAPONS	796
STATE COLLEGE FOR COLORED STUDENTS	798
THE UNIVERSITY OF DELAWARE	796
PRESIDENT OF THE UNITED STATES, inauguration, appro-	
priation	807
REVISED CODE, 1935, distribution	802
STATE FEDERATION OF LABOR, joint session to hear program	
of	793
TEMPORARY EMERGENCY RELIEF COMMISSION OF NEW	
CASTLE COUNTY, extended	814

Revised Code, 1935

RESOLUTION, concerning payment for printing	803
RESOLUTION, concerning distribution of	802
SALE AND DISTRIBUTION OF	168, 170-171

Road Taxes

NEW CASTLE COUNTY LEVY COURT AUTHORIZED TO	
MAKE CERTAIN APPROPRIATIONS FROM FUNDS COL-	
LECTED FOR	246

Robinson, Isabelle

PROCLAMATION OF REWARD FOR ARREST OF HER MUR-	
DERER	899

Rogers, Alfred

APPROPRIATION TO PAY CLAIM OF	158
-------------------------------------	-----

Roosevelt, Franklin D., President of the United States

APPROPRIATION FOR EXPENSES OF GENERAL ASSEMBLY	
ATTENDANCE AT INAUGURATION OF	807

Safety Glass Equipment

UNLAWFUL TO OPERATE MOTOR VEHICLES WITHOUT....	706
--	-----

Salary

RESTORATIONS AND INCREASES (see SCHOOL BUDGET)....	821-826
STATE TREASURER AND TRUSTEE OF THE SCHOOL FUND	173

GENERAL INDEX

lxxi

Sale of Stock Owned by State of Delaware

OF SUNSET OIL COMPANY, authorized 75-76

Sand, Taking of, From Beaches

ACT REGULATING THE, when unlawful, penalty 639

Savings Banks

See BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES,
SUNDRY PROVISIONS 307-308

School Bonds

APPROPRIATION FOR PAYMENT OF PRINCIPAL OF CER-
TAIN 154-157

School Budget

APPROPRIATIONS FOR TWO YEARS ENDING JUNE 30, 1939 821-826

School Districts

APPROPRIATIONS TO PAY CERTAIN BONDS OF 154-157
LAUREL, Special, empowered to refund certain bonds 576-579
REHOBOTH, authorized to construct new building 569-575

School Fund, State

APPROPRIATIONS OUT OF:

CANTERA CONSTRUCTION COMPANY 159
UNIVERSITY OF DELAWARE 74
SCHOOL BONDS, to pay principal of certain bonds 154-157
STATE COLLEGE FOR COLORED STUDENTS 74
STATE TAX DEPARTMENT 74
FRANCHISE TAXES, diversion of for certain educational uses.... 818-820
PROCEEDS FROM SALE OF STOCK OF SUNSET OIL COM-
PANY TO BE PAID INTO THE 75-76
TRANSFER OF CERTAIN FUNDS IN THE FARMERS BANK
TO THE CREDIT OF THE 165
TRUSTEE OF THE, salary 173
See SCHOOL BUDGET 821-826

Seaford

APPROPRIATION TO REIMBURSE TOWN OF, for construc-
tion of highway 553

Seaford Fire Company

APPROPRIATION TO, for ambulance 242

Seaford Free Library

APPROPRIATIONS	101
----------------------	-----

Seal

CLERK OF THE SUPREME COURT TO PROCURE A NEW	644
PROTHONOTARY OF THE SUPERIOR COURT OF KENT COUNTY TO PROCURE A NEW	645
RECORDER OF DEEDS, Kent County, to procure a new, speci- fications	257

Second-Hand Watches

BUYING AND SELLING OF, regulated	640-641
PENALTY FOR VIOLATIONS	641
RECORDS OF SALES, of, how kept, open for certain inspections....	641

Secretary of State

APPROPRIATIONS:

DUPLICATOR FOR OFFICE	140
OFFICE EXPENSES; Corporation and Motor Vehicle Depart- ments	103
SALARY, etc.	80
BETHANY BEACH, to execute deed for lands near	20
BOND ISSUE TO ERECT CERTAIN NEW STATE BUILDINGS, duties as to	65-67
CORPORATIONS:	
CERTIFICATE, of merger, filed with	277, 279
CHANGE OF LOCATION OF OFFICE, certificate of filed with	282
CHANGE OF RESIDENT AGENT, certificate of filed with....	282
NATIONAL BANKRUPTCY ACT, reorganization of, fees, certificate filed with the	280-282
CO-OPERATIVE AGRICULTURAL ASSOCIATIONS, incor- poration, powers and duties of the	286-306
DUTIES REGARDING CERTIFICATES OF INDEBTEDNESS:	
TO BORROW HIGHWAY FUNDS	71-73
TO PROVIDE FOR CASUAL DEFICIENCIES OF THE GEN- ERAL FUND	104-105
FRANCHISE TAXES OF CORPORATIONS, Secretary of State may investigate annual reports	26
INDIAN RIVER INLET BOND ISSUE INCREASED	68
MINQUADALE HOME, deed for land, to be signed by the	267
MOTHERS PENSION COMMISSION OPERATIONS, County Treasurer's Monthly Reports to the	227
MUTUAL BENEFIT ASSOCIATIONS, powers and duties in rela- tion to, of the	180-187
REVISED CODE, 1935, distribution of by the	168-170
UNIFORM LAW ON FRESH PURSUIT, copy of certified to other States, by the	678

GENERAL INDEX

lxxiii

Security for Payment of Damages Caused by	
THE OPERATION OF MOTOR VEHICLES:	
SUSPENSION OF LICENSE	704
PENALTY FOR OPERATION DURING SUSPENSION OF LICENSE	705
Security Trust Company, Trustee	
APPROPRIATION TO PAY CLAIM OF	160
Selbyville	
AUTHORIZED TO BORROW MONEY	555
Selbyville Free Library	
APPROPRIATIONS	101
Senate, of Delaware	
PROCLAMATION CONVENING EXTRAORDINARY SESSION OF THE	846
Service Officer, National Guard	
APPROPRIATIONS	100
Service of Process	
ON CORPORATIONS	276
Sesquicentennial Commission	
ACT CREATING; appropriation; powers; duties	740-741
Settlement of Personal Estates, Register of Wills	
ACT RELATING TO METHOD OF DETERMINING "INCOME" TO BE PAID TO LIFE TENANTS OF TESTAMENTARY TRUST ESTATE	652
ACQUITTANCES FROM GUARDIAN OR TRUSTEE, valuation of "principal" how determined	651
APPEALS TO SUPERIOR COURT, when and how taken	632-633
DEATH OF APPRAISER BEFORE EXECUTION OF OATH OR AFFIRMATION, procedure	628
DECREE OF DISTRIBUTION, Publication of Notice and effect thereof, appeal when and how taken	632-633
INVENTORY AND APPRAISEMENT; oath or affirmation of Ap- praisers	628
INVENTORY AND LIST OF DEBTS, when filed, filing how en- forced, affidavit in lieu of filing	629

Settlement of Personal Estates, Register of Wills (Continued)

ORDER OF PAYING DEBTS; when determined by Orphans' Court	629-630
--	---------

Seventh Representative District (New Castle County)

INCLUSION OF ANY PART OF, in Wilmington City limits prior to referendum, prohibited	562
---	-----

Sewers

COST OF, constructed by Levy Court of New Castle County, a lien upon abutting properties	251-252
--	---------

Sheriff (Kent County)

TO WITNESS DESTRUCTION OF THE OLD SEAL OF THE SUPREME COURT	644
TO WITNESS DESTRUCTION OF THE OLD SEAL OF THE SUPERIOR COURT OF KENT COUNTY	645

Sheriff (New Castle County)

BELLEFONTE, delinquent taxes collections, powers and duties of the	368-375
ELSMERE TOWN TAXES ENFORCED COLLECTIONS, powers and duties of the	365-367
SEWER CONSTRUCTION COSTS LIENS, sale of land by, powers and duties	252

Showman

DEFINED, license fee	52
----------------------------	----

Shuffle Board Operator

DEFINED, license fee	51
----------------------------	----

Signal Lights

ACT REQUIRING USE OF, on certain motor vehicles ...	702-703
---	---------

Simons Creek

OYSTER TONGING IN, regulated	601
------------------------------------	-----

Sixth Representative District (New Castle County)

INCLUSION OF ANY PART OF, in Wilmington City limits prior to referendum, prohibited	562
---	-----

GENERAL INDEX

lxxv

Skunk

ACTS PROTECTING, repealed 594, 596

Smith, Jennie, et al.

APPROPRIATION TO PAY CLAIM OF 160

Smyrna

ALDERMAN, appointment 561

MAYOR AND COUNCIL, election, powers, duties 556-559

TOWN COLLECTOR, nomination and election 560

Smyrna Free Library

APPROPRIATIONS 102

Society for Prevention of Cruelty to Animals

APPROPRIATIONS 97, 139

Soil Conservation and Domestic Allotment Act

See DELAWARE AGRICULTURAL CONSERVATION AND AD-
JUSTMENT ACT 583-591

Soldiers, Sailors and Marines

APPROPRIATIONS FOR BURIAL OF INDIGENT 110, 111

Spanish War Veterans

APPROPRIATIONS 103, 150

INSIGNIA OF THE, unlawful use, penalty 634

NOTARY PUBLIC, Governor may appoint for the 234

Special Funds, Farmers Bank

See FARMERS BANK SPECIAL FUND.

Special School Districts

APPROPRIATIONS TO PAY BONDS OF CERTAIN 154-157

Speedometer

UNLAWFUL TO USE FRAUDULENTLY TO EFFECT SALE OF
MOTOR VEHICLE, penalty 691

Stallion or Jack Keeper

DEFINED, license fee 46

Standard Investment and Development Company	
PROCLAMATION CORRECTING FORMER PROCLAMATION REGARDING	897
Star Publishing Company	
CLAIM AGAINST STATE, appropriation	803
State Aid Road Bonds	
APPROPRIATION TO PAY MATURITIES	151-153
State Armories	
ACT PROVIDING FOR NEW STATE ARMORY AT MILFORD	65-67
State Armories Account	
STATE TREASURER TO KEEP IN SEPARATE FUND	166
State Armory Commission	
MILFORD ARMORY, authorized to build, may condemn land for, powers, duties, appropriation	131-133
State Auditor	
See AUDITOR OF ACCOUNTS.	
State Bank Commissioner	
APPROPRIATIONS, salaries, expenses	83
State Board of Agriculture	
APPLES, how graded for sale or export	188
APPROPRIATIONS	92-96
BANG'S DISEASE, act relating to its control	189-194
CO-OPERATIVE AGRICULTURAL ASSOCIATION TO FILE AN- NUAL REPORT OF AUDIT	300
LIVE POULTRY, Act relating to transportation and shipment	195-196
State Board of Barbers Examiners	
APPROPRIATIONS, salaries, etc.	86
BARBER'S REGISTRATION WITH, renewable without examina- tion, when, fee	218
FAIR TRADE PRACTICES IN WILMINGTON SHOPS, powers and duties of the	607-609

State Board of Charities

ADOPTION PROCEEDINGS, duties and powers in	612-622
APPROPRIATIONS	87, 232
DEPENDENT AND NEGLECTED CHILDREN, act relating to care of by the	231-233
NON-RESIDENT DEPENDENT CHILDREN, bringing into State, regulated	230
RECIPROCAL AGREEMENTS WITH OTHER STATES BY THE, authorized	229
UNIFORM TRANSFER OF DEPENDENTS ACT	229

State Board of Chiropractic Examiners

ACT CREATING A	785-789
APPOINTMENT; Terms	785
DEFINITION OF CHIROPRACTIC	788
EXAMINATION OF APPLICANTS TO PRACTICE	786
LICENSE TO PRACTICE REQUIRED, fees	787
ORGANIZATION	785
PRACTICING CHIROPRACTIC WITHOUT LICENSE, penalty....	789
RULES AND REGULATIONS	785-789

State Board of Dental Examiners

APPROPRIATIONS, salaries, etc.	86
-------------------------------------	----

State Board of Education

APPROPRIATION FOR AMERICANIZING FOREIGN BORN RESIDENTS	141
BLIND BABIES, powers to care for	107, 108
FIRE DRILLS AND EXTINGUISHERS, duties of Boards of Edu- cation relating to	580
FRANCHISE TAX FUND NOT DIVERTED TO GENERAL FUND, for use of	69, 70
MOORS AND INDIANS, act relating to schools for	581-582
ODESSA OLD SCHOOL LAND, sale of, authorized	566-568
REHOBOTH SCHOOL BUILDING, erection and use, duties of the	570

State Board of Examiners of Graduate Nurses

APPROPRIATIONS, salaries, etc.	86
-------------------------------------	----

State Board of Examiners in Optometry

APPROPRIATIONS, salaries, etc.	86
-------------------------------------	----

State Board of Examiners of Undertakers

APPROPRIATIONS	87
CERTIFICATE TO OPERATE AS UNDERTAKER, void, when	216

State Board of Examiners of Undertakers (Continued)

CERTIFICATE TO OPERATE AS UNDERTAKER, not to issue, when	215
INDIGENT SOLDIERS, etc., burial of, appropriation	110
UNDERTAKING BUSINESS:	
APPRENTICESHIP, residence requirements	217
UNLAWFUL, when	215
UNDERTAKER, defined, license fee	52

State Board of Health

APPROPRIATIONS, salaries, general administration	84-85
CEMETERIES, act authorizing removal of bodies from certain, un- der supervision of the	627-638
INDIGENT CRIPPLED CHILDREN, care of by, powers and du- ties of the	198-200
POWERS OF, to inspect pharmacies, etc.	212-213
TRANSPLANTING OF OYSTERS, regulated ..	601, 603
VENEREAL DISEASES, act relating to ..	197

State Board of Medical Examiners

See MEDICAL COUNCIL OF DELAWARE.

State Board of Pharmacy

ACT IN RELATION TO THE	207-214
APPROPRIATIONS, salaries, etc.	86
PERMIT TO MANUFACTURE DRUGS, etc., fee	210-212
PERMIT TO OPERATE PHARMACY, application, qualifications for, fee, etc.	208-210
PHARMACIST AND ASSISTANT PHARMACIST, qualifications for license	207
PHARMACY, required equipment	212
PHARMACY, unlawful to operate without permit, penalty	208-210
POWERS OF, to inspect pharmacies, drug stores, factories, etc.	212-213

State Board of Undertakers

See STATE BOARD OF EXAMINERS OF UNDERTAKERS.

State Board of Veterinary Examiners

APPROPRIATIONS expenses	86
-------------------------------	----

State Board of Vocational Education

APPROPRIATIONS	92
----------------------	----

GENERAL INDEX

lxxix

State Building, New

ACT PROVIDING FOR ERECTION OF, at Dover	65-67
APPROPRIATIONS	118-121
LOCATION, use	118

State College for Colored Students

APPROPRIATIONS, salaries, operation, etc.	92
CERTAIN APPROPRIATIONS FOR, to be paid out of the School Fund	74
APPROPRIATION FOR REPAIRS, etc.	142
BILL CONCERNING; permission to introduce	798
FRANCHISE TAX FUNDS, diversion of for the	818

State Employment Bureau

APPROPRIATIONS	98
See DELAWARE STATE EMPLOYMENT SERVICE.	

State Federation of Labor

JOINT SESSION OF GENERAL ASSEMBLY TO HEAR PROGRAM OF	793
--	-----

State Forestry Department

APPROPRIATIONS	96, 98
----------------------	--------

State Highway Department

APPROPRIATION TO THE, for:	
DYKE CONSTRUCTION IN SUSSEX COUNTY	144
INDIAN RIVER INLET	146-147
LITTLE CREEK WHARF REPAIRS	143
AUTHORIZED TO TRANSFER CERTAIN PUBLIC LANDS NEAR BETHANY BEACH	18-20
BETHANY BEACH JETTIES, construction by the	828
CROSSING OF RAILROADS BY THE, costs, how paid	709
CERTAIN FUNDS BORROWED FOR USE OF THE GENERAL FUND	71-73
FUNDS OF THE, State Treasurer authorized to use for the Motor Vehicle Department	134
LOW LANDS ADJACENT TO HIGHWAYS, act providing for drainage	712-713
POLICE PENSIONS, duties of the	790-792
RAILROAD CROSSINGS, how effected, costs how paid	709
STATE PARK IN THE CITY OF WILMINGTON TO BE ACQUIRED AND MAINTAINED, use of funds, authorized	707-708
SAND, removal of from Beaches without consent of the Department unlawful, penalty	639
SILVER LAKE, Rehoboth, water level of regulated, appropriation	711

State Highway Department Funds

APPROPRIATIONS FROM:

BETHANY BEACH OCEAN FRONT PROTECTION	828
CLAIMS AGAINST THE STATE	160, 161, 162, 164
DYKE CONSTRUCTION IN SUSSEX COUNTY	144
HIGHWAY IMPROVEMENT AND STATE AID ROAD BOND MATURITIES	151-153
LITTLE CREEK WHARF REPAIRS	143
SEAFORD, reimbursement for highway construction	553
SILVER LAKE, Rehoboth	711
POLICE RETIREMENT FUND, credits	790-792
STATE TREASURER AUTHORIZED TO USE FOR:	
MOTOR VEHICLE DEPARTMENT	134
MOTOR VEHICLE INSPECTION	135

State House Building Commission of 1937

APPOINTMENT, organization powers, duties	118-121
AUTHORIZED TO APPLY FOR AND ACCEPT FEDERAL FUNDS	119
COSTS OF BUILDING, increased, when	120
FEDERAL FUNDS, how expended	120
GOVERNOR, a member of the	118
REPORT BY, to General Assembly	120
VACANCIES, how filled	118

State Housing Commission

APPROPRIATIONS, salaries, etc.	87
-------------------------------------	----

State Insurance Commissioner

See INSURANCE COMMISSIONER.

State Librarian

APPROPRIATIONS	79
REVISED CODE, 1935, sale and distribution of by the	168-170, 171

State Library

REVISED CODE, 1935, delivered to	168-170
--	---------

State Library Commission

APPROPRIATIONS	100
----------------------	-----

State Liquor Commission

APPROPRIATIONS	83
See ALCOHOLIC LIQUORS, WINES AND BEER	723-739

State Military Board

APPROPRIATIONS:

REPAIRS TO STATE RIFLE RANGE	148
REPLACEMENT OF LIGHTING EQUIPMENT AT NATIONAL GUARD CAMP	149
STATE ARMORIES ACCOUNT, use of by the	166

State of Delaware

ACT AUTHORIZING THE BORROWING OF MONEY FROM THE STATE HIGHWAY FUND FOR USE OF THE GENERAL FUND	71-73
ACT AUTHORIZING THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS TO PROVIDE FOR CASUAL DEFICIENCIES OF STATE REVENUE	104, 105
FEDERAL GRANTS OF MONIES TO THE, receipt and expenditure of	175-176
OUT-OF-STATE PAROLEE SUPERVISION, Compact with other States, Governor authorized to execute	674-676
SALE OF STOCK OF SUNSET OIL COMPANY OWNED BY, authorized	75-76
TITLE TO LAND ACQUIRED FOR SITE OF NEW MILFORD ARMORY TO BE TAKEN IN THE NAME OF THE STATE	131

State Old Age Welfare Commission

APPEALS TO; hearings	264-265
APPROPRIATIONS:	
PENSION ACCOUNT, salaries, operation	89
RELIEF, indigent persons	125
WELFARE HOME MAINTENANCE, etc.	89
MINQUADALE HOME, acquirement, powers of	266-268
NON-RESIDENT DEPENDENT CHILDREN, bringing into State, regulated	230
OLD AGE PERSON, defined	264
OUTSIDE RELIEF EXPENDITURES, a charge against Counties	125
REPORTS, to Federal Social Security Board	265

State Park Commission

ACT CREATING AND DEFINING ITS POWERS AND DUTIES	781-782
---	---------

State Police Pension Board

ACT CREATING	790-792
APPOINTMENT	790
ELIGIBILITY FOR PENSION	791-792
POLICE RETIREMENT FUND, how created, how expended	791-792
POWERS AND DUTIES	790-792

State Psychiatrist

DUTIES OF RELATING TO CERTAIN CAUSES FOR DIVORCE	611
--	-----

State Real Estate Commission

ADMINISTRATION, power to adopt rules and regulations.....	680
POWERS TO REVOKE BROKERS CERTIFICATES FOR VIOLATION OF RULES OR REGULATIONS	680

State Registrar of Vital Statistics

TO SERVE ON COMMITTEE REGARDING ATTENDANCE IN INDIAN SCHOOLS	582
ADOPTION OF MINOR CHILDREN, change of name filed with the	621

State Revenue

FRACTIONAL LICENSES:

CONTRACTORS	53-54
MANUFACTURERS	40-41
MERCHANTS	42-43
JURISDICTION OF JUSTICES OF THE PEACE AND THE MUNICIPAL COURT OF WILMINGTON AS TO	60
OCCUPATIONAL LICENSES, Business Occupations:	
ADDITIONAL, fees	55
ADVERTISING AGENCY	48
AMUSEMENT CONDUCTOR	48
AMUSEMENT PARK OPERATOR	49
BARBER	49
BEAUTICIAN	49
BILLIARD TABLES OPERATOR	51
BOTTLER	49, 58
BOWLING ALLEY OPERATOR	51
BROKER	49
BUS OPERATOR	52
CIRCUS EXHIBITOR	49
CONTRACTOR	53, 57
DAIRYMAN	50
EATING HOUSE KEEPER	50
FINANCE ACCEPTOR	50
GENERAL REPAIRMAN	50
JUNK DEALER	50
LAUNDRY OPERATOR	51
MOTOR VEHICLE SERVICEMAN	51
PAWNBROKER	52
PHOTOGRAPHER	52
POOL TABLE OPERATOR	51
PURPORT OF, scope, term, date	55-56

GENERAL INDEX

lxxxiii

State Revenue (Continued)

SHOWMAN	52
SHUFFLE BOARD OPERATOR	51
TAXICAB OPERATOR	52
TRANSFER OF, when	55
UNDERTAKER	52
WHAT LICENSE SHALL SET FORTH	55
OCCUPATIONAL LICENSES, Service Occupations:	
ARCHITECT	44
ATTORNEY AT LAW	44
AUCTIONEER	45
CHIROPDIST	45
CHIROPRACTOR	45
CONVEYANCER	45
DENTIST	45
DISTRIBUTOR	45
DRAYMAN	45
EMPLOYMENT AGENT	45
ENGINEER	46
FACTOR	46
INCORPORATOR	46
KEEPER OF LIVERY STABLE	46
KEEPER OF PUBLIC BATHS	46
KEEPER OF STALLION OR JACK	46
MANICURIST	46
MERCANTILE AGENCY	46
OPTOMETRIST	47, 59
OSTEOPATH	47
PHYSICIAN	47
PUBLIC ACCOUNTANT	47
PURPORT OF, scope, term, date	55-56
REAL ESTATE AGENT	47
SURGEON	47
TEXTILE RENOVATOR	47
TRANSPORTATION AGENT	47
VETERINARIAN	59
WAREHOUSEMAN	48
WHAT LICENSE SHALL CONTAIN AND SET FORTH	54-55
PENALTIES FOR FAILURE TO SECURE LICENSE.	
(See SPECIFIC TITLE)	

State Revenue Collector

APPROPRIATIONS, salary, expenses	82
--	----

State Rifle Range

APPROPRIATIONS	100, 148
----------------------	----------

State Tax Board

TO HEAR APPEALS RELATING TO REFUND OF FRANCHISE TAXES ILLEGALLY ASSESSED	28
POWERS AND DUTIES OF, for the purpose of its hearings	38
REFUND OF CERTAIN LICENSE FEES ERRONEOUSLY COLLECTED	61

State Tax Commissioner

ACCOUNTS IN FARMERS BANK TRANSFERRED TO SCHOOL FUND	165
ADMINISTRATORS TO FILE INVENTORY WITH	34
CERTAIN CHECKS OR ORDERS ISSUED BY THE COMMISSIONER NOT TO BE HONORED OR PAID BY THE DEPOSITORY	165
EXECUTORS TO FILE INVENTORY, etc., with	34
OSTEOPATHY, license to practice issued by	206
REFUND OF LICENSE FEES ERRONEOUSLY COLLECTED	60, 61

State Tax Department

ACT RELATING TO THE ACCOUNTS OF THE STATE TAX DEPARTMENT FOR PAYMENT OF CHECKS AND ORDERS DRAWN THEREON AND DIRECTING THE TRANSFER OF CERTAIN FUNDS TO THE SCHOOL FUND	165
APPROPRIATIONS, salaries, etc.	83
CERTAIN APPROPRIATIONS FOR, to be paid out of the School Fund	74
DUTIES AS TO UNPAID INCOME TAX	39
DUTIES AS TO INHERITANCE TAX	34
DUTIES AS TO REFUND OF ESTATE TAX ERRONEOUSLY PAID	35
DUTIES AS TO DIVERSION OF FRANCHISE TAX FUNDS....	69-70
FRANCHISE TAXES, diversion of for operation of the, and other purposes	818-820
FRANCHISE TAXES OF CORPORATIONS PAID TO THE	22
INHERITANCE TAX, refund of excess tax	33
MANUFACTURERS LICENSE FEES, duties of the	40-41
MERCHANTS LICENSE FEES, duties of the	42-43
OCCUPATIONAL LICENSES, duties as to	44-58
REFUND OF FRANCHISE TAXES ILLEGALLY ASSESSED	28
REFUND OF LICENSE FEES ERRONEOUSLY COLLECTED	60
TAX DEPARTMENT BALANCES IN ACCOUNTS IN THE FARMERS BANK TRANSFERRED TO THE CREDIT OF THE STATE TREASURER FOR USE OF THE SCHOOL FUND:	
"M. HOWARD JESTER, Special, State Tax Commissioner" ..	165
"TAX COMMISSIONER, Pierre S. duPont Account No. 3"....	165
"TAX DEPARTMENT, State of Delaware, M. Howard Jester, Commissioner"	165

GENERAL INDEX

lxxxv

State Treasurer

AMERICAN LEGION, appropriation	106
ARMORIES ACCOUNT, separate fund	166
APPROPRIATIONS:	
INTEREST REDEMPTION	103
OPERATIONS	88
SALARY, expenses, etc.	81
SECRETARY OF STATE FOR DUPLICATOR	140
APPROPRIATIONS, how paid:	
BRANDYWINE SANATORIUM, buildings	109
CHARITIES, State Board of	233
DELAWARE COLONY, special	112
DELAWARE STATE HOSPITAL, buildings	117
GENERAL ASSEMBLY, attendance at inauguration of President Roosevelt	807
INDIAN RIVER INLET	146
KENT AND SUSSEX COUNTY FAIR, Inc., prizes	128
MILFORD ARMORY	131-133
MOTOR VEHICLE DEPARTMENT, operations	134
MOTOR VEHICLE INSPECTION, expenses	135
NEW STATE BUILDING AT DOVER	119-121
PUBLIC ARCHIVES COMMISSION	137
SILVER LAKE, Rehoboth	711
TEACHERS RETIREMENT COMMISSION	784
APPROPRIATIONS PAID FROM HIGHWAY DEPARTMENT FUNDS:	
CLAIMS AGAINST THE STATE	160, 161, 162, 164
DYKE CONSTRUCTION IN SUSSEX COUNTY	144
LITTLE CREEK WHARF REPAIRS	143
AUTHORIZED TO EXPEND CERTAIN FEDERAL MONIES	228
BOND ISSUE, to erect certain new State buildings	65-67
CERTAIN FUNDS, in Farmers Bank transferred for use of the School Fund	165
CERTIFICATES OF INDEBTEDNESS FOR MONEYS BORROWED FROM HIGHWAY FUND FOR USE OF THE GENERAL FUND, to be issued by the	71-73
CERTIFICATES OF INDEBTEDNESS TO PROVIDE FOR CASUAL DEFICIENCIES OF STATE REVENUE TO BE ISSUED BY THE	104-105
CUSTODIAN OF THE:	
FUND FOR CRIPPLED CHILDREN	198-200
UNEMPLOYMENT COMPENSATION ADMINISTRATION	
FUND; bond, duties	772-773
UNEMPLOYMENT COMPENSATION FUND; duties, bond ..	762-764
DEPUTY, salary, appropriation	81
DEPUTY, increase of powers	174
ESTATE TAX ERRONEOUSLY PAID, refund	35
EXTRADITION PROCEEDINGS, costs how paid	667

State Treasurer (Continued)

FEDERAL GRANTS OF MONIES, powers and duties of the	175-176
FIRE COMPANIES, to file reports with the	123
FRANCHISE TAX FUNDS, diversion, duties of the	69-70
HIGHWAY IMPROVEMENT AND STATE AID ROAD BONDS, maturities paid to Counties	151-153
INDIAN RIVER INLET BOND ISSUE INCREASED	68
INHERITANCE TAX, may refund, when	33
LICENSE FEES, refunds	60, 61
MINQUADALE HOME, special account	266-268
MOTHERS PENSION COMMISSION, powers and duties of the	227-228
OLD AGE WELFARE COMMISSION, powers and duties of the..	265-268
POLICE RETIREMENT FUND, duties of the	790-792
REVISED CODE, 1935, sale	168-170
SALARY	173
SEAFORD, reimbursement for highway construction	553
SCHOOL BONDS, to pay certain	154-157
SCHOOL FUND, certain appropriations to be paid from (see Chapter 26)	74
SCHOOL FUND (see Chapter 284 for Amendment of Chapter 26)	818
SCHOOL FUND, proceeds from Franchise Tax diverted to School Fund	818-820
SUNSET OIL COMPANY, sale of stock	75-76
UNIVERSITY OF DELAWARE, interest rate reduced on certain available funds	592

State Treasury

APPROPRIATIONS FROM, for New State Building at Dover....	120
APPROPRIATIONS UNPAID REVERT TO, when	77, 105
GENERAL FUND OF THE See GENERAL FUND OF THE STATE TREASURY.	
WARRANTS UPON FOR BURIAL OF INDIGENT SOLDIERS, Sailors and Marines	110

St. Francis Hospital

APPROPRIATIONS FOR	124
--------------------------	-----

St. Michael's Home for Babies

APPROPRIATION ...	232
-------------------	-----

Stop Signs

PENALTY FOR FAILURE OF DRIVER OF ANY VEHICLE TO COME TO A FULL STOP AT INTERSECTIONS OF HIGH- WAYS MARKED WITH	700
--	-----

GENERAL INDEX

lxxxvii

Street or Highway Lighting	
UNINCORPORATED COMMUNITY MAY PETITION FOR	253
Sunset Oil Company	
SALE OF PREFERRED STOCK AND VOTING TRUST CERTIFICATES OF, owned by State of Delaware, authorized	75-76
Sunset Pacific Oil Company	
See SUNSET OIL COMPANY	75
Superior Court	
APPEALS TO, under Unemployment Compensation Law	757
JURISDICTION OF THE, in appeals from decrees of distribution of decedents personal estates by Register of Wills	633
KENT COUNTY, new seal for authorized	645
KENT COUNTY, Prothonotary to procure new seal	645
NEW CASTLE COUNTY, indices of Judgments entered in, annual examination, when and how made	642
Supplies (Legislative)	
APPROPRIATION	79
Supreme Court	
APPEAL TO, under Unemployment Compensation Law	757
PROPOSED AMENDMENT OF THE STATE CONSTITUTION ESTABLISHING A SEPARATE	3-16
RESOLUTION, appropriation, for printing claim	804
SEAL, new, act providing for a	644
Surgeon	
DEFINED, license fee	47
Suspension of License to Operate Motor Vehicle	
PENALTY FOR OPERATING WHILE LICENSE SUSPENDED....	705
POWERS AND DUTIES OF THE COMMISSIONER	704
Sussex County	
NOTARIES PUBLIC, number of authorized for	235
RECORDER OF DEEDS OF, to procure new mortgage record indices for	260-261

Swedes

FIRST LANDING IN THE UNITED STATES COMMEMORATED	707
---	-----

Taxation

EXEMPTIONS FROM:

HISTORICAL SOCIETY OF DELAWARE	256
MOTION PICTURE STUDIOS AND PLANTS	255
NEW CASTLE HISTORICAL SOCIETY	256

Tax Commissioner

See STATE TAX COMMISSIONER.

Tax Department

See STATE TAX DEPARTMENT.

Taxes

BELLEFONTE, powers to collect delinquent	368-375
CO-OPERATIVE AGRICULTURAL ASSOCIATIONS EXEMPT FROM STATE	302-303
ELSMERE, powers to collect delinquent	365-367
LAUREL SPECIAL SCHOOL DISTRICT, how levied and collected	578-579
MUTUAL BENEFIT ASSOCIATIONS FEES, in lieu of certain....	186
REHOBOTH BOARD OF SCHOOL TRUSTEES, powers to levy certain special	572-573
SCHOOL AND SPECIAL SCHOOL DISTRICTS RELIEVED OF LEVYING AND COLLECTING TAXES TO PAY MATURITIES OF CERTAIN SCHOOL BONDS	154-157
See BRIDGEVILLE FIRE COMPANY	316-317
See CO-OPERATIVE AGRICULTURAL ASSOCIATIONS	302-303
See ESTATE TAX	35
See FIRE PROTECTION	249-250
See FRANCHISE TAXES	22-29
See INCOME TAX	36-39
See INHERITANCE TAX	30-34
See ROAD TAXES	246
See UNINCORPORATED COMMUNITY OR VILLAGE	253

Taxicab Operator

DEFINED, license fee	52
----------------------------	----

Taxi-Cabs

ACT RELATING TO SALE OF USED	692-693
------------------------------------	---------

GENERAL INDEX

ixxxix

Teacher Retirement Commission

APPOINTMENT	783
APPROPRIATION	784
DUTIES AND POWERS	783-784
ORGANIZATION	784
REPORT TO 1939 GENERAL ASSEMBLY	783

Temporary Emergency Relief Commission for New Castle County

RESOLUTION EXTENDING AUTHORITY	814
--------------------------------------	-----

Tenth Representative District (New Castle County)

SEVENTH ELECTION DISTRICT:	
DEFINED, voting place	272
SIXTH ELECTION DISTRICT:	
DEFINED, voting place	271
INSPECTOR FOR, appointment	272
WILMINGTON CITY LIMITS, extension of to include any part of the, prior to referendum, prohibited	562

Tercentenary Commission

See DELAWARE TERCENTENARY COMMISSION.

Textile Renovator

DEFINED, license fee	47
----------------------------	----

Thanksgiving Day

PROCLAMATIONS	843, 920
---------------------	----------

"The Rocks"

LANDS KNOWN AS, to be acquired and maintained as a State Park	707
--	-----

Transportation Agent

DEFINED, license fee	47
----------------------------	----

Transportation and Shipment of

LIVE POULTRY, regulated	195-196
-------------------------------	---------

Traps, Game

UNLAWFUL, exceptions	596
----------------------------	-----

Trawl Nets	
UNLAWFUL TO USE, in Atlantic Ocean	827
Trespass	
JUSTICES JURISDICTION IN, limits of damages	654
Trespass on the Case	
JUSTICES OF THE PEACE JURISDICTION IN ACTIONS OF, limits of damages	654
Trust Companies	
See BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES, SUNDRY PROVISIONS	307-308
Trustee of the School Fund	
SALARY OF THE	173
Trustees	
See BANKRUPTCY	725
See COURT OF CHANCERY	651, 652
Undertakers	
See STATE BOARD OF EXAMINERS OF UNDERTAKERS.	
Unemployment Compensation Commission	
See UNEMPLOYMENT COMPENSATION LAW	742-780
PROCLAMATION OF GOVERNOR CONVENING GENERAL ASSEMBLY TO ENACT LEGISLATION RECOMMENDED BY THE	923
Unemployment Compensation Law	
ADMINISTRATION	765-771
ADVISORY COUNCIL	767-768
DUTIES AND POWERS OF COMMISSION	765-766
EMPLOYMENT STABILIZATION	768
OATHS AND WITNESSES	769
PERSONNEL	766-767
PROTECTION AGAINST SELF-INCRIMINATION	770
PUBLICATION	766
RECORDS AND REPORTS	768-769
REGULATIONS AND RULES	766
STATE FEDERAL COOPERATION	770-771
SUBPOENAS	769-770

Unemployment Compensation Law (Continued)

BENEFIT ELIGIBILITY CONDITIONS	751-752
BENEFITS	749-751
CLAIMS FOR BENEFITS	754-758
APPEALS	755
APPEAL TO COURT	757
APPEAL TRIBUNALS	755-756
COMMISSION REVIEW	756
COURT REVIEW	757-758
FILING	754
INITIAL DETERMINATION	754-755
PROCEDURE	756
WITNESS FEES	757
COLLECTION OF CONTRIBUTIONS	773-774
COLLECTION	773
INTEREST ON PAST DUE CONTRIBUTIONS	773
PRIORITIES UNDER LEGAL DISSOLUTIONS OR DIS- TRIBUTIONS	774
REFUNDS	774
CONTRIBUTIONS	758-761
PAYMENT	758
RATE OF CONTRIBUTION	758-761
DECLARATION OF STATE PUBLIC POLICY	742-743
DEFINITIONS	743-749
DISQUALIFICATION FOR BENEFITS	752-754
EFFECTIVE DATE; Termination	779-780
EMPLOYMENT SERVICE:	771-772
FINANCING	772
STATE EMPLOYMENT SERVICE TRANSFER OF	771
NON-LIABILITY OF STATE	780
PENALTIES	776-777
PERIOD, Election, and Termination of Employer's Coverage	761-762
PROTECTION OF RIGHTS AND BENEFITS	774-775
LIMITATION OF FEES	775
NO ASSIGNMENT OF BENEFITS:	
EXEMPTIONS	775
WAIVER OF RIGHTS VOID	774
RECIPROCAL ARRANGEMENTS	777-778
REPRESENTATION IN COURT	777
SEASONAL EMPLOYMENT	778
SAVING CLAUSE	778
SEPARABILITY OF PROVISIONS	779
SHORT TITLE	743
UNEMPLOYMENT COMPENSATION ADMINISTRATION	
FUND:	772-773
EMPLOYMENT SERVICE ACCOUNT	773
SPECIAL FUND	772-773

Unemployment Compensation Law (Continued)

UNEMPLOYMENT COMPENSATION COMMISSION	764-765
DIVISIONS: Quorum	765
ORGANIZATION	764
UNEMPLOYMENT COMPENSATION FUND	762-764

Uniform Act for Out-of-State Parolee Supervision

COMPACT, terms of	674-676
EXTRADITION REQUIREMENTS, waived	675
GOVERNOR AUTHORIZED TO EXECUTE COMPACT WITH OTHER STATES, powers and duties	674-676
SUPERVISION DUTIES ASSUMED BY RECEIVING STATE	675

Uniform Act to Secure Attendance of Witnesses From Without a
State in Criminal Proceedings

EXEMPTION FROM ARREST AND SERVICE OF PROCESS	672
SUMMONING WITNESS IN THIS STATE TO TESTIFY IN AN- OTHER STATE	670-671
WITNESS FROM ANOTHER STATE SUMMONED TO TESTIFY IN THIS STATE	671-672

Uniform Criminal Extradition Act

ACCUSED PERSON; Rights of	661
APPLICATION FOR ISSUANCE OF REQUISITION, by whom made	665-666
ARREST PRIOR TO REQUISITION	662
ARREST WITHOUT WARRANT	663
BAIL, conditions of bond, forfeiture	663-664
DEFINITIONS	658
FORM OF DEMAND	658
GOVERNOR, powers and duties of, under the	658-669
HABEAS CORPUS, application for writ of	661
IMMUNITY FROM SERVICE OF PROCESS, when	667
WAIVER OF REQUISITION, how made	667
WARRANT OF ARREST, its recitals	660

Uniform Law on Fresh Pursuit

ARRESTS, bail, commitments	677
DEFINITIONS	677
FELONY, persons accused of, may be pursued in other States.....	677
GOVERNOR, powers of, under the	677-678
JUSTICES OF THE PEACE, powers and duties	677

GENERAL INDEX

xciii

Uniform Transfer of Dependents Act	
See STATE BOARD OF CHARITIES	229
Unincorporated Community or Village	
FIRE PROTECTION OF, available in New Castle County, petition, taxes, etc.	249-250
STREET LIGHTING OF, petitions for, taxes	253
Union Veteran Legion	
INSIGNIA OF, unlawful use, penalty	634
United States Bureau of Animal Industry	
BANG'S DISEASE CONTROL, funds provided by the	189-194
United States, Constitution of the	
See CONSTITUTION OF THE UNITED STATES	740-741
United States Department of Agriculture	
APPLES FOR SALE OR EXPORT GRADED IN ACCORDANCE WITH STANDARDS OF THE	188
United States Engineering Department	
SUPERVISION OF INDIAN RIVER INLET CONSTRUCTION....	146
United States Government	
DELAWARE FIDUCIARIES MAY INVEST FUNDS IN CERTAIN SECURITIES GUARANTEED BY THE, exemptions	308
See UNEMPLOYMENT COMPENSATION LAW	742-780
United States Secretary of Agriculture	
FLOOD RELIEF, resolution addressed to the	801
STATE AGENCY, Delaware Agricultural Conservation and Adjustment Act, to submit plans to	585
United States, Secretary of the Treasury of the	
STATE TREASURER AUTHORIZED TO RECEIVE CERTAIN MONIES FROM THE	265
UNEMPLOYMENT COMPENSATION FUNDS, deposited with, when	763

United States Social Security Act

STATE TREASURER AUTHORIZED TO EXPEND FEDERAL MONIES AVAILABLE FOR MOTHERS PENSION COMMISSION, in accordance with the provisions of the	28
STATE TREASURER AUTHORIZED TO EXPEND MONIES FOR STATE OLD AGE WELFARE COMMISSION, under provisions of the	265
See UNEMPLOYMENT COMPENSATION LAW	742-780

University of Delaware

ACT CONCERNING; permission to introduce	796
APPROPRIATIONS	90, 91
AUDIT SPECIAL, appropriations	81
CERTAIN APPROPRIATIONS FOR, to be paid out of the School Fund	74
CO-OPERATIVE AGRICULTURAL ASSOCIATION TO FILE COPY OF ANNUAL AUDIT WITH DEAN OF THE SCHOOL OF AGRICULTURE OF THE	300
DESIGNATION OF THE, as State Agency under the Delaware Agricultural Conservation and Adjustment Act	583-591
FRANCHISE TAXES, diversion of certain for the	818
INTEREST RATE REDUCED ON CERTAIN FUNDS FOR USE OF THE	592

Vehicle

CHANGE OF NAMES OF VEHICLE DEPARTMENT, and Commissioner	689
---	-----

Venereal Diseases

ACT RELATING TO	197
-----------------------	-----

Veterans

APPROPRIATIONS FOR EDUCATION OF CHILDREN OF	122
NOTARY PUBLIC APPOINTMENT OF FOR ORGANIZATIONS OF	234

Veterans of Foreign Wars

APPROPRIATIONS	103
NOTARY PUBLIC, Governor may appoint for the	234

Veterans' Organizations

UNLAWFUL USE OF INSIGNIA OF, penalty	634
--	-----

GENERAL INDEX

xcv

Veterinarian

LICENSE FEE, amended 59

Veterinary Examiners

See STATE BOARD OF VETERINARY EXAMINERS.

Violations

STATE REVENUE ACT, misdemeanors 60

Vocational Education

APPROPRIATION FOR 826

Voting Place

NEW CASTLE COUNTY:

SECOND ELECTION DISTRICT OF THE FIFTEENTH REPRESENTATIVE DISTRICT 273

SEVENTH ELECTION DISTRICT OF THE TENTH REPRESENTATIVE DISTRICT 272

SIXTH ELECTION DISTRICT OF THE TENTH REPRESENTATIVE DISTRICT 271

Wages

LIABILITY TO ATTACHMENT PROCESS OF, in New Castle County, limited to necessities of life 656

Warehouseman

DEFINED, license fee 48

Watches

SALE OF SECOND-HAND, regulated 640-641

Weights and Measures, Regulators

APPROPRIATIONS 98

Welfare Home

APPROPRIATIONS 89

MINQUADALE HOME, unit in memory of, at the 267

Whittingham, Richard A.

APPROPRIATION TO PAY CLAIM OF 160

Williams, Enoch Y.

RECORDER OF DEEDS, Kent County, to procure new seal 257

Wilmington, City of

BONDS OF THE, retirements, when and how made 563-565

STATE PARK, Highway Department to acquire and maintain a
certain, in 707

TERRITORIAL LIMITS MAY NOT BE EXTENDED TO IN-
CLUDE CERTAIN AREAS WITHOUT REFERENDUM 562

Wilmington General Hospital

APPROPRIATIONS FOR 124

Wines

See ALCOHOLIC LIQUORS, WINES AND BEER.

Wise, James W.

PROCLAMATION OF ELECTION AS AUDITOR OF AC-
COUNTS 918

Witnesses

UNIFORM ACT TO SECURE ATTENDANCE OF FROM WITH-
OUT A STATE IN CRIMINAL PROCEEDINGS 670-673

Workmen's Compensation Law

See DELAWARE WORKMEN'S COMPENSATION LAW.

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OF
VOLUME**