

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

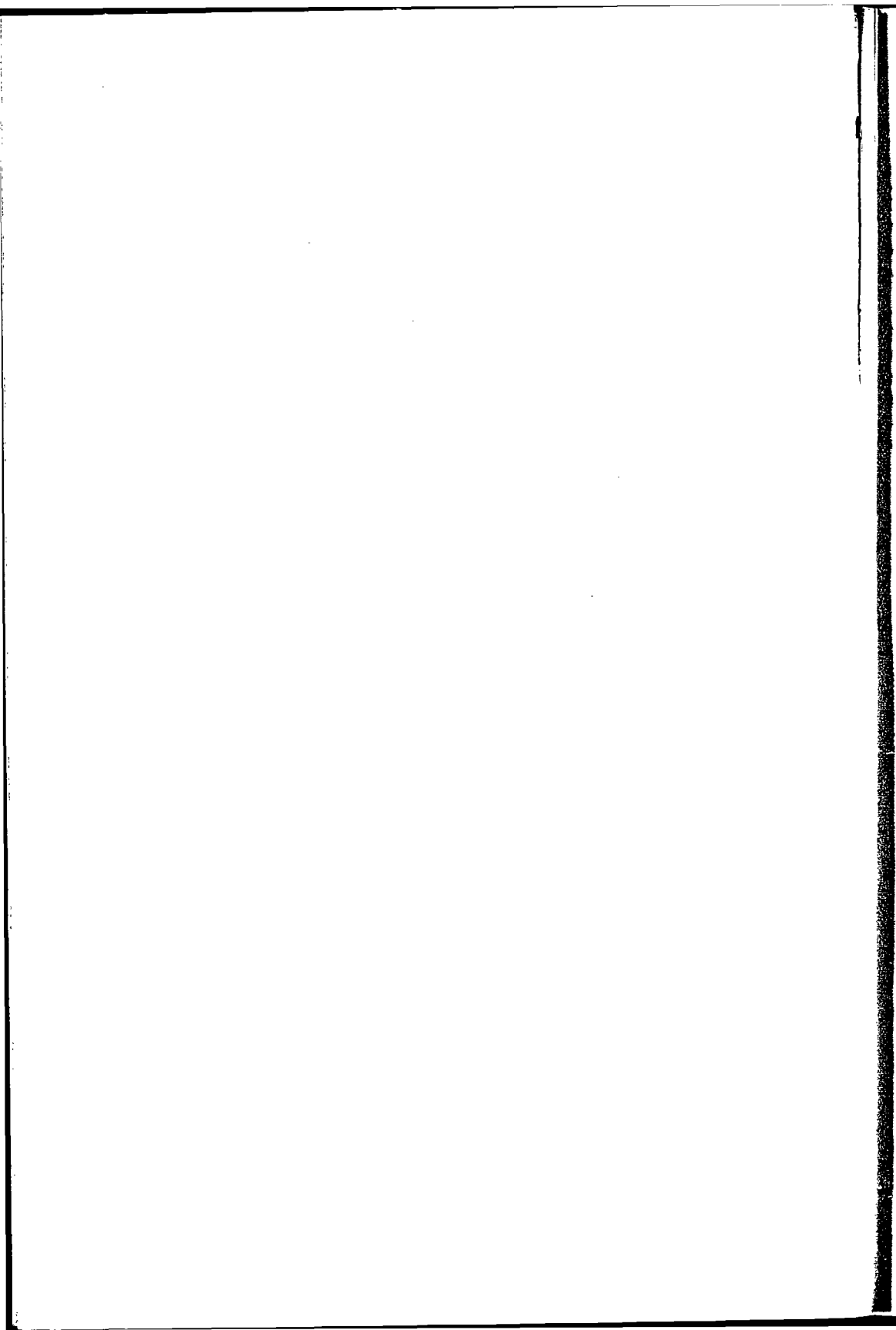
On Tuesday, January 3, A. D.
1939

AND

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

VOLUME XLII

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LAWS of DELAWARE

Jurisdiction and Property of the State

CHAPTER 1

TITLE TO LANDS NEAR CAPE HENLOPEN REINVESTED IN THE STATE OF DELAWARE

**AN ACT TO REINVEST THE STATE OF DELAWARE WITH TITLE
TO LANDS NEAR CAPE HENLOPEN HERETOFORE CONDI-
TIONALLY CONVEYED TO THE UNITED STATES OF
AMERICA FOR USE AS A QUARANTINE STATION, AND
NOW ABANDONED.**

WHEREAS, by Chapter 449 of Volume 18, Laws of Delaware, the State of Delaware, by an Act of the General Assembly, ceded to and granted jurisdiction over to the United States of America of a quantity of land belonging to the State of Delaware not exceeding fifteen hundred (1500) feet front and twelve hundred (1200) feet deep from low water mark situate and lying on the Delaware Bay, between the United States Government Iron Pier and the point of Cape Henlopen; and

WHEREAS, The said cession of said land and jurisdiction thereover by the State of Delaware to the United States of America was "upon the express condition that a Quarantine Station shall be located and maintained thereon by the United States"; and

WHEREAS, after having erected and maintained a Quarantine Station thereon for a long space of time, the United States of America has dismantled the Station and has officially notified the Governor of the State of Delaware that it has abandoned the purposes for which this tract of land was ceded to and granted juris-

TITLE TO LANDS NEAR CAPE HENLOPEN REINVESTED IN
THE STATE OF DELAWARE

diction over and consents to the State of Delaware revesting in itself full title thereto; NOW THEREFORE

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

Section 1. That by the actual and declared abandonment of said tract of land and jurisdiction thereover by the United States of America for the granted purpose of locating and maintaining thereon a Quarantine Station, the United States of America has surrendered, yielded up and quit claimed to the State of Delaware all its right, title, interest, and jurisdiction in, to and over said tract

of land, and the said tract of land has thereby reverted to the State of Delaware clear and free of said cession of land and jurisdiction heretofore granted to the United States of America.

Section 2. That said tract of land ceded by the State of Delaware to the United States of America by said Chapter not exceeding fifteen hundred (1500) feet front and twelve hundred (1200) feet deep from low water mark, situate and lying on the Delaware Bay, between the United States Government Iron Pier and the Point of Henlopen, is now owned in fee simple by the State of Delaware and constitutes a part of the public lands of the State.

Approved April 24, 1939.

CHAPTER 2

UNKNOWN SAILORS' CEMETERY

AN ACT DESIGNATING CERTAIN PUBLIC LANDS NEAR THE COAST GUARD STATION NEAR LEWES, DELAWARE, AS A MEMORIAL CEMETERY AND PROVIDING FOR THE CARE AND SUPERVISION THEREOF.

WHEREAS, certain public lands hereinafter described have for a long period of time been used as a cemetery principally for the burial of sailors, the names of many of whom have always remained unknown; and,

WHEREAS, for a long period of time there has been no provision for the care and maintenance of said land as a cemetery; THEREFORE,

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

Section 1. That the public lands hereinafter described be and they are hereby set aside and designated as a memorial cemetery and shall be maintained solely for that purpose. Said cemetery shall be known as the "Unknown Sailors' Cemetery" and shall include the following described lands:

Beginning at a point on the north edge of the State Highway leading from the Town of Lewes towards the old Henlopen Light-house Reservation, said point being 171 feet east from the lines of Lewes Coast Guard Station and corner for lands in possession of Louis L. Paynter, and thence running along and with one line of said lands 577 feet to a point at high water mark on Delaware Bay, thence along the high water mark of said Bay southeast 350 feet to a point corner for land leased to the Lewes Fertilizer Company, now in possession of Smith Meal Company, thence along and with one line of said lands southwest 568 feet to a point in the north edge of the above described highway, thence along and with the north edge of said Highway 385 feet home to the place of beginning.

UNKNOWN SAILORS' CEMETERY

Section 2. That the Delaware Society for the Preservation of Antiquities, a corporation of the State of Delaware, be and the same is hereby appointed and constituted a State agency or authority of the State of Delaware to carry out the provisions of this Act. Said Society shall have full power and authority to provide for the care and maintenance and the reconstruction and restoration of said cemetery, with the power and authority to make application to any Federal Department, board or agency for the performance of any necessary work and to accept any grant which may be available to it as such State agency or to the State of Delaware for the purpose of the reconstruction and restoration of said cemetery.

Approved May 4, 1939.

CHAPTER 3

FORT CHRISTINA STATE PARK

AN ACT NAMING AND DESIGNATING THE PARK CREATED AT "THE ROCKS" ON THE CHRISTINA RIVER IN THE CITY OF WILMINGTON AS "FORT CHRISTINA STATE PARK" IN ORDER TO MARK PERPETUALLY THE FIRST SETTLEMENT OF THE COLONY OF NEW SWEDEN.

WHEREAS, by an act of the General Assembly, Chapter 235 of Volume 41, Laws of Delaware, approved April 28, 1937, the State Highway Department was authorized and directed to acquire land at "The Rocks" on the Christina River in the City of Wilmington for the purpose of creating there a State Park to mark perpetually the place where the first Swedish settlers landed and the site of Fort Christina, the first permanent settlement in the State of Delaware as well as the first permanent settlement in the entire Delaware River Valley, and

WHEREAS, in said act no name was given to the proposed park, and

WHEREAS, said park was completed in the year, 1938, and a monument therein, modelled by the sculptor, Carl Milles, and presented to the people of America by the people of Sweden, was dedicated on June 27, 1938, in the presence of the President of the United States, the Crown Princess Louise and Prince Bertil of the Kingdom of Sweden, the Foreign Minister of the Republic of Finland, the Governor of the State of Delaware, and many other distinguished guests, therefore

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

Section 1. That on and after the passage and approval of this Act, the land acquired at "The Rocks" on the Christina River in the City of Wilmington, for the purpose of creating there a State Park to mark perpetually the place where the first Swedish settlers landed and the site of Fort Christina, the first permanent settlement

FORT CHRISTINA STATE PARK

in the State of Delaware as well as the first permanent settlement in the Delaware River Valley, thereafter be known and designated as "Fort Christina State Park."

Approved April 24, 1939.

CHAPTER 4

AUTHORIZING THE CONVEYANCE OF STATE LANDS

AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS OWNED BY THE STATE OF DELAWARE SITUATED IN SOUTH MURDERKILL HUNDRED, KENT COUNTY, IN EXCHANGE FOR CERTAIN OTHER LANDS IN SAID HUNDRED REQUIRED FOR STATE HIGHWAY PURPOSES, AND NOW OWNED BY CLARENCE T. POSTLES AND ANNA-BELLE POSTLES, HIS WIFE.

WHEREAS, the State of Delaware is the owner of a small tract of land, situated in South Murderkill Hundred, Kent County and State of Delaware, and described as follows:

All that certain lot or tract of land situated in South Murderkill Hundred, Kent County and State of Delaware, and more particularly described as follows, to wit:

BEGINNING at the intersection of the center line of the old county road leading from Plymouth to Barratt's Chapel, and the division line between the lands of George F. McGinnis and said lands of the State of Delaware, thence by and with the lands of George F. McGinnis and other lands of the State of Delaware north thirty (30) degrees fourteen (14) minutes east two hundred sixty (260) feet more or less to a point in the southerly right of way line of the new state road leading from Plymouth to Barratt's Chapel; thence along said right of way line south eighty-two (82) degrees twenty-four (24) minutes west one hundred eighty-four (184) feet more or less to a point; thence, tangent to the right three hundred sixty-five (365) feet more or less along an arc of nine hundred eighty and thirty-seven-hundredths (980.37) feet radius, to the point of the intersection of the southerly right of way line of the aforementioned new state road and the center line of the old county road; the aforescribed arc being parallel to and twenty-five (25) feet from the center line of the new state road leading from Plymouth to Barratt's Chapel; thence along the center line of the old county road and by and with the lands of Clarence T. Postles south sixty-two (62) degrees one (1) minute east

AUTHORIZING THE CONVEYANCE OF STATE LANDS

five hundred (500) feet more or less to the place of beginning; and containing one and two-hundred-sixty-two-thousandths (1.262) acres, more or less; and

BEING a part of the same lands which were conveyed to The State of Delaware in and by the deed of Samuel H. Lingo and wife, dated March 16, 1936, and recorded in the Recorder's Office at Dover, in and for Kent County aforesaid, in Deed Record Book W. Vol. 14, Page 188.

AND WHEREAS, the State Highway Department of the State of Delaware desires to acquire for The State of Delaware for state highway purposes, certain other lands situated in the Hundred aforesaid, and now owned by Clarence T. Postles and Annabelle Postles, his wife.

AND WHEREAS, the said Clarence T. Postles and Annabelle Postles are willing to make, execute and deliver a good and sufficient deed for the lands owned by them and so desired for highway purposes in exchange for the tract of land owned by the State of Delaware above described, and the State Highway Department desiring to effect said exchange,

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 the Secretary of State of the State of Delaware be, and they are hereby authorized and fully empowered to execute, and to acknowledge a deed of conveyance conveying to the said Clarence T. Postles and Annabelle Postles, his wife, the tract of land above described, the said deed to be delivered by the State Highway Department of the State of Delaware to the said Clarence T. Postles and Annabelle Postles in exchange for a good and sufficient deed conveying to The State of Delaware the lands of the said Clarence T. Postles and Annabelle Postles desired by the State of Delaware for highway purposes, free and clear of liens.

Approved May 1, 1939.

State Revenue

CHAPTER 5

APPROPRIATION

AN ACT APPROPRIATING CERTAIN MONEY FOR THE CONSTRUCTION AND EQUIPMENT OF A NEW STATE ARMORY IN THE TOWN OF GEORGETOWN OR IN THE VICINITY THEREOF.

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 acquire by gift, purchase or condemnation a suitable tract of land in the town of Georgetown or in the vicinity thereof 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 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 man-

APPROPRIATION

ner as is now provided for the condemnation of land for highways or other public purposes.

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 Seventy-Five Thousand Dollars (\$75,000.00) 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 Seventy-five Thousand Dollars (\$75,000.00).

Section 7. That when such building has been completed and accepted, all such Government and State military property as the military authorities 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. 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 28, 1939.

CHAPTER 6

APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE INSURANCE COMMISSIONER TO PAY PREMIUMS ON ALL INSURANCE ON STATE PROPERTY.

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 Twelve Thousand Dollars (\$12,000.00) be and the same is hereby appropriated to the Insurance Commissioner of The State of Delaware as an additional appropriation to that made for the fiscal year ending June 30th, 1939, for the purpose of paying premiums on insurance on State property determined necessary for the remainder of the present fiscal year ending June 30th, 1939.

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

Approved March 3, 1939.

CHAPTER 7

APPROPRIATION

AN ACT APPROPRIATING CERTAIN MONEYS TO HARVEY B. RIGGS TO PAY CLAIM AGAINST THE STATE OF DELAWARE.

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

Section 1. That the sum of Ninety-seven Dollars (\$97.00) be and the same is hereby appropriated out of the General Fund to Harvey B. Riggs for the payment of lawful claim against the State of Delaware for furnishing plans and specifications for the erection of the Cupola for the State House at Dover, and the State Treasurer is hereby authorized and directed to pay the same forthwith.

Approved May 15, 1939.

CHAPTER 8

APPROPRIATION

AN ACT APPROPRIATING MONEY OUT OF THE STATE TREASURY TO PAY A CLAIM OF THE ESTATE OF WILLIAM WINDER LAIRD, DECEASED, AGAINST THE STATE OF DELAWARE.

WHEREAS, on September 28, 1931, while litigation was in progress respecting the amount for which the Estate of William Winder Laird, Deceased, was liable for Federal Estate Tax, the Executors of said Estate paid to the State Treasurer of the State of Delaware the sum of \$400,000.00 on account of the liability of said Estate of Delaware Estate Tax; and

WHEREAS there has recently been a decision in said litigation after final hearing, from which decision it now appears that, in the payment of said \$400,000.00 to the State Treasurer, said Executors overpaid the amount due to the State of Delaware for Delaware Estate Tax by the sum of \$184,497.16; and

WHEREAS some question has been raised as to whether the amount of said overpayment is refundable under the provisions of Section 143 of the Revised Code of Delaware of 1935, as amended, providing for refunds of overpayments to the State of Delaware for Delaware Estate Tax, because said William Winder Laird died prior to the enactment of said statute; now, therefore,

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

Section 1. The sum of \$184,497.16 is hereby appropriated to be paid to Walter J. Laird and Philip D. Laird, surviving Executors of the Estate of William Winder Laird, Deceased, or to the person at the time having the execution of the will of said Deceased, as a refund of Delaware Estate Tax erroneously overpaid by said Executors to the State Treasurer of the State of Delaware, payment thereof to be made as in Section 2 of this Act provided.

APPROPRIATION

Section 2. Within thirty days after the end of the fiscal year of the State terminating June 30, 1939, and within thirty (30) days after the end of each fiscal year thereafter until payment in full of the amount appropriated in Section 1 of this Act shall have been made, the aggregate amounts paid for Inheritance and Estate taxes under the Laws of the State of Delaware for the preceding fiscal year shall be ascertained by the State Treasurer, and a sum equivalent to the excess above the sum of \$400,000.00 received during the preceding fiscal year on account of such Inheritance and Estate taxes shall be paid to the said surviving Executors of William Winder Laird, Deceased, or to the person at the time having the execution of the will of said Deceased, on account of the amount appropriated in Section 1 of this Act until the amounts so paid shall aggregate the amount so appropriated. The amount appropriated in Section 1 of this Act shall bear interest at the rate of four per centum (4%) per annum from the date of the approval of this Act until paid, and there shall also be paid to the said surviving Executors, or to the person at the time having the execution of said will, semi-annually, from and after the date of the approval of this Act, from monies in the State Treasury not otherwise appropriated, accrued interest on the amount appropriated in Section 1 hereof, or on any unpaid balance thereof, at the rate of four per centum (4%) per annum.

Section 3. The State Treasurer and the State Auditor are hereby authorized and directed to draw and deliver to the said surviving Executors, or to the person at the time having the execution of said will, from time to time, proper state warrants in accordance with Sections 1 and 2 of this Act.

Approved April 28, 1939.

CHAPTER 9

APPROPRIATION

**AN ACT MAKING AN APPROPRIATION TO THE DELAWARE
STATE EMPLOYMENT BUREAU FOR THE EXPENSES OF
SAID BUREAU.**

*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 Twelve Thousand Eight Hundred Fifty Dollars (\$12,850.00) be and the same is hereby appropriated to the Delaware State Employment Bureau for each of the fiscal years beginning July 1st, 1939 and July 1st, 1940 to be used for the expenses of the said Bureau.

Section 2. That the said money so appropriated shall be paid by the State Treasurer upon warrants drawn by the State Auditor upon vouchers approved, submitted and signed by the proper officers of the Delaware State Employment Bureau.

Section 3. This act shall be known as a Supplementary Appropriation Act, and shall be paid out of the general fund of the State Treasury not otherwise appropriated.

Approved March 30, 1939.

CHAPTER 10

APPROPRIATION

AN ACT APPROPRIATING CERTAIN MONEYS FOR THE PAYMENT OF EXPENSES OF THE ADMINISTRATOR APPOINTED UNDER THE UNIFORM ACT FOR OUT-OF-STATE PAROLEE SUPERVISION.

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

Section 1. In order to pay the actual expenses of the Administrator appointed under the Uniform Act for Out-of-State Parolee Supervision, there is hereby appropriated out of the General Funds of the State in the State Treasury, a sum not to exceed Three Hundred Dollars (\$300.00) for the fiscal year ending June 30, 1939, and a sum not to exceed Five Hundred Dollars (\$500.00) for each of the years of the next ensuing biennium. All payments shall be limited to actual expenses and shall not include any compensation for personal services. Payments shall be made upon voucher submitted and signed by the Administrator in the manner provided by law.

Approved May 15, 1939.

CHAPTER 11

APPROPRIATION

AN ACT MAKING AN APPROPRIATION TO THE MOTHER'S PENSION COMMISSION OF DELAWARE FOR THE PAYMENT OF MOTHER'S PENSIONS AND ADMINISTRATIVE COSTS.

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

Section 1. That there is hereby appropriated to the Mother's Pension Commission of Delaware out of the General Fund of the State Treasury, not otherwise appropriated, the sum of Ten Thousand (\$10,000.00) Dollars for each of the fiscal years ending June 30, 1940 and June 30, 1941, for Mother's Pensions and administrative costs.

Section 2. That the sum of Ten Thousand (\$10,000.00) Dollars as heretofore appropriated for each of the aforesaid fiscal years shall be applied and used as follows:

For the payment of Mother's Pensions in New Castle County, Four Thousand (\$4,000.00) Dollars.

For the payment of Mother's Pensions in Kent County, Two Thousand (\$2,000.00) Dollars.

For the payment of Mother's Pensions in Sussex County, Twenty-five Hundred (\$2500.00) Dollars.

For administrative purposes, Fifteen Hundred (\$1500.00) Dollars.

Section 3. The moneys appropriated under the provisions of this Act shall be drawn upon and paid by the State Treasurer as other moneys heretofore appropriated to the Mother's Pension Commission of Delaware are now drawn upon and disbursed.

Approved August 7, 1939.

CHAPTER 12

APPROPRIATION

AN ACT AUTHORIZING AND DIRECTING THE STATE HIGHWAY DEPARTMENT TO ASSUME AND CONTINUE THE WORK FOR THE CONTROL AND ELIMINATION OF MOSQUITOES, HERETOFORE CONDUCTED BY THE MOSQUITO CONTROL COMMISSION; AUTHORIZING AND DIRECTING THE MOSQUITO CONTROL COMMISSION TO TRANSFER AND DELIVER TO THE STATE HIGHWAY DEPARTMENT ALL ITS MACHINERY, TOOLS, AND EQUIPMENT, TOGETHER WITH ALL MAPS, CHARTS AND RECORDS, AND PROVIDING A PENALTY FOR FAILURE TO TRANSFER SAME; AND PROVIDING AN APPROPRIATION THEREFOR.

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

Section 1. Upon this act becoming effective, all work, heretofore conducted under the control, management and supervision of the Mosquito Control Commission of this State, for the control and elimination of mosquitoes shall be under the absolute control, management and supervision of the State Highway Department, which said Department is hereby authorized and directed to continue such work at such places in this State and in such manner as said Department deems most advisable in the interest of public health and comfort, having due regard for plant and animal life. In carrying out such work, said Department is hereby authorized to enter into agreements and contracts with Delaware property owners, the Civilian Conservation Corps, or any other agency, Federal or otherwise, engaged in mosquito elimination; to employ such agents and servants as may be deemed necessary; and to provide the necessary equipment for performing such work.

Section 2. Within ten days after this Act becomes effective, the Mosquito Control Commission is hereby authorized and directed to transfer and deliver to the State Highway Department, for the use of, and to become the property of said Department, all machinery, tools and equipment of every description, and all maps,

APPROPRIATION

charts, surveys, books, documents and records pertaining to mosquito control and elimination, and all other property belonging to said Commission.

Section 3. Any member of the said Mosquito Control Commission, or any agent or servant of said Commission, or any other person, who shall neglect or refuse to comply with the provisions of Section 2 of this Act, or who shall interfere with or prevent, or try to prevent, any such transfer or delivery of said machinery, tools and equipment, or maps, charts, surveys, books, documents or records, as in this Act provided, or any of them, shall be deemed guilty of a misdemeanor and, upon conviction thereof by any Court of competent jurisdiction, shall be punished by a fine not exceeding One Thousand Dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the Court.

Section 4. There is hereby appropriated from the State Treasury the sum of Twenty-five Thousand Dollars (\$25,000.00) to be paid out of the General Fund of the State Treasury and placed to the credit of the State Highway Department, said sum, or any necessary part thereof, to be used for the purpose of carrying on the work described in Section 1 hereof, any unexpended balance thereof remaining at the end of the present biennium to be returned by said Department to the General Fund. The appropriation of Thirty-five Hundred Dollars (\$3500.00) for each year of the current biennium heretofore made as set forth in the General Appropriation Act for the fiscal years ending June 30, 1940, and June 30, 1941, or so much remaining unexpended upon this Act becoming effective is hereby repealed and made null and void, and shall be cancelled by the fiscal officers upon the books and accounts of the State indicating such appropriation.

Approved September 5, 1939.

CHAPTER 13

APPROPRIATION

AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF THE
STATE GOVERNMENT FOR EACH OF THE TWO FISCAL
YEARS ENDING JUNE 30, 1940 AND JUNE 30, 1941.

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

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers of the respective departments and divisions of Government, and other specified spending agencies, subject to the provisions of 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 the Year Ending For the Year Ending June 30, 1941 June 30, 1940
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

APPROPRIATION

JUDICIAL

B-14d COURT OF CHANCERY

Salary of Chancellor	\$ 10,500.00	\$10,500.00
Chancellor for Reporting	200.00	200.00
Stenographer	5,400.00	5,400.00
Salaries and Wages	600.00	600.00
Office Expense	500.00	500.00
Repairs and Replacements	100.00	100.00
Chancellor's Reports	1,600.00	1,600.00
	<hr/>	<hr/>
	\$ 18,900.00	\$ 18,900.00

B-6-12c DEPARTMENT OF JUSTICE

Salary of Chief Justice	\$ 10,500.00	\$ 10,500.00
Salaries of Associate Judges	40,000.00	40,000.00
Kent County Judge for Reporting	200.00	200.00
Salary of Court Stenographer	3,000.00	3,000.00
Salary of Clerk to Supreme Court	300.00	300.00
Salaries and Wages	3,250.00	3,250.00
Office Expense	500.00	500.00
Repairs and Replacements	65.00	65.00
Reports		2,000.00
	<hr/>	<hr/>
	\$ 57,815.00	\$ 59,815.00

B-13 COMMON PLEAS COURT OF KENT COUNTY

Salary of Judge	\$ 3,600.00	\$ 3,600.00
	<hr/>	<hr/>
	\$ 3,600.00	\$ 3,600.00

B-15-17½ STATE LIBRARIAN

Salary of Librarian	\$ 1,800.00	\$ 1,800.00
Salary of 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
Supplies (Legislative)		5,000.00
	<hr/>	<hr/>
	\$ 4,050.00	\$ 8,550.00

APPROPRIATION

EXECUTIVE

C-1 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 SALARIES OF REGISTRARS AND ASSISTANTS

Salaries of Registrars and Assistants.....\$.....	\$ 25,000.00
	<hr/>
\$.....	\$ 25,000.00

D-3 PRESIDENTIAL ELECTORS

Presidential Electors	\$.....	\$ 25.00
	<hr/>	<hr/>
	\$.....	\$ 25.00

LEGAL

E-1-7f ATTORNEY GENERAL

Salary of Attorney General	\$ 6,000.00	\$ 6,000.00
Salary of Chief Deputy	3,000.00	3,000.00
Salary of Deputy, New Castle County..	3,000.00	3,000.00
Salary of Deputy, Kent County	2,500.00	2,500.00
Salary of Deputy, Sussex County	2,500.00	2,500.00
Salaries of State Detectives	7,200.00	7,200.00
Salaries and Wages	3,400.00	3,400.00
Office Expense	1,600.00	1,600.00
Travel	1,125.00	1,125.00
Operation	1,400.00	1,400.00
Repairs and Replacements	925.00	925.00
Equipment	160.00	160.00
	<hr/>	<hr/>
	\$ 32,810.00	\$ 32,810.00

APPROPRIATION

E-8a-8b ATTORNEY GENERAL, REQUISITION EXPENSES

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

FINANCIAL

F-1-3½b SECRETARY OF STATE

Salary of Secretary of State	\$ 6,000.00	\$ 6,000.00
Salary of Telephone Operator	1,200.00	1,200.00
Salaries and Wages	38,100.00	38,100.00
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/>
	\$ 51,400.00	\$ 51,400.00

F-4a-4b STATE BOARD OF ACCOUNTANCY

Salaries and Wages	\$ 100.00	\$ 100.00
Office Expense	150.00	100.00
	<hr/>	<hr/>
	\$ 250.00	\$ 200.00

F-6-8c STATE TREASURER

Salary of State Treasurer	\$ 4,000.00	\$ 4,000.00
Salary of Deputy	2,400.00	2,400.00
Salaries and Wages	5,000.00	5,000.00
Office Expense	3,500.00	4,700.00
Repairs and Replacements	200.00	300.00
Equipment	400.00	400.00
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	\$ 15,500.00	\$ 16,800.00

APPROPRIATION

F-10-12e STATE AUDITOR

Salary of State Auditor	\$ 4,000.00	\$ 4,000.00
Salary of Deputy	2,400.00	2,400.00
Salaries and Wages	11,460.00	11,460.00
Office Expense	575.00	575.00
Repairs and Replacements	250.00	315.00
Equipment	100.00	100.00
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	\$ 18,785.00	\$ 18,850.00

F-13 STATE AUDITOR, SPECIAL AUDIT, UNIVERSITY OF DELAWARE
AND STATE COLLEGE FOR COLORED STUDENTS

Salaries and Wages (Fee)	\$ 1,000.00	\$ 1,000.00
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	\$ 1,000.00	\$ 1,000.00

F-14-15b STATE REVENUE COLLECTOR

Salary of Collector	\$ 1,800.00	\$ 1,800.00
Office Expense (Miscellaneous)	40.00	40.00
Travel of Collector	500.00	500.00
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	\$ 2,340.00	\$ 2,340.00

F-16-17e STATE INSURANCE COMMISSIONER

Salary of Commissioner	\$ 4,000.00	\$ 4,000.00
Salaries of Clerks	3,300.00	3,300.00
Office Expense	720.00	720.00
Travel—Officers	500.00	500.00
Repairs and Replacements	100.00	100.00
Premium of Commissioner's Bond for four (4) years	555.00	
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	\$ 9,175.00	\$ 8,620.00

F-19-21d OYSTER REVENUE COLLECTOR

Salary of Collector	\$ 960.00	\$ 960.00
Salaries of Crew and Patrol Officer.....	6,200.00	6,200.00

APPROPRIATION

Office Expense	65.00	65.00
Travel—Officers	75.00	75.00
Operation	500.00	500.00
Repairs and Replacements	200.00	200.00
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	\$ 8,000.00	\$ 8,000.00

F-22-23e STATE TAX DEPARTMENT

Salary of Commissioner	\$ 6,000.00	\$ 6,000.00
Salaries and Wages	89,410.00	89,410.00
Office Expense	21,200.00	21,200.00
Travel	1,000.00	1,000.00
Repairs and Replacements	500.00	500.00
Equipment	300.00	300.00
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	\$118,410.00	\$118,410.00

F-24-25e STATE BANK COMMISSIONER

Salary of Commissioner	\$ 4,200.00	\$ 4,200.00
Salaries and Wages	16,400.00	16,400.00
Office Expense	1,200.00	1,200.00
Travel	3,900.00	3,900.00
Repairs and Replacements	50.00	50.00
Equipment	150.00	150.00
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	\$ 25,900.00	\$ 25,900.00

F-26a-26f DELAWARE LIQUOR COMMISSION

Salaries and Wages	\$ 65,250.00	\$ 65,250.00
Office Expense	12,410.00	12,410.00
Travel	10,000.00	10,000.00
Operation	500.00	500.00
Repairs and Replacements	500.00	500.00
Equipment	840.00	840.00
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	\$ 89,500.00	\$ 89,500.00

APPROPRIATION

GENERAL GOVERNMENT BUILDINGS

G-1a-1g CUSTODIAN

Salary of Custodian	\$ 1,500.00	\$ 1,500.00
Salary of Janitors, Watchmen, etc.	13,240.00	13,240.00
Office Expense	125.00	125.00
Operation	12,000.00	12,000.00
Repairs and Replacements	5,000.00	5,000.00
Equipment	500.00	750.00
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	\$ 32,365.00	\$ 32,615.00

G-2 INSURANCE COMMISSIONER

Operation (Premiums)	\$ 28,000.00
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	\$ 28,000.00

CONSERVATION OF HEALTH AND SANITATION

H-1a-1f STATE BOARD OF HEALTH, GENERAL ADMINISTRATION

Salaries and Wages	\$ 63,300.00	\$ 63,300.00
Office Expenses	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
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	\$ 87,300.00	\$ 87,300.00

H-1½a-1½f 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
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	\$ 12,000.00	\$ 12,000.00

APPROPRIATION

H-2a-2e STATE BOARD OF HEALTH
PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY

Salaries and Wages	\$ 9,350.00	\$ 9,350.00
Office Expenses	200.00	200.00
Travel	90.00	90.00
Operation	2,593.00	2,593.00
Repairs and Replacements	542.00	542.00
Equipment	75.00	75.00
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	\$ 12,850.00	\$ 12,850.00

H-3a-3g STATE BOARD OF HEALTH, EDGEWOOD SANATORIUM

Salaries and Wages	\$ 13,000.00	\$ 13,000.00
Office Expense	500.00	500.00
Travel	100.00	100.00
Operation	16,000.00	16,000.00
Repairs and Replacements	1,500.00	1,500.00
Equipment	900.00	900.00
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	\$ 32,000.00	\$ 32,000.00

H-4a-4f STATE BOARD OF HEALTH, BRANDYWINE SANATORIUM

Salaries and Wages	\$ 62,500.00	\$ 62,500.00
Office Expense	2,400.00	2,400.00
Travel	100.00	100.00
Operation	72,000.00	72,000.00
Repairs and Replacements	6,000.00	6,000.00
Equipment	300.00	300.00
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	\$143,300.00	\$143,300.00

H-5a-5c MEDICAL COUNCIL OF DELAWARE

Salaries and Wages	\$ 300.00	\$ 300.00
Office Expenses	250.00	250.00
Travel	200.00	200.00
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	\$ 750.00	\$ 750.00

APPROPRIATION

H-6a-6c STATE BOARD OF PHARMACY

Salaries and Wages	\$ 720.00	\$ 720.00
Office Expense	200.00	200.00
Travel	180.00	180.00
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	\$ 1,100.00	\$ 1,100.00

H-7a-7c STATE BOARD OF DENTAL EXAMINERS

Salaries and Wages	\$ 400.00	\$ 400.00
Office Expense	50.00	50.00
Travel	50.00	50.00
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	\$ 500.00	\$ 500.00

H-8a-8c 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 BOARD OF VETERINARY EXAMINERS

Salaries and Wages	\$ 18.00	\$ 18.00
Travel	7.00	7.00
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	\$ 25.00	\$ 25.00

H-10a-10c BOARD OF EXAMINERS IN OPTOMETRY

Salaries and Wages	\$ 125.00	\$ 125.00
Office Expense	50.00	50.00
Travel	75.00	75.00
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	\$ 250.00	\$ 250.00

H-11a-11d BOARD OF EXAMINERS FOR REGISTERED NURSES

Salaries and Wages	\$ 1,000.00	\$ 1,000.00
Office Expenses	250.00	250.00
Travel	150.00	150.00
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	\$ 1,400.00	\$ 1,400.00

APPROPRIATION

H-12a-12c STATE BOARD OF UNDERTAKERS

Salaries and Wages	\$ 275.00	\$ 275.00
Office Expense	70.00	70.00
Travel	45.00	45.00
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	\$ 390.00	\$ 390.00

CHARITIES, HOSPITAL AND CORRECTIONS

I-1 GOVERNOR

Governor

Board and Tuition, Deaf, Dumb, Blind and Idiotic Children	\$ 19,000.00	\$ 19,000.00
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	\$ 19,000.00	\$ 19,000.00

I-3a-3k STATE BOARD OF CHARITIES

Salaries and Wages	\$ 12,000.00	\$ 12,000.00
Office Expense	3,600.00	3,600.00
Travel	750.00	750.00
Operation	1,650.00	1,650.00
Repairs and Replacements	425.00	425.00
Equipment	1,300.00	450.00
Direct Care	43,105.00	43,955.00
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	\$ 62,830.00	\$ 62,830.00

I-4a-4g DELAWARE STATE HOSPITAL

Salaries and Wages	\$205,444.25	\$206,302.75
Office Expense	5,477.00	5,774.00
Travel	1,421.00	1,426.00
Operation	170,143.32	171,289.32
Repairs and Replacements	16,370.00	15,690.00
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	\$398,855.57	\$400,482.07

APPROPRIATION

I-7a-10 MOTHERS' PENSION COMMISSION

Salaries and Wages	\$ 7,900.00	\$ 7,900.00
Office Expenses	600.00	600.00
Travel	3,000.00	3,000.00
Operation—Pension Grants		
New Castle County	39,000.00	39,000.00
Kent County	8,500.00	8,500.00
Sussex County	13,000.00	13,000.00
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	\$ 72,000.00	\$ 72,000.00

I-12a-12h INDUSTRIAL SCHOOL FOR COLORED GIRLS

Salaries and Wages	\$ 19,084.00	\$ 19,084.00
Office Expense	675.00	675.00
Travel	610.00	610.00
Operation	19,225.00	19,225.00
Repairs and Replacements	2,000.00	2,000.00
Equipment	855.00	855.00
Permanent Improvements	500.00	500.00
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	\$ 42,949.00	\$ 42,949.00

I-16a-16g DELAWARE COMMISSION FOR FEEBLE-MINDED

Salaries and Wages	\$ 46,587.00	\$ 46,587.00
Office Expense	1,575.00	1,575.00
Travel	1,050.00	1,050.00
Operation	97,788.00	97,788.00
Repairs and Replacements	14,000.00	14,000.00
Equipment	1,000.00	1,000.00
Permanent Improvements	3,000.00	3,000.00
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	\$165,000.00	\$165,000.00

I-17a-17g FERRIS INDUSTRIAL SCHOOL

Salaries and Wages	\$ 40,000.00	\$ 40,000.00
Office Expense	1,700.00	1,700.00
Travel	850.00	850.00
Operation	52,343.00	52,343.00

APPROPRIATION

Repairs and Replacements	13,165.00	13,165.00
Equipment	4,560.00	3,200.00
Permanent Improvements	500.00	500.00
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	\$113,118.00	\$111,758.00

I-18a-18e OLD AGE WELFARE COMMISSION—PENSION ACCOUNT

Salaries and Wages	\$ 24,000.00	\$ 24,000.00
Office Expense	4,200.00	4,200.00
Travel	4,200.00	4,200.00
Operation	167,300.00	167,300.00
Equipment	300.00	300.00
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	\$200,000.00	\$200,000.00

I-20 OLD AGE WELFARE COMMISSION
MAINTENANCE OF STATE WELFARE HOME

Operation	\$ 65,000.00	\$ 65,000.00
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	\$ 65,000.00	\$ 65,000.00

I-22a-22f MOSQUITO CONTROL COMMISSION

Salaries and Wages	\$ 1,200.00	\$ 1,200.00
Office Expense	300.00	300.00
Travel	50.00	50.00
Operation	1,000.00	1,000.00
Repairs and Replacements	450.00	450.00
Equipment	500.00	500.00
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	\$ 3,500.00	\$ 3,500.00

EDUCATION

J-1a-1f UNIVERSITY OF DELAWARE, GENERAL ADMINISTRATION

Salaries and Wages	\$180,065.00	\$180,065.00
Office Expense	1,700.00	1,700.00
Operation	36,485.00	36,485.00
Repairs and Replacements	7,500.00	7,500.00
Equipment	600.00	600.00
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	\$226,350.00	\$226,350.00

APPROPRIATION

J-2 UNIVERSITY OF DELAWARE, CHAIR OF HISTORY

Salaries and Wages	\$ 2,500.00	\$ 2,500.00
	<u>\$ 2,500.00</u>	<u>\$ 2,500.00</u>

J-2½a-2½b UNIVERSITY OF DELAWARE,
CHAIR OF PHYSICAL EDUCATION

Salaries and Wages	\$ 4,250.00	\$ 4,250.00
Operation	250.00	250.00
	<u>\$ 4,500.00</u>	<u>\$ 4,500.00</u>

J-3 UNIVERSITY OF DELAWARE, SUMMER SCHOOL FOR TEACHERS

Salaries and Wages	\$ 7,500.00	\$ 7,500.00
	<u>\$ 7,500.00</u>	<u>\$ 7,500.00</u>

J-4a-4c UNIVERSITY OF DELAWARE
SMITH-LEVER AGRICULTURE EXTENSION

Salaries and Wages	\$ 7,000.00	\$ 7,000.00
Travel	5,500.00	5,500.00
Office Expense	300.00	300.00
	<u>\$ 12,800.00</u>	<u>\$ 12,800.00</u>

J-5 UNIVERSITY OF DELAWARE, SCHOOL OF AGRICULTURE

Scholarships	\$ 675.00	\$ 675.00
	<u>\$ 675.00</u>	<u>\$ 675.00</u>

J-6 UNIVERSITY OF DELAWARE, U. S. GOVERNMENT APPROPRIATION

Salaries and Wages	\$ 58,332.07	\$ 58,332.07
	<u>\$ 58,332.07</u>	<u>\$ 58,332.07</u>

J-7a-7f UNIVERSITY OF DELAWARE
AGRICULTURE AND FARM EXPERIMENTAL STATION

Salaries and Wages	\$ 12,600.00	\$ 12,600.00
Office Expenses	400.00	400.00
Travel	200.00	200.00

APPROPRIATION

Operation	5,000.00	5,000.00
Repairs and Replacements	1,800.00	1,800.00
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	\$ 20,000.00	\$ 20,000.00

J-8a-8d 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

J-9a-9g STATE COLLEGE FOR COLORED STUDENTS
GENERAL ADMINISTRATION

Salaries and Wages	\$ 23,300.00	\$ 23,300.00
Office Expense	1,400.00	1,400.00
Travel	300.00	300.00
Operation	19,830.00	19,830.00
Repairs and Replacements	6,005.00	6,005.00
Equipment	1,000.00	1,000.00
Permanent Improvements	250.00	250.00
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	\$ 52,085.00	\$ 52,085.00

J-10 STATE COLLEGE FOR COLORED STUDENTS
U. S. GOVERNMENT APPROPRIATION

Salaries and Wages	\$ 10,000.00	\$ 10,000.00
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	\$ 10,000.00	\$ 10,000.00

J-12 STATE BOARD OF VOCATION EDUCATION

Travel	\$ 250.00	\$ 250.00
Tuition	2,000.00	2,000.00
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	\$ 2,250.00	\$ 2,250.00

APPROPRIATION

DEVELOPMENT AND CONSERVATION OF
NATURAL RESOURCES

K-1a-1f STATE BOARD OF AGRICULTURE, GENERAL ADMINISTRATION

Salaries and Wages	\$ 6,500.00	\$ 6,500.00
Office Expense	850.00	850.00
Travel	1,200.00	1,200.00
Operation	75.00	75.00
Repairs and Replacements	100.00	100.00
Equipment	50.00	50.00
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	\$ 8,775.00	\$ 8,775.00

K-2a-2c STATE BOARD OF AGRICULTURE
PENINSULA HORTICULTURAL SOCIETY

Office Expense	\$ 450.00	\$ 450.00
Travel	50.00	50.00
Operation	150.00	150.00
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	\$ 650.00	\$ 650.00

K-3a-3f STATE BOARD OF AGRICULTURE
ANALYZING FERTILIZERS AND FEEDS

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
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	\$ 15,000.00	\$ 15,000.00

K-4a-4c STATE BOARD OF AGRICULTURE
CONTROLLING DISEASES OF LIVE STOCK

Salaries and Wages	\$ 1,500.00	\$ 1,500.00
Travel	100.00	100.00
Operation	400.00	400.00
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	\$ 2,000.00	\$ 2,000.00

APPROPRIATION

K-5a-5e STATE BOARD OF AGRICULTURE
FARM PRODUCTS INSPECTION

Salaries and Wages	\$ 6,400.00	\$ 6,400.00
Office Expense	75.00	75.00
Travel	1,200.00	1,200.00
Operation	200.00	200.00
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	\$ 7,875.00	\$ 7,875.00

K-6a-6f STATE BOARD OF AGRICULTURE
BUREAU OF MARKETS

Office Expense	\$ 920.00	\$ 920.00
Travel	750.00	750.00
Operation	150.00	150.00
Repairs and Replacements	200.00	200.00
Equipment	25.00	25.00
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	\$ 2,045.00	\$ 2,045.00

K-7a-7f STATE BOARD OF AGRICULTURE, POULTRY DISEASES

Salaries and Wages	\$ 13,690.00	\$ 13,690.00
Office Expense	650.00	650.00
Travel	2,625.00	2,625.00
Operation	2,100.00	2,100.00
Repairs and Replacements	250.00	500.00
Equipment	900.00	100.00
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	\$ 20,215.00	\$ 19,665.00

K-8a-8f STATE BOARD OF AGRICULTURE
CATTLE TUBERCULOSIS AND BANGS' DISEASE ERADICATION

Salaries and Wages	\$ 15,250.00	\$ 15,250.00
Office Expense	100.00	100.00
Travel	450.00	450.00
Operation	33,800.00	33,800.00
Repairs and Replacements	350.00	350.00
Equipment	50.00	50.00
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	\$ 50,000.00	\$ 50,000.00

APPROPRIATION

K-9a-9c 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

K-10 STATE BOARD OF AGRICULTURE
HOG CHOLERA ERADICATION

Operation	\$ 9,000.00	\$ 9,000.00
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	\$ 9,000.00	\$ 9,000.00

K-11a-11f STATE BOARD OF AGRICULTURE
PLANT PATHOLOGIST

Salaries and Wages	\$ 3,000.00	\$ 3,000.00
Office Expense	450.00	450.00
Travel	1,000.00	1,000.00
Operation	100.00	100.00
Repairs and Replacements		300.00
Equipment	175.00	175.00
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	\$ 4,725.00	\$ 5,025.00

K-12a-12f STATE BOARD OF AGRICULTURE
JAPANESE BEETLE ERADICATION

Salaries and Wages	\$ 6,475.00	\$ 6,475.00
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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	\$ 7,500.00	\$ 7,500.00

APPROPRIATION

K-13a-13d STATE BOARD OF AGRICULTURE
APPLE GRADING AND INSPECTION

Salaries and Wages	\$ 1,900.00	\$ 1,900.00
Office Expense	25.00	25.00
Travel	375.00	375.00
Operation	100.00	100.00
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	\$ 2,400.00	\$ 2,400.00

K-13½a-13½b STATE BOARD OF AGRICULTURE
CANTALOUPE INSPECTION

Salaries and Wages	\$ 430.00	\$ 430.00
Travel	70.00	70.00
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	\$ 500.00	\$ 500.00

K-15a-15g STATE FORESTRY DEPARTMENT,
GENERAL ADMINISTRATION

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
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	\$ 12,870.00	\$ 12,570.00

PROTECTION TO PERSON AND PROPERTY

L-1-4f LABOR COMMISSION OF DELAWARE

Salary of Child Labor Inspector	\$ 2,100.00	\$ 2,100.00
Salary of Ten-Hour Law Inspector	1,500.00	1,500.00
Salary of Secretary	400.00	400.00
Salaries and Wages	1,565.00	1,565.00
Office Expense	1,085.00	1,085.00
Travel	450.00	450.00
Operation	400.00	400.00
Repairs and Replacements	350.00	350.00
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	\$ 7,850.00	\$ 7,850.00

APPROPRIATION

L-5-7d PAROLE BOARD

Salaries of Board Members	\$ 480.00	\$ 480.00
Salary of Clerk	85.00	85.00
Office Expense	35.00	35.00
Travel	700.00	700.00
Equipment	65.00	65.00
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	\$ 1,365.00	\$ 1,365.00

L-8 DETENTION HOME FOR JUVENILES

Salaries and Wages	\$ 1,500.00	\$ 1,500.00
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	\$ 1,500.00	\$ 1,500.00

L-9a-9d BOARD OF PARDONS

Salary of Lieutenant-Governor	\$ 169.00	\$ 169.00
Travel	133.00	133.00
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	\$ 302.00	\$ 302.00

L-13a-13d BOARD OF BOILER RULES

Salaries and Wages	\$ 4,500.00	\$ 4,500.00
Office Expense	130.00	130.00
Travel	500.00	500.00
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	\$ 5,130.00	\$ 5,130.00

L-15a-15h 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
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	\$ 8,100.00	\$ 8,100.00

APPROPRIATION

L-16a-16c REGULATORS OF WEIGHTS AND MEASURES

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

L-17a-17c 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-18-18d INDUSTRIAL ACCIDENT BOARD

Salaries of Board Members	\$ 9,000.00	\$ 9,000.00
Salaries and Wages	6,040.00	6,040.00
Office Expense	2,330.00	2,330.00
Travel	1,200.00	1,200.00
Repairs and Replacements	50.00	50.00
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	\$ 18,620.00	\$ 18,620.00

L-19-21f NATIONAL GUARD—ADJUTANT GENERAL
GENERAL ADMINISTRATION

Salary of Adjutant General	\$ 2,500.00	\$ 2,500.00
Salary of Two Clerks	3,600.00	3,600.00
Salaries and Wages	6,765.00	6,765.00
Office Expense	1,700.00	1,700.00
Travel	1,100.00	1,100.00
Operation	4,900.00	4,900.00
Repairs and Replacements	3,000.00	3,000.00
Equipment	400.00	400.00
	<hr/>	<hr/>
	\$ 23,965.00	\$ 23,965.00

APPROPRIATION

L-22a-22d NATIONAL GUARD—ADJUTANT GENERAL
STATE RIFLE RANGE

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
	<hr/>	<hr/>
	\$ 3,200.00	\$ 3,200.00

L-23a-23f NATIONAL GUARD—ADJUTANT GENERAL
BATTERIES, HEADQUARTERS AND BANDS

Salaries and Wages	\$ 1,500.00	\$ 1,500.00
Office Expense	1,350.00	1,350.00
Travel	700.00	700.00
Operation	7,300.00	7,300.00
Repairs and Replacements	3,000.00	3,000.00
Equipment	1,000.00	1,000.00
	<hr/>	<hr/>
	\$ 14,850.00	\$ 14,850.00

L-24a-24d NATIONAL GUARD—ADJUTANT GENERAL
ALLOWANCE FOR REGIMENTAL BAND

Salaries and Wages	\$ 2,250.00	\$ 2,250.00
	<hr/>	<hr/>
	\$ 2,250.00	\$ 2,250.00

L-25 NATIONAL GUARD—ADJUTANT GENERAL
CLOTHING ALLOWANCE TO OFFICERS

Operation	\$ 6,030.00	\$ 1,675.00
	<hr/>	<hr/>
	\$ 6,030.00	\$ 1,675.00

L-26 NATIONAL GUARD—ADJUTANT GENERAL
ADJUSTMENT OF VETERANS' GOVERNMENT CLAIMS

Salaries of Service Officers and Asst. Service Officers	\$ 500.00	\$ 500.00
	<hr/>	<hr/>
	\$ 500.00	\$ 500.00

APPROPRIATION

LIBRARIES

N-1a-1f 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
	<hr/>	<hr/>
	\$ 9,500.00	\$ 9,500.00

HISTORICAL RECORDS

O-1a-1f PUBLIC ARCHIVES COMMISSION

Salaries and Wages		
Archivist	\$ 1,200.00	\$ 1,200.00
Asst. Archivist	2,400.00	2,400.00
Secretary	1,060.00	1,060.00
Clerk	810.00	810.00
Office Expense	300.00	300.00
Travel	100.00	100.00
Repairs and Replacements	75.00	75.00
Equipment	300.00	300.00
Permanent Improvements	500.00	500.00
	<hr/>	<hr/>
	\$ 6,745.00	\$ 6,745.00

O-3a-3b PORTRAIT COMMISSION OF DELAWARE

Repairs and Replacements	\$ 250.00	\$ 250.00
Equipment	250.00	250.00
	<hr/>	<hr/>
	\$ 500.00	\$ 500.00

O-4a-4c LEWES TERCENTENARY COMMISSION

Salaries and Wages	\$ 250.00	\$ 250.00
Operation	125.00	125.00
Repairs and Replacements	125.00	125.00
	<hr/>	<hr/>
	\$ 500.00	\$ 500.00

APPROPRIATION

DEBT SERVICE

Q-1-13 STATE TREASURER

Interest

Delaware State Hospital Bonds	\$ 200.00	\$ 100.00
Women's College Bonds, 1917 Issue	600.00	400.00
Women's College Bonds, 1925 Issue	7,012.50	6,800.00
State Improvement Bonds	5,408.13	5,089.38
State Building Bonds, 1937 Issue....	5,650.00	5,350.00
Indian River Inlet Bonds, 1937 Issue	1,912.50	1,687.50

Redemption

Delaware State Hospital Bonds		5,000.00
Women's College Bonds, 1917 Issue	5,000.00	5,000.00
Women's College Bonds, 1925 Issue	5,000.00	5,000.00
State Improvement Bonds	15,000.00	15,000.00
State Building Bonds, 1937 Issue....	15,000.00	15,000.00
Indian River Inlet Bonds, 1937 Issue	15,000.00	15,000.00
	<u>\$ 75,783.13</u>	<u>\$ 79,426.88</u>

GENERAL

R-1 STATE DEPARTMENTAL SUPPLIES

State Departmental Supplies	\$ 19,500.00	\$ 19,500.00
	<u>\$ 19,500.00</u>	<u>\$ 19,500.00</u>

GRAND TOTAL\$2,723,884.77 \$2,730,345.02

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 Auditor of

APPROPRIATION

Accounts, 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 Auditor of Accounts, 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 Auditor of Accounts, 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 Auditor of Accounts and the State Treasurer 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 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 appropriation 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.

APPROPRIATION

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.

CHAPTER 14

APPROPRIATION

**AN ACT APPROPRIATING CERTAIN MONEY TO THE STATE
BOARD OF HEALTH FOR THE ERECTION, CONSTRUCTION
AND EQUIPMENT OF A NEW HOSPITALIZATION BUILD-
ING AT EDGEWOOD SANATORIUM.**

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

Section 1. That the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) be and the same is hereby appropriated to the State Board of Health for the purpose of erecting, constructing and equipping a hospitalization building at Edgewood Sanatorium.

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

Approved September 5, 1939.

CHAPTER 15

APPROPRIATION

AN ACT PROVIDING FOR STENOGRAPHIC SERVICES FOR THE COURT OF CHANCERY.

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 Twelve Hundred Dollars (\$1200.00) be and the same is hereby appropriated to the Court of Chancery of the State of Delaware for the period from January 1st, 1939 to and including June 30th, 1939, for the purpose of providing proper stenographic services for the Court of Chancery of the State of 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, upon warrants signed by the Chancellor and approved by the Auditor of Accounts.

Approved April 24, 1939.

CHAPTER 16

APPROPRIATION

AN ACT MAKING AN APPROPRIATION TO THE STATE MILITARY BOARD FOR THE ERECTION OF A SUITABLE BUILDING AT THE STATE RIFLE RANGE, NEAR NEW CASTLE, NEW CASTLE COUNTY, DELAWARE, TO BE USED FOR STORING EQUIPMENT AND MATERIAL, AND FOR NECESSARY REPAIRS TO EXISTING BUILDINGS.

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

Section 1. That the sum of Six Thousand Dollars (\$6,000.00) be, and the same hereby is, appropriated to the State Military Board for the erection of a suitable building at the State Rifle Range near New Castle, New Castle County, Delaware, to be used for the storage of additional equipment and material issued to the Delaware National Guard by the Federal Government, and for necessary repairs to existing buildings at said location.

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

Approved May 15, 1939.

CHAPTER 17

APPROPRIATION

AN ACT TO AMEND CHAPTER 47, VOLUME 41, LAWS OF DELAWARE, 1937, ENTITLED "AN ACT APPROPRIATING CERTAIN MONEY FOR THE CONSTRUCTION AND EQUIPMENT OF A NEW STATE ARMORY IN THE CITY OF MILFORD."

WHEREAS, numerous changes in the original specifications were made in connection with the construction of a new State Armory in the City of Milford, Delaware, in order to fall within the appropriation allotted by Chapter 47, Volume 41, Laws of Delaware, 1937, as a result of which several major and necessary items were eliminated and,

WHEREAS, the new Armory in its present condition is unable to furnish the proper training, retarding the efficiency of the local Battery in its weekly operation, etc., due to lack of facilities and major conveniences, and,

WHEREAS, all of such items as have been eliminated from the original specifications are essential requirements for the completion and installation of the Armory in Milford, Delaware, and should be accomplished for the proper maintenance and operation of the local Battery, and,

WHEREAS, the citizens of Milford and various organizations of that city consider the matter of utmost importance in order to have the needs of the new armory fulfilled; therefore

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

Section 1. That Chapter 47 of Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by striking out all of Section 8 thereof and inserting in lieu thereof a new section to be known as Section 8:

APPROPRIATION

Section 8. That when such new building has been completed and accepted, the State Armory Commission shall be and it is hereby authorized, 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 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, and the Adjutant General of the State of Delaware is hereby authorized to execute, acknowledge and deliver such deed on behalf of the State of Delaware. The proceeds of such sale, to the extent of Five Thousand Dollars (\$5,000.00), shall be forthwith applied to complete the furnishings and site and other requirements of the New Armory, and any balance thereafter shall be expended by the said State Armory Commission for repairing any other Armories in the State of Delaware, as the said State Armory Commission in its discretion shall deem proper.

Approved April 28, 1939.

CHAPTER 18

APPROPRIATION

AN ACT APPROPRIATING CERTAIN MONEYS TO EQUITABLE TRUST COMPANY, A CORPORATION OF THE STATE OF DELAWARE, EXECUTOR OF THE ESTATE OF W. MILLER SHAW, DECEASED, TO PAY A CERTAIN CLAIM AGAINST THE STATE OF DELAWARE, ARISING FROM AN OVERPAYMENT OF THE DELAWARE ESTATE TAX.

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 Three Thousand, Six Hundred and Sixty-six Dollars and Fifty-three cents (\$3,666.53) be and the same is hereby appropriated out of the General Fund unto Equitable Trust Company, a corporation of the State of Delaware, Executor of the Estate of W. Miller Shaw, deceased, to pay a certain claim against the State of Delaware, arising from the overpayment of said amount to the State of Delaware as a Delaware Estate Tax on the Estate of W. Miller Shaw, deceased.

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

Approved May 1, 1939.

CHAPTER 19

APPROPRIATION

AN ACT APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR THE PURPOSE OF ESTABLISHING SCHOLARSHIPS FOR STUDENTS AT DELAWARE COLLEGE, 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 there is hereby appropriated the sum of five thousand dollars (\$5,000.00) annually to the Delaware College, University of Delaware for the purpose of establishing scholarships at Delaware College, University of Delaware.

Section 2. The minimum number of scholarships to be awarded in each and every year shall be ten (10).

Section 3. The Committee to award such scholarships shall be three in number, and shall be composed of one member of the faculty at Delaware College, one member of the Athletic Council at Delaware College, and one member of the Alumni Association of Delaware College. The said Committee shall be appointed by the Board of Trustees of the University of Delaware for such term or terms as the said Board may deem advisable.

Section 4. The State Treasurer is hereby authorized and directed to pay to the University of Delaware for Delaware College the said sum of five thousand dollars (\$5,000.00) in each and every year upon warrant or warrants signed by the Chairman and Secretary of the Committee.

Section 5. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved April 24, 1939.

CHAPTER 20

APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE STATE TAX DEPARTMENT WITH WHICH TO PAY FOR AN ANNUAL AUDIT OF ITS ACCOUNTS.

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 Eight Thousand, One Hundred Dollars (\$8,100.00) be and the same is hereby appropriated to the State Tax Department for the purpose of employment of certified public accountants to audit the accounts of the said Department.

Section 2. That the sum shall be paid to said Department in equal payments of Two Thousand, Seven Hundred Dollars (\$2,700.00) for each of the fiscal years ending June 30, 1939, June 30, 1940 and June 30, 1941, out of the General Fund of the State Treasury not otherwise appropriated, for the conduct of said audit of its accounts for the years ending October 31, 1939 and October 31, 1940.

Section 3. That any portion of this appropriation not expended for the purpose hereinbefore named shall revert to the General Fund of the State Treasury.

Section 4. That all acts or parts of acts inconsistent with this act are hereby repealed only to the extent of such inconsistency.

Approved April 24, 1939.

CHAPTER 21

APPROPRIATION

AN ACT TO APPROPRIATE MONEY TO THE CUSTODIAN OF STATE PROPERTY FOR OPERATION AND MAINTENANCE OF HALL OF RECORDS BUILDING FOR BALANCE OF FISCAL YEAR 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. The sum of Four Thousand One Hundred Twenty Dollars (\$4,120.00) is hereby appropriated to the Custodian of State Property for the operation and maintenance of the Hall of Records Building for balance of fiscal year ending June 30, 1939, the said money to be expended as follows:

Salaries	\$ 840.00
Office Expense	25.00
Operation	2,077.00
Repairs and Replacements	225.00
Equipment	953.00

Approved April 28, 1939.

CHAPTER 22

APPROPRIATION

AN ACT MAKING AN APPROPRIATION TO THE STATE MILITARY BOARD FOR THE PURPOSE OF MAKING NECESSARY REPAIRS TO STATE-OWNED ARMORIES LOCATED AT DOVER, LAUREL, NEWARK, AND 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 Three Thousand Dollars (\$3,000.00) be and the same hereby is, appropriated to the State Military Board for the purpose of making necessary repairs to State-owned Armories located at Dover, Laurel, Newark, and New Castle, Delaware, which are urgently required to prevent further deterioration of said Armory buildings.

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

Approved May 4, 1939.

CHAPTER 23

APPROPRIATION

AN ACT AUTHORIZING AN APPROPRIATION FOR THE
AMERICANIZATION OF ALL FOREIGN BORN NOW RESI-
DENTS AND CITIZENS OF THE STATE OF DELAWARE.

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

Section 1. That the sum of Forty-five Hundred Dollars (\$4500.00) per annum for each of the two years beginning July 1, 1939 and July 1, 1940 be and the same 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 Americanization of residents and citizens of the State of Delaware who are of foreign origin, and will best tend to protect them from exploitation and injustice.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the general funds of the State Treasury not otherwise appropriated, and that this Act shall take effect on July 1, 1939.

Approved May 15, 1939.

CHAPTER 24

APPROPRIATION

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE
EDUCATION OF CHILDREN OF WAR VETERANS.

WHEREAS it now appears that the sum of Two Thousand Dollars heretofore appropriated by the General Appropriation Act for each of the two years of the ensuing biennium beginning July 1, 1939 is not sufficient to properly provide for the education and training of children of World War Veterans who died while in the service of the Army, Navy or Marine Corps of the United States;

AND WHEREAS, it is represented that an additional sum of One Thousand Dollars for each year will be sufficient; NOW
THEREFORE

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

Section 1. That the additional sum of One Thousand Dollars for each of the fiscal years beginning July 1, 1939 and July 1, 1940 (in addition to the sums heretofore appropriated) is hereby appropriated for the 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.

Section 2. Payment of said sums, or any part thereof, shall be made in the manner provided by Chapter 226 of Volume 36, Laws of Delaware, and any amendments thereto.

Section 3. 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 15, 1939.

CHAPTER 25

APPROPRIATION

AN ACT APPROPRIATING CERTAIN MONIES FOR THE SUPPORT AND MAINTENANCE OF THE DISTRICT LIBRARY COMMISSIONS 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 each of the two fiscal years beginning July 1, 1939 and ending June 30, 1940, and beginning July 1, 1940 and ending June 30, 1941 the sum of Thirty-five Hundred Dollars (\$3500.00) be and the same is hereby appropriated out of the General Funds of the State for the support and maintenance of the District Library Commissions of this State, pursuant to the provisions of Chapter 34 of the Revised Code of Delaware 1935.

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 May 15, 1939.

CHAPTER 26

APPROPRIATION

AN ACT APPROPRIATING MONEY 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, 1939 and July 1, 1940, the sums of money set after the names of such hospitals, respectively, viz:

To Kent General Hospital, Incorporated, at Dover..	\$12,500.00
To Milford Memorial Hospital, Inc., at Milford.....	25,000.00
To Beebe Hospital at Lewes, Incorporated	25,000.00
To Homeopathic Hospital Association of Delaware, at Wilmington	51,000.00
To St. Francis Hospital, Incorporated, at Wilming- ton	25,500.00
To The Delaware Hospital, at Wilmington	51,500.00
To Wilmington General Hospital Association, at Wilmington	42,500.00

Each of said appropriations shall be paid to said respective hospitals in equal quarterly installments on the Fifteenth day of August, 1939, October 1, 1939, January 1, 1940 and April 1, 1940 during the fiscal year beginning July 1, 1939, and on the first days of July, October, January and April during the fiscal year beginning July 1, 1940.

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 August 14, 1939.

CHAPTER 27

APPROPRIATION

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 the maintenance and training of girls committed thereto, and for salaries, 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, 1940, and June 30, 1941.

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 August 14, 1939.

CHAPTER 28

APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE BLIND FOR EXPENSES FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1940, AND JUNE 30, 1941.

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

Section 1. That the sum of Fifteen Thousand (\$15,000.00) Dollars for the fiscal year beginning July 1st, 1939 and ending June 30th, 1940, and a like sum of Fifteen Thousand (\$15,000.00) Dollars for the fiscal year beginning July 1st, 1940, and ending June 30th, 1941, be and the same are hereby appropriated to the Delaware Commission for the Blind for the purposes set forth in 3054. Section 8 of the Revised Code of Delaware, 1935.

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 August 14, 1939.

CHAPTER 29

APPROPRIATION

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 care and maintenance of old age persons at its Old Folk's Home at Dover, and for operation for the biennium beginning July 1, 1939 and ending June 30, 1941.

Twenty-nine Hundred Dollars (\$2,900.00) of said sum shall be paid within three months after July 1, 1939 and a like sum of Twenty-nine Hundred Dollars (\$2,900.00) shall be paid within three months after July 1, 1940.

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 August 14, 1939.

CHAPTER 30

APPROPRIATION

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 Four Thousand Dollars (\$4,000.00) be and the same is hereby appropriated to the Layton Home for Aged Colored People for the care and maintenance of old age colored persons and for operation expenses for the biennium beginning July 1, 1939 and ending June 30, 1941.

Two Thousand Dollars of said sum shall be paid within three months after July 1, 1939 and a like sum of Two Thousand Dollars shall be paid within three months after July 1, 1940.

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 August 14, 1939.

CHAPTER 31

APPROPRIATION

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. 1939, and is now, duly organized and equipped for the fighting of fires, there is hereby appropriated the sum of Five Hundred Dollars (\$500.00) annually for each of the fiscal years beginning July 1, 1939 and beginning July 1, 1940, to be used for the prevention and extinguishment of fires throughout the State and for the maintenance of apparatus and equipment.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the State Treasurer to each of the said Fire Companies within three months after the beginning of each of said fiscal years.

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 August 14, 1939.

CHAPTER 32

APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE G. A. R. 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 Two Thousand Dollars (\$2,000.00) be and the same is hereby appropriated to the G. A. R. Department of Delaware, for operation expenses, for the biennium beginning July 1, 1939 and ending June 30, 1941. One Thousand Dollars (\$1,000.00) of said sum shall be paid within three months after July 1, 1939 and a like sum of One Thousand Dollars (\$1,000.00) shall be paid within three months after July 1, 1940, to the duly elected Finance Officer of the G. A. R. 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 Funds of the State Treasury not otherwise appropriated.

Approved August 14, 1939.

CHAPTER 33

APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE 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 (three-fourths of all the members elected to each House agreeing thereto):

Section 1. That the sum of Three Thousand Dollars (\$3,000.00) be and the same is hereby appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation expenses for the biennium beginning July 1, 1939 and ending June 30, 1941. Fifteen Hundred Dollars (\$1,500.00) of said sum shall be paid within three months after July 1, 1939 and a like sum of Fifteen Hundred Dollars (\$1,500.00) shall be paid within three months after July 1, 1940, to the duly elected Finance Officer of the Veterans of Foreign Wars, 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 Funds of the State Treasury not otherwise appropriated.

Approved August 14, 1939.

CHAPTER 34

APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE UNITED SPANISH WAR VETERANS, 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 One Thousand Dollars (\$1,000.00) be and the same is hereby appropriated to the United Spanish War Veterans, Department of Delaware, for the biennium beginning July 1, 1939 and ending June 30, 1941 for operation expenses. Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1939 and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1940 to the duly elected Finance Officer of the United Spanish War Veterans, 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 Funds of the State Treasury not otherwise appropriated.

Approved August 14, 1939.

CHAPTER 35

APPROPRIATION

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 for the biennium beginning July 1, 1939 and ending June 30, 1941. Two Thousand Dollars (\$2,000.00) of said sum shall be paid within three months after July 1, 1939 and a like sum of Two Thousand Dollars (\$2,000.00) shall be paid within three months after July 1, 1940, 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 Funds of the State Treasury not otherwise appropriated.

Approved August 14, 1939.

CHAPTER 36

APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE DELAWARE 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 Delaware Society for the Prevention of Cruelty to Animals, for the biennium beginning July 1, 1939 and ending June 30, 1941, for salaries, wages and for operation.

Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1939, and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1940.

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 August 14, 1939.

CHAPTER 37

APPROPRIATION

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, 1939 and ending June 30, 1940, and a like sum of Seven Thousand Dollars (\$7,000.00) for the fiscal year beginning July 1, 1940 and ending June 30, 1941. 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 an Award Committee, which shall be appointed within ten days after this Act becomes effective, 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 balance shall each year remain in and revert to the State Treasury and shall in no case be paid to said corporation.

APPROPRIATION

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 Funds of the State Treasury not otherwise appropriated.

Approved August 14, 1939.

CHAPTER 38

APPROPRIATION

AN ACT APPROPRIATING MONEY OUT OF THE STATE TREASURY FOR THE PAYMENT OF CLAIM OF FRANK S. WEBB 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 sum of Two Thousand Dollars (\$2,000.00) be and the same is hereby appropriated out of the Treasury of the State for the payment of a certain claim against the State, for damages sustained by one Frank S. Webb, of the Town of Christiana, New Castle County, and State of Delaware, by reason of the said Frank S. Webb's being struck in the eye with a ruler or yardstick in the hands of Estol Hopkins, a teacher in the employ of the State Board of Education at the Christiana School, Christiana, Delaware, on February 2, 1938; such blow causing the said Frank S. Webb pain and suffering, and bodily injury, to wit, and the loss of his right eye. The Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute a warrant for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to Frank C. Webb, the legal guardian of Frank S. Webb, a minor, the above specified sum.

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 moneys or receipts paid to the State of Delaware pursuant to the franchise tax law and the income tax law of this State before the payment or delivery of the aforesaid appropriated sum of Two Thousand Dollars (\$2,000.00) into or to the credit of the Public School Fund.

Approved May 4, 1939.

CHAPTER 39
APPROPRIATION

AN ACT TO APPROPRIATE TO JUSTIS DAVIDSON THE SUM OF THREE HUNDRED FIFTY-EIGHT DOLLARS AND SEVENTY-FIVE (\$358.75) TO REFUND SAID SUM IMPROPERLY COLLECTED AS A PART OF THE INHERITANCE TAX UNDER THE WILL OF JOSEPH DAVIDSON.

WHEREAS, on June 6, 1936, there was paid to the State Tax Department the sum of Eleven Hundred Sixteen Dollars and Twenty-eight Cents (\$1116.28) as the proper inheritance tax under the will of Joseph Davidson, which tax was determined according to the provisions of said will; and

WHEREAS, thereafter upon due proceedings in the Court of Chancery of this State certain parts of said will were held to be invalid and upon a re-determination of the proper inheritance tax on the provisions of said will as construed by the said Court it is found that the sum of Seven Hundred Fifty-seven Dollars and Fifty-three cents (\$757.53) is the proper tax and therefore there has been overpaid to the State of Delaware the sum of Three Hundred Fifty-eight Dollars and Seventy-five Cents (\$358.75); NOW THEREFORE

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

That there is hereby appropriated from the moneys in the State Treasury, not otherwise appropriated, the sum of Three Hundred Fifty-eight Dollars and Seventy-five Cents (\$358.75) to be paid to Justis Davidson the proper person entitled thereto, as a refund on the inheritance tax improperly paid to the State Tax Department, and the State Treasurer and the State Auditor are hereby authorized and directed to draw and deliver the proper State warrant for said sum to the said Justis Davidson.

Approved April 24, 1939.

CHAPTER 40

APPROPRIATION

**AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF
CERTAIN SCHOOL BONDS MATURING DURING THE FIS-
CAL YEARS BEGINNING JULY 1, 1939, AND ENDING JUNE
30, 1941.**

*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 Seventy-Four Thousand Six Hundred Seventeen Dollars (\$174,617.00), 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, 1939, and ending June 30, 1940; 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 Fifty-four Thousand Seven Hundred Thirty-two Dollars (\$154,732.00), 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, 1940, and ending June 30, 1941.

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

Name of School District or Special School District	Year of Issue	Amount of Prin- cipal of bonds maturing during fiscal year begin- ning July 1, 1939, and end- ing June 30, 1940	Amount of Prin- cipal of bonds maturing during fiscal year begin- ning July 1, 1940, and end- ing June 30, 1941
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NEW CASTLE COUNTY

Alexis I. DuPont	1938	\$10,000.00	\$10,000.00
Arden	1924	500.00	500.00
Christiana	1934	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
Middletown	1939	3,000.00	3,000.00
Mt. Pleasant	1931	3,000.00	3,000.00
Newark	1929	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	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 & Minquadale	1928	1,000.00	1,000.00
Stanton	1928	1,000.00	1,000.00
Townsend	1932	1,000.00	1,000.00
Wilmington	1915	15,000.00
Wilmington	1924	30,000.00	30,000.00
Yorklyn	1931	1,000.00	1,000.00

KENT COUNTY

Caesar Rodney	1916-20	2,500.00	2,500.00
Caesar Rodney	1938	4,600.00	4,600.00
Clayton	1929	1,000.00	1,000.00
Dover	1925	8,000.00	8,000.00
Dover	1925	1,000.00	1,000.00
Dover	1938	10,000.00	10,000.00
Farmington	1928	300.00	300.00
Felton	1928	1,000.00	1,000.00

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Frederica	1930	1,000.00	1,000.00
Harrington	1911	2,000.00
Harrington	1928	500.00
Harrington	1938	1,000.00	1,000.00
Kenton	1932	500.00	500.00
Leipsic	1928	200.00	200.00
Magnolia	1934	500.00	500.00
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	585.00
Ellendale	1928	500.00
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	200.00
John M. Clayton	1931	1,000.00	1,000.00
Laurel	1927	2,000.00	2,000.00
Lewes	1921	2,000.00	2,000.00
Seaford	1939	5,000.00	5,000.00
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
Rehoboth	1938	8,000.00	8,000.00
Roxana	1934	400.00	400.00
Sycamore	1934	300.00	300.00
Total		\$174,617.00	\$154,732.00

Section 3. The State Treasurer is hereby authorized and directed to pay to the holders of bonds described in Section 2 hereof, the amounts due thereon 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.

APPROPRIATION

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 14, 1939.

CHAPTER 41

APPROPRIATION

**AN ACT TO PROVIDE FOR COMMERCIAL COURSES IN THE
CLAYMONT SPECIAL SCHOOL DISTRICT AND TO APPROPRIATE 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 sum of Two Thousand Dollars (\$2,000.00) be and the same is hereby appropriated from the Public School Fund to the Board of School Trustees having charge of the Claymont Special School District in New Castle County, to enable it to establish in the Claymont Special School District High School Commercial Courses and provide the proper equipment and supplies therefor.

Approved August 7, 1939.

CHAPTER 42

APPROPRIATION

**AN ACT MAKING AN APPROPRIATION FOR THE REPAIRS TO
THE HEATING SYSTEM AT MT. PLEASANT SCHOOL NO. 2
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 sum of Forty-five Hundred Dollars (\$4500.00) be and the same is hereby appropriated to the State Board of Education, for the repairs to the heating system at Mt. Pleasant School No. 2 in New Castle County.

Section 2. The said sum hereby appropriated for the specific use as set forth in Section 1 of this Act shall be paid out of the Public School Funds of this State.

Approved August 7, 1939.

CHAPTER 43

APPROPRIATION

**AN ACT TO PROVIDE FOR THE EQUIPPING AND FURNISHING
THE NEW STATE BUILDING IN THE CITY OF DOVER
KNOWN AS THE "HALL OF RECORDS."**

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

Section 1. That the President Pro Tempore of the Senate of the present One Hundred and Seventh Session of the General Assembly be and he is hereby authorized and directed to immediately appoint three suitable persons of whom not more than two shall be of the same political party, and the Speaker of the House of Representatives of the present Session of said General Assembly be and he is hereby authorized and directed to immediately appoint three other suitable persons of whom not more than two shall be of the same political party, which said six persons shall constitute a Committee to purchase necessary equipment and furniture for the recently erected State Building known as the "Hall of Records," and shall be known as the "Hall of Records Equipment and Furniture Committee." The members of said Committee shall receive no salary or other compensation for their services, but shall be reimbursed for actual expenses incurred in connection with their duties as members thereof.

Any vacancy in the Committee shall be filled by appointment by the same authority who made the original appointment.

Section 2. Upon appointment, as aforesaid, the said Committee shall forthwith organize by selecting one of their members President and by selecting another member as Secretary of said Committee, and shall immediately cause, order and direct the installation of an air conditioning system throughout the vaults in said "Hall of Records," and shall immediately purchase and cause to be installed the necessary equipment and furniture needed to properly equip the offices of said building for the uses of those State Departments and Commissions as set forth in the law au-

APPROPRIATION

thorizing the erection of said building, being Section 2 of Chapter 38, Volume 41, Delaware Laws.

Section 3. The sum of Thirty Thousand Dollars (\$30,000.00), or as much thereof as shall be necessary, is hereby appropriated out of the receipts paid to the State of Delaware pursuant to the franchise tax law and the income tax law of this State before the payment and delivery of the aforesaid appropriated sum of Thirty Thousand Dollars (\$30,000.00) into or to the credit of the Public School Fund, and all payments for the purposes authorized herein shall be made by the State Treasurer upon warrants drawn by the State Auditor from time to time upon the presentation to him of itemized vouchers approved by the Chairman and Secretary of said Committee.

Section 4. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain in force until the objects and purposes of this Act have been fully accomplished.

Section 5. All Acts and 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 February 20, 1939.

CHAPTER 44

APPROPRIATION

AN ACT APPROPRIATING MONEY OUT OF THE STATE TREASURY FOR THE PAYMENT OF THE CLAIM OF REUBEN PARIS 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 sum of Two Thousand Dollars (\$2,000.00) be and the same is hereby appropriated out of the Treasury of the State of Delaware for the payment of a certain claim against the State, for damage sustained by one Reuben Paris of the City of Wilmington, New Castle County and State of Delaware, by reason of the said Reuben Paris being struck in the eye with flying glass from the revolving door leading into the entrance of the Bancroft School in the City of Wilmington, Delaware, the said glass being smashed through by another pupil swinging against or leaning upon the glass of the revolving doors which were inadequately and unsafely maintained, with no proper regard for the health, care and safety of the children and pupils attending such school. As a result of such accident the said Reuben Paris underwent great pain and suffering, and thereby sustained the loss of his right eye. The Auditor of Accounts is hereby authorized and he is fully empowered and directed to approve and properly execute a warrant for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to Abe H. Paris, the legal guardian of Reuben Paris, a minor, the above specified sum.

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 moneys or receipts paid to the State of Delaware pursuant to the franchise tax law and the income tax law of this State before the payment or delivery of the aforesaid appropriated sum of Two Thousand Dollars (\$2,000.00) into or to the credit of the Public School Fund.

Approved May 4, 1939.

CHAPTER 45

APPROPRIATION

AN ACT MAKING APPROPRIATIONS FOR THE SCHOOL BUDGET FOR THE SCHOOL YEARS BEGINNING RESPECTIVELY JULY 1, 1939, AND JULY 1, 1940, AND ENDING RESPECTIVELY JUNE 30, 1940, AND JUNE 30, 1941.

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 Twenty-nine Thousand Dollars (\$3,529,000.00) for the School Budget hereinafter described for the school year beginning July 1, 1939, and ending June 30, 1940, and there is hereby further appropriated the sum of Three Million Five Hundred Twenty-nine Thousand Dollars (\$3,529,000.00) for the said School Budget for the school year beginning July 1, 1940, and ending June 30, 1941, and the amount hereby appropriated for each of the said years shall be paid by the State Treasurer 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 and one-half per centum;

"MAINTENANCE" not more than five per centum;

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"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 six-tenths per centum of the total budget for transportation of pupils and second, not more than one-half 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 Thirty-five Thousand Dollars (\$35,000.00).

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 expense of the business office.

(b) Salaries of Superintendents and their traveling expenses and the administrative part of the salaries of Superintendents of Special Districts.

(c) Compulsory attendance and school census.

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.

(b) Salaries of Principals and Teachers.

(c) Textbooks and Professional Books for Teachers.

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- (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 Board of Public Education in Wilmington, and the Boards of Education of the Special School Districts of the State, according to their respective enrollments, the amounts for each to be calculated as follows:

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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.

(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.

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Section 5. In addition to the sums hereinbefore appropriated by this Act there is hereby further appropriated for the school year beginning July 1, 1939, and ending June 30, 1940, the sum of Two Hundred Eighty-six Thousand Dollars (\$286,000.00) and for the school year beginning July 1, 1940, and ending June 30, 1941, 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 Board of Public Education in 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. Provided that in distributing this appropriation the State Board of Education shall each year allot to each unit exactly the same amount as that unit received during the year 1938-39 by reason of Section 6 of Chapter 285, Volume 41, Laws of Delaware. The said sums shall be paid by the State Treasurer out of the school funds.

Section 6. In addition to the amounts appropriated in Sections 1 and 5, respectively, there is hereby appropriated the further sum of Twenty-five Thousand Dollars (\$25,000.00) for the school year beginning July 1, 1939, and the further sum of Twenty-five Thousand Dollars (\$25,000.00) for the school year beginning July 1, 1940. 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, Board of Public Education in Wilmington, and the various Special School Districts of the State in proportion to their respective needs as determined by the State Board of Education. 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, 5, and 6, 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, 1939, and the further sum of Ten Thousand Dollars (\$10,000.00) for the school year beginning July 1, 1940. The said sums shall be allotted by the State Board of Education to the State Board, Board of Public Education in Wilmington, and the various Special School Districts of the State, and

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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 5 of this Act. Provided, that in distributing this appropriation the State Board of Education shall each year allot to each unit exactly the same amount as that unit received during the year 1938-39 by reason of Section 9 of Chapter 285, Volume 41, Laws of Delaware. The said sums shall be paid by the State Treasurer out of the School Funds.

Section 8. 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 Boards of Education from the credit of such Board 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.

Approved April 28, 1939.

CHAPTER 46

APPROPRIATION

AN ACT MAKING AN APPROPRIATION FOR THE IMPROVEMENT OF THE NEGRO SCHOOLS 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 Seventy-six Thousand Five Hundred Dollars (\$76,500.00) be and the same is hereby appropriated to the State Board of Education, to alleviate the housing and sewage conditions of the colored schools of the State of Delaware, to be allocated among the colored schools as follows:

Colored School at Newport	\$30,000.00
Colored School at Middletown	\$10,000.00
Colored Schools of Wilmington	\$30,000.00
Colored School at Bridgeville	\$ 6,500.00

Section 2. The said sum hereby appropriated and allocated for the specific uses as set forth in Section 1 of this Act shall be paid out of the Public School Funds of this State.

Approved April 17, 1939.

CHAPTER 47

APPROPRIATION

**AN ACT REQUIRING THE BOARD OF SCHOOL TRUSTEES OF
THE CLAYMONT SPECIAL SCHOOL DISTRICT TO PROVIDE
FOR COMMERCIAL COURSES.**

*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 the Claymont Special School District be and it is hereby authorized and directed to provide for Commercial Courses in the proper grades in the high school of said School District.

Approved April 17, 1939.

CHAPTER 48
APPROPRIATION

AN ACT AUTHORIZING THE STATE TREASURER TO TRANSFER THE FUND APPEARING IN THE DEBT SERVICE ACCOUNT TO THE CREDIT OF THE MILFORD SPECIAL SCHOOL DISTRICT TO THE CURRENT FUND OF THE MILFORD SPECIAL SCHOOL DISTRICT.

WHEREAS, there is the sum of Three Thousand Eight Hundred Ninety-six Dollars and Sixteen Cents in the Debt Service Account to the credit of the Milford Special School District which said sum has remained idle and dormant since July 1st, 1926 and represents a balance of the fund which was raised by local taxation by the Board of Education of the Milford Special School District for the purpose of taking care of the expiring bond issues of 1904 and 1905 with accrued interest thereon, and

WHEREAS, it is necessary to transfer such fund to the current fund of the Milford Special School District for the purpose of carrying on its program of improvement in the Milford Special School District; now therefore

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

Section 1. That the State Treasurer be and he is hereby authorized and directed to transfer the sum of Three Thousand Eight Hundred Ninety-six Dollars and Sixteen Cents (\$3,896.16) presently in the Debt Service Account of the Milford Special School District to the current fund of said school district for use by the Board of Education of the Milford Special School District for improvements of school property in said district.

Approved April 20, 1939.

CHAPTER 49

APPROPRIATION

AN ACT APPROPRIATING MONEY OUT OF THE STATE TREASURY FOR THE PAYMENT OF CLAIM OF CALVIN G. MCKAY 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 sum of Six Hundred Dollars (\$600.00) be and the same is hereby appropriated out of the Treasury of the State of Delaware for the payment of a certain claim against the State for injury sustained by one Calvin G. McKay of the City of Dover, Kent County and State of Delaware, by reason of the said Calvin G. McKay's being struck in the eye with an arrow shot by a school pupil during official school hours and in a public school room of the Dover Public School in the Dover Special School District in and for Kent County and State of Delaware, the possession of said bow and arrow having been authorized, permitted and suggested by the teacher in charge of the class of which the said Calvin G. McKay was a pupil, said injury having occurred on the 29th day of March, A. D. 1935; such injury to the eye causing the said Calvin G. McKay much pain and suffering and bodily injury, to wit: the loss of his left eye. The Auditor of Accounts is hereby authorized, and fully empowered and directed to approve and properly execute a warrant for, and the State Treasurer is hereby authorized and fully empowered and directed to pay to Lewis M. McKay, the legal guardian of and for the said Calvin G. McKay, a minor, the above specified sum.

Section 2. This Act shall be taken and deemed to be a supplementary appropriation act, and the money hereby appropriated shall be paid out of the moneys or receipts paid to the State of Delaware pursuant to the Franchise Tax Law and the Income Tax Law of this State before the payment or delivery of the aforesaid appropriated sum of Six Hundred Dollars (\$600.00) unto or to the credit of the Public School Fund.

Approved May 4, 1939.

CHAPTER 50

APPROPRIATION

AN ACT MAKING A DEFICIENCY APPROPRIATION FOR THE
TRANSPORTATION OF PUPILS TO SCHOOLS.

WHEREAS, it appears that the school budget for the year 1938-39 is inadequate to enable the State Board of Education to pay fully the per diem contract with bus drivers and to pay fully the cost of transportation of school children in accordance with the 185-day school term adopted by the State Board of Education and approved by colleges and commissions for certification of Secondary Schools for the year 1938-39; now therefore

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 funds of the State Treasury derived from sources of taxation set up for the support of schools, not otherwise appropriated, Eleven Thousand Dollars (\$11,000.00) the same to be added to the budget of the State Board of Education for the school year 1938-39, all or so much thereof as may be necessary to be applied solely and exclusively to the payment of the costs of transportation of school children.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the School Funds in the State Treasury not otherwise appropriated.

Approved May 15, 1939.

CHAPTER 51

APPROPRIATION

AN ACT PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DREDGING AND IMPROVING THE CHANNEL OF INDIAN RIVER.

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

Section 1. The sum of Fifty Thousand (\$50,000.00) Dollars shall be and is hereby appropriated out of the State Highway Fund for the purpose of this Act and the State Highway Department of the State of Delaware is hereby fully authorized, empowered and directed to pay said sum of Fifty Thousand (\$50,000.00) Dollars to the Government of the United States of America, represented by the District Engineer, Corps of Engineers, United States Army, Philadelphia, Pennsylvania, when the project for which these funds are intended has been authorized by the Congress of the United States or has been included in any program of the President of the United States as an emergency project and when the said District Engineer, Corps of Engineers, United States Army, Philadelphia, Pennsylvania, has been authorized to undertake upon the plans and specifications approved by the District Engineer, Corps of Engineers, or some other authorized Federal Agency, of the dredging and improvement of the channel in Indian River.

Section 2. That in the event the above project is authorized and undertaken, the State of Delaware will provide free of cost to the United States suitable rights of way and/or other land which may be required in furtherance of the purpose of this Act.

Section 3. The monies hereby appropriated shall be paid by the State Treasurer out of the State Highway Fund in accordance with the provisions of Section 1 of this Act.

Approved May 15, 1939.

CHAPTER 52

APPROPRIATION

AN ACT TO APPROPRIATE THE SUM OF NINE HUNDRED AND SEVENTY-THREE DOLLARS AND EIGHTY-SEVEN CENTS TO PURE OIL COMPANY TO REIMBURSE IT FOR PENALTY PAID TO THE STATE OF DELAWARE ON MOTOR FUEL TAXES.

WHEREAS, Pure Oil Company owed to the State of Delaware the sum of Three Thousand Eight Hundred and Ninety-five Dollars and Forty-eight Cents (\$3,895.48) for motor fuel taxes for the month of March A. D. 1938, and the sum became due and payable during the month of April A. D. 1938; and

WHEREAS, the said Pure Oil Company did, at the City of Chicago, State of Illinois on the Thirtieth day of April, A. D. 1938, send by United States Registered Mail, its remittance for the said sum of Three Thousand Eight Hundred and Ninety-five Dollars and Forty-eight Cents (\$3,895.48) in payment of said tax, but said remittance did not reach the Office of the State Highway Department until the second day of May, A. D., 1938, and the State Highway Department did impose a penalty on said Pure Oil Company of Nine Hundred and Seventy-three Dollars and Eighty-seven Cents (\$973.87) and on the Fourteenth day of June A. D. 1938, the said Pure Oil Company did remit to the State Highway Department the sum of Nine Hundred and Seventy-three Dollars and Eighty-seven Cents (\$973.87) in payment of said penalty, and which said payment was made under protest; and

WHEREAS, the said Pure Oil Company should be reimbursed for the payment of said penalty so paid as aforesaid; now therefore

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

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay to the Pure Oil Company out of any moneys in the Treasury to the credit of the State Highway Depart-

APPROPRIATION

ment, the sum of Nine Hundred and Seventy-three Dollars and Eighty-seven Cents (\$973.87) to reimburse said company for the said penalty as mentioned in the Second Preamble of this Act.

Approved May 1, 1939.

CHAPTER 53

APPROPRIATION

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, 1939 and ending June 30, 1940, and for the fiscal year beginning July 1, 1940 and ending June 30, 1941, 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 Ten Thousand Dollars (\$10,000.00) for the fiscal year ending June 30, 1940 and the sum of Ten Thousand Dollars (\$10,000.00) for the fiscal year ending June 30, 1941.

Approved April 17, 1939.

CHAPTER 54

AUTHORIZING THE BORROWING OF MONEYS

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEYS FROM THE STATE SCHOOL FUND AND 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, 1939 and ending June 30, 1940 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 also to borrow from the State School Fund the sum of Two Hundred Thousand Dollars (\$200,000.00) or any part thereof; and for the fiscal year beginning July 1, 1940 and ending June 30, 1941 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 also to borrow from the State School Fund the sum of Two Hundred Thousand Dollars (\$200,000) or any part thereof, provided, however, that in case the total amount borrowed during each fiscal year from the two funds shall be less than Seven Hundred Thousand Dollars (\$700,000.00), the amount borrowed from the Highway Department and from the School Fund shall be approximately in the ratio of five to two.

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.

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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 payment of the debt. The principal of such certificate shall be exempt from taxation by the State or any political sub-division 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. Form of Certificate:—Such certificates of indebtedness shall conform as nearly as possible to the following form, to wit:

- (a) Certificate of indebtedness to the Trustee of the School Fund.
- (b) 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 School Fund (or State Highway Department) in the full sum of \$..... lawful money of

AUTHORIZING THE BORROWING OF MONEYS

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 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 af-
fixed, and the hands of the Governor and
Secretary 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, 1939.

Approved May 4, 1939.

CHAPTER 55

INSURANCE COMPANIES

AN ACT TO AMEND THE REVISED CODE OF DELAWARE, 1935,
BY DEFINING "GROSS PREMIUMS" WHEN REFERRING TO
INSURANCE COMPANIES OR INSURANCE POLICIES.

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

Section 1. That 87, Section 53, of Chapter 6, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 87, Section 53, and inserting in lieu thereof a new section to be known as 87, Section 53.

87. Section 53. Taxes on All Insurance Except Workmen's Compensation; Dividends Deducted From Gross Amount of Premiums; Statements of Receipts Delivered to Insurance Commissioner; "Gross Premiums" Defined:—Each and every insurance company doing an insurance business of any kind within the State of Delaware, excepting that of workmen's compensation insurance, shall, on the first day of March, of each year, pay to the Insurance Commissioner, for the use of the State, one and one-half per centum upon the gross amount of premiums received and assessments collected from insurance of every kind upon persons or on the lives of persons resident in, or upon real and personal property located within this State, or upon any other risks insured within this State, by any such insurance company or the authorized agent thereof, for the calendar year immediately preceding the date herein provided for such payments; provided, however, that in computing the gross amount of premiums received and assessments collected as herein defined, there shall be deducted dividends paid to policyholders.

Each and every insurance company, firm or corporation as hereinbefore mentioned in this Section shall at the time of making such payments, deliver to the Insurance Commissioner a full and detailed statement showing the gross amount of such premiums received and assessments collected and dividends paid to policyholders by such insurance company, firm or corporation, or the au-

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thorized agent thereof, for the calendar year immediately preceding the date herein provided for such payments, and such statement shall be verified by the oath or affirmation of the President or Secretary or other responsible officer of said company, duly administered by some person authorized to administer oaths.

The words "gross premiums" whenever used herein in reference to premiums received by insurance companies on policies covering risks located in the State of Delaware, shall be taken and held to mean all moneys collected, together with all notes, or credits allowed, as premiums on such policies including reinsurance premiums received. In computing taxable premiums there may be deducted from "gross premiums" dividends paid to policyholders, return premiums paid therefrom by reason of cancellation of policies, and reinsurance premiums received from other companies.

Section 2. That 89, Section 55 of Chapter 6, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 89, Section 55, and inserting in lieu thereof a new section to be known as 89, Section 55.

89. Section 55. Special Tax on Fire Insurance Companies:— For the purpose of assisting in maintaining fire companies or departments in this State, every fire insurance company doing business in this State shall annually pay to the Insurance Commissioner on or before the first day of March in addition to the other taxes, fees and charges required by law, a tax equal to two per centum of the gross premiums, less return and reinsurance premiums received from other companies or by any agent or agents of such company for such company, in cash or otherwise, from the insurance of property within the limits of this State during the preceding calendar year. In case of a mutual company, the dividends paid or credited to members on such premiums shall be construed to be return premiums.

The money so received shall be set aside as a special fund for assisting in maintaining fire companies or departments in this State and shall be paid out by the State Treasurer to the Treasurer

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of the City of Wilmington, and to the respective Treasurers of each County for the sole purpose of assisting in maintaining fire companies or departments in such Counties in such manner and in such proportions as is hereinafter provided.

It shall be the duty of all active fire companies or departments in this State outside of the limits of the City of Wilmington, to register with their respective County Treasurer on or before the first day of April in each year on a blank provided for this purpose giving their location, apparatus, and equipment maintained.

Every fire insurance company doing business in this State shall annually at the same time that such company files its annual report now required to be filed by law, deliver to the Insurance Commissioner a full detailed statement of all business done by such company in the City of Wilmington; in the County of New Castle, outside of the City of Wilmington; in Kent County; and in Sussex County; for the year ending on the previous Thirty-first day of December, which statement shall be verified by the oath or affirmation of the President or Vice-President and Secretary or other officer. Said statement shall be on the blanks prepared and furnished by the Insurance Commissioner for that purpose.

The Insurance Commissioner shall ascertain and report to the State Treasurer, on or before the fifteenth day of April, in each year, the amount of business done by each Fire Insurance Company in the City of Wilmington; in the County of New Castle, outside of the City of Wilmington; in Kent County and in Sussex County; and from such report the State Treasurer shall ascertain the amount due and owing to the City Treasurer of the City of Wilmington, and to the Treasurers of the respective counties of this State, under this Article, and on or before the first day of May of each year, shall pay to the Treasurers of the respective Counties in this State, the proportionate amounts due under this Article, which said amounts shall be used by the Levy Court of the respective Counties, exclusively for the purpose of assisting in maintaining fire departments in said Counties, and shall be distributed equally among all fire companies or departments regularly organized and motorized in

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such County. Provided; that the money realized under the provisions of this Article from insurance on property within the incorporated limits of the City of Wilmington shall be paid to the Treasurer of the said City of Wilmington and shall be applied to, and become a part of the Firemen's Pension Fund of the Bureau of Fire of the City of Wilmington, and shall be used as directed in the by-laws and constitution of the said Bureau.

And provided further, it shall be unlawful for any Fire Insurance Company to increase the rate of insurance premium upon any property affected by this Article because of the tax hereinbefore provided, unless the Insurance Commissioner after a hearing on the matter shall be satisfied that an increase is necessary, and in the event that the Insurance Commissioner shall be satisfied after such hearing that an increase in the premium rate is necessary, he shall authorize such reasonable increase as he shall deem fair and equitable.

Section 3. That 6127, Section 57 of Chapter 175, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out of said section paragraphs (a) and (b) and inserting in lieu thereof two new paragraphs to be known as paragraphs (a) and (b) respectively, as follows:

(a) Every insurance carrier hereinbefore referred to, insuring employers who are or may be liable under this chapter to pay for compensation for personal injuries to or death of their employees, under the provisions of this chapter, shall, as hereinafter provided, pay a tax upon all workmen's compensation or employers' liability premiums received, whether in cash or notes, in this State, or on account of business done in this State, or on account of premiums for compensation payable under said Compensation Law for such insurance in this State, at the rate of four per centum of the amount of such premiums, which tax shall be in lieu of all other taxes on such premiums, and said tax shall be assessed and collected as hereinbefore provided; provided, however, that such insurance carrier shall be credited with all cancelled or returned premiums actually refunded during the year on such insurance, and

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of the City of Wilmington, and to the respective Treasurers of each County for the sole purpose of assisting in maintaining fire companies or departments in such Counties in such manner and in such proportions as is hereinafter provided.

It shall be the duty of all active fire companies or departments in this State outside of the limits of the City of Wilmington, to register with their respective County Treasurer on or before the first day of April in each year on a blank provided for this purpose giving their location, apparatus, and equipment maintained.

Every fire insurance company doing business in this State shall annually at the same time that such company files its annual report now required to be filed by law, deliver to the Insurance Commissioner a full detailed statement of all business done by such company in the City of Wilmington; in the County of New Castle, outside of the City of Wilmington; in Kent County; and in Sussex County; for the year ending on the previous Thirty-first day of December, which statement shall be verified by the oath or affirmation of the President or Vice-President and Secretary or other officer. Said statement shall be on the blanks prepared and furnished by the Insurance Commissioner for that purpose.

The Insurance Commissioner shall ascertain and report to the State Treasurer, on or before the fifteenth day of April, in each year, the amount of business done by each Fire Insurance Company in the City of Wilmington; in the County of New Castle, outside of the City of Wilmington; in Kent County and in Sussex County; and from such report the State Treasurer shall ascertain the amount due and owing to the City Treasurer of the City of Wilmington, and to the Treasurers of the respective counties of this State, under this Article, and on or before the first day of May of each year, shall pay to the Treasurers of the respective Counties in this State, the proportionate amounts due under this Article, which said amounts shall be used by the Levy Court of the respective Counties, exclusively for the purpose of assisting in maintaining fire departments in said Counties, and shall be distributed equally among all fire companies or departments regularly organized and motorized in

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such County. Provided; that the money realized under the provisions of this Article from insurance on property within the incorporated limits of the City of Wilmington shall be paid to the Treasurer of the said City of Wilmington and shall be applied to, and become a part of the Firemen's Pension Fund of the Bureau of Fire of the City of Wilmington, and shall be used as directed in the by-laws and constitution of the said Bureau.

And provided further, it shall be unlawful for any Fire Insurance Company to increase the rate of insurance premium upon any property affected by this Article because of the tax hereinbefore provided, unless the Insurance Commissioner after a hearing on the matter shall be satisfied that an increase is necessary, and in the event that the Insurance Commissioner shall be satisfied after such hearing that an increase in the premium rate is necessary, he shall authorize such reasonable increase as he shall deem fair and equitable.

Section 3. That 6127, Section 57 of Chapter 175, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out of said section paragraphs (a) and (b) and inserting in lieu thereof two new paragraphs to be known as paragraphs (a) and (b) respectively, as follows:

(a) Every insurance carrier hereinbefore referred to, insuring employers who are or may be liable under this chapter to pay for compensation for personal injuries to or death of their employees, under the provisions of this chapter, shall, as hereinafter provided, pay a tax upon all workmen's compensation or employers' liability premiums received, whether in cash or notes, in this State, or on account of business done in this State, or on account of premiums for compensation payable under said Compensation Law for such insurance in this State, at the rate of four per centum of the amount of such premiums, which tax shall be in lieu of all other taxes on such premiums, and said tax shall be assessed and collected as hereinbefore provided; provided, however, that such insurance carrier shall be credited with all cancelled or returned premiums actually refunded during the year on such insurance, and

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premiums on reinsurance received from other insurance carriers; provided, further, that mutual insurance companies shall be taxed upon the gross premium charged and collected and shall not be credited with unabsorbed premiums or dividends.

(b) Every such insurance carrier shall on or before the first day of March of each year make a return verified by the affidavit of its President and Secretary, or other chief officers or agents, to the Insurance Commissioner of the State of Delaware, stating the amount of all such premiums and credits for the preceding calendar year. Every insurance carrier required to make such return shall pay to the Insurance Commissioner a tax of four dollars per hundred on such premiums ascertained as provided in sub-paragraph (a) of this section, less return premiums on cancelled policies actually refunded during the year and reinsurance premiums received from other insurance carriers. Upon receiving payments the Insurance Commissioner shall pay the same to the State Treasurer.

Approved April 6, 1939.

CHAPTER 56

DIVERSION OF FUNDS

AN ACT TO AMEND ARTICLE 8, CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, AUTHORIZING AND DIRECTING THE STATE TREASURER TO DEPOSIT A PORTION OF THE FUNDS DERIVED FROM FRANCHISE TAX COLLECTIONS TO THE GENERAL FUND, FOR ANY APPROPRIATIONS THAT MAY HEREAFTER BE MADE TO THE UNIVERSITY OF DELAWARE, STATE COLLEGE FOR COLORED STUDENTS, STATE BOARD OF VOCATIONAL EDUCATION, FOR THE OPERATION AND MAINTENANCE OF THE STATE TAX DEPARTMENT, AND FOR THE OPERATION AND MAINTENANCE OF THE OFFICE OF SECRETARY OF STATE EXCLUSIVE OF THE OPERATION AND MAINTENANCE OF THE MOTOR VEHICLE DEPARTMENT.

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

Section 1. That Article 8, Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting a new paragraph as follows:

For the fiscal year beginning July 1, 1939 and ending June 30, 1940 the sum of Five Hundred and Seventy Thousand Eight Hundred and Two Dollars and Seven Cents (\$570,802.07) shall be paid by the State Tax Department out of the proceeds of the franchise tax as established by Article 8, Chapter 6 of the Revised Code of Delaware, 1935, and assessed and collected thereunder; and for the fiscal year beginning July 1, 1940 and ending June 30, 1941 a further sum of Five Hundred and Seventy Thousand Eight Hundred and Two Dollars and Seven Cents (\$570,802.07) 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:

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1. For the payments of the sums as set forth and appropriated in the General Appropriation Act of the One Hundred Seventh 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 Students, and the State Board of Vocational Education, to-wit, Four Hundred and Two Thousand Nine Hundred and Ninety-Two Dollars and Seven Cents (\$402,992.07) for the fiscal year beginning July 1, 1939 and ending June 30, 1940, and Four Hundred and Two Thousand Nine Hundred and Ninety-two Dollars and Seven Cents (\$402,992.07) for the fiscal year beginning July 1, 1940 and ending June 30, 1941, 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, 1939 and ending June 30, 1940 the sum of One Hundred and Eighteen Thousand Four Hundred and Ten Dollars (\$118,410.00), and the further sum of One Hundred and Eighteen Thousand Four Hundred and Ten Dollars (\$118,410.00) is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1940 and ending June 30, 1941 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 year set forth herein.

3. There is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1939 and ending June 30, 1940 the sum of Forty-nine Thousand Four Hundred Dollars (\$49,400.00), and the further sum of Forty-nine Thousand Four Hundred Dollars (\$49,400.00) is hereby appropriated out of the funds to be so transferred for the fiscal year beginning July 1, 1940 and ending June 30, 1941, 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 Office of Secretary of State, exclusive of the operation and maintenance of the Motor Vehicle Department.

The provisions of this Section, and the provisions of paragraph b of 2704. Section 82 of Chapter 71 of the Revised Code of Dela-

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ware, 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 One Million One Hundred Forty-one Thousand Six Hundred and Four Dollars and Fourteen Cents (\$1,141,604.14) 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 April 28, 1939.

CHAPTER 57

ESCHEATS

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED: "STATE REVENUE," IN RELATION TO ESCHEATS.

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 all of 112. Sec. 78, 113. Sec. 79, 114. Sec. 80, 115. Sec. 81, and 133. Sec. 99, of the said Chapter, and by inserting in lieu thereof the following sections, to-wit:

112. Sec. 78. Estates Escheat, When; Rights of Surviving Widow or Husband Preserved:—If any person, being at the time of his or her death seized or possessed of any real or personal estate within this State, die intestate, without heirs, or any known kindred, who can inherit and hold the same, such estate shall escheat to the State, subject to all legal demands on the same; provided, that nothing in Sections 78 to 100 inclusive, of this Chapter contained, shall affect the rights of the surviving widow or husband of such deceased to such share of his or her real and personal estate as she or he may be entitled to by law.

113. Sec. 79. Escheator; State Tax Commissioner To Be Escheator:—There shall be an Escheator of the State, who shall be the State Tax Commissioner, and the administration and enforcement of the provisions of this Article is hereby vested in the State Tax Department and the State Tax Commissioner as created and defined in Chapter 8 of Volume 36, Laws of Delaware.

114. Sec. 80. Bond of Escheator; Shall Serve Without Additional Compensation; Oath of Office:—The official bond of the State Tax Commissioner shall be deemed and held to embrace and include the faithful performance by the said State Tax Commissioner of all and every the duties imposed by this Act. The said State Tax Commissioner, for the performance of the duties of Escheator im-

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posed upon him by this Act, shall receive no additional compensation therefor, and before entering upon his duties as Escheator, as in this Act defined, he shall take the oath or affirmation prescribed by Article XIV of the Constitution of this State.

115. Sec. 81. Jury of Inquest:—The Escheator, upon his own knowledge, or upon receiving information of any person dying intestate and without heirs, or any known kindred, as stated in Section 78 of this Article, and who was at the time of his death seized or possessed of any real or personal estate within any county of this State, shall forthwith issue his precept, directed to the Sheriff of the said County, thereby commanding him to summon sixteen good and lawful men of the said County, to come before the said Escheator at some public and convenient place within the said County, not less than ten nor more than twenty days thereafter, to inquire whether, as shall be alleged, the said person hath died without heirs, or any known kindred, as aforesaid, and whether such person was, at the time of his or her death, seized or possessed of any and what estate, real or personal, in the said County, and also in whose possession the same shall be.

133. Sec. 99. Expenses, How Paid:—Until such time as appropriation therefore is provided by the General Assembly, the said Escheator may, from time to time, draw his warrant upon the State Treasury for such sums as shall be necessary to pay the expenses of the enforcement of the provisions of this Article, which said warrants, when approved by the Auditor of Accounts, shall be paid by the State Treasurer out of the General Fund of the State Treasury.

Approved April 17, 1939.

CHAPTER 58

INHERITANCE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED, 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. That Section 103 of said Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 137 of said Code, be and the same is hereby amended by striking out all of paragraph (a) of Section 103 and substituting in lieu thereof the following:

137. Sec. 103. Administration and Enforcement; Collection of Taxes; Interest and Penalties; State Tax Department:—(a) The administration and enforcement of the provisions of this Act and the collection of the taxes, interest and penalties imposed by this Act are hereby vested in the State Tax Department and the State Tax Commissioner as created and defined in Chapter 8 of Volume 36, Laws of Delaware.

Section 2. That Section 106 of said Chapter 6, of the Revised Code of the State of Delaware, 1935, as amended, be and the same is hereby amended by inserting after the word "taxes" appearing in the third line of said Section 106 the following words:

For any penalty assessed against him for failure to file an Inventory of Goods and Chattels, List of Debts and Credits and Statement of Real Estate with the Tax Department and with the Register of Wills within the three-month period prescribed by law.

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 14, 1939.

CHAPTER 59

INHERITANCE TAX

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO INHERITANCE TAX" BEING CHAPTER 8, VOLUME 41, LAWS OF DELAWARE, 1937.

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

Section 1. That Section 9 of Chapter 8, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out all of Section 9 of said Chapter 8 and substituting in lieu thereof the following paragraph to be known as Section 9 of said Chapter 8:

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 personally and individually, 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 2. All acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency only.

Approved April 14, 1939.

CHAPTER 60

DELAWARE ESTATE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 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 said Chapter 6 of the Revised Code of Delaware of 1935, as amended, being Code Section 143 of said Code, be and the same is hereby amended by striking out the eighth paragraph of Section 109, said paragraph being also the second paragraph of (3), and substituting in lieu thereof the following:

The said Delaware Estate Tax shall be due from every decedent's estate subject thereto within fifteen months from date of death. From the due date, and until paid, said taxes shall bear interest at the rate of four per cent per annum.

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

Approved April 14, 1939.

CHAPTER 61

INCOME TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, IN RELATION TO STATE REVENUE.

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

Section 1. That Section 110, of said Chapter 6, of the Revised Code of the State of Delaware, 1935, being Code Section 144 of said Code, be and the same is hereby amended by striking out paragraph (1) under (b) of said Section 110, and substituting in lieu thereof the following:

(1) A natural person twenty-one years of age or over who is a resident of the State of Delaware or who has been a resident of the State of Delaware at any time during the income year.

Section 2. That Section 110, of said Chapter 6, of the Revised Code of the State of Delaware, 1935, being Code Section 144 of said Code, be and the same is hereby amended by striking out paragraphs (4) and (5) under (b) of said Section 110 and substituting in lieu thereof the following:

(4) A guardian of a resident of Delaware.

(5) An executor or administrator of a deceased resident of Delaware.

(6) A trustee, if but only to the extent that, the net income of the trust for the income year (a) is distributed or irrevocably set aside for future distribution in whole or in part to a person who at any time during such income year was a resident of Delaware, and/or (b) may be distributed in whole or in part to the creator of the trust upon the happening of some event or the exercise of any power which he reserved thereunder if at the time of creation of the trust and at any time during such income year he was a resident of Delaware.

INCOME TAX

(7) Any officer or employee of the State of Delaware or any political subdivision of Delaware.

Section 3. That Section 110, of said Chapter 6, of the Revised Code of the State of Delaware, 1935, being Code Section 144 of said Code, be and the same is hereby amended by adding at the end of the first paragraph under (d) the following:

• Net income as herein defined received by a person dependent upon another person for chief support such as to entitle such other person to the exemption as head of family, shall be accounted and included in the return as net income of such other person.

Section 4. That Section 113, of said Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 147 of said Code, be and the same is hereby amended by adding at the end of paragraph (10) of said Section 113, the following new paragraph to be known as (10a):

(10a) Provided, however, that deduction for debts ascertained to be worthless in accordance with the provisions of paragraphs (9) or (10) of this Section may be deducted only in the income year in which it is ascertained no part of such debt is recoverable.

Section 5. That Section 116, of said Chapter 6 of the Revised Code of the State of Delaware, 1935, as amended, being Code Section 150 of said Code, be and the same is hereby amended by striking out paragraph (4) under (b) of said Section 116, and substituting in lieu thereof a new paragraph to be known as paragraph (4) under (b) of Section 116, as follows:

Section 116. (b) (4). In the case of such property held in trust: The basis shall be the same as that which it would be if it had remained in the hands of the creator of the trust or the value thereof at the date of death of the creator of the trust if such property shall have been included in his estate for the purposes of the Delaware Estate and/or Inheritance Tax laws.

INCOME TAX

Section 6. That Section 120, of said Chapter 6 of the Revised Code of the State of Delaware, 1935, as amended, being Code Section 154 of said Code, be and the same is hereby amended by striking out the words sign and numerals "three thousand six hundred (\$3,600.00)", appearing in the third line and fourth line of paragraph (d) of said Section 120, and substituting in lieu thereof the following:

four thousand eight hundred (\$4,800.00)

Section 7. That Section 122, of said Chapter 6 of the Revised Code of the State of Delaware, being Code Section 156 of said Code, be and the same is hereby amended by striking out the sign and numerals "\$1000" in the tenth line of paragraph (e) of said Section 122, and substituting in lieu thereof the following sign and numerals:

\$100.00

Section 8. That all acts or parts of acts inconsistent with this act are hereby repealed only to the extent of such inconsistency.

Approved April 14, 1939.

CHAPTER 62
INCOME TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, IN RELATION TO STATE REVENUE DERIVED FROM TAX UPON SALARIES, FEES, WAGES OR PENSIONS PAID BY THE GOVERNMENT OF THE UNITED STATES.

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

Section 1. That Section 112 of Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 146 of said Code, be and the same is hereby amended by striking out and repealing paragraph (8) under (a) of said Section 112 of said Chapter.

Section 2. That any income received from salaries, wages, fees or pensions received from the United States, or from any corporation, the stock of which is owned or controlled by the government of the United States, or any department, bureau or agency thereof, shall constitute taxable income as defined in Section 110 of Chapter 6 of the Revised Code, 1935, as amended, being code Section 144, beginning with the year 1939, and shall be subject to the income tax provided by Article 12 of said Chapter 6 of the Revised Code of Delaware, 1935, as amended, in the same manner and subject to the same provisions as said taxable income included in the phrase "Net Income" as defined in said Section 110 of Chapter 6, being Code Section 144, of said Revised Code of Delaware, 1935, as amended.

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

Approved April 14, 1939.

CHAPTER 63

INCOME TAX

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO INCOME TAX," BEING CHAPTER 11, VOLUME 41, LAWS OF DELAWARE.

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

Section 1. That Section 116 (c) (1) of said Chapter 11, of Volume 41, Laws of Delaware, be and the same is hereby amended by striking out Section 116 (c) (1), and substituting in lieu thereof the following new section to be known as Section 116 (c) (1):

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 taxable prior to becoming a taxable 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 taxable first became a taxable 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.

Approved April 14, 1939.

CHAPTER 64

INCOME TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, BY PROVIDING FOR DETERMINATION OF AMOUNT OF GAIN OR LOSS IN RESPECT TO PROPERTY DISTRIBUTED IN LIQUIDATION OF CORPORATIONS.

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 Chapter 6 of the Revised Code of Delaware, 1935, as amended, being Code Section 150 of said Code, be and the same hereby is amended by adding at the end of said Section 116 a new subdivision designated and reading as follows:

(k) In the case of property distributed in liquidation of a corporation, if (1) the liquidation is made in pursuance of a Plan of Liquidation adopted after the date of the enactment of this Act, and (2) the distribution is in complete cancellation or redemption of all the stock of the corporation, no gain or loss upon the stock thus cancelled or redeemed shall be recognized (at the time of such distribution) except to the extent that money received as part of the distribution shall be in an amount in excess of the basis of the stock redeemed or cancelled, which such excess shall constitute taxable income at the date of distribution in liquidation. A distribution in complete liquidation shall be deemed to have been made even though the corporation has reserved cash in a reasonable amount for the payment of unmatured, unascertained or contingent liabilities or expenses. The basis of the stock cancelled or redeemed, reduced in an amount equal to the amount of money received as part of the distribution, shall become the basis for the property (other than money) received in liquidation or distribution. Each unit of property distributed shall have a basis in the hands of the distributee equivalent to that proportion on the basis of the stock cancelled or redeemed which the fair value of each such unit shall bear to the total market or fair value of all the property (other than money) so received in liquidation.

INCOME TAX

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

Approved April 25, 1939.

CHAPTER 65

MERCHANTS

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO STATE REVENUE; PROVIDING FOR THE EXEMPTION OF DEALERS IN GRAINS AND COMMERCIAL FEEDS, FRUITS AND VEGETABLES, POULTRY AND COAL.

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 whole of 174, Section 140, and inserting in lieu thereof a new section, to be known as 174, Section 140, as follows:

174. Section 140. The provisions of the last foregoing section shall not apply to persons, associations of persons, firms or corporations engaged in the business of buying, selling and shipping grains and commercial feeds, fruits and vegetables, poultry or coal by wholesale or by retail when in carload lots or equal quantities or when the cost value of the commodities so purchased, sold or shipped, shall exceed the sum of One Hundred Thousand (\$100,000.00) Dollars during the taxable year; but all such desiring to so engage, or to continue so engaged, shall annually, on or before the first day of June, take out a license to engage in, prosecute, follow and carry on the said business and occupation, for which he, she, it or they shall pay, for the use of the State, to the State Tax Department the sum of five dollars.

Every person, association of persons, firm or corporation so engaged, shall, on or before the first day of June, annually, file with the said Tax Department, a true statement of the aggregate cost value of the commodities which he, she, they or it shall have purchased for sale or shipment in said business or occupation during the year next preceding, which statement shall be verified by the oath or affirmation of such person, or by some one member of such association or firm, or by the president or other presiding officer of

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such corporation, to be made before and certified by any person, who by the laws of this State, is duly authorized to administer the same; and shall pay to said Tax Department for the use of the State, a further tax, which, together with the tax theretofore paid upon taking out said license, shall aggregate a sum equal to twenty cents for every one thousand dollars of the cost value of the commodities purchased in the period covered by said statement. In case any person, association of persons, firm or corporation, not having been so engaged during the next year preceding, and desiring to engage in said wholesale business, beginning at a period subsequent to the first day of June, shall, before commencing said business or occupation, 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 for the use of the State, the sum of five dollars; and shall, on the first day of June next thereafter, file with the said Tax Department, a true statement, verified by oath or affirmation as aforesaid, of the cost value of the commodities purchased in said business during the period covered by said fractional license; and shall pay to the said Tax Department, for the use of the State, a further tax, which together with the tax theretofore paid upon taking out said fractional license, shall aggregate a sum equal to twenty cents for every one thousand dollars of the cost value of the commodities purchased in the period covered by said fractional license. If any person, association of persons, firm or corporation shall engage in, prosecute, follow or carry on, within the limits of this State, the said business of buying, selling and shipping grains, commercial feeds, fruits and vegetables, poultry or coal, as aforesaid, without having first obtained therefor a license in accordance with the provisions of this Section, such person and each and every person composing such association or firm, and the president, officers and directors of such corporation, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable for the payment of said tax and a fine not to exceed five hundred dollars.

Approved May 15, 1939.

CHAPTER 66

PEDDLERS AND AUCTIONEERS

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF
DELAWARE, 1935, RELATING TO EXEMPTION OF WORLD
WAR VETERANS FROM PEDDLER'S AND AUCTIONEER'S
LICENSE REQUIREMENTS.

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

Section 1. That Section 156 of Article 15, Chapter 6, of the Revised Code of Delaware, 1935, being code section 190 be and the same is hereby amended by striking out all of said section and substituting in lieu thereof a section which shall read as follows:

190. Sec. 156. Soldiers and Sailors Exempt From Peddler's and Auctioneer's License; Honorable Discharge in Lieu Thereof:— The provisions of law relating to peddler's and auctioneer's licenses shall not apply to honorably discharged soldiers and sailors of the Civil War, Spanish-American War, and World War, and disabled soldiers and sailors who have served in the military and naval forces of the United States, who shall be honorably discharged from said service and are residents of the State of Delaware, and the same shall not be required to have a peddler's or auctioneer's license in order to engage in the business of a peddler or auctioneer anywhere within the State of Delaware, provided, however, that such honorably discharged soldier or sailor when engaging in such occupation shall at all times carry a certificate of his discharge in lieu of a license, for the inspection of any police officer, city constable or peace officer within this State.

Approved April 14, 1939.

CHAPTER 67

OCCUPATIONAL LICENSES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO OCCUPATIONAL LICENSES," BEING CHAPTER 14, VOLUME 41, LAWS OF DELAWARE, 1937, RELATING TO OCCUPATIONAL LICENSES.

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

Section 1. That Section 5. 195. Sec. 161 of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by striking out all of the third paragraph under Section 5. 195. Sec. 161. of said Chapter 14, Volume 41, Laws of Delaware, relating to Amusement Conductor, Fifty Dollars (\$50.00), and substituting in lieu thereof the following five new paragraphs:

Amusement Conductor, Fifty Dollars (\$50.00). Amusement Conductor shall include every person engaged in the business of 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, except that an owner of certain mechanical devices operated automatically by insertion of coin, token or the like, as such, shall not be construed to be an Amusement Conductor, but such owner of any of the following devices embraced within the following terms shall be required to obtain license for the business as defined and the rates prescribed as follows:

(a) Vending Machine Owner embracing every person engaged in the business of owning and operating on his own account or by his agent, or by lease to another from such person or his agent, certain mechanical devices hereinbefore referred to for selling, vending or otherwise distributing goods, wares or merchandise to the public, and shall pay a fee for license at the rate of \$1.00 for each vending machine owned and operated; provided, however, that no vending machine owner shall be liable for license under this Section if such owner is licensed as a merchant under the revenue laws of this State.

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(c) Music Machine Owner embracing every person engaged in the business of owning and operating either on his own account or by his agent, or by lease to another from such person or his agent, certain mechanical devices hereinbefore referred to for furnishing to the public, music by the playing of records or transcriptions and shall pay a fee for a license at the rate of Ten Dollars (\$10.00) for one machine so owned and operated; and \$2.00 for each additional machine so owned and operated.

Section 2. That Section 3. 193. Sec. 159. of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by striking out and repealing the seventeenth paragraph of Section 3. 193. Sec. 159. relating to Keeper of Livery Stable, Ten Dollars (\$10.00).

Section 3. That Section 3. 193. Sec. 159. of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby further amended by striking out and repealing the thirteenth paragraph of Section 3. 193. Sec. 159. relating to Factor, Ten Dollars (\$10.00).

Section 4. That Section 5. 195. Sec. 161. of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by adding thereto the following four paragraphs:

Coat and Towel Supplier, Ten Dollars (\$10.00). Coat and Towel Supplier shall include every person actively engaged in or holding himself out to do the business of supplying, furnishing or making available coats, aprons, uniforms or towels, or other like articles and laundering and of otherwise renewing such supplies for profit.

Operator of Purchase Order System, Ten Dollars (\$10.00). Operator of Purchase Order System shall include every person engaged in or holding himself out to do the business of selling orders for or furnishing or guaranteeing the credit on the account of any person for the purchase of goods, wares or merchandise at any store or other establishment for the profit of such operator, but shall not include persons otherwise herein defined as Finance Acceptor nor any bank, savings bank or other like financial institutions.

OCCUPATIONAL LICENSES

Entertainment Agent, Two Hundred and Fifty Dollars (\$250.00). Entertainment Agent shall include every person engaged in or holding himself out to do the business of collecting fees or commissions or other payments for himself or another or others for the exercise by another of the privileges of furnishing musical entertainment for the general public by the playing by radio, mechanical recording or otherwise similar means of musical compositions.

Floor Show Operator, Twenty-five Dollars (\$25.00). Floor Show Operator includes every person engaged in the business of conducting or maintaining or exhibiting in his place of business entertainment of the type commonly known as a floor show by one or more entertainers, paid or otherwise, including members of an orchestra furnishing entertainment by song or other means, excepting the playing of instruments as members of such orchestra, provided further that conduct of the business of Floor Show Operator as defined herein shall not render such person liable for a license as a Showman.

Section 5. That Section 3. 193. Sec. 159. of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by striking out the twenty-fifth paragraph of Section 3. 193. Sec. 159. relating to Textile Renovator, Ten Dollars (\$10.00) and the twenty-seventh paragraph relating to Warehouseman, Ten Dollars (\$10.00).

Section 6. That Section 5. 195. Sec. 161. of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by adding at the end of said Section 5. 195. Sec. 161. two new paragraphs which shall read as follows:

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.

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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 7. 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 2, 1939.

CHAPTER 68
OCCUPATIONAL LICENSES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO OCCUPATIONAL LICENSES," BEING CHAPTER 14, VOLUME 41, LAWS OF DELAWARE, 1937, RELATING TO LICENSES FOR RESIDENT AND NON-RESIDENT CONTRACTORS.

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

Section 1. That Section 6, 196. Sec. 162. of Chapter 14, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by striking out all of said Section 6, 196. Sec. 162. and substituting in lieu thereof the following to be known as Section 6, 196. Sec. 162:

Section 6, 196. Sec. 162. Any individual, co-partnership, firm or corporation, or other association of persons residents of the State of Delaware, 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) plus one-tenth of one per centum ($1/10$ of 1%) for each thousand dollars of gross receipts not in excess of One Hundred Thousand Dollars (\$100,000.00) of gross receipts plus one-twentieth of one per centum ($1/20$ of 1%) of the excess of gross receipts over One Hundred Thousand Dollars (\$100,000.00). 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

OCCUPATIONAL LICENSES

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 Five Dollars (\$5.00) plus one-tenth of one per centum ($1/10$ of 1%) for each thousand dollars of gross receipts not in excess of One Hundred Thousand Dollars (\$100,000.00) of gross receipts plus one-twentieth of one per centum ($1/20$ of 1%) of the excess of gross receipts over One Hundred Thousand Dollars (\$100,000.00) for the first annual license in addition to a further tax for the said annual license of Five Dollars (\$5.00) plus one-tenth of one per centum ($1/10$ of 1%) for each thousand dollars of gross receipts not in excess of One Hundred Thousand Dollars (\$100,000.00) of gross receipts plus one-twentieth of one per centum ($1/20$ of 1%) of the excess of gross receipts over One Hundred Thousand Dollars (\$100,000.00) the total of which shall be prorated on the proportion which the time covered by the fractional license bears to the twelve months covered by said annual license.

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.

(a) Any individual, co-partnership, firm or corporation or other association of persons not residents of the State of Dela-

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ware, acting as a unit desiring to engage in, prosecute, follow or carry on the business of Contracting as herein defined shall obtain an original license from the State Tax Department for each contract or contracts on hand before engaging in business and shall pay a license fee for the execution of such contracts only, at the following rates:

Five Dollars (\$5.00) plus one-tenth of one percentum ($1/10$ of 1%) for each thousand dollars of total value of contracts on hand not in excess of One Hundred Thousand Dollars (\$100,000.00) plus one-twentieth of one percentum ($1/20$ of 1%) of the excess of total value of contracts on hand over One Hundred Thousand Dollars (\$100,000.00).

For each additional contract entered into during the fiscal year beginning June 1st and ending May 31st following during which such original license has been granted, such non-resident contractor shall pay a license fee for the execution of such additional contracts at the rates hereinabove prescribed, on the total of contracts reported during the year less a credit for the amount of tax theretofore paid on the original and all additional licenses granted during the same fiscal year.

Every architect, and/or mechanical engineer and/or general contractor engaging in the practice of such profession shall furnish within ten (10) days after any contract or contracts in the preparation or plans for which they were engaged are entered into with a contractor or sub-contractor not a resident of this State, a statement of the total value of such contract or contracts together with the names and addresses of the contracting parties to the State Tax Department. Failure to furnish each such Statement shall subject each architect and/or mechanical engineer and/or general contractor to a penalty of Twenty-five Dollars (\$25.00) which shall be collected and paid in the same manner as provided for the collection of delinquent licenses as provided in this Article.

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

Approved April 14, 1939.

CHAPTER 69

OCCUPATIONAL LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE 1935, IN RELATION TO STATE REVENUE BY PROVIDING FOR OCCUPATIONAL LICENSES FOR TRANSIENT OR ITINERANT PHOTOGRAPHERS.

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 adding a new paragraph to be known as (23) at the end of 196. Section 162, thereof, as follows:

196. Section 162 (23). A transient photographer or itinerant photographer shall include every person not having a permanent place of business in this State and who conducts a business within this State, either in one locality or traveling from house to house and place to place, canvassing or soliciting photographs, selling or taking orders for or offering to sell or take orders, for photographs or enlargements for future delivery, with the intention of remaining and continuing in such business in any one place for a period of not less than twelve (12) consecutive months.

Section 2. That Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding to 197. Section 133 the following additional paragraph:

Any person, firm, corporation, partnership or association carrying on a transient or itinerant business as defined in Section 162 (23) of this Chapter of taking, making and/or developing photographs or pictures by action of light for profit or reward, shall pay a license fee of Twenty-five Dollars (\$25.00) per day.

Approved April 6, 1939.

CHAPTER 70
GASOLINE TAX

AN ACT TO PROTECT THE PUBLIC AGAINST MISLEADING ADVERTISEMENTS PERTAINING TO THE SALE OF MOTOR FUELS AT RETAIL BY REGULATING THE METHOD OF RETAIL SALE OF MOTOR FUELS, AND PROVIDING PENALTIES FOR VIOLATIONS.

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

Section 1. Every retail dealer of motor fuel shall publicly display and maintain on each pump or other dispensing equipment from which motor fuel is sold, a sign clearly and plainly stating the price per gallon of the motor fuel sold by said dealer from such pump or other dispensing equipment. All taxes, State and Federal, imposed with respect to the manufacture or sale of motor fuel shall be included in the price shown on said sign, and said sign shall contain a clear and plain statement of the amount of taxes included in said price, or, without specifying the amount thereof, said sign shall state that taxes are included in said price. All other price signs displayed by a retail dealer and any other advertising of motor fuel by a retail dealer which contains a reference to the per gallon price shall similarly state the price per gallon including tax. A retail dealer shall not sell at any other price than the price, including tax, so posted. No price sign posted by any retail dealer shall show any price in letters or figures of a larger size than the letters or figures in which the whole price including the amount of all taxes is shown.

No rebates, allowances, concessions, discounts or benefits shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price, nor shall any retail dealer use lotteries, prizes, wheels of fortune, punchboards or other games of chance, in connection with the sale of motor fuels.

Section 2. All above-ground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear, in a con-

CHAPTER 69

OCCUPATIONAL LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF
DELAWARE 1935, IN RELATION TO STATE REVENUE BY
PROVIDING FOR OCCUPATIONAL LICENSES FOR TRANSI-
ENT OR ITINERANT PHOTOGRAPHERS.

*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 adding a new paragraph to be known as (23) at the end of 196. Section 162, thereof, as follows:

196. Section 162 (23). A transient photographer or itinerant photographer shall include every person not having a permanent place of business in this State and who conducts a business within this State, either in one locality or traveling from house to house and place to place, canvassing or soliciting photographs, selling or taking orders for or offering to sell or take orders, for photographs or enlargements for future delivery, with the intention of remaining and continuing in such business in any one place for a period of not less than twelve (12) consecutive months.

Section 2. That Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding to 197. Section 133 the following additional paragraph:

Any person, firm, corporation, partnership or association carrying on a transient or itinerant business as defined in Section 162 (23) of this Chapter of taking, making and/or developing photographs or pictures by action of light for profit or reward, shall pay a license fee of Twenty-five Dollars (\$25.00) per day.

Approved April 6, 1939.

CHAPTER 70

GASOLINE TAX

AN ACT TO PROTECT THE PUBLIC AGAINST MISLEADING ADVERTISEMENTS PERTAINING TO THE SALE OF MOTOR FUELS AT RETAIL BY REGULATING THE METHOD OF RETAIL SALE OF MOTOR FUELS, AND PROVIDING PENALTIES FOR VIOLATIONS.

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

Section 1. Every retail dealer of motor fuel shall publicly display and maintain on each pump or other dispensing equipment from which motor fuel is sold, a sign clearly and plainly stating the price per gallon of the motor fuel sold by said dealer from such pump or other dispensing equipment. All taxes, State and Federal, imposed with respect to the manufacture or sale of motor fuel shall be included in the price shown on said sign, and said sign shall contain a clear and plain statement of the amount of taxes included in said price, or, without specifying the amount thereof, said sign shall state that taxes are included in said price. All other price signs displayed by a retail dealer and any other advertising of motor fuel by a retail dealer which contains a reference to the per gallon price shall similarly state the price per gallon including tax. A retail dealer shall not sell at any other price than the price, including tax, so posted. No price sign posted by any retail dealer shall show any price in letters or figures of a larger size than the letters or figures in which the whole price including the amount of all taxes is shown.

No rebates, allowances, concessions, discounts or benefits shall be given, directly or indirectly, so as to permit any person to obtain motor fuels from a retail dealer below the posted price, nor shall any retail dealer use lotteries, prizes, wheels of fortune, punchboards or other games of chance, in connection with the sale of motor fuels.

Section 2. All above-ground equipment for storing or dispensing motor fuel operated by a retail dealer shall bear, in a con-

GASOLINE TAX

spicuous place, the name or trade-mark of the product stored therein or dispensed therefrom, and no retail dealer shall permit delivery into underground or above-ground containers, tanks or equipment of any motor fuel other than the brand represented or designated by the name or trade-mark appearing on such above-ground container or dispensing equipment attached to underground equipment.

If the motor fuel stored in or dispensed from any above-ground equipment by a retail dealer shall not have a brand name or trade-mark, such container or dispensing equipment shall have conspicuously displayed thereon the words "No Brand."

Section 3. "Motor fuel," as used in this Act, shall mean and include any substance or combination of substances which is intended to be or is capable of being used for the purpose of propelling or running by combustion any internal combustion engine and sold or used for that purpose, except the products commonly known as kerosene and/or distillate or petroleum products of lower gravity (Baume Scale) when not used to propel a motor vehicle or for compounding or combining with any motor fuel.

"Retail dealer," as used in this Act, shall mean and include any person, firm or corporation operating a service station, filling station, store, garage or other place of business for the sale of motor fuel for delivery into the service tank or tanks of any vehicle propelled by an internal combustion engine.

Section 4. The State Highway Department is hereby authorized and directed to make such rules and regulations as it may deem necessary for the proper enforcement of this Act, and to utilize its facilities to carry this Act into effect.

Section 5. Every retail dealer who shall violate any provision of this Act, shall be guilty of a misdemeanor, and, upon conviction, shall, for each offense, be subject to a penalty of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00)

GASOLINE TAX

or be imprisoned for a period not exceeding three (3) months, or both, in the discretion of the Court.

Section 6. This Act shall take effect at the expiration of thirty (30) days after enactment and approval.

Section 7. If any part of this Act shall be declared invalid by any court of competent jurisdiction, the remaining parts of this Act shall be unaffected.

Approved April 24, 1939.

CHAPTER 71

DEADLY WEAPON LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, RELATING TO LICENSES FOR THE SALE OF DEADLY WEAPONS.

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

Section 1. That Section 198 of Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 232 of said Code, be and the same is hereby amended by striking out all of said Section 198 and substituting in lieu thereof the following new section to be known as 232. Sec. 198:

232. Sec. 198. Deadly Weapon License; How Obtained; Fee:—Any person or persons, firm, company or corporation, desiring to engage in the business of selling revolvers, pistols, or revolver or pistol cartridges, stilettos, steel or brass knuckles, or other weapons made for the defense of one's person, shall apply to the State Tax Department and shall obtain a license to conduct such business, for which he, they or it shall pay the sum of twenty-five dollars, which said license shall entitle the holder thereof to conduct said business until the first day of June next succeeding its date.

Section 2. That Section 199 of Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 233 of said Code, be and the same is hereby amended by striking out all of said Section 199, and substituting in lieu thereof the following new section to be known as 233. Sec. 199.

233. Sec. 199. Sale of Deadly Weapons to Minor or Intoxicated Person Prohibited; Record of Deadly Weapon Sale; Inspection Thereof:—It shall be unlawful for any person or persons, or a member of any firm, or the agents or officers of any corporation to sell to a minor or any intoxicated person, any revolver, pistol, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons made for the defense of one's person.

DEADLY WEAPON LICENSES

It shall be the duty of any person or persons, firm, company or corporation desiring to engage in the business aforesaid, to keep and maintain in his place of business at all times a book which shall be furnished him by the State Tax Department, in which said book he shall enter the date of the sale, the name and address of the person purchasing any such deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, and the apparent age of the purchaser, and the names and addresses of at least two freeholders resident in the County wherein the sale is made, who shall positively identify the purchaser before the sale can be made; provided, that no clerk, employee or other person associated with the seller shall act as one of the identifying freeholders. This book shall at all times be open for inspection by any Judge, Justice of the Peace, Police Officer, Constable, or other Peace Officer of this State.

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

Approved April 14, 1939.

Public Arms and Defense

CHAPTER 72

ALLOWANCES TO OFFICERS FOR UNIFORMS AND EQUIPMENT

AN ACT TO AMEND CHAPTER 8 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO PUBLIC ARMS AND DEFENSE BY PROVIDING ALLOWANCES TO OFFICERS FOR UNIFORM AND EQUIPMENT.

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

Section 1. That Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of the second paragraph of 290. Sec. 35. thereof and inserting in lieu thereof the following:—

Each commissioned officer and each warrant officer of the National Guard, who shall be in the service on the first day of July, A. D. 1939 and who has been present and performed eighty per cent of duty during the preceding year or such part of the preceding year during which he was a commissioned officer or warrant officer, shall receive during the fiscal year from July 1, 1939 to June 30, 1940 the sum of ninety dollars to assist in defraying the cost of his uniform and equipment, and after June 30, 1940 shall receive annually the sum of twenty-five dollars for such purposes. Every officer commissioned or appointed a warrant officer hereafter during his first year as such an officer shall receive the sum of ninety dollars to assist in defraying the cost of his uniform and equipment, and thereafter if he has been present and performed eighty per cent of duty during the fiscal year shall receive annually the sum of twenty-five dollars for such purposes.

Approved April 28, 1939.

State Officers and Commissions

CHAPTER 73

SECRETARY OF STATE—SEAL

AN ACT AUTHORIZING THE SECRETARY OF STATE TO PROCURE A NEW PRESS AND SEAL OF OFFICE.

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

Section 1. That the Secretary of State be and he is hereby authorized to procure for his office a new press and seal; said seal to be made of steel or brass, of the same diameter as the present seal and engraved with the same devices; and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the Secretary of State, as provided by 362, Sec. 17, Chapter 11, of the Revised Code of Delaware, 1935.

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

Approved April 24, 1939.

CHAPTER 74

STATE AUDITOR

MILEAGE RATES TO BE CHARGED FOR PRIVATELY
OWNED VEHICLES USED IN THE STATE BUSINESSAN ACT TO PROVIDE MILEAGE FEES TO BE CHARGED FOR
PRIVATELY OWNED VEHICLES USED IN THE STATE
BUSINESS.

*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 it shall be unlawful for any person to charge or to receive any fees for the use of a privately owned motor vehicle used in and about any State business in excess of the following rates, to-wit:

For the first two hundred miles travelled during any calendar month the rate shall be six cents (6c) per mile of distance actually travelled; and in excess of two hundred miles the rate shall be five cents (5c) per mile.

Section 2. It shall be unlawful for any department, board, commission or agency of the State of Delaware to pay to any employee or to any person or persons any mileage at a rate in excess of those set forth in Section 1 hereof.

Section 3. Before any allowance for mileage shall be paid to any claimant therefor, the claimant shall set forth an itemized statement showing the number of miles travelled during the calendar month for which such claim is filed, which claim shall be sworn to or affirmed before a person duly authorized to administer oaths or affirmations. The total number of miles set forth in such claim shall be the total miles actually travelled in and about the business of the State of Delaware, or of any department, board, commission or agency of the said State of Delaware.

Section 4. Any person who shall pay any mileage in excess of the rates provided in Section 1 hereof, for or on behalf of any

STATE AUDITOR—MILEAGE RATES TO BE CHARGED FOR PRIVATELY OWNED VEHICLES USED IN THE STATE BUSINESS

department, board, commission or agency of the State of Delaware, or any person who shall file a claim or who shall receive mileage in excess of the rates provided in Section 1 hereof, shall, upon conviction therefor, forfeit and pay a fine of not less than ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, or upon failure to pay such fine shall be imprisoned for not more than thirty days.

Approved April 28, 1939.

CHAPTER 75

STATE TREASURER

DEDUCTIONS FOR HOSPITALIZATION INSURANCE

AN ACT AUTHORIZING THE STATE TREASURER TO DEDUCT FROM THE SALARIES OF ANY PERSON PAID BY STATE CHECK UPON WRITTEN DIRECTION ANY SUM OF MONEY FOR HOSPITALIZATION INSURANCE AND TO PAY THE SAME TO ANY HOSPITAL AS SO DIRECTED.

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

Section 1. The State Treasurer shall be and is hereby authorized and empowered by the written directions received by him from any person, whose salary is paid by the State Treasurer by check, to deduct from the said salary or salaries of said persons such sum or sums of money as the said person shall in writing direct for Hospitalization Insurance and to pay such deducted sum or sums to any hospital as he shall be so directed, and it shall be the duty of the Auditor of Accounts to give approval thereto.

Section 2. Nothing in this Act shall be construed to make the State Treasurer, Auditor of Accounts, or any employee thereof liable in any manner whatsoever, other than for an accurate accounting of any monies so deducted, as such officers and their employees shall be deemed to be acting in so doing as a matter of courtesy and convenience for the person so directing the retention and payment of part of his salary as aforesaid.

Approved April 24, 1939.

CHAPTER 76
STATE TREASURER
PROVIDING FOR SALE OF STOCK OF
MUNSON LINE, INCORPORATED

AN ACT TO PROVIDE FOR THE SALE OF TWO (2) SHARES OF THE CLASS C PREFERRED STOCK, TWO (2) SHARES OF THE COMMON STOCK, SCRIP CERTIFICATE FOR 36/100THS OF ONE SHARE OF THE CLASS C PREFERRED STOCK AND SCRIP CERTIFICATE FOR 36/100THS OF ONE SHARE OF THE COMMON STOCK OF MUNSON LINE, INCORPORATED OWNED BY THE STATE OF DELAWARE.

WHEREAS, the State of Delaware owns Two (2) shares of the Class C Preferred Stock, being Serial No. CL-1444, dated March 20, 1939, Two (2) shares of the Common Stock being Serial No. XL-1479, dated March 20, 1939, Scrip Certificate for 36/100ths of One Share of the Class C Preferred Stock, being Serial No. SC-691, dated March 20, 1939, and Scrip Certificate for 36/100ths of one share of the Common Stock, being Serial No. SX-725, dated March 20, 1939, of Munson Line, Incorporated, a Maryland 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 New York in settlement of its claim for franchise taxes due from the subsidiary corporations of the predecessor corporation of said Munson Line, Incorporated, namely, Munrio Steamship Corporation, a Delaware Corporation and Redman Steamship Corporation, a Delaware Corporation, filed in the matter of Munson Steamship Line in proceedings for reorganization of a corporation being No. 59,923;

WHEREAS, it seems advisable to liquidate and reduce to cash for deposit in the School Fund of the State of Delaware, said Class C preferred shares, common shares, scrip certificate for Class C preferred stock, and scrip certificate for the common stock;

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

STATE TREASURER—PROVIDING FOR SALE OF STOCK OF
MUNSON LINE, INCORPORATED

Section 1. That the State Treasurer be and is hereby authorized and directed to sell the said two (2) shares of the Class C Preferred Stock, two (2) shares of the Common Stock, Scrip certificate for 36/100ths of one share of the Class C Preferred Stock and Scrip Certificate for 36/100ths of one share of the Common Stock of Munson Line, Incorporated at the best price obtainable, but not less than the preferred market price and common market price therefor; and the State Treasurer is 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 State Treasurer be and is hereby authorized and directed to pay the net proceeds of the sale of such shares into the School Fund of the State.

Approved May 1, 1939.

CHAPTER 77

STATE TREASURER

PROVIDING FOR ONE GENERAL FUND

AN ACT TO PROVIDE THAT THE RECEIPTS AND MONEYS OF THE STATE BE DEPOSITED IN AND DISBURSED FROM ONE GENERAL FUND ON AND AFTER JULY 1, 1941 AND MAKING EXCEPTIONS OF CERTAIN RECEIPTS AND MONEYS THEREFROM.

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 July 1, 1941, all receipts and moneys of this State as hereinafter provided shall be deposited by or to the credit of the State Treasurer in one General Fund, and said Fund is hereby created and shall include and consist of all moneys now or hereafter derived from taxes, fees, permits, licenses, fines, forfeitures or from any other sources or of other receipts of any kind or from any other source including the sale or disposition of surplus or other property of the State, and of every agency thereof including receipts now authorized as funds for specific use of any agency by the authority of any law of this State, but not including funds specified by the Constitution of the State to the extent thereof only, and not including funds derived from the sale of bonds for the specific purposes named therein, and not including funds or receipts or grants made for a particular purpose pursuant to an Act of Congress of the United States, and not including any endowment fund or gift made for particular purposes, and not including any sinking fund authorized by the laws of this State. This section shall be construed to include moneys heretofore authorized by law to the use of the Highway Department and to the use of the School Fund except that all sums required to be credited to such School Fund by the Constitution of this State shall continue to be credited to the said School Fund to the extent thereof only. All moneys defined herein as part of the General Fund shall be deposited daily to the credit of the State Treasurer, in the Farmers Bank, and report signed by the responsible head of each agency submitted to the said State Treasurer with copy thereof to the

STATE TREASURER—PROVIDING FOR ONE GENERAL FUND

Auditor of Accounts not later than ten (10) days after the end of any month in which such moneys were deposited setting forth the sources and amounts of such deposits made during the month.

The State Treasurer is ordered and directed to transfer to the credit of the General Fund in the Farmers Bank any and all unencumbered balances remaining to the credit of any agency of this State in any depository on June 30, 1941.

Nothing in this Act shall be construed to deprive any agency of the right to receive and expend for the purpose for which they were collected any proceeds collected for board, tuition or hospital treatment and from the sale of farm products produced primarily for experimental purposes.

Section 2. The term Agency as used in this Act, and for the purposes of this Act, shall include every Board, Department, Bureau, Commission, person or group of persons or other authority created and now existing or hereafter to be created to execute, supervise, control and/or administer governmental functions under the laws of this State or to perform such other duties as may be prescribed or to whom any moneys are appropriated under any budget appropriation act or supplemental appropriation act or any other act which authorizes and requires any department to collect and/or use any taxes, fees, licenses, permits or other receipts for services or otherwise for the performance of any function of or related to or supported in whole or in part by the laws of this State, and/or created to administer any laws providing for the collection of taxes, fees, permits, licenses or other forms of receipts from any sources whatsoever for the use of the State or any agency of the State, except the Judiciary and the Courts of the State and shall include

Committee on Uniform Laws.

State Librarian.

Attorney General.

Secretary of State.

State Board of Accountancy.

STATE TREASURER—PROVIDING FOR ONE GENERAL FUND

State Treasurer.
State Auditor of Accounts.
State Revenue Collector.
State Insurance Commissioner.
Oyster Revenue Collector.
State Tax Department.
State Bank Commissioner.
Delaware Liquor Commission.
Delaware Racing Commission.
Custodian.
State Board of Health.
Medical Council of Delaware.
State Board of Pharmacy.
State Board of Dental Examiners.
Board of Examiners of Barbers.
Board of Veterinary Examiners.
Board of Examiners of Optometry.
Board of Examiners for Registered Nurses.
State Board of Undertakers.
State Housing Commission.
State Board of Charities.
Delaware State Hospital.
Mothers' Pension Commission.
Delaware Industrial School for Girls.
Industrial School for Colored Girls.
Delaware Commission for the Blind.
Delaware Commission for the Feeble Minded.
Ferris Industrial School.
Old Age Welfare Commission.
State Welfare Home.
Mosquito Control Commission.
University of Delaware.
State College for Colored Students.
State Board of Education.
Teachers' Retirement Commission.
State Board of Agriculture.
State Forestry Department.

STATE TREASURER—PROVIDING FOR ONE GENERAL FUND

Game and Fish Commission.
Labor Commission of Delaware.
Parole Board.
Detention Home for Juveniles.
Board of Pardons.
Delaware State Employment Bureau.
Board of Boiler Rules.
Regulators of Weights and Measures.
Delaware Real Estate Commission.
Industrial Accident Board.
National Guard and Adjutant General.
State Highway Department.
Delaware Waterfront Commission.
Public Archives Commission.
Portrait Commission of Delaware.
State Armories Commission.
State Board of Architects.
State Athletic Commission.

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

Approved May 1, 1939.

CHAPTER 78
INSURANCE DEPARTMENT
ADDITIONAL REQUIREMENTS FOR CERTIFICATES
OF AUTHORITY

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

AN ACT TO AMEND CHAPTER 20, REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 79, VOLUME 41, LAWS OF DELAWARE, 1937, RELATIVE TO INSURANCE DEPARTMENT AND PROVIDING ADDITIONAL REQUIREMENTS FOR CERTIFICATE OF AUTHORITY.

Section 1. That Chapter 20 of the Revised Code of Delaware, as amended by Chapter 79, Volume 41, Laws of Delaware, 1937, be and same is hereby amended by adding on the fifth line of paragraph (a) after the word "insurance" and before the word "or" the words "or title insurance."

Approved, April 14, 1939.

CHAPTER 79

INSURANCE DEPARTMENT

PROVIDING AS TO EFFECT OF WARRANTIES IN APPLICATION FOR INSURANCE WHEN ACCOMPANYING POLICY

AN ACT TO AMEND 509, SECTION 48 OF CHAPTER 20, REVISED CODE OF DELAWARE, 1935, RELATIVE TO INSURANCE DEPARTMENT, PROVIDING AS TO EFFECT OF WARRANTIES IN APPLICATION FOR INSURANCE WHEN ACCOMPANYING POLICY.

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

Section 1. That 509, Section 48 of Chapter 20, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 509, Section 48, and inserting in lieu thereof a new section to be known as 509, Section 48, as follows:

509. Section 48. Warranties in Applications and Effect of; Wrong Age Given; Copy of Application to Accompany Policy:— Whenever the application for a policy of life insurance contains a clause of warranty of the truth of the answers therein contained, no misrepresentation or untrue statement in such application made in good faith by the applicant, shall effect a forfeiture or be a ground of defense in any suit brought upon any policy of insurance issued upon the faith of such application, unless such misrepresentation or untrue statement relate to some matter material to the risk.

Whenever it shall be made to appear that a wrong age has been given in good faith in any application for a policy of life insurance, the company shall not be required to pay the face value of the policy, but such sum as the premium paid would have purchased at the applicant's real age at the time of effecting the insurance.

There shall be delivered with, incorporated in, or attached to each policy of life insurance issued in this State, a copy of the

INSURANCE DEPARTMENT

PROVIDING AS TO EFFECT OF WARRANTIES IN APPLICATION
FOR INSURANCE WHEN ACCOMPANYING POLICY

application for said policy made by the insured, so that the entire insurance contract may appear in or with said policy; in default of which, no defense shall be allowed to said policy on account of or by reason of anything contained in or omitted from such application and not contained in the policy issued thereon.

It is declared to be the intent and meaning of this Section that the same shall effect and have to do only with the remedy and procedure in the enforcing of claims for insurance upon life insurance policies.

Approved April 11, 1939.

CHAPTER 80
INSURANCE DEPARTMENT
MUTUAL BENEFIT ASSOCIATIONS

AN ACT TO AMEND CHAPTER 20 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 80, VOLUME 41, LAWS OF DELAWARE, DEFINING MUTUAL BENEFIT ASSOCIATION; REQUIREMENTS ON FILING CERTIFICATE OF INCORPORATIONS; CERTIFICATE OF AUTHORITY REQUIRED; EXISTING MUTUAL BENEFIT ASSOCIATIONS OBTAINING NEW CERTIFICATES OF AUTHORITY; GUARANTY FUND, HOW CONSTITUTED; BENEFIT FUND, HOW CREATED, USES OF; CERTIFICATES OF MEMBERSHIP, APPROVED BY INSURANCE COMMISSIONER, CONDITIONS THERETO; SCHEDULE OF BENEFITS, AGE LIMITATION; DOING BUSINESS IN AND OUTSIDE STATE; AGREEMENT, HOW CONSTITUTED; GENERAL POWERS AND DUTIES OF INSURANCE COMMISSIONER; ANNUAL STATEMENTS; FEES, PAID TO WHOM, WHEN; INVESTMENTS, HOW MADE; MERGERS HOW EFFECTED; VIOLATIONS 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 20 of the Revised Code of Delaware, 1935, as amended by Chapter 80, Volume 41, Laws of Delaware, be and the same is hereby amended by repealing and striking out all of 567A. Sec. 107; 567B. Sec. 108; 567C. Sec. 109; 567D. Sec. 110; 567E. Sec. 111; 567F. Sec. 112; 567G. Sec. 113; 567H. Sec. 114; 567I. Sec. 115; 567J. Sec. 116; 567K. Sec. 117; 567L. Sec. 118; 567M. Sec. 119; 567N. Sec. 120; 567O. Sec. 121; 567P. Sec. 122; 567Q. Sec. 123, of Article 10 thereof and substituting in lieu thereof the following:

ARTICLE 10

567A. Sec. 107. Mutual Benefit Association Defined:—Any corporation, society, order or association, which has no capital stock,

INSURANCE DEPARTMENT—MUTUAL BENEFIT ASSOCIATIONS

issuing certificates of membership providing for payment of benefits in case of sickness, disability or death of its members and which accumulates funds by the collection of fees or dues from its members, at either stated or irregular intervals, with which to discharge its liabilities on the aforesaid membership certificates and with which to pay the administrative 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 Mutual Benefit Associations, nor shall a Mutual Benefit Association, whose membership is confined to employees or former employees of common carriers engaged in interstate commerce, or an association which administers two or more such associations, be subject to the provisions of this article.

567B. Sec. 108. Requirements on Filing Certificate of Incorporation With the Secretary of State:—The Secretary of State shall 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 twenty-five thousand dollars (\$25,000.00) 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 Guaranty Fund hereinafter mentioned and shall remain in trust with the Insurance Commissioner to answer any default of such Mutual Benefit Association.

567C. Sec. 109. No Mutual Benefit Association to Do Business Without Certificate of Authority, Requirements for Obtaining Certificate:—No mutual benefit association shall directly or indirectly issue any certificate of membership whatever without having a valid and unrevoked Certificate of Authority. All such Certificates of Authority shall be issued by the Insurance Commissioner under his seal of office, and shall bear the date of actual issuance. No

INSURANCE DEPARTMENT—MUTUAL BENEFIT ASSOCIATIONS

Certificate of Authority shall be issued to any mutual benefit association, unless:

1. It shall file with the 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 membership which the association proposes to issue,
 - (d) Certified statement that such association has a membership of at least 500 persons or that it has at least 500 bona fide applications for membership accompanied by the initial payments.
2. It shall furnish such other information respecting its business or affairs as may be required of it by the said Insurance Commissioner.
3. It shall deposit with the Insurance Commissioner a Guaranty Fund as hereinafter provided.

567D. Sec. 110. Guaranty Fund, How Constituted:—All mutual benefit associations before receiving a Certificate of Authority shall deposit with the Insurance Commissioner of the State of Delaware the sum of Twenty-five Thousand Dollars (\$25,000.00) in cash and/or approved securities; provided, however, every existing mutual benefit association which, on the date of the approval of this Act, is solvent and transacting business under a Certificate of Authority issued by the Insurance Commissioner of this State, shall be entitled to receive a new Certificate of Authority provided the same is applied for within sixty days from the date of approval of this Act, but the Insurance Commissioner shall not again renew any Certificate of Authority for any such existing mutual benefit association unless it has deposited with the said Insurance Commissioner the sum of Five Thousand Dollars (\$5,000.00) in cash and/

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or approved securities, which said sum shall be the total deposit required of every such existing mutual benefit association. All moneys or securities on deposit with the Insurance Commissioner as of the date of the approval of this Act to the credit of any such existing mutual benefit association, shall be applied in the name of any such association toward the payment of the said sum of Five Thousand Dollars (\$5,000.00). The deposit required under this Section shall be considered as constituting a part of the Benefit Fund hereinafter described.

The 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, subject to the approval of the Insurance Commissioner.

The aforesaid deposit shall constitute a Guaranty Fund and shall not be withdrawn by any association, as herein defined, except that the Insurance Commissioner may make withdrawals from said Fund upon the order of any Court of record of the State of Delaware issued upon a final judgment, to pay any claim reduced to final judgment by such Court in an action by any member or beneficiary based upon a 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 such withdrawal.

Whenever a mutual benefit association determines to discontinue its business, it shall make written application to the Insurance Commissioner of its desire to withdraw its Guaranty Fund. Within three months of receipt of such application, the Insurance Commissioner shall determine the condition of the financial affairs of such association, and if he finds its books and records to be in proper order and no liabilities outstanding, he shall cancel the Certificate of Authority previously granted to such association and deliver to such association or its assigns, all moneys and/or securities deposited in the Guaranty Fund to the credit of such association, whereupon the directors or governing body of any such association shall forthwith cause to be dissolved the association in accordance with the

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Laws of the State of Delaware and shall file proper evidence of such dissolution with the Insurance Commissioner.

567E. Sec. 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 of all dues collected by the association or by any agent thereof on all certificates of membership. This shall constitute a Benefit Fund for the payment of claims arising under certificates of membership, 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; provided, that if after an examination of the financial affairs of any mutual benefit association the Insurance Commissioner shall determine that fifty per cent of all dues collected as aforesaid, is insufficient to properly maintain the Benefit Fund, he may require the association to deposit a larger percentage of said dues to the credit of the Benefit Fund.

567F. Sec. 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 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.

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 dues paid by the members or their beneficiaries, less the ex-

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pense 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. Sec. 113. Schedule of Benefits; Age Limitation:—No certificate of membership issued by any mutual benefit association shall provide for death benefits in excess of One Thousand Dollars, or sickness or accident disability benefits in excess of Twenty-five Dollars 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 certificates of membership to any one person.

No person under seventeen years of age or over seventy-five years of age shall be admitted to membership in any mutual benefit association, provided, however, a certificate of membership may be issued to a child under sixteen years of age upon an application of an adult member liable for such child's support, who shall exercise the privileges of membership of such child until he or she shall have attained the age of seventeen years. When such child attains the age of sixteen years he or she may exercise all of the contractual rights with respect to such membership.

567H. Sec. 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 situated 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.

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No domestic mutual benefit association shall issue any certificate 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. Sec. 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. Sec. 116. General Powers and Duties of Insurance Commissioner:—The Insurance Commissioner shall examine the affairs of each domestic mutual benefit association as to its financial ability and condition at least once in three years. He shall also make an examination of any such association whenever he deems it prudent or advisable to do so. Such examination shall be made by the Commissioner personally or by his deputy or other accredited representative, and all proper charges incurred in making such examination, inclusive of expert assistance, shall be paid by the association examined, provided, however, the expenses of such examination shall not exceed twenty-five dollars (\$25.00) per day, plus traveling expenses incurred.

For the purpose of such examination, the Commissioner or his deputy or person making examination shall have free access to all the books and papers of the association that relate to its business, and to the books and papers of any of its agents, and may summon and qualify as witnesses under oath and examine the directors, officers, agents and employees of any such association, and any other persons in relation to its affairs, transactions and conditions. The refusal of any such association to submit to and provide for such examination or to exhibit its books and records for inspection, shall be presumptive evidence that it has violated the provisions of this Article, and its Certificate of Authority shall be forthwith revoked, and it shall be subject to the penalties prescribed and imposed by

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this Article. If from such examination, after notice and hearing before the Commissioner, it appears that it has violated the provisions of this Article, its Certificate of Authority shall be forthwith revoked.

Whenever the Insurance Commissioner shall have reason to believe, after notice and hearing before the Commissioner, that any mutual benefit association is insolvent, or fraudulently conducted, or that its assets are not sufficient for carrying on the business of the same, or that it has failed to comply with the provisions of this Article, or that its condition is such as to render its further proceeding hazardous to its certificate holders or to the public notwithstanding any special provision granted in its charter or certificate of incorporation, the Insurance Commissioner shall revoke its Certificate of Authority to do business; and if a domestic corporation, he shall take charge of its affairs and communicate the fact to the Attorney General, whose duty it shall then become to file a bill or petition in Chancery, in the name of the State, setting forth the facts, and thereupon to apply to the Court of Chancery of any County in which said association may be doing business, or to the Chancellor in vacation, for an Order requiring said association to show cause why its business should not be closed. In a proper case made, the said Court or the Chancellor in vacation, shall have power to appoint a Receiver to take charge of, settle and close up the affairs of said mutual benefit association under the direction of the said Court, to enjoin it from doing business, and to make such order and decree as may be necessary and proper.

567K. Sec. 117. Annual Statements:—Every mutual benefit association transacting business in accordance with the provisions of this Act shall annually, on or before the first day of March, file with the Insurance Commissioner a financial statement on forms furnished by the Insurance Commissioner 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.

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The Insurance Commissioner shall annually, in the month of December, furnish to every mutual benefit association authorized to transact business in accordance with this Act, two or more blanks in the form adopted for such statements.

567L. Sec. 118. Fees, Paid to Whom, When:—Every mutual benefit association complying with the provisions of this Act 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 associations shall be issued such Certificates of Authority annually on the first day of March 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 to cover cost of filing. The above fee shall be for the use of the State, and shall be in lieu of all other taxes, levies, assessments or contributions, except taxes on real property.

Every mutual benefit association must also pay the actual expenses incurred in connection with the reviewing and approving of the certificates of membership.

567M. Sec. 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. Sec. 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. Sec. 121. Violations and Penalties:—Any corporation, society, order or association which shall organize and/or transact the business of a mutual benefit association in this State, con-

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trary to the provisions of this Article, or any mutual benefit association which shall directly or indirectly transact such business in this State without having a valid and unrevoked Certificate of Authority therefor, agreeable to the provisions of this Article, shall, upon conviction thereof, pay a fine of not more than One Thousand Dollars. Any officer, manager or agent of such corporation, society, order or association, or mutual benefit association, willfully violating or failing to observe or comply with the provisions of this Article, shall be punishable under this Section. All penal proceedings for the punishment of the offenses against the provisions of this Article may be brought in the Court of General Sessions in any of the Counties of this State.

Any mutual benefit association, or any officer, manager or agent 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 upon conviction thereof.

567P. Sec. 122. 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 1, 1939.

CHAPTER 81
STATE BOARD OF AGRICULTURE
RELATING TO PAYMENT OF STATE INDEMNITY
FOR BANGS DISEASE

AN ACT TO AMEND CHAPTER 21 OF THE REVISED CODE OF
DELAWARE, 1935, PROVIDING FOR THE PAYMENT FOR
CATTLE CONDEMNED FOR TUBERCULOSIS AND BANG'S
DISEASE.

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

Section 1. That Chapter 21 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 619. Sec. 52 and inserting in lieu thereof the following to be known as 619. Sec. 52:

619. Sec. 52. Payment for Cattle Condemned for Tuberculosis and Bang's Disease:—That State Board of Agriculture be authorized to pay out of the funds appropriated by the Legislature of the State of Delaware one-half of the difference between the appraised value and the salvage of all cattle that may be condemned for tuberculosis and Bang's Disease by the State Board of Agriculture or a Veterinarian of the U. S. Bureau of Animal Industry working in co-operation with the State Board of Agriculture, and all cattle which may be condemned for tuberculosis and Bang's Disease shall be appraised in a manner prescribed by the State Board of Agriculture, provided that out of the money hereby appropriated no payment as compensation for any tubercular animal, or any animal with Bang's Disease, destroyed shall exceed two-thirds of the difference between the appraised value of such animal and the value of the salvage thereof; and that in no case shall any payment hereunder be more than one hundred and twenty-five dollars for any grade animal or more than one hundred and fifty dollars for any pure bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

Approved May 15, 1939.

CHAPTER 82

STATE BOARD OF AGRICULTURE
RELATING TO MARKETING OF PEACHES

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, firm, corporation, partnership, or other association to buy, sell, ship, or transport, or consign, for human consumption any peaches in closed or open containers, or in bulk, unless said peaches are mature, and that mature in the case of peaches shall mean that the peach has reached the growth which will insure a proper completion of the ripening process as defined in the "U. S. Standards for Peaches" and as interpreted by the Federal-State Inspection Service.

Section 2. Every closed package containing peaches sold, offered or exposed for sale, or transported for sale by any person, firm, corporation, partnership, shall bear conspicuously upon the outside, thereof, in plain letters and figures, not less than one-half inch high, the following:

- (a) Variety
- (b) Name and Address of owner

Section 3. Size Requirements:—The marking, to indicate size, is optional but where so marked the peaches contained in such packages shall conform to the minimum or minimum and maximum sizes as indicated by such marking. Minimum size refers to "diameter" which means the shortest distance measured through the center of the peach at right angles to a line running from the stems to the blossom end. A tolerance of 10%, by count, shall be allowed for undersized peaches.

Section 4. The official grades and sizes for peaches shall be the same as those promulgated from time to time by the United States Department of Agriculture. These grades are voluntary and their use is optional, but where used on peaches packed or sold in

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Delaware, the fruit shall be graded and packed to conform to all minimum requirements of these grades with reference to condition, quality, size, face, and pack. Each container shall be plainly marked in letters not less than one-half inch high, as follows:

- (a) Variety
- (b) Name and address of owner
- (c) Grade
- (d) Minimum size

If the true name of the variety is not known, to the packer or the person by whom the package is packed, then such package shall be marked "Variety Unknown."

Section 5. The State Board of Agriculture, through its Bureau of Markets and the duly authorized agents of said State Board of Agriculture, is hereby authorized, empowered, and directed to enforce the provisions of this Act, and to define, promulgate, and enforce such rules and regulations as it may deem necessary to secure uniformity in the enforcement of this Act and the proper marking of closed containers for peaches and shall not be in conflict with any of the provisions of this Act.

Section 6. All enforcing officers under the provisions of this Act shall have the power and right to enter any place, vehicle or conveyance within the State, where any peaches are stored, packed, delivered for shipment, loaded, shipped, being transported, offered or exposed for sale, or sold and to inspect any or all such peaches found in such places, vehicles, or conveyances, and to take for the purpose of inspection, by a licensed Inspector of the United States Department of Agriculture, such representative samples of the peaches as may be necessary to determine whether or not this Act has been violated.

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Section 7. Any person, firm, corporation, partnership, or other association which violates any of the provisions of this Act, or wilfully interferes with the State Board of Agriculture, or its duly authorized agents in the performance, on account of the execution of its or their duties, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace or other enforcing agency of the County wherein such violation occurs, be fined a sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), for every such violation.

Any person who shall obstruct or in any way interfere with the State Board of Agriculture or any of its agents in the Execution of any of the duties of the said State Board of Agriculture under this Act, shall be deemed to have violated the provisions of this Act.

It shall be the duty of the State Board of Agriculture to see that the provisions of this Act are enforced.

Section 8. No person, firm, corporation, partnership, or other association shall be prosecuted under the provisions of this Act where it can be established that the peaches offered or exposed for sale or presented for shipment have passed inspection within this State by a licensed inspector of the United States Department of Agriculture and found to be graded, packed, and marked in accordance with the provisions of this Act. Certificates of Inspection issued under said Act shall be accepted as prime facie evidence in any State or United States Court.

Section 9. The term "closed container", as used in this Act shall mean any box, barrel, basket, crate, hamper, bag or other package made or covered with burlap, tarlatan, slats or other material, the entire contents of which cannot be readily, properly, and thoroughly inspected when such package is closed.

Section 10. If any of the provisions of this Act or the application thereof to any person or circumstance is held invalid, or is in

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conflict with any Federal Law, the validity of the remainder of this Act and the application thereof to other persons or circumstances shall not be affected thereby.

Section 11. This Act shall take effect June 1, 1939.

Approved May 15, 1939.

CHAPTER 83

STATE BOARD OF AGRICULTURE
RELATING TO GRADING, MARKETING AND
SALE OF APPLES

AN ACT RELATING TO THE STATE BOARD OF AGRICULTURE
AND RELATING TO THE GRADING, MARKETING, AND
SELLING OF DROPPED APPLES PACKED IN CLOSED PACK-
AGES.

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

Section 1. Apples packed in this State in closed packages and intended for sale within or without the State, which apples have fallen from the trees before being gathered, shall be graded as

924. Sec. 12. Certificates; Issuance of by Medical Council;
"Selected" grade shall consist of apples of one variety which meet all requirements of the Official United States Standards for apples as defined in the Combination U. S. No. 1 and U. S. Utility grade, except that the apples shall be fairly well formed; need not be hand-picked from the tree, and that broken skins and bruises, incident to "dropping from the tree" shall be allowed, providing that the damage from such dropping does not constitute serious damage.

Section 2. In order to allow for variations incident to proper grading, packing and handling, not more than a total of 10% of the apples in any lot shall be below the requirements of this grade, provided that not more than one-half of this tolerance, or 5% shall be seriously damaged and not more than two-fifths of this amount, or 2% shall be allowed for decay or internal breakdown.

Section 3. No part of this tolerance shall be used to reduce the percentage of apples of the higher grade required in this combination.

Section 4. Size Requirements:—The minimum size or numerical count shall be indicated on the package and not more than 5% of the apples shall be below the indicated minimum size.

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Section 5. Packing Requirements:—

(a) Each package shall be packed so that the apples in the shown face shall be reasonably representative in size, color, and quality, of the contents of the package.

(b) Apples in round bottom or tub-type bushel or half bushel baskets shall be ringfaced and tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the container when lidden.

(c) In order to allow for variations incident to proper packing not more than 5% of the containers in any lot may not meet these requirements.

Section 6. Marking Requirements:—Each container shall be plainly marked, on the outside thereof, with the name and address of owner, variety, grade, and minimum size in letters not less than one-half inch high.

Section 7. Rules and regulations governing the use of this apple grade:

A. It is the intent that this grade SUPPLEMENT AND NOT SUPPLANT the Unclassified Grade.

B. It is to be used only as follows: (1) On freshly packed or REPACKED apples.

C. The State Board of Agriculture reserved the right to prohibit the use of this grade when and where it is deemed advisable to do so.

Section 8. This Act shall take effect June first, nineteen hundred and thirty-nine, for a period of two years.

Approved April 24, 1939.

CHAPTER 84
STATE FORESTRY DEPARTMENT
AUTHORIZING APPOINTMENT OF STATE
FOREST OFFICERS

AN ACT AUTHORIZING THE STATE FORESTER TO APPOINT
STATE FOREST OFFICERS; DUTIES AND POWERS.

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

1. The State Forester shall have the power to appoint suitable persons to serve under his direction either voluntarily or under compensation as State Forest officers. Each officer so appointed shall be issued a certificate of appointment under the hand of the State Forester and shall be issued a badge as his insignia of authority. Said appointee shall hold office until he shall resign or his appointment is revoked by the State Forester. Upon termination of appointment, service, or authority said appointee shall surrender and deliver to the State Forestry Department the certificate, badge and such other Department property as may at the time be in his possession.

2. Before entering upon the duties assigned him, each person so appointed shall take and subscribe the oath or affirmation as prescribed by the Constitution of the State for public officers, and said oath as aforesaid subscribed shall be kept in the files of the State Forestry Department. The State Forester and each person appointed and sworn as aforesaid shall be officially known as a State Forest Officer.

3. State Forest Officers shall have the powers of forest fire wardens and shall have police powers similar to sheriffs, constables and other police officers throughout the State for the serving of warrants, summons, writs or other legal papers issued by any Justice of the Peace or Court having jurisdiction in offenses against any law now or hereafter enacted for the protection of forest, brush, grass or wild lands and they are hereby authorized and empowered

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to arrest any person detected by them in the act of, or under such circumstance as warrant reasonable suspicion that such person is committing, or is about to commit an offense against any of the laws now or hereafter enacted for the protection of forest, brush, grass or wild lands in this State and of laws, rules and regulations relating to the protection of any land, property, structure material or vegetation on lands under the administration or control of the State Forestry Department.

Approved April 7, 1939.

CHAPTER 85

STATE FORESTRY DEPARTMENT

RELATING TO LEASING OF STATE FOREST LANDS

AN ACT TO AMEND 723, SECTION 15 OF THE 1935 REVISED CODE OF THE STATE OF DELAWARE BY GIVING TO THE STATE FORESTRY DEPARTMENT THE RIGHT TO LEASE OR ASSIGN A RIGHT IN STATE FOREST LANDS FOR A PERIOD NOT EXCEEDING TEN YEARS.

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

That 723, Section 15 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new paragraph to said Section to be known as paragraph (e) as follows:—

(e) To lease or assign a right for any period not exceeding ten (10) years to any citizen, public service company, association, organization, public or private agency, on such terms and conditions as are approved by the State Forestry Commission, such portions of any State Forest lands under the administrative control of the State Forestry Department, together with such building, structure, or improvement thereon as shall be deemed advisable by the State Forestry Commission.

Approved April 17, 1939.

CHAPTER 86

DESIGNATING STATE TREE

AN ACT ADOPTING THE AMERICAN HOLLY AS THE STATE
TREE.

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

Section 1. The American holly (*Ilex opaca*, Aiton) is hereby
adopted as the State Tree.

Approved May 1, 1939.

CHAPTER 87

STATE BOARD OF HEALTH

AN ACT REQUIRING PRENATAL EXAMINATION FOR SYPHILIS.

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

Section 1. Every physician attending a pregnant woman in Delaware during gestation shall, in the case of each woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend upon pregnant women in the State but not permitted by law to take blood tests, shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician and submitted to an approved laboratory for a standard serological test for syphilis. The term "approved laboratory" means a laboratory approved for this purpose by the State Board of Health. A standard serological test for syphilis is one recognized as such by the State Board of Health. Such laboratory tests as are required by this act shall be made on request without charge by the State Board of Health.

Section 2. In reporting every birth and stillbirth, physicians and others permitted to attend pregnancy cases and required to report births, and stillbirths shall state on the birth certificate or stillbirth certificate, as the case may be, whether a blood test for syphilis has been made during such pregnancy upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and, if made, the date when such test was made, and, if not made, the reason why such test was not made. In no event shall the birth certificate state the result of the test.

Section 3. This act shall take effect immediately.

Approved March 8, 1939.

CHAPTER 88

STATE BOARD OF HEALTH

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 25 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, BY MAKING CERTIFIED COPIES OR PHOTOSTATIC COPIES OF BIRTHS, DEATHS AND MARRIAGES PRIMA FACIE EVIDENCE IN COURTS; FEES TO BE CHARGED BY THE STATE REGISTRAR FOR FURNISHING THE SAME.

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

The State Registrar shall, upon request, furnish to any applicant a certified copy or a photostatic copy properly certified of the record of any birth, death or marriage registered under the provisions of this article, for the making and certification he shall be entitled to a fee of fifty cents (\$0.50), to be paid by the applicant and if a photostatic copy properly certified be requested he shall receive the sum of one dollar and fifty cents (\$1.50). The record or any copy or photostatic copy of the record of a birth, death or marriage when properly certified by the State Registrar to be a true or a photostatic copy thereof, as the case may be, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents (\$0.50) for each hour or fractional part of an hour of time of search, to be paid by the applicant. If a photostatic copy not certified is requested, an additional fee of one dollar (\$1.00) shall be paid by the applicant to the State Registrar.

Approved April 28, 1939.

CHAPTER 89

MEDICAL COUNCIL OF DELAWARE

AN ACT TO AMEND CHAPTER 27 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO THE POWER AND AUTHORITY OF 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 Chapter 27 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of 914. Sec. 2 thereof, and inserting in lieu thereof the following:

follows:

914. Sec. 2. Style; Quorum; Office; Rules, etc.:—The Council shall be known by the name and style of the "Medical Council of Delaware." Two members thereof shall constitute a quorum for the transaction of all business. It shall have power and authority to establish and maintain an office within the State; and to make, adopt and promulgate rules and regulations for its own government, and for the proper supervision and control of the professional conduct of all persons under its jurisdiction, not inconsistent with the laws of this State or of the United States.

Section 2. That said Chapter 27 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of 924. Sec. 12 thereof, and inserting in lieu thereof the following:

When Refused, Suspended or Revoked; To Whom Issued Without Examination; Record of:—On receiving from either of the Boards of Medical Examiners such official report of the examination of any applicant for certificate for license, the Medical Council shall issue forthwith to the applicant, who shall have been returned as having passed successfully the examination, a certificate to that effect.

The Medical Council shall have the power and authority to refuse to issue a certificate for a license to practice medicine and

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surgery, and to suspend or revoke a certificate issued for the practice of medicine and surgery for any of the following causes:

Material misrepresentation of facts in the application; chronic and persistent inebriety or chronic drug addiction; the practice of criminal abortion; conviction of a crime involving moral turpitude; publicly advertising special ability to treat or cure chronic incurable diseases; violation of rules and regulations adopted for the supervision and control of professional conduct; and the presentment to the Council of a diploma, license or certificate that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representations. The Medical Council shall have the power to act upon complaint in writing made to it, or upon its own motion. The accused person shall be furnished with a copy of the complaint or charge, and shall be afforded opportunity for a hearing before the Medical Council in person or by attorney.

Upon the recommendation of the proper Board of Medical Examiners, the Medical Council, if it be deemed proper so to do, shall have the power and authority to grant a certificate for a license to practice medicine and surgery without examination to an applicant who has been examined and licensed by an Examining and Licensing Board of another State, or who has been examined and approved by the National Board of Medical Examiners, and who has been engaged in active practice in the State from which application is made at least two consecutive years immediately prior to the present application. Such applicant shall pay to the Treasurer of the Medical Council one hundred dollars, and shall deliver to the Secretary a copy of his license or certificate certified to by the Secretary of the Board of the State from which application is made, which certification shall show that the standard of requirements of the Board at the time the license or certificate was issued was substantially the same as that required by the Medical Council of Delaware, and that the applicant is a person of integrity and good moral character.

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

Approved March 8, 1939.

CHAPTER 90

RELATING TO THE PRACTICE AND LICENSING OF
OSTEOPATHIC PHYSICIANSAN ACT TO AMEND CHAPTER 27 OF THE REVISED CODE OF
DELAWARE, 1935, AS AMENDED BY CHAPTER 86 OF VOL-
UME 41, LAWS OF DELAWARE, RELATING TO THE PRACTICE
AND LICENSING OF OSTEOPATHIC PHYSICIANS.

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

Section 1. That Chapter 27 of the Revised Code of Delaware, 1935, as amended by Chapter 86 of Volume 41, Laws of Delaware, be and the same is hereby amended by striking out 931. Sec. 19, thereof and inserting in lieu thereof a new paragraph to be known as 931. Sec. 19 to read as follows:

931. Sec. 19. Osteopathic Physicians; Examination of; License to:—All persons hereafter proposing to practice as Osteopathic Physicians in this State who are now authorized by the laws of this State to practice as Osteopathic physicians are authorized to continue in such practice without further conforming to, and notwithstanding any of the provisions of this Chapter. All persons hereafter proposing to practice as Osteopathic Physicians in this State shall be examined by the Medical Council, and an Osteopathic Physician, who shall be designated by the Delaware State Osteopathic Society, 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 Osteopathic Examiner in Anatomy, Surgery, Chemistry, Diagnosis, Hygiene, Pathology, Physiology, Gynecology, Obstetrics, Therapeutics, Practice and Principles of Osteopathy, and shall satisfy said Council and Associated Osteopathic Examiner that he or she is of good moral character, has completed a standard four-year high school course, and has completed two years of acceptable college work including English, Physics, Chemistry and Biology. This requirement as to two years' college work shall only apply to applicants who enter a school or college of Osteopathy after the date of the passage of this

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Act. Any person who is holder of a degree of Osteopathy granted by any legally chartered and regularly conducted school of Osteopathy which maintains a course of study in hours, subjects and terms equal to the standard required for recognition by the American Osteopathic Association as accredited college, who has been in personal attendance as a student in such school or college for at least thirty-two months prior to the granting of said degree, and who has served as an interne for a period of one year in a hospital recognized by the American Osteopathic Association or by the American Medical Association, shall be eligible to such examination. Upon successfully passing said examination the applicant shall be entitled to receive and shall receive from said Medical Council a certificate 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 under this Chapter issue to any Osteopathic Physician authorized by law to practice 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 a person is licensed to practice as an Osteopathic Physician in this State conformably to the laws thereof. Any person practicing as an Osteopathic Physician without such license shall be subject to the penalties provided for in Section 23 in this Chapter. Applicants for this examination shall pay twenty-five (\$25.00), the same as physicians of other schools of practice as provided under Section 13 of this Act. A certificate issued for a license to practice as an Osteopathic Physician may be revoked by the Medical Council for the same causes and under the same procedure as stated under Section 12 of this Act.

Approved March 3, 1939.

CHAPTER 91

STATE BOARD OF PHARMACY

AN ACT TO AMEND CHAPTER 28 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 87, VOLUME 41, OF LAWS OF THE STATE OF DELAWARE IN RELATION TO THE QUALIFICATIONS OF APPLICANTS FOR LICENSES AS PHARMACISTS.

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

Section 1. That Chapter 28 of the Revised Code of the State of Delaware, 1935, as amended by Chapter 87, Volume 41, of the Laws of the State of Delaware, be and the same is hereby amended by adding at the end of paragraph 944. Sec. 9 a new Section to be known as 944. Sec. 10 as follows:

944. Sec. 10. Provided, however, that in the case of persons not having been a graduate of a recognized school or college of pharmacy, but who have passed the examination of assistant pharmacist, and who were registered prior to June 30, 1937, are hereby qualified to apply for examination as Pharmacist within two years from the date of the passage of this Act.

Approved February 23, 1939.

CHAPTER 92

REGULATING THE SALE AND POSSESSION OF BARBITAL
AND OTHER HYPNOTIC DRUGSAN ACT REGULATING THE SALE AND POSSESSION OF BARBI-
TAL AND OTHER HYPNOTIC DRUGS.

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

Section 1. No Barbitol or any other hypnotic drug or somnifacient drug, defined herein, shall be sold at retail or dispensed to any person in the State of Delaware, except upon the written prescription of a duly licensed physician, dentist, or veterinarian, and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist, the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist, or veterinarian prescribing it and the directions for the use of the drug as given on said prescription of the physician, dentist, or veterinarian.

Section 2. No manufacturer, pharmacist, jobber or other dealer in drugs shall sell or have in his possession Barbitol, or any other hypnotic or somnifacient drug, unless the container bears a label securely attached thereto stating conspicuously in printed words the specific name of the Barbitol or other hypnotic or somnifacient drug, and the proportion or amount thereof. Such labels shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription and the container is labeled in the manner described in Section 1.

Section 3. For the purposes of this act the term Barbitol shall be held to mean and include, the salts of Barbituric Acid, also known as Malonylurea, or any derivative or compound or any preparations or mixtures thereof containing more than ten grains to the avoirdupois or fluid ounce of the said substance. And the term "Other hypnotic or somnifacient drugs" shall be held to mean and in-

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clude, Sulphon ethyl methane (trional) or Sulphonmethane (Sulphonal) or Diethyl-sulphone, Diethyl-methane (Tetronal) or Paraldehyde or any derivative or compound, or any preparation or mixture containing more than ten grains to the avoirdupois or fluid ounce of the said substances and Chloral or Chloral hydrates, or Chlorbutanol, or any compounds or mixtures thereof containing more than ten grains to the avoirdupois or fluid ounce of the said substances when such Chloral or Chloral hydrates or Chlorbutanol, or compounds or mixtures thereof are to be used internally.

Section 4. The provisions of this section shall apply to any of the above mentioned drugs or any derivatives or compounds or any mixtures or preparations thereof, as above set forth, whatever may be the name under or by which the same name be called or known.

Section 5. Every pharmacist, physician, dentist, veterinarian, licensed jobber, dispensing any of the heretofore mentioned drugs shall keep an accurate record of the name and address of the patient, the date and the name and quantity of the drug dispensed, as well as an accurate record of all renewals.

Section 6. The term "physician" shall mean any duly licensed physician of any school of practice.

Approved April 6, 1939.

CHAPTER 93

STATE BOARD OF DENTAL EXAMINERS

AN ACT TO AMEND CHAPTER 30 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, RELATING TO STATE BOARD OF DENTAL EXAMINERS.

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

Section 1. That Section 5 of said Chapter 30 of the Revised Code of the State of Delaware, 1935, being Code Section 969 of said Code be and the same is hereby amended by striking out all of said Section and substituting in lieu thereof the following Section to be known as 969, Sec. 5:

969. Sec. 5. Officers; Rules and Regulations; Meetings; Granting or Revoking Licenses; Concurrence of Majority Necessary:—The said Board of Dental Examiners shall organize by electing from its membership a President and a Secretary-Treasurer. The Board shall make and adopt such rules and regulations not inconsistent herewith, as it deems necessary; it shall meet upon call of the President and shall hold, at least, one meeting each year, in such place as may be designated by said Board, for the purpose of conducting examinations to determine the fitness of applicants for licenses to practice dentistry, and oral hygiene, respectively, under this Chapter, and the date of this meeting shall be published in the dental Journals at least thirty days before its occurrence; provided, that the concurrence of a majority of said Board shall be necessary to grant or revoke, respectively, either a license as dentist or oral hygienist, under this Chapter.

Section 2. That Section 11 of said Chapter 30 of the Revised Code of the State of Delaware, 1935, being Code Section 975 of said Code, be and the same is hereby amended by striking out all of said Section and substituting in lieu thereof the following Section to be known as 975. Sec. 11:

975. Sec. 11. Application for Licenses; Contents of; Educational Requirements of Applicants; Exceptions:—Any person who

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has never been admitted to the lawful practice of dentistry and who desires to practice dentistry within the State of Delaware shall file with the Secretary-Treasurer of the Delaware State Board of Dental Examiners, at least fourteen days before the date set for the regular meeting of said Board, a written application for a license and furnish satisfactory proof that he is a citizen of a state or territory of the United States of America, is twenty-one years of age, of good moral character and reputation; that before matriculating in a dental college he has attended a college or university recognized by The Delaware State Board of Dental Examiners for at least two years and there taken such courses as the said Board shall prescribe; that he is a graduate of a dental college approved by the said Board and that during his four years in dental school he has maintained a scholastic standing in all of the prescribed courses of such rank as the said Board may from time to time prescribe; and provided further, that after the year 1943, the said applicant must show proof of having spent one year as a dental interne in school, institution, hospital, or public clinical work, or in lieu thereof five years of active dental practice in some other state or territory of the United States of America. Such application must be upon the form prescribed by the said Board, verified by oath before a Notary Public and accompanied by such fee as may be prescribed by said Board from time to time, together with a recent unmounted autographed photograph of the applicant. The said Board may reject any applications failing to comply with any or all of the provisions of this chapter without further consideration, provided that persons who on April 6, 1939, were and still are, bona fide matriculants in a dental college approved by the Board shall not be subject to the internship requirements set up in this Chapter.

Section 3. That Section 12 of said Chapter 30 of the Revised Code of the State of Delaware, 1935, being Code Section 976 of said Code, be and the same is hereby amended by striking out all of said Section and substituting in lieu thereof the following Section to be known as 976. Sec. 12:

976. Sec. 12. Applicant Must Pass Examination; Board May Waive Examination in Certain Cases; Board May Refuse to Grant

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Certificate:—An applicant for a license to practice dentistry shall appear before The Delaware State Board of Dental Examiners at its first meeting after the filing of his or her application accompanied by such fee as shall be prescribed by said Board from time to time, and pass a satisfactory examination consisting of practical demonstrations and written or oral tests, or both, in such subjects as the said Board may from time to time prescribe. Provided, that the Board may waive the theoretical examination in the case of an applicant who furnishes proof satisfactory to said Board that he is a citizen of a state or territory of the United States of America, and a graduate of a reputable dental college of a State or Territory of the United States, approved by said Board, or holds a license from a Dental Board with requirements equal to those of the State of Delaware; provided, that if the applicant's date of graduation from Dental School is after the year 1910 but before April 6, 1939, he must qualify as of his graduation year with the requirements of the New York Board of Regents for the practice of dentistry in New York State, for that year and that for five consecutive years next prior to filing his application, has been in the lawful and reputable practice of dentistry in a State or Territory of the United States from which he applies; and provided, that the laws of such State or Territory accord equal rights to a practitioner of dentistry of the State of Delaware who desires to practice his profession in such State or Territory of the United States. An applicant desiring to register in the State of Delaware under this section must furnish the Board of Dental Examiners with a letter from the Secretary-Treasurer of the Board of Dental Examiners under seal of the State or Territory of the United States from which he applies, which shall state that he has been in the lawful and reputable practice of dentistry in the State from which he applies for five years next prior to filing his application, and shall also attest to his moral character and professional qualifications. The Board may, in its discretion, refuse to grant a certificate to practice dentistry to any person found guilty of making a false statement, of cheating, or of fraud or deception, either in applying for such certificate or taking said examination.

Section 4. That Section 16 of said Chapter 30 of the Revised Code of the State of Delaware, 1935, being Code Section 980 of

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said Code, be and the same is hereby amended by striking out all of said Section and substituting in lieu thereof the following Section to be known as 980, Section 16.

980. Sec. 16. Application for Certificate to Practice Oral Hygiene; Contests of Application; Education Qualifications; Fee:—Any female person of good moral character, and a citizen of a state or territory of the United States of America, being not less than 18 years of age, who desires to register as an oral hygienist in the State of Delaware and files with the Secretary-Treasurer of The Delaware State Board of Dental Examiners a written application for a license at least fourteen days before the time set for the examination and furnishes approved by the said Board and of a training school for oral hygienists requiring a course of not less than one academic year, and approved by the said Board, may make application to be registered as an oral hygienist in the State of Delaware upon the form prescribed by the said Board, verified by oath, and accompanied by such fee as may be prescribed by said Board from time to time, and a recent unmounted autographed photograph of the applicant. If the applicant shows satisfactory proof that she has spent at least one year in school, institutional, or public clinical work, then upon passing a satisfactory examination, she may be fully registered. Otherwise, any applicant, before receiving a final certificate of registration to practice oral hygiene within the meaning of this Chapter, must produce satisfactory evidence of having spent one year in school, institutional, or public clinical work.

Section 5. That Section 19 of said Chapter 30 of the Revised Code of the State of Delaware, 1935, being Code Section 983 of said Code, be and the same is hereby amended by striking out all of said Section and substituting in lieu thereof the following Section to be known as 983, Section 19:

983. Sec. 19. Oral Hygienist Registered in Other State May Be Registered in Delaware; Where; Fee:—Any oral hygienist of good moral character, and a citizen of a State or Territory of the United States of America, duly registered to practice as such in any State or Territory of the United States, having and maintaining an equal standard of laws regulating the practice of oral hygiene with

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the laws of the State of Delaware, who has been in the lawful practice of oral hygiene for a period of not less than two years in such State or Territory, and who files with the Secretary-Treasurer of the Board of Dental Examiners of the State of Delaware a certificate from the examining board of the State or Territory in which she is registered, certifying to her professional qualifications and length of service, may, at the discretion of the Board, be registered in the State of Delaware, upon the payment of such fee as may be prescribed by said Board from time to time. Any person so applying, who has been registered in a State not maintaining an equal standard of laws with the State of Delaware, may be registered upon the payment of the fee above provided for, upon furnishing satisfactory evidence as to registration, good moral character, education and professional qualifications and passing such further examination as the Board of Dental Examiners shall deem necessary.

Section 6. That Section 22 of said Chapter 30 of the Revised Code of Delaware, 1935, being Code Section 986 of said Code, be and the same is hereby amended by striking out all of paragraph No. (6) of said Section 22 and substituting in lieu thereof the following paragraph to be known as (6) of said Section 22.

(6) That the holder thereof has advertised professional superiority or the performance of professional services in a superior manner, or advertised to perform painless operations of a dental or surgical nature, or advertised in any manner whatsoever.

Section 7. All acts or parts of acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved May 1, 1939.

NOTE: Omissions herein---so enrolled.

CHAPTER 94

STATE BOARD OF EXAMINERS IN OPTOMETRY

AN ACT TO AMEND CHAPTER 31 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO DELAWARE STATE BOARD OF EXAMINERS IN OPTOMETRY; QUALIFICATIONS FOR EXAMINATION; INCREASING FEE FOR RE-EXAMINATION; PROVIDING FOR COMPENSATION AND EXPENSES; INCREASING ANNUAL REGISTRATION FEE AND REVOCATION OF CERTIFICATE FOR NON-PAYMENT.

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

Section 1. That 1006, Section 5, Chapter 31 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 1006, Section 5, and substituting in lieu thereof the following:

1006. Section 5. Optometrists' Qualifications; Registration of; Fees:—Every person before beginning to practice Optometry in this State, after the passage of this Act, must be at least twenty-one years of age, of good moral character, must have had a preliminary education of at least four years of high school or the equivalent, from a state department of public education, or from a first class university entrance examination, and have graduated from a school or college approved by the Board of Examiners which maintains a course of optometry of at least four years of not less than thirty-two months of residence work in optometry, and shall take an examination before said Board of Examiners to determine his or her qualifications. Said examination shall be given at least once each year and shall consist of tests in Practical Optics, Theoretical Optics, Physiological Optics, Theoretical Optometry, Practical Optometry, Orthoptics, Ocular Anatomy and Physiology, General Anatomy, General Physiology, Pathology and Hygiene, and such other knowledge as the Board deems essential to the practice of optometry. Any person desiring to be examined by said Board shall file his or her application accompanied by an examination fee of Twenty-five Dollars, and shall appear before said Board at such

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time and place as said Board may designate. All persons successfully passing such examination shall be registered in the Board Register, which shall be kept by the Secretary of said Board, as licensed to practice optometry, and shall also receive a certificate of such registration, to be signed by the President and Secretary of said Board, which shall be filed as herein provided. If any applicant be rejected, he or she shall be entitled to be admitted to another examination without further payment, but for all subsequent examination, he or she shall pay an examination fee of Twenty-five Dollars.

Section 2. That 1012, Section 11, Chapter 31 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 1012, Section 11, and substituting in lieu thereof the following:

1012.. Section 11. Compensation and Expenses; Receipts to be Paid to State Treasurer; Salaries and Expenses, &c., How Paid; Bond of Treasurer; Annual Report:—Each member of the Board may receive, as compensation, the sum of Five Dollars for each day actually engaged in the duties of his office, and mileage for all distances necessarily traveled in going to and coming from the meetings of the Board.

All money or income received by the said Board from taxes, fees and/or operations, and all other sources whatsoever, directly or indirectly, shall be paid to the State Treasurer monthly and shall be credited to the General Fund. All disbursements made by the said Board for salaries, expenses or other authorized expenditures, shall be paid by the State Treasurer, out of funds appropriated by the General Assembly for such purpose, on vouchers issued by the proper officer or officers of the said Board.

The Treasurer of the said Board shall give such bonds as the Board shall from time to time direct. The said Board shall make an annual report of its proceedings to the Governor on the first Monday of January of each year, which report shall contain an account of all monies received by the said Board for the preceding year pursuant to this Chapter.

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Section 3. That 1013, Section 12, Chapter 31 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the word "two" as it appears on the seventh line thereof after the word "of" and before the word "dollars" and inserting in lieu thereof the word "three" and by striking out the word "five" as it appears on the twentieth line thereof before the word "dollars" and inserting in lieu thereof the word "twenty-five."

Approved April 12, 1939.

CHAPTER 95

PUBLIC ARCHIVES COMMISSION

AN ACT TO AMEND CHAPTER 36 OF THE REVISED CODE OF DELAWARE, 1935, BY PROVIDING THAT A COPY OF ALL PLANS FOR FUTURE STATE BUILDINGS BE FILED WITH THE STATE 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 to 1084. Sec. 1 thereof a new paragraph to be known as 1084. Sec. 1A as follows:

1084. Sec. 1A. It shall be the duty of the State Archives Commission to obtain a copy of all plans for future State buildings and to file same in the State Hall of Records, there to be kept and catalogued for future reference.

Approved April 28, 1939.

CHAPTER 96

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 striking out 1085. Sec. 2 thereof and inserting in lieu thereof a new section to be known as 1085. Sec. 2.

1085. Sec. 2. The Public Archives Commission shall consist of six members, two of whom, one man and one woman, shall be residents of each county. No more than three members of the Commission shall belong to the same political party and no person shall be eligible to appointment who has not been for at least ten years preceding his or her appointment a resident of this State or who is in any way subject to the authority of the Commission. The Governor shall appoint three members to serve four years and three members to serve two years beginning on the first day of May next succeeding their appointment and until their successors shall be appointed. Following the expiration of the term of office of each member his or her successor shall be appointed to serve four years and until his or her successor shall qualify. Vacancies on the Commission for any cause shall be filled by the Governor for the unexpired term and until a successor shall be appointed. Members of the Commission shall serve without compensatiton but shall be reimbursed for traveling expenses incurred in attending meetings of the Commission.

Section 2. That Chapter 36 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 1088. Sec. 5 thereof and inserting in lieu thereof a new section to be known as 1088 Sec. 5.

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1088. Sec. 5. The Public Archives Commission shall occupy exclusively the rooms in the new State "Hall of Records" in Dover assigned to it by the State Building Commission of 1937. All books, records, documents, and papers of historical or public interest, the custody of which is given to the said Public Archives Commission, as in this Chapter provided, shall be kept in the said rooms of the said State "Hall of Records" and shall be classified and catalogued for reference.

Section 3. That Chapter 36 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 1089. Sec. 6 thereof and inserting in lieu thereof a new section to be known as 1089. Sec. 6.

1089. Sec. 6. The Public Archives Commission, from time to time as it may deem advisable, is empowered to publish any records, documents, and papers within its custody or abstracts and calendars of the same; or pamphlets, brochures, and books pertaining to said records, documents, and papers, or relating in general to the history of Delaware, or the annual reports to the Governor concerning the work of the said Commission. Such publications may be distributed gratis by the Commission in such numbers as the requirements of its exchange list with State, University, and other public libraries or historical societies may, in the discretion of said Commission, necessitate.

Copies of said publications may be sold by the said Commission to the general public for such price per copy as the Commission may determine, and the proceeds therefrom, accompanied by a detailed statement, shall be paid to the State Treasury on or before June 30th of each year to be credited by him to a special fund to be designated as the Public Archives Commission's Publications Fund, which Fund the State Treasurer is hereby authorized and directed to set up. The Public Archives Commission shall draw upon this Fund to pay for publications whenever such are issued by said Commission, such payments being made by the State Treasurer out of the Public Archives Commission's Publications Fund upon vouchers issued by the proper officers designated by said Public Archives Commission and approved by the Auditor of Accounts.

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Section 4. That Chapter 36 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new section to be known as Section 8 as follows:

Section 8. The Public Archives Commission shall have authority to make reproductions by photographic process of records in the custody of said Commission, of those required by law to be copied, and of such subjects as the said Commission may be requested to reproduce.

All disbursements made by the said Commission for expenses pertaining to the work of photographic reproduction shall be paid by the State Treasurer out of monies deposited with him from fees received by the Public Archives Commission for photographic reproductions, to the credit of the Public Archives Commission in the General Fund of the State of Delaware, upon vouchers issued by the proper officers designated by said Public Archives Commission and approved by the Auditor of Accounts.

Approved April 28, 1939.

CHAPTER 97

MOTHERS PENSION COMMISSION

AN ACT AMENDING CHAPTER 39 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO MOTHER'S PENSION COMMISSION, BY PROHIBITING POLITICAL ACTIVITY OF EXECUTIVE OFFICIALS AND EMPLOYEES; PROVIDING FOR THE PRESERVATION OF RECORDS AND PAPERS AND REDEFINING "DEPENDENT CHILD" SO THAT IT MAY CONFORM WITH THE FEDERAL LAW.

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, as amended, be and the same is hereby amended by striking out the second paragraph of 1104, Section 1 of said Chapter as amended, and inserting in lieu thereof the following:

"Dependent child" means a needy child under the age of sixteen, who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of the parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, step-father, step-mother, step-brother, step-sister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their home, or any other person, in loco parentis, designated by the Mother's Pension Commission and the child or parents, guardian or guardians, has or have been continuous resident or residents of the State of Delaware for a period of one year; provided, however, that if the provisions of the Federal Social Security Law are liberalized by raising the maximum age of a "dependent child" from sixteen years as now provided in said Act, the maximum age of a "dependent child" as defined in this Act shall be deemed to be the same as the maximum age provided in the Federal Social Security Law.

Section 2. That 1112. Section 9 of Chapter 39 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by adding to 1112, Section 9 as amended, two new sections to be known as Sections 1112A, Section 9A and 1112B, Section 9B.

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1112A, Section 9A. No executive, official or employee of the Mother's Pension Commission shall participate in any form of political activity other than may be appropriate to the exercise of the individual's civil rights, duties and privileges or in any manner use his official position as an executive official or employee of the Mother's Pension Commission for any political purpose. Any executive official or employee of the said Commission who shall violate the provisions of this Section shall be subject to discharge or such other disciplinary measures as may be provided by the rules and regulations of the Mother's Pension Commission.

1112B, Section 9B. The Mother's Pension Commission is hereby authorized and directed to establish and enforce reasonable rules and regulations governing the custody, use, and preservation of records, papers, files and communications by it furnished to any other State or Federal Agency or Department.

Approved May 1, 1939.

County Government

CHAPTER 98

LEVY COURT—NEW CASTLE COUNTY

AUTHORIZING SALE OF PROPERTY BELONGING TO TEMPORARY EMERGENCY RELIEF COMMITTEE

AN ACT TO AUTHORIZE THE COUNTY ENGINEER OF NEW CASTLE COUNTY AND THE CLERK OF THE PEACE OF NEW CASTLE COUNTY TO DISPOSE OF CERTAIN PROPERTY AND RECORDS PLACED IN THE POSSESSION OF SAID OFFICIALS BY THE TEMPORARY EMERGENCY RELIEF COMMITTEE FOR NEW CASTLE COUNTY.

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

Section 1. That the County Engineer of New Castle County be and he is hereby authorized to sell or otherwise dispose of all property of any nature whatsoever delivered to him by the Temporary Emergency Relief Committee for New Castle County in accordance with Section 9 of Chapter 115, Volume 40, Laws of Delaware, and statutes relative thereto. The manner of sale or other disposition of said property shall be within the discretion of the Levy Court of New Castle County.

Section 2. That the Clerk of the Peace for New Castle County be and he is hereby authorized, under the direction and supervision of the Levy Court of New Castle County, to deliver to the Old Age Welfare Commission all papers, books, files, records and documents now in his possession and delivered to him in accordance with Section 14 of Chapter 115, Volume 40, Laws of Delaware, and Statutes relative thereto.

Approved April 14, 1939.

CHAPTER 99

LEVY COURT—NEW CASTLE COUNTY

INDIGENT SICK

AN ACT FOR THE RELIEF OF THE INDIGENT SICK RESIDENT
IN NEW CASTLE COUNTY.

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

Section 1. The Levy Court of New Castle County is authorized and empowered, in its discretion, annually to appropriate for the relief of the indigent sick, resident in said County, in addition to any other sum heretofore authorized or directed to be appropriated for such purpose, the sum of SIXTY THOUSAND DOLLARS (\$60,000.00). Such sum or sums as the said Levy Court may from time to time appropriate shall be expended in accordance with Section 22 of Chapter 43 of the Revised Code of Delaware 1935.

Approved April 24, 1939.

CHAPTER 100
LEVY COURT—NEW CASTLE COUNTY
SEWER LIENS

AN ACT TO AMEND CHAPTER 115, VOLUME 41, LAWS OF DELAWARE, RELATING TO THE LEVY COURT OF NEW CASTLE COUNTY AND PROVIDING THAT THE LIEN FOR SEWER CONSTRUCTION SHALL BE FIXED AS TO TIME AND THAT A PUBLIC RECORD THEREOF SHALL BE KEPT.

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 115, Volume 41, Laws of Delaware be and the same is hereby amended by adding at the end of the said section the following additional paragraphs, to wit:

The permits granted by the Levy Court or the County Engineer acting under the authority of the Levy Court as provided in Sections 25 and 26 of Chapter 43, Revised Code of Delaware, 1935, and statutes relative thereto shall constitute the assessment list for the assessments hereinbefore provided for and the liens hereinbefore provided for shall attach and be effective as of the date of such assessment.

It shall be the duty of the County Engineer, under the supervision and direction of the said Levy Court, to prepare a docket to be known as "The New Castle County Sewer Lien Docket" in which shall be recorded said liens. Said docket shall be prepared at the expense of the said Levy Court in substantially the same form as the judgment docket for New Castle County, and contain in the back thereof an index according to the name of the owner against which such lien has been assessed. No sewer lien shall be valid unless duly recorded as herein provided. All sewer liens duly recorded in said docket shall continue in full force and effect until said liens have been satisfied by payment, and when such liens are satisfied by payment it shall be the duty of the County Engineer, acting under the supervision and direction of the said Levy Court

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as aforesaid, to satisfy said record by entering thereon the date of final payment and the words "satisfied in full," for which the said County Engineer, for the use of the said Levy Court, shall receive a fee of Fifty Cents (50c) for each satisfaction so entered.

Approved April 14, 1939.

CHAPTER 101

LEVY COURT—NEW CASTLE COUNTY
AUTHORIZING THE BORROWING OF MONEYS

AN ACT TO AMEND 1176, SECTION 30, CHAPTER 43, REVISED CODE OF DELAWARE, 1935, RELATING TO AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO BORROW UPON THE FAITH AND CREDIT 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 1176, Section 30, Chapter 43, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out said section and by inserting in lieu thereof the following new section to be designated as 1176, Section 30:

1176, Section 30, Floating Debt; Limitation; Payment; Emergency:—The said Levy Court shall have the power and authority to borrow money upon the faith and credit of New Castle County by issuing bonds, notes, certificates of indebtedness or any other evidence of debt, not to exceed the sum of TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00). The evidences of such indebtedness shall be in the form and manner prescribed by the said Levy Court but no such obligation shall bear interest at a greater rate of interest than Three Per Cent (3%). Such obligations shall not be issued or sold at less than their face value, and shall be issued in series and all such obligations issued at any time within the fiscal year shall constitute a series. No such obligation shall run for more than Twenty (20) years. At least Five Per Cent (5%) of the total outstanding obligations issued hereunder shall be retired by lot or paid, in each fiscal year. Said obligations shall be signed by the President of the said Levy Court and two (2) other members of the said Levy Court, and sealed by the seal of the Court of General Sessions. Said obligations may be issued for general County purposes and the full faith and credit of New Castle County shall be deemed to be pledged for the payment of the principal and interest of such obligations. The said obligations

LEVY COURT—NEW CASTLE COUNTY
AUTHORIZING THE BORROWING OF MONEYS

shall be made payable at any branch of the Farmers' Bank in said County and said obligations shall be exempt from all State, County or Municipal taxes.

In case of the destruction by fire of any of the Public Buildings of said County, or of any emergency resulting in great loss to the said County by destruction of said property or thereat thereof, the said Levy Court, by a unanimous vote, may provide for such emergency by temporary loan or loans, anything herein contained to the contrary notwithstanding until the next ensuing session of the General Assembly.

Approved April 28, 1939.

CHAPTER 102

LEVY COURT—NEW CASTLE COUNTY

RELATING TO THE APPROPRIATION OF FUNDS FOR
PUBLIC IMPROVEMENTS

AN ACT TO AMEND CHAPTER 111, VOLUME 41, LAWS OF DELAWARE, RELATING TO THE AUTHORITY OF THE LEVY COURT OF NEW CASTLE COUNTY APPROPRIATING FUNDS FOR PUBLIC IMPROVEMENTS AND PROVIDING THAT THE SAID LEVY COURT MAY CONTINUE SUCH APPROPRIATIONS FROM SOURCES OTHER THAN ROAD TAXES.

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

Section 1. That Chapter 111, Volume 41, Laws of Delaware, be and the same is hereby amended by adding thereto a new Section to be known as Section 2, to-wit:

Section 2. The said Levy Court may in its discretion from time to time continue the appropriation hereinbefore provided for, for the purposes hereinbefore stated, and may appropriate any sum or sums remaining to the credit of New Castle County. Said appropriation shall be made by resolution of the said Levy Court and it shall not be necessary that said appropriation shall be made from the budget of the said Levy Court but may, in the discretion of the said Levy Court, be direct obligations on the general fund, any statutes or law to the contrary notwithstanding.

Approved April 14, 1939.

CHAPTER 103

LEVY COURT—NEW CASTLE COUNTY
PROVIDING FOR AUDITING OF TAX BOOKS

AN ACT PROVIDING FOR THE AUDITING OF TAX BOOKS OF TAX COLLECTORS FORMERLY COLLECTING TAXES IN NEW CASTLE COUNTY; UNCOLLECTED TAXES TO BE COLLECTED BY DELINQUENT TAX COLLECTORS, PROVIDING FOR RELEASE OF BOND UNDER CERTAIN CONDITIONS.

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

Section 1. The Levy Court of New Castle County is hereby authorized and empowered to have made an audit of the tax books and tax accounts of Collectors of Taxes of the various Hundreds of New Castle County charged with the collection of all rates and taxes according to the duplicate and warrant issued to them respectively as such collectors in New Castle County prior to June 1, 1937.

Section 2. The said Levy Court of New Castle County is empowered and authorized to release any former Collector of Taxes from the duty and obligation of collecting any rates or Taxes according to the duplicate and warrant issued to him and to transfer the duty and power of collecting any such rates or taxes to the present authority entrusted with and obligated to the collection of rates and taxes and to proceed with the collection thereof in the form and manner now prescribed by law.

Section 3. Whenever the Levy Court of New Castle County is satisfied that a Collector of Taxes has fully accounted for and duly paid to the proper authority all rates and taxes collected by him and charged against him, excepting such allowances duly made to him by said Levy Court for delinquencies, commissions or otherwise, said Levy Court is hereby authorized and empowered to give a full release therefor and either to deliver to said Collector the bond heretofore executed binding him for the faithful collection of all rates and taxes or in any other proper manner to give a full discharge from the terms and conditions of said bond.

Approved May 4, 1939.

CHAPTER 104

LEVY COURTS

AUTHORIZING THE APPROPRIATION OF FUNDS TO VARIOUS FIRE COMPANIES FOR MAINTENANCE OF AMBULANCE SERVICE

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, BY AUTHORIZING THE LEVY COURTS OF THE VARIOUS COUNTIES TO APPROPRIATE COUNTY MONIES TO THE VARIOUS FIRE COMPANIES OF EACH COUNTY FOR MAINTENANCE OF AMBULANCE SERVICE.

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

Section 1. That the Levy Courts of the various counties are hereby authorized and directed to make appropriations to each and every fire company in their respective counties outside the limits of the City of Wilmington, furnishing an ambulance for the benefit of the residents thereof, the sum of Five Hundred (\$500.00) Dollars to be used in the maintenance of ambulance service.

Approved May 15, 1939.

CHAPTER 105

LEVY COURT—NEW CASTLE COUNTY
REGULATING PLUMBING INSTALLATIONS

AN ACT TO REGULATE AND CONTROL THE CONSTRUCTION OF WATER AND SEWER SYSTEMS, BUILDING AND HOUSE DRAINING SYSTEMS, AND GAS LINES; THE REGISTRATION OF PERSONS ENGAGED THEREIN AND IN THE CONSTRUCTION AND INSTALLATION OF OIL BURNING EQUIPMENT AND AIR CONDITIONING AND PROVIDING FOR THE SUPERVISION THEREOF IN NEW CASTLE COUNTY OUTSIDE 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 Levy Court of New Castle County, in order to provide for the health and safety of the citizens of New Castle County, shall have the power and authority, and is hereby authorized and empowered to adopt and promulgate suitable rules and regulations controlling, regulating and supervising the installation, use, size, kind and materials of all plumbing or plumbing work, performed, constructed or installed in or on any property in New Castle County, outside of the City of Wilmington. The words "plumbing or plumbing work" shall include all work and operations ordinarily performed by plumbers upon, in or about, or in connection with the construction, operation, maintenance, or repair of all water and sewer systems, drainage systems, and gas lines.

Section 2. The Levy Court of New Castle County is hereby authorized and empowered to require a permit to be first secured before the performance of any work or operation specified in Section 1 hereof, to require the registration of all plumbers authorized to do business in the State of Delaware and especially in New Castle County before the performance of any work or operation specified in Section 1, and to fix a reasonable fee for the issuance of a permit and for registration.

Section 3. All persons, firms or corporations engaged in the selling, constructing, installing, maintaining or repairing of oil bur-

LEVY COURT—NEW CASTLE COUNTY
REGULATING PLUMBING INSTALLATIONS

ners, oil burning equipment for heating purposes, and/or air conditioning equipment in New Castle County, outside of the City of Wilmington, shall register with the Inspector hereinafter provided for, or with such other person as the Levy Court of New Castle County may designate, and it shall be unlawful for any person to sell, construct, install, maintain or repair any oil burner, oil burning equipment for heating purposes, and/or air conditioning equipment in New Castle County, outside of the City of Wilmington, until said person, firm or corporation is so duly registered. No person, firm or corporation shall construct or install any oil burner, oil burning equipment for heating purposes, or air conditioning equipment in New Castle County, outside of the City of Wilmington, until a permit has been issued therefor by the Inspector provided for by this Act, or some other person so designated by the Levy Court of New Castle County.

The Levy Court is hereby authorized and empowered to fix and establish a reasonable fee for registration and for each permit issued under this section.

Section 4. The said Levy Court of New Castle County is hereby authorized and empowered to adopt and promulgate suitable rules and regulations to provide for the proper inspection and supervision of all work performed or materials used or installed by any person, firm or corporation included with the provisions of this Act.

The Levy Court shall have the authority to appoint an Inspector or such Inspectors as it deems fit and proper to fix the term of office, the compensation, and the power and duties of such Inspector or Inspectors as it may deem fit and advisable to secure the proper performance and obedience to any and all rules and regulations adopted pursuant to the provisions of this Act.

Section 5. The provisions of this Act shall not apply to any farm properties or properties located within any incorporated City or Town in New Castle County.

Approved May 13, 1939.

CHAPTER 106

LEVY COURT—NEW CASTLE COUNTY

APPROPRIATION TO FIRE COMPANIES

AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE MONEY TO REGULARLY ORGANIZED AND MOTORIZED FIRE COMPANIES IN NEW CASTLE COUNTY, OUTSIDE 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 Levy Court of New Castle County is hereby authorized and empowered to appropriate the sum of One Thousand Dollars annually, to each of the regularly organized and motorized fire companies in New Castle County, outside of the City of Wilmington, for the maintenance and upkeep of the fire equipment of said fire companies in New Castle County, outside of the City of Wilmington.

The said sum of One Thousand Dollars shall be paid by the Levy Court of New Castle County to each of the said fire companies of New Castle County, outside of the City of Wilmington, as certified by the Secretary of the New Castle County Volunteer Firemen's Association on the first day of May of each year.

Approved May 4, 1939.

CHAPTER 107

LEVY COURT—KENT COUNTY

APPROPRIATION TO DAVID C. HARRISON POST, No. 14,
INC., FOR MAINTENANCE OF AMBULANCE

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY
TO APPROPRIATE COUNTY MONIES TO DAVID C. HAR-
RISON 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 the Levy Court of Kent County shall be and is hereby authorized 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 residents of Kent County in amount of three hundred dollars annually.

Approved May 15, 1939.

CHAPTER 108

LEVY COURTS—KENT AND SUSSEX COUNTIES

INDIGENT SICK

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO LEVY COURTS BY PROVIDING FOR THE RELIEF AND CARE OF THE INDIGENT SICK OF SUSSEX COUNTY.

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

Section 1. That 1249, Section 103 of Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out 1249, Section 103 of said Chapter and inserting in lieu thereof a new section, to be known as 1249, Section 103, as follows:

1249. Section 103. The Levy Court of Kent County is hereby authorized and directed to appropriate and set aside the sum of Fifteen Thousand (\$15,000.00) Dollars annually, and the Levy Court of Sussex County is hereby authorized and directed to appropriate and set aside the sum of Twenty-five Thousand (\$25,000.00) Dollars annually to provide hospital treatment and care of the indigent sick of said respective counties.

Section 2. That Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing (but only in so far as the same shall apply to the Levy Court of Sussex County and the County of Sussex) the following sections thereof: 1250. Section 104; 1251. Section 105; 1252. Section 106.

Section 3. That Chapter 43 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding after 1216. Section 70, of said Chapter, the following new sections, to be known as 1216A. Section 70A; 1216B. Section 70B; 1216C. Section 70C; 1216D. Section 70D; and 1216E. Section 70E, as follows:

1216A. Section 70A. The Levy Court of Sussex County is hereby authorized and required to use such fund for the alleviation

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and succor of all indigent sick persons of Sussex County requiring hospital treatment and care and every person, firm, partnership, co-partnership or corporation now or hereafter engaged in the operation of a hospital within the State of Delaware for the treatment and care of the sick and ailing which shall have been approved by the Medical Council of Delaware as hereinafter prescribed and which hereafter accepts, treats and cares for an indigent sick person of Sussex County requiring hospital treatment and care, as that term is hereinafter defined, shall be entitled to be paid therefor from out of said fund for such hospital treatment and care at a per diem rate to be determined by the Levy Court of Sussex County after taking into consideration the amount on hand in said fund and available therefor: which per diem rate shall in no event exceed four dollars (\$4.00) per diem nor shall any such person, firm, partnership, co-partnership or Corporation be entitled to claim payment for the hospital treatment and care of any one indigent sick person of Sussex County during any one sickness or illness for more than forty-two (42) days, except in extraordinary cases where the nature of the patient's illness or injury shall render it impossible to remove such patient from the hospital at the expiration of said forty-two (42) days; in which case the claimant shall transmit to the Levy Court of Sussex County a full written statement, signed by the attending physician of such patient and showing (1) the nature of the patient's illness or injury, (2) that the patient cannot be safely removed from the hospital at the end of forty-two (42) days and (3) that in such physician's opinion a specified additional period of days of hospital treatment and care is necessary to the health and proper treatment of such patient. If the Levy Court of Sussex County to which the bill for any such last mentioned patient is to be presented shall approve an exemption of hospital treatment and care beyond said forty-two (42) days it shall notify said claimant to that effect and shall indicate in writing how long it will approve such treatment and care beyond said forty-two (42) day period.

Nothing contained in this Section shall be construed as mandatory upon any person, firm, partnership, co-partnership or corporation engaged in the operation of a hospital within the State

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of Delaware to accept, treat and care for any indigent sick person or persons of Sussex County requiring hospital treatment and care.

Upon the written request of any person, firm, partnership, co-partnership or corporation now or hereafter engaged in the operation of a hospital within the State of Delaware for the treatment and care of the sick and ailing, the Medical Council of Delaware shall cause the hospital facilities maintained by such person, firm, partnership, co-partnership or corporation for the treatment and care of the sick and ailing to be examined under its supervision and, if upon such examination said facilities for the treatment and care of the sick and ailing meet with the approval of the Medical Council of Delaware, that Council shall certify that fact unto the Levy Court of Sussex County and without such approval so certified unto the Levy Court of Sussex County no person, firm, partnership, co-partnership, or corporation now or hereafter engaged in the operation of a hospital within the State of Delaware for the treatment and care of the sick and ailing shall be entitled to any payments authorized by this Act. After having once approved any such hospital facilities, the Medical Council of Delaware may of its own motion or at the request of the Levy Court of Sussex County shall re-examine such hospital facilities from time to time and, in any event, not less than once every two years, and should it for any reasonable cause deem it necessary to withdraw such approval it shall certify that fact unto the Levy Court of Sussex County and the claimant operating such hospital facilities shall be entitled to no further benefits hereunder until the approval thereof by the Medical Council of Delaware be again had.

1216B. Section 70B. After making due allowance for all expenses by it incurred or anticipated in the administration of the fund as herein provided, the Levy Court shall determine on or before July 1st of each calendar year hereafter the amount that will be available during the succeeding year, beginning with July 1st for distribution to and among the claimants thereto and shall divide that amount into four equal parts as nearly as may be and at the end of each three months quarter of such year shall distribute one

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of such parts, together with any balance which may remain in the fund from the next preceding quarter after payment of all approved claims filed for such preceding quarter, equitably among such claimants who have duly filed claims therefor.

Claims for hospital treatment and care of indigent sick persons of Sussex County during any quarter of such year shall be filed with the Levy Court of that County not later than ten (10) days after the end of the quarter during which such treatment and care was rendered. Such claims shall be upon forms to be furnished by the Levy Court as a part of the expenses of administering the fund and shall set forth the following information: (1) the name of the patient to whom hospital treatment and care was rendered; (2) his or her place of residence; (3) the length of time he or she has been a resident of the State and Sussex County; (4) the number of days during such quarter that hospital treatment and care was rendered; (5) the disease, illness or injury from which he or she was suffering; (6) the name of the attending physician or physicians; (7) the fact that his or her financial ability to pay therefor has been investigated by the claimant, or a responsible person acting in behalf of the claimant, together with a short statement of the facts disclosed by that investigation relating to the indigency of such patient or any other person or persons legally responsible for such patient's hospital expenses if any such other person or persons there be; and (8) such further information as the Levy Court may from time to time prescribe and require.

Every claimant to the fund and each of them shall designate and appoint some responsible person connected with the hospital operated by such claimant to investigate, prepare and file claims thereto on its behalf and the name of such person shall be certified unto the Levy Court of Sussex County. No claim shall be allowed unless it shall have been subscribed by such responsible person on behalf of the claimant who shall likewise take oath or affirmation and execute an affidavit before a Notary Public as to the truth and correctness of the facts contained in such statement of claim.

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1216C. Section 70C. The term "indigent sick person of Sussex County requiring hospital treatment and care" shall be construed to mean anyone with respect to whom any practicing and licensed physician of the State of Delaware shall have certified in writing to any person, firm, partnership, co-partnership or corporation operating a hospital in the State of Delaware as suffering from a disease, illness or injury requiring hospital treatment and care; who shall have been a bona fide resident of this State for a period of six months and of Sussex County for a period of at least three months prior to his or her admission to such hospital (excepting in cases of infancy where six months bona fide residence in the State and three months bona fide residence in the County of the mother of such infant shall be sufficient); and who shall take oath or affirmation in due form of law and execute an affidavit before a Notary Public certifying that he or she and any other person or persons legally responsible for his or her hospital treatment and care, if any there be, is or are in fact indigent or wholly or partly unable to pay for such treatment and care, together with a brief statement of facts showing such person or other person or persons, if any there be, is or are indigent and wholly or partly unable to pay for such treatment or care: provided that if the patient be physically or mentally incapable of taking such oath or affirmation or executing such affidavit the next responsible relative, guardian or trustee, as the case may be, shall take oath or affirmation and execute such affidavit in the patient's behalf.

The notary fee for the affidavit provided for in this Section shall not exceed the sum of Ten Cents (10c) for each affidavit.

The affidavits and certificates of physician provided for in this Section shall be kept in a separate file at the hospital wherein such indigent patient shall receive treatment and care and shall be subject to examination at any time by the Levy Court of Sussex County or its representative or investigator.

1216D. Section 70D. If any claimant or any person acting on behalf of any claimant shall knowingly make false statements in

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any statement of claim or knowingly take false oath or affidavit with respect thereto or if any patient or any other person acting on behalf of such patient shall knowingly make any false statement with respect to the indigency of such patient or any other person or persons legally responsible for such patient's hospital treatment and care or knowingly take false oath or affidavit with respect thereto, he or she shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be subject to such fine or period of imprisonment or fine and period of imprisonment as shall be imposed by the Court in its discretion.

1216E. Section 70E. The Levy Court of Sussex County is hereby authorized and directed to carefully examine all claims filed for payment out of such fund; to prescribe and require such claims to be filed upon forms to be furnished by it; to make proper inquiry concerning claims so filed; to examine the accounts of the claimants with respect to care and treatment furnished to indigent sick under the provisions hereof as well as the files of the claimant with respect to doctors certificates and affidavits of indigent sick as hereinbefore prescribed; to investigate whether or not such patients are in fact indigent and unable to pay for such treatment and care either in whole or in part; to amend or correct any list of claims filed by any claimant by striking therefrom any claim therein set forth which the said Levy Court shall determine to be not in accordance with the provisions hereof; and, after such revision and correction, to approve such list of claims and direct the payment thereof at the per diem rate established by the Levy Court at the end of each quarter by taking into consideration the amount then available for distribution and the number of patient days of hospital treatment and care rendered during such quarter unto the indigent sick of Sussex County requiring such treatment and care for which claims shall have been filed; which payment shall be made not later than the twenty-fifth day after the end of any given quarter.

To aid and assist it in the administration hereof the Levy Court of Sussex County is hereby authorized and empowered to employ

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an investigator, should it determine in its sole discretion that the services of such investigator are necessary to properly administer the fund, whose duties it shall be to make all such investigations as may be required or found necessary with respect to the indigency of any person for the hospital treatment and care of whom a claim is filed; the treatment and care rendered unto the indigent sick by claimants to the fund; the records and files maintained by hospitals with respect thereto; the claims filed by claimants to the fund and all other matters and things which the Levy Court shall prescribe and require of such investigator with respect to the administration hereof. Such investigator, when appointed, shall hold office at the discretion of the Levy Court and shall be paid for his or her services out of said fund at a rate to be fixed by the Levy Court; provided, that such rate shall not exceed the sum of one hundred and twenty-five (\$125.00) dollars per month for both salary and expenses.

The amounts paid unto the investigator employed by the Levy Court shall be deducted from the fund as a part of the cost of administering the same.

Section 4. All amounts heretofore set aside by the Levy Court of Sussex County for the care and treatment of the indigent sick of said County shall go to make a part of the "SUSSEX COUNTY INDIGENT SICK FUND" hereby established and shall be administered by the Levy Court of Sussex County in accordance with the terms hereof.

Section 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 4, 1939.

CHAPTER 109

VALUATION AND ASSESSMENT OF PROPERTY
TAX UPON PERSONAL PROPERTY

AN ACT RELATIVE TO THE VALUATION, LEVY, ASSESSMENT
AND COLLECTION OF TAX UPON PERSONAL PROPERTY.

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

Section 1. No tax shall be levied, assessed or collected by the State or any political subdivision thereof upon personal property whether tangible or intangible and any existing law or laws inconsistent herewith are hereby repealed, provided, however, that nothing herein contained shall be interpreted as having any effect upon any estate, inheritance, income or other excise tax law of this State.

Approved April 14, 1939.

CHAPTER 110

VALUATION AND ASSESSMENT OF PROPERTY
TAX UPON PERSONAL PROPERTY

AN ACT TO AMEND "AN ACT RELATIVE TO THE VALUATION, LEVY, ASSESSMENT AND COLLECTION OF TAX UPON PERSONAL PROPERTY" BY THE ADDITION OF CERTAIN EXEMPTIONS THERETO.

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

Section 1. That the Act entitled "An Act relative to the valuation, levy, assessment and collection of tax upon personal property," approved April 14th, 1939, be and the same is hereby amended by striking out the period at the end of said Act and inserting in lieu thereof a comma and by adding immediately after said comma the following:

or upon any lands held under lease or demise or upon any buildings, improvements, equipment, or structures of any nature made or erected upon lands so held under lease or demise, or upon any poles or wires maintained thereon other than for enclosing lands.

Approved September 8, 1939.

CHAPTER 111

COUNTY TREASURERS AND COLLECTION OF TAXES

AN ACT TO AMEND CHAPTER 45 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO COUNTY TREASURERS AND COLLECTION OF TAXES AND PROVIDING FOR THE AMOUNT OF THE BOND REQUIRED BY THE RECEIVER OF TAXES AND COUNTY TREASURER OF NEW CASTLE COUNTY.

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

Section 1. That 1378, Section 38 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the words and figures "One Hundred Thousand Dollars (\$100,000.00)", and inserting in lieu thereof the words and figures "Fifty Thousand Dollars (\$50,000.00)".

Approved April 14, 1939.

CHAPTER 112

COUNTY TREASURERS AND COLLECTION OF TAXES

AN ACT PROVIDING FOR THE MAILING OF STATEMENTS OF COUNTY AND OTHER TAXES BY THE RECEIVER OF TAXES OF EACH COUNTY; TIME OF MAILING; FAILURE TO RECEIVE TAX STATEMENT NOT TO RELIEVE TAXABLE FROM PAYMENT OF TAXES DUE.

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 Receiver of Taxes of each county to mail to all taxables in said county a statement of their county taxes and all other taxes collectable by said Receiver of Taxes not more than thirty days after the said taxes are due and payable.

The failure of the rightful owner of any property to receive a statement of his, her or their taxes by mail from the Receiver of Taxes shall in nowise relieve the taxable from the payment of any and all taxes due.

Section 2. All acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

Approved April 14, 1939.

CHAPTER 113

COUNTY TREASURERS AND COLLECTION OF TAXES

AN ACT TO AMEND 1445. SECTION 105, REVISED CODE OF DELAWARE, 1935, BY PROVIDING THE PROCEDURE TO BE FOLLOWED IN CASES WHERE THE PURCHASER OF REAL ESTATE SOLD AT TAX SALES DIES BEFORE RECEIVING A DEED THEREFOR.

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

Section 1. That 1445. Section 105, Revised Code of Delaware, 1935, be and the same is hereby amended by the addition of the following paragraph at the end thereof:

"In the event of the death of the purchaser before the deed as aforesaid shall have been made and delivered, the person or persons having right under him by descent, devise, assignment, or otherwise, may prefer to the Superior Court in and for Sussex County, at any term thereof, a petition representing the facts, and praying for an order authorizing and requiring the Receiver of Taxes and County Treasurer who would otherwise execute the deed, to execute and acknowledge a deed conveying to the petitioner or petitioners the premises so sold; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity."

Section 2. The provisions of this Act shall apply to cases of tax sales made prior to the passage of this Act when the deed has not as yet been executed and delivered and the purchaser is dead or should die prior to the execution and delivery of the deed.

Approved May 1, 1939.

CHAPTER 114

COUNTY TREASURERS AND COLLECTION OF TAXES

AN ACT TO AMEND CHAPTER 54 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE OLD AGE WELFARE COMMISSION AND STATE WELFARE HOME, BY PROVIDING FOR THE DEFERMENT OF THE COLLECTION OF TAXES AND ASSESSMENTS ON THE PROPERTIES OF AGED PERSONS TO WHOM ASSISTANCE HAS BEEN ALLOWED UNDER SAID CHAPTER.

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, be and the same is hereby amended by striking out all of 1623. Section 20 of said Chapter and by inserting in lieu thereof the following:

1623. Section 20. Taxes and assessments for public purposes by the state or any political subdivision thereof, whether county, hundred, city or town, shall be assessed and levied upon the property of aged persons to whom assistance has been allowed under this chapter in the same manner as such taxes and assessments are levied and assessed by law upon the properties of other owners, provided, however, that the time for payment of any taxes or assessments so levied and assessed shall be deferred until such time as the property of such aged person is transferred from the name of such aged person or until such aged person dies, in which event the face amount of the taxes and assessments so levied or assessed, without penalties or interest, shall be payable within ninety days from the date of such transfer or death. After the expiration of such ninety day period there shall be due, with respect to any such property, the same amount or amounts for taxes or assessments as would have been due after the expiration of ninety days from the date said taxes or assessments became due and payable had the property not been owned by an aged person, to whom assistance had been allowed under the chapter; and provided further, however, that in the event of the sale of any such property under any

COUNTY TREASURERS AND COLLECTION OF TAXES

form of execution process (including sales in any form of insolvency proceeding), such taxes and assessments shall be due and payable as of the date of the offering of such property for sale under such execution process.

Approved April 24, 1939.

Elections

CHAPTER 115

DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON

AN ACT TO AMEND CHAPTER 57 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, ENTITLED "DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON" BY PROVIDING FOR THE ESTABLISHMENT OF A DEPARTMENT OF ELECTIONS 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 1745. Sec. 1, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1745 Sec. 1. For the objects and purposes hereinafter set forth, the Governor shall, in the manner and at the times and for the terms set forth in 1746. Sec. 2 of this Chapter, appoint five persons of the City of Wilmington and four persons, residents of New Castle County, but not residing in the City of Wilmington, who shall constitute a Department of Elections for New Castle County, and with the powers and duties prescribed in the sections following.

Section 2. That Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by inserting a new section to be known as 1745A. Sec. 1A. as follows:

1745A. Sec. 1A. That on and after the effective date of this Act, the Department of Elections for the City of Wilmington, as now established and constituted, be and the same is hereby abolished and a Department of Elections for New Castle County is hereby established and constituted.

DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON

Said Department of Elections for New Castle County, as established and constituted by this Act, shall be composed of nine (9) members and the following persons be and they hereby are appointed members of said Department of Elections for New Castle County for the respective terms hereinafter indicated, viz.:

Walter G. Tatnall, Jr., for a term commencing with the effective date of this Act and ending on the first day of April, A. D. 1941;

Alvin Satterthwaite for a term commencing with the effective date of this Act and ending on the first day of April, A. D. 1941; Harry K. Hoch for a term commencing with the effective date of this Act and ending on the first day of April, A. D. 1941;

Thomas M. Adamson for a term commencing with the effective date of this Act and ending on the first day of April, A. D. 1941;

Wayne C. Brewer for a term commencing with the effective date of this Act and ending on the first day of April, A. D. 1941;

T. Muncy Keith for a term commencing with the effective date of this Act and ending on the tenth day of August, A. D. 1941;

Leroy F. Hawke for a term commencing with the effective date of this Act and ending on the tenth day of August, A. D. 1941;

William F. Hayes for a term commencing with the effective date of this Act and ending on the first day of April, A. D. 1943;

J. Frank Davis for a term commencing with the effective date of this Act and ending on the tenth day of August, A. D. 1943.

The Department of Elections for New Castle County established and constituted as aforesaid shall have a full and complete jurisdiction over all and every the matters and things now vested by law in the Department of Elections for the City of Wilmington as at present constituted and shall possess, enjoy, and exercise all and every the rights, powers, and privileges which are now held,

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possessed, enjoyed and exercised by the Department of Elections for the City of Wilmington, as fully and completely as the said Department of Elections now by law is authorized so to do, and such other rights, powers, and privileges as by this Act conferred, and by any law of this State now or hereafter enacted, not inconsistent with the provisions of this Chapter.

It shall be the duty of the Department of Elections for the City of Wilmington and every member thereof, and every officer, clerk, or agent thereof, and every other person having possession or control of any records, books, papers, or other property of or relating to and connected with said Department of Elections, immediately after the organization of the Department of Elections for New Castle County as provided by this Act, to surrender and deposit the same with the President of the Department of Elections for New Castle County or with such other persons as the President shall order and direct.

Section 3. That Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by striking out 1746. Sec. 2 and inserting in lieu thereof a new section to be known as 1746. Sec. 2, as follows:

1746. Sec. 2. Commencing with the month of April, 1941, and on or before the first day thereof, and every sixth year thereafter, the Governor shall appoint five members of the Department of Elections for New Castle County for a term of six years; and in the month of August, 1941, and on or before the tenth day thereof, and every sixth year thereafter, the Governor shall appoint two members of the said Department of Elections for a term of six years; and in the year 1943, commencing with the month of April, and on or before the first day thereof, and every sixth year thereafter, the Governor shall appoint one member of the Department of Elections for a term of six years; and in the year 1943, in the month of August, and on or before the tenth day thereof, and every sixth year thereafter, the Governor shall appoint one member of the said Department of Elections for a term of six years.

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No person shall be eligible to appointment as a member of the said Department of Elections who is not a citizen of the United States of America and a resident in the county for which he is appointed, and who has not resided therein for a term of five years next preceding his appointment. No member of said Department shall hold or be a candidate for any elective office during his membership in said Department, nor until the expiration of six months after he shall have ceased to be a member of the said Department.

When any vacancy occurs in said Department for any cause, other than expiration of a term, the Governor aforesaid shall fill the vacancy by appointment for the residue of the term; provided, that each of the two principal political parties shall at all times be represented by at least two members of the Department. Each of said members shall, before entering upon his duties, and within one month from the time of his appointment, take and subscribe and file in the Office of the Clerk of Peace of New Castle County, the oath or affirmation prescribed by the Constitution. Commencing on the fourth Monday of April A. D. 1939, and biennially thereafter, the members of the Department of Elections for New Castle County shall meet and organize said Department by electing one of their number to be President of the Department; and they shall at the same time elect a Secretary. The term of office of the President shall be two years from the date of such organization. Five members shall be sufficient for the purpose of organization, and shall constitute a quorum for the transaction of business. The said Department shall have power to make rules for its government, not inconsistent with the Constitution and Laws of the State.

Each member of said Department of Elections shall receive as compensation for his services, a salary of five hundred dollars per annum; the salary of the Secretary shall be three thousand dollars per annum. The salary of the members of the Department of Elections and the Secretary thereof shall be paid by the Levy Court of New Castle County in the same manner as county officers are paid; provided, however, in every year in which a Municipal Election is held in the City of Wilmington, the salary of the members and of the Secretary, shall be paid in the same manner as by law provided for the payment of officers of the said City of Wilmington.

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Section 4. That 1747. Sec. 3, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new Section substituted in lieu thereof, as follows:

1747. Sec. 3. The Public Building Commission for the City of Wilmington and New Castle County shall provide suitable and convenient office space in the Public Building at Wilmington, Delaware, for the use and occupancy of the Department of Elections for New Castle County, and the Levy Court of New Castle County shall furnish and supply all necessary equipment for the said office.

Section 5. That 1750. Sec. 6, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1750. Sec. 6. The Department of Elections shall, on or before the first day of June, in every year in which a General Registration is held, divide New Castle County, including the City of Wilmington, into as many election districts as they may deem necessary and shall establish the boundaries thereof. Each of said election districts shall be entirely within one representative district.

On or before the first day of June, commencing with the year 1942 and biennially thereafter, the said Department of Elections may divide such election districts, and such only as, by the election last preceding such division, shall be found to contain a greater number of voters than can be conveniently voted therein. They shall designate each election district by appropriate titles or distinctions.

When any boundary of any election district in New Castle County shall be changed as aforesaid, a new general registration shall be held in each election district affected by such change of boundary; and the department of elections for New Castle County shall, at least ten days prior to the first day set for the registration, give public notice by advertisements posted in ten or more of the most public places in each election district affected by any change of boundary, that it has become necessary to have a new general

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registration in such election district, the place where the registration officers shall sit for the registration of voters and the day or days when they shall sit in such place. All the provisions relating to the registration of voters in general as provided in Chapter 56 of the Revised Code of the State of Delaware, 1935, shall apply as far as pertinent, and the duties of the registration officers shall be the same as those prescribed in relation to other registration days.

Section 6. That 1752. Sec. 8, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1752. Sec. 8. They shall hereafter appoint all registration officers in New Castle County, including the City of Wilmington, and shall make all necessary removals of registration officers and fill all vacancies which from any cause occur.

Section 7. That 1753. Sec. 9, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1753. Sec. 9. The Department of Elections for New Castle County shall, in the month of June in each year in which a General Election is held appoint for each election district in New Castle County, three capable persons who shall be voters and residents in the election district for which they shall be appointed, who shall be the registration officers of the election districts for which they are appointed; one of whom shall be designated as "Registrar," and the other two "Assistant Registrars" and not more than two of them shall be of the same political faith; provided, however, that the total number of registration officers in each representative district shall be divided as equally as possible between the two leading political parties, as the same shall be determined upon by the Department of Elections at the time of making the appointment. The County Executive Committee of each of the two principal political parties as determined by the Department of Elections shall, on or before the first day of May of the year in which said appointments

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are made, furnish the Department of Elections with a list of six names of properly qualified persons for each election district in New Castle County, outside the City of Wilmington, as the nominees of such political party for the registration officers of such election district, and the City Executive Committee of each of the two principal political parties as determined by the Department of Elections shall, on or before the first day of May of the year in which said appointments are made, furnish the Department of Elections with a list of six names of properly qualified persons for each election district in the City of Wilmington, as the nominees of such political party for the registration officers of such election districts; and from the respective lists submitted as herein provided, the Department of Elections shall make its appointments respectively. If the said lists of names are not furnished as aforesaid, then and in that event the Department of Elections shall appoint some suitable person or persons, of such political faith having all the qualifications provided by this section.

The terms of office of such registration officers shall begin on the first day of July next after their appointment and shall continue for two years thereafter and until their successors shall be duly chosen and qualified unless sooner removed as provided in this Chapter.

Section 8. That 1754. Sec. 10, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1754. Sec. 10. They shall also, when appointing Registration Officers for the several election districts of New Castle County, at the same time appoint in each election district in the said County one capable person, who shall be a voter and resident in the election district for which he shall be appointed to be "Alternate Registrar" for the said election district. The term of office of said "Alternate Registrar" shall be the same as that of the Registrar; and whenever the Registrar provided for by this Chapter shall be incapable from any cause whatsoever of performing the duties required of him by the laws of this State, the Alternate Registrar in

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the same election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of the Registrar.

Section 9. That 1756. Sec. 12, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new Section substituted in lieu thereof as follows:

1756. Sec. 12. If any vacancy or vacancies should occur in the office of Registrar, Assistant Registrar or Alternate Registrar, before the expiration of such term, from any cause whatsoever, the said Department of Elections shall appoint some suitable person or persons to fill such vacancy or vacancies who shall serve for the residue of such unexpired term or terms, and who shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee or appointees. Each Registrar, Assistant Registrar, and Alternate Registrar, before entering upon the duties of his office shall take and subscribe before the said Department of Elections the following oath or affirmation:

"I residing in
 Election District of Representative District in
 County, do solemnly swear (or affirm) that I will
 support the Constitution of the United States, and the Constitution
 of the State of Delaware, and that I will faithfully discharge the
 duties of the office of Registrar (Assistant Registrar or Alternate
 Registrar) for Election District in
 Representative District in County, according to
 the best of my ability."

Any member of or the Secretary of said Department of Elections is authorized and empowered to administer such oath or affirmation; provided that no fee be charged for administering such oaths or affirmation.

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Section 10. That 1759. Sec. 15, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1759. Sec. 15. The said Department of Elections shall designate and appoint a place or places of registry and a polling place in each Election District in New Castle County; at the places so designated all elections shall be held and the work of registration performed. The said Department shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned; such place shall be in the most public, orderly and convenient portion of the district.

Section 11. That 1762. Sec. 18, Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1762. Sec. 18. The compensation of Inspector of Election or other persons authorized by law to hold same, Poll Clerks and other officers of election, in New Castle County, the costs and expense of all necessary election notices, posters, maps, advertisements, books, blanks, stationery, the rent and cost of fitting up, warming, lighting, cleaning and safekeeping of all places of registration and polling places, of carting ballot boxes, and of all supplies of every kind and nature for elections in said County, shall be paid as other general election expenses are paid, and upon proper warrants and vouchers made by the said Department of Elections.

Section 12. That 1763. Sec. 19, Chapter 57, of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new section substituted in lieu thereof as follows:

1763. Sec. 19. It shall be the duty of the Department of Engineering and Surveying of the City of Wilmington to furnish to the Department of Elections for New Castle County, upon its request, a map or maps of the several wards of the City, or of any and all portions thereof; the Department of Engineering for New Castle County shall furnish the said Department of Elections, upon

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its request, a map or maps of the several hundreds of New Castle County, or of any or all portions thereof.

Section 13. That 1765. Sec. 21, Chapter 57, of the Revised Code of the State of Delaware, 1935, be and the same is hereby repealed and a new Section substituted in lieu thereof as follows:

1765. Sec. 21. That the Department of Elections for New Castle County shall, some time in the month of October in each year in which a general election is held, appoint in each Election District of the said County two capable persons who shall be clerks of election of the election district for which they are appointed; one of whom in each election district shall be a member of one of the leading political parties in said County, and the other shall be a member of the other leading political party of said County. For each appointment of Clerk accredited to any political party under this Section, the County Executive Committee of such party shall furnish said Department of Elections for New Castle County, on or before the first day of September of the year in which the appointment is to be made a list of three names of properly qualified persons, from which lists the said Department of Elections shall appoint the Clerks of Elections as aforesaid. Provided, however, that if the said lists of names are not furnished as aforesaid, then and in that event, the said Department of Elections shall appoint some suitable person or persons of such political party as aforesaid, and having all the qualifications provided by this Section. The terms of the said Clerks of Elections shall be two years commencing on the date of their appointment.

The Clerks of Elections shall during their term of office discharge and perform at all elections held in the Election District for which they are appointed (other than primary elections and elections for members of the Board of Public Education) all duties which are now or hereafter may be by law imposed on Clerks of Elections. Any vacancies occurring in the office of Clerks of Elections in any election district in New Castle County shall be filled by said Department of Elections for the unexpired term, and when filling such vacancies the said Department of Elections shall select some suitable person of the same political party as the Clerk who has been originally appointed.

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If any Clerk of Elections, who having been appointed under the provisions of this Section, shall refuse to qualify or having qualified shall fail or refuse to perform any of the duties of said office, he shall be deemed guilty of misdemeanor, and upon conviction thereof shall pay a fine of not less than Fifty nor more than One Hundred Dollars.

Section 14. That Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by inserting a new section to be known as 1765A. Sec. 21A. as follows:

1765A. Sec. 21A. If any person, firm, corporation or employer existing or doing business in this State shall hinder, coerce, or intimidate or shall attempt to hinder, coerce, or intimidate any person who has been appointed a Registration Officer, Election Officer or Clerk of Election under the laws of this State from qualifying and performing his duties as such by threats of depriving such person of employment or occupation, absolutely or contingently, directly or indirectly, he or they shall be liable to a penalty of Five Hundred Dollars, recoverable by the Attorney General by civil action in any Court of competent jurisdiction in the name of "The Attorney General of the State of Delaware," and for the use and benefit of The State of Delaware.

In any trial under the provisions of this section, the act or acts of any officer of a corporation, so far as they affect an employee or servant of such corporation, shall be taken and held to be the act or acts of the corporation, whether special or general authority as to such act or acts from the corporation, is shown or not. Nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this Section.

Section 15. That Chapter 57 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by inserting a new Section to be known as 1765B. Sec. 21B. as follows:

1765B. Sec. 21B. The Department of Elections for New Castle County shall, at the same time when they are required to appoint Registration Officers, and from the lists furnished them by

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the County Executive Committees and City Executive Committees, respectively, of the two leading political parties, as provided in Section 9 of this Chapter, as amended, select and appoint from the lists so furnished by the County Executive Committees for each election district in New Castle County, outside of the City of Wilmington, and from the lists so furnished by the City Executive Committees for each election district in the City of Wilmington, three persons as Election Officers, who shall become Inspector and Judges of Election, as hereinafter provided, which three persons shall be the same persons who are appointed Registrar and Assistant Registrars for said Election District. Every person so selected to be such Election Officer shall, on receipt of notice thereof, appear within ten days thereafter, before said Department, for the purpose of examination, and if found qualified, shall, unless excused by said Department by reason of ill health or other good and sufficient cause, be bound to serve as such officer at every election for the term for which he is appointed. The failure on the part of any such person to present himself for examination within the time prescribed, or to comply with any of the requirements of this section preliminary to receiving his certificate of appointment, or to attend on the day of any election during his term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal to comply with the requirements of this section or to serve or to act as election officer within the meaning of this section. The Department of Elections shall deliver a certificate of appointment to whomsoever shall be nominated, approved and sworn into office, by it as such election officer, said certificate to be in such form as shall be prescribed by such Department of Elections, specifying the Election District in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The persons so appointed Election Officers under the provisions of this section shall, respectively, hold office for the term of two years unless sooner removed for want of requisite qualifications or for cause; in either of which cases such removal, unless made while such Election Officers are actually on duty on a day of election and for improper conduct as an Election Officer, shall only be made after notice in writing to the officers sought to be removed,

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which notice shall set forth clearly and distinctly the reasons for his removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he is appointed to fill. The neglect or refusal of any person so appointed Election Officer as aforesaid to appear and qualify as such Election Officer within the time herein prescribed shall be deemed to create a vacancy in said office.

Said Department of Elections shall have power to dismiss any such Election Officer at any time and supply his place with another person and to make all necessary removals and transfers of said Election Officers and fill all vacancies which from any cause may occur. Whenever from any cause there shall exist a vacancy in the office of such Election Officer, a person shall be appointed to fill such vacancy from the unused names, if any there be, upon the list so furnished said Department of Elections as aforesaid by the political party from which the said Department of Elections made the appointment for the office so become vacant.

Said Election Officers, when they have met on the day of holding any general or special election at the place designated for holding such election in their respective election districts, shall organize as a Board by selecting one of their number to act as Chairman, but in case of failure to so organize by the time fixed for the opening of the polls in such District, the Chairman shall be selected by lot. After such organization the Election Officer so selected as Chairman of said Board of Election Officers shall be the Inspector of Elections of said Election District, and the remaining two Election Officers shall respectively be the Judges of Election of said Election District.

From and after the effective date of this Act, the terms and powers of office of the Inspectors of Election for New Castle County who shall then be in office shall be and the same are hereby declared to be terminated and ended.

Section 16. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its final passage, without the approval of the Governor, as provided by law.

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Section 17. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

Note: This bill became a law on April 14, 1939 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 116

DEPARTMENT OF ELECTIONS FOR THE CITY
OF WILMINGTON

AN ACT TO AMEND CHAPTER 57 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON AND ITS DUTIES CONCERNING PLACES OF REGISTRATION AND ELECTION.

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

Section 1. That 1759. Sec. 15 of Chapter 57 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the said 1759. Sec. 15 of said Chapter 57 and substituting in lieu thereof the following:

1759. Sec. 15. Places of Registry and Election; Designated; Marked; Furnished; Places Excluded:—The said Department of Elections shall designate and appoint a polling place and a place of registry, in each election district in the City of Wilmington and at the places so designated and appointed all elections, excepting Primary elections, shall be held and the work of registration performed. The said Department shall furnish for each of such places of registry, and places of election a white muslin flag, preferably staffed, of suitable size for the lettering thereon in four-inch black letters, the following words:

REGISTRATION AND POLLING PLACE

.....Election District

.....Representative District

At every election, including Primary Election, during the time the aforesaid places are to be open in accordance with the law, the white flag heretofore provided for shall be displayed at or near the entrance to such place of registry and election so as to be readily

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seen. The said Department shall also hire all such places, except for primary elections, and cause the same to be fitted up, heated, lighted, and cleaned; such place shall be in the most public, orderly and convenient portion of the district; no building or part of a building shall be designated or used as a place of registration or polling place in which, or in any part of which, spirituous or intoxicating liquor is or has been sold within sixty days next preceding the time of using the same.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of the inconsistency only.

Approved April 28, 1939.

CHAPTER 117

PRIMARY ELECTIONS

AN ACT TO AMEND CHAPTER 58 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO PRIMARY ELECTIONS BY FURTHER DEFINING THE DUTIES OF THE DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON THERETO.

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

Section 1. That 1788. Sec. 20 of Chapter 58 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding to the said 1788. Sec. 20 of said Chapter 58 another sentence as follows:

"At the time of the delivery of the ballot boxes as aforesaid, the said Department of Elections shall furnish for each polling place a white muslin flag, preferably staffed, of suitable size for the lettering thereon in four-inch black letters, the following words:

PRIMARY POLLING PLACE

.....Election District

.....Representative District

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of the inconsistency only.

Approved April 28, 1939.

CHAPTER 118

GENERAL ELECTIONS

AN ACT TO AMEND ARTICLE I OF CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO GENERAL ELECTIONS, BY PROVIDING FOR THE NUMBER OF OFFICIAL BALLOTS AND ENVELOPES TO BE PREPARED AND THE DISTRIBUTION THEREOF.

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

Section 1. That Article 1 of Chapter 60 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out therefrom all of 1817. Sec. 8. and inserting in lieu thereof the following:

1817. Sec. 8. Ballots; Number of to Be Printed; How Distributed; Packages of; Number of Voters How Ascertained; Additional Ballots Printed, When; Pencils or Crayons and Rubber Bands Furnished; Envelopes; Number of; How Distributed:—The Clerk of the Peace in each County shall cause to be printed, within the State of Delaware, in the form hereinbefore provided, five ballots for every voter in each Election District in his County; the number of voters shall be ascertained in each Election District by reference to the highest number of votes polled therein at any preceding election, with due allowance for any estimated increase thereof. If a new Election District has been established in his County, the number shall be estimated by said Clerk of the Peace according to the best information he can obtain.

The Clerk of the Peace in each County, in addition to the above mentioned ballots, shall cause to be printed such further number of ballots as shall be directed by the Chairman of any committee of any political party, in any county, provided, however, that the said Clerk of the Peace shall not have printed any ballots upon the order or request of any Chairman of any political party unless the said request shall have been made to him in writing at least thirty days prior to the holding of the election at which the said

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ballots are to be used, nor unless a deposit sufficient to cover the cost of the ballots be made at the time they are ordered. The ballots so ordered by the said Chairman of the various political parties shall be delivered to the said Chairman or to their agents upon their request or order at least five days before the election at which the said ballots are to be used.

In addition to the ballots so ordered by the Chairmen of the various political parties, the Clerk of the Peace shall deliver to each Chairman of the various political parties, ballots totalling one and two-tenths (or 120 per cent.) times the number of voters in each Election District who cast their ballots for the head of the ticket of such political parties, which ballots shall be furnished to the County Chairman free of all charges; provided, the total number of ballots so delivered shall not exceed two and four-tenths (or 240 per cent.) times the total number of voters in each Election District; and in the event there shall be more than two political parties with candidates on the official ballot the Clerk of the Peace shall make an equitable division thereof based upon the total vote received by each political party at the last general election, but the Chairman of each of the two major political parties shall receive not less than eighty per centum of such ballots. The Clerk of the Peace shall cause the ballots, other than those delivered to the Chairmen of the various political parties for each Election District, to be carefully wrapped and tied in two packages for each Election District in the County. One of such packages shall contain ballots totalling one and two-tenths (or 120 per cent.) times the number of voters in each Election District in his County, and shall be retained by the Clerk of the Peace and the ballots therein contained shall only be used to take the place of any ballot that may have been destroyed or lost by any accident or casualty. The other packages of ballots shall each contain one and four-tenths (or 140 per cent.) times the number of voters in each Election District and shall be delivered by the Clerk of the Peace in the manner hereinafter provided for use at the polls on Election Day. The Clerk of the Peace in each County shall also provide ungummed envelopes of a sufficient size to contain the ballot to be used at any election. Each envelope shall have printed thereon

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OFFICIAL ENVELOPE

FOR

Representative District Number

Date of Election

.....
Clerks of Election

and shall be so printed to enable the Clerks of Election to write their full names on the lines above the words "Clerks of Election."

He shall have so prepared envelopes totalling two and one-half (or 250 per cent.) times the number of voters in each Election District ascertained in the manner specified in the first paragraph of this section, and shall cause the envelopes for each Election District to be carefully wrapped and tied in two packages, which shall be plainly marked and securely sealed with wax. The Clerk of the Peace in each County shall also provide, and enclose in each of said packages, not less than one dozen black or indelible pencils or crayons and a sufficient number of rubber bands to secure the number of envelopes in each Election District. One package shall contain one and three-tenths (or 130 per cent.) times the number of voters in each Election District in his County, and shall be delivered by the Clerk of the Peace in the manner hereinafter provided, for use at the polls on Election Day. The other package shall contain one and two-tenths (or 120 per cent.) times the number of voters in each Election District and shall be retained by the Clerk of the Peace, and the envelopes therein contained shall only be used to take the place of like envelopes that may have been destroyed or lost by any accident or casualty. All such latter packages containing the envelopes, pencils or crayons and rubber bands, if not used to replace like supplies destroyed or lost in the manner provided by 1820. Sec. 11. of this Chapter, shall not be destroyed, but shall be retained by the Clerk of the Peace for use at the next general or any special election, and it shall be his duty to make a full in-

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ventory thereof. At the next general or special election such envelopes and pencils or crayons shall be used and shall constitute a part of such supplies required to be furnished by the Clerks of the Peace by this section, other than he shall provide and enclose in each of said packages a sufficient number of new rubber bands.

Approved April 24, 1939.

CHAPTER 119

GENERAL ELECTIONS

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, BY CHANGING THE BOUNDARIES OF THE FIFTH ELECTION DISTRICT OF THE SIXTH REPRESENTATIVE DISTRICT OF NEW CASTLE COUNTY AND CREATING TWO NEW ELECTION DISTRICTS IN THE SAID 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 all of the paragraphs of 1826. Section 17, of said Code, designated as N. C. 5, describing the present boundaries of the Fifth Election District of the Sixth Representative District in New Castle County, and inserting in lieu thereof the following:

N. C. 5:—The Fifth Election District of the Sixth Representative District is all that portion of Brandywine Hundred bounded on the north by a line beginning at Philadelphia Pike and Darley Road and thence continuing northwesterly along Darley Road to the property of the Baltimore & Ohio Railroad, thence south through the center of said right of way of said railroad to a point where said Railroad intersects the Holly Oak or Tide Creek; thence easterly along the main branch of said Creek by the several meanderings thereof to the Philadelphia Pike; thence north along center line of Philadelphia Pike to the point of beginning.

All persons entitled to vote in the said Fifth District shall vote at the Claymont Fire House.

N. C. 7A:—The Eighth Election District of the Sixth Representative District is all that portion of Brandywine Hundred bounded on the north by a line beginning at the Delaware River at the end of the street or road commonly called Myrtle Ave. and thence continuing northwesterly along said Myrtle Ave., thence to the

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center line of Philadelphia Pike thence south along center line of Philadelphia Pike to a point where said Philadelphia Pike intersects the Holly Oak or Tide Creek; thence easterly along main branch of several meanderings thereof to the Delaware River, thence up the said River to Myrtle Ave. to the point of beginning.

All persons entitled to vote in said Eighth District shall vote at such place as shall be named by the Inspector of Election for said District.

N. C. 7B:—The Ninth Election District of the Sixth Representative District is all that portion of Brandywine Hundred bounded on the South by a line beginning at the center of right of way of the Baltimore & Ohio Railroad and Darley road, northwesterly through the center of said Darley road to intersection of Darley & Naaman's Road, thence North through center of Naaman's Road to Point Breeze School House thence southeasterly through center of Grubbs Road to Faulk Road; thence southerly through the center of Faulk Road to Lodge's Road or Silverside Road, thence through the center of Silverside Road easterly to the center of the private right of way of the Baltimore & Ohio Railroad, thence northerly through the said center of Railroad property to the point of beginning.

All persons entitled to vote in the said Ninth Election District, shall vote at such place as shall be named by the Inspector of Election for said District.

Approved April 17, 1939.

CHAPTER 120

ELECTION FOR INCREASING TERRITORIAL LIMITS OF
CITIES AND INCORPORATED TOWNSAN ACT RELATING TO INCREASING THE TERRITORIAL LIMITS
OF CITIES AND INCORPORATED TOWNS; PROVIDING FOR
REFERENDUM.

*Be it enacted by the Senate and the 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 any city or incorporated town in this state so as to include any portion of the adjoining or adjacent territory until after the question of such inclusion shall have first been submitted at a special election to the qualified voters and real estate owners of the territory proposed to be annexed and included in the limits of said city or incorporated town. 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 said city or incorporated town, then and only then shall such territory be included within the limits of said city or incorporated town. Such special election shall be held by the proper election officers of the district or districts embracing said territory. Each real estate owner shall be entitled to one vote for each One Hundred (\$100.00) Dollars of real estate assessed to him or her on the assessment records of the county in which said territory is embraced. Each qualified voter, not being the owner of real estate within said territory, shall be entitled to one vote.

Approved March 14, 1939.

Religious, Reformatory and Charitable Institutions

CHAPTER 121

DELAWARE COMMISSION FOR THE FEEBLEMINDED

AN ACT TO AMEND 2611. SECTION 113 OF CHAPTER 70 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO COMMITMENTS TO THE COMMISSION FOR THE FEEBLEMINDED FROM OTHER INSTITUTIONS, AND STATING THE REQUIREMENTS THEREFOR.

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

Section 1. That 2611. Section 113 of Chapter 70, of the Revised Code of Delaware 1935, is hereby amended by adding thereto a new section to be known and styled as 2611. Section 113-A.

2611. Section 113-A. Whenever the Board of Managers, Board of Trustees, or other governing body of any institution in the State of Delaware shall discover that any person committed thereto by any Court shall be feeble-minded, and when by reason of such mental condition the Board of Managers, Board of Trustees or other governing body of said institution shall deem that the person is not making the proper adjustment and that it would be detrimental to allow such person to remain in the said institution or to be released at large, the said Board of Managers, etc., either by its President, or presiding officer, or designated executive officer, may present to the resident Judge of the County wherein such person had previously resided before commitment, a petition setting forth that such person is feeble-minded, and setting forth the reasons why it would be detrimental for such person to remain in the said institution or to be released at large and praying for the issuance of a rule to show cause why such person should not be committed to the custody of Delaware Commission for the Feeble-

DELAWARE COMMISSION FOR THE FEEBLEMINDED

Minded. The petition shall be verified, by affidavit, which shall be sufficient if it states that it is based upon information and belief. Upon the filing of the petition, a rule shall be issued against the person, so confined, and if such person be a minor, notice shall be given to the parent, or parents, if known and residing within the State of Delaware; and if not known then upon the guardian, nearest known kin or relative or other custodian of such person, returnable at such time, not exceeding fifteen days thereafter, as shall be fixed by the Judge. Upon the return of the rule, the Judge shall hear the witnesses in support of the rule, one of whom shall be a psychologist, or an expert on the subject of feeble-mindedness, and shall, also, hear any witnesses in opposition to said rule, and if it shall appear to the satisfaction of the Judge that such person is feeble-minded, and that it would be detrimental to the said person or to the institution and other inmates therein for such person to remain in the said institution, and that it would be detrimental to the community for such person to be released at large, the Judge may direct that such feeble-minded person be committed to the custody of Delaware Commission for the Feeble-Minded until the said Judge shall order otherwise or the said person shall be released according to the rules and regulations of the Delaware Commission for the Feeble-Minded.

Approved April 24, 1939.

Education

CHAPTER 122

FREE PUBLIC SCHOOLS

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, BY PROVIDING FULL TERM ELECTRIC LIGHTING AND POWER EXPENSE FOR ALL FREE PUBLIC SCHOOLS WITHIN THE STATE.

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

Section 1. That Chapter 71 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of Article 18 thereof, which is entitled Free Public Schools, Miscellaneous, a new Section to be known as Section 146 to read as follows:

Section 146. It shall be the duty of the State Board of Education to pay and provide for the electric lighting and such electric power as may be necessary for the maintenance of all Free Public Schools in the State of Delaware, except such schools as are under the jurisdiction of any Special School District, for the full school term during which the pupils thereof are in attendance.

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 13, 1939.

DELAWARE COMMISSION FOR THE FEEBLEMINDED

Minded. The petition shall be verified, by affidavit, which shall be sufficient if it states that it is based upon information and belief. Upon the filing of the petition, a rule shall be issued against the person, so confined, and if such person be a minor, notice shall be given to the parent, or parents, if known and residing within the State of Delaware; and if not known then upon the guardian, nearest known kin or relative or other custodian of such person, returnable at such time, not exceeding fifteen days thereafter, as shall be fixed by the Judge. Upon the return of the rule, the Judge shall hear the witnesses in support of the rule, one of whom shall be a psychologist, or an expert on the subject of feeble-mindedness, and shall, also, hear any witnesses in opposition to said rule, and if it shall appear to the satisfaction of the Judge that such person is feeble-minded, and that it would be detrimental to the said person or to the institution and other inmates therein for such person to remain in the said institution, and that it would be detrimental to the community for such person to be released at large, the Judge may direct that such feeble-minded person be committed to the custody of Delaware Commission for the Feeble-Minded until the said Judge shall order otherwise or the said person shall be released according to the rules and regulations of the Delaware Commission for the Feeble-Minded.

Approved April 24, 1939.

Education

CHAPTER 122

FREE PUBLIC SCHOOLS

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, BY PROVIDING FULL TERM ELECTRIC LIGHTING AND POWER EXPENSE FOR ALL FREE PUBLIC SCHOOLS WITHIN THE STATE.

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

Section 1. That Chapter 71 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of Article 18 thereof, which is entitled Free Public Schools, Miscellaneous, a new Section to be known as Section 146 to read as follows:

Section 146. It shall be the duty of the State Board of Education to pay and provide for the electric lighting and such electric power as may be necessary for the maintenance of all Free Public Schools in the State of Delaware, except such schools as are under the jurisdiction of any Special School District, for the full school term during which the pupils thereof are in attendance.

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 13, 1939.

CHAPTER 123

FREE PUBLIC SCHOOLS

AN ACT PROVIDING FOR THE RESTORATION OF THE PRINCIPLE OF SALARY INCREMENTS FOR SATISFACTORY SERVICE OF PUBLIC SCHOOL EMPLOYEES OF THIS STATE; AND MAKING APPROPRIATIONS THEREFOR.

WHEREAS, From the school year 1921-22 to the school year 1932-33, both inclusive, there was generally in effect in this State the principle and practice of increasing the salaries of employees as such employees increased in efficiency; and

WHEREAS, Owing to the financial condition of the State, the Legislature of 1933 by an Act making an appropriation for the School Budget beginning July 1, 1933, and ending June 30, 1935, the same being Chapter 141, Vol. 38, Laws of Delaware, made provision in Section 5 of said Act for the reduction of salaries of certain employees, thus making necessary the discontinuance of the principle and practice aforesaid; and

WHEREAS, The Legislature of 1935 and 1937 by Acts appropriating moneys for the respective biennial school budgets beginning in those years made it possible to restore the salary cuts required by Chapter 141, Vol. 38, Laws of Delaware, aforesaid, but did not appropriate sufficient moneys to enable Boards of Education to restore the principle and practice of salary increments aforesaid; and

WHEREAS, Salary schedules based upon reasonable annual increases for increase in efficiency up to certain maximums are regarded as not only just but also desirable, because conducive to more efficient service; THEREFORE:

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

Section 1. That, in addition to the sums that may be or are appropriated for the regular School Budget for the biennium beginning July 1, 1939, and ending June 30, 1941, there is hereby further appropriated for the school year beginning July 1, 1939, and

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ending June 30, 1940, the sum of \$100,000.00, and for the school year beginning July 1, 1940, and ending June 30, 1941, the sum of \$150,000.00. The said sums shall be allotted by the State Board of Education to the State Board, to the Board of Public Education in Wilmington, and to the Boards of Education of the Special School Districts of the State; and shall be used by each of the said boards for the sole purpose of restoring the principle of increments for satisfactory service in the salary schedule of public school employees of this State; provided that no person shall be paid therefrom an amount of more than \$100.00 in any one year in excess of his salary for the preceding year.

Section 2. In making the allotment of the \$100,000.00, the State Board of Education shall (1) multiply three dollars (\$3.00) by the net enrollment in grades 10, 11 and 12 during the preceding school year; (2) multiply three dollars (\$3.00) by the net enrollment in grades 7, 8 and 9 during the preceding school year; (3) the remainder shall be divided among the said units or divisions in the proportion which the net enrollment in grades one to six, inclusive, during the preceding school year in each of these units or divisions bears to the total net enrollment in the said grades during the said school year in all of the said units or divisions.

Section 3. In making the allotment of the \$150,000.00, the State Board of Education shall (1) multiply five dollars (\$5.00) by the net enrollment in grades 10, 11 and 12 during the preceding school year; (2) multiply five dollars (\$5.00) by the net enrollment in grades 7, 8 and 9 during the preceding school year; and (3) the remainder shall be divided among the said units or divisions in the proportion which the net enrollment in grades one to six, inclusive, during the preceding school year in each of these units or divisions bears to the total net enrollment in the said grades during the said school year in all of the said units or divisions.

Section 4. The said sums shall be paid by the State Treasurer out of the School Fund on warrants of the State Board of Education.

Approved May 10, 1939.

CHAPTER 124

FREE PUBLIC SCHOOLS

AN ACT TO PROVIDE FOR COMMERCIAL COURSES IN THE DELAWARE CITY HIGH SCHOOL AND TO APPROPRIATE 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 sum of Nine Hundred and Fifty Dollars be and the same is hereby appropriated from the Public School Fund to the Board of School Trustees having charge of the public schools in Delaware City, to enable it to establish in the Delaware City High School Commercial Courses and provide the proper equipment and supplies therefor.

Approved May 4, 1939.

CHAPTER 125

FREE PUBLIC SCHOOLS

AN ACT REQUIRING THE REPORTING OF HANDICAPPED CHILDREN IN EVERY SCHOOL DISTRICT TO THE STATE BOARD OF EDUCATION AND REQUIRING SPECIAL TRAINING THEREFOR.

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 principals, superintendents, teachers, and visiting teachers in every school district in this State, in accordance with the rules of procedure prescribed by the State Superintendent of Public Instruction or the State Board of Education to secure information and report to the State Board of Education or to any Bureau thereof as it may direct, on or before the fifteenth day of October of each year, and thereafter throughout the year as new cases are discovered, every child within any school district between the ages of six and sixteen years, who is seriously retarded in his or her school work, or any child between the ages of six and sixteen who, because of apparent physical or mental handicap, is not being properly educated or trained, and thereafter the State Board of Education or any Bureau thereof as it may direct, with the aid of cooperating agencies, shall examine such child and report whether said child is a fit subject for special education and training. It shall be the duty of the State Board of Education to provide and maintain under appropriate regulations special classes or special facilities wherever possible to meet the needs of all children recommended for special training who come from any geographical area within the State that can be served by such special facilities.

Approved April 14, 1939.

CHAPTER 126

FREE PUBLIC SCHOOLS

AN ACT REQUIRING THE STATE BOARD OF EDUCATION TO
PROVIDE FOR COMMERCIAL COURSES IN THE HIGH
SCHOOL OF DELAWARE CITY.

*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 be and it is hereby authorized and directed to provide for and install Commercial Courses in the proper grades in the High School of Delaware City.

Approved April 14, 1939.

CHAPTER 127

RELATING TO AMERICAN EDUCATION WEEK

AN ACT RELATIVE TO THE OBSERVANCE OF AMERICAN EDUCATION WEEK.

WHEREAS, American Education Week occurs in the week of November, which also contains Armistice Day; and

WHEREAS, The American Legion, The National Education Association, and The National Congress of Parents and Teachers are the co-sponsors of American Education Week; and

WHEREAS, American Education Week has been widely observed and is attracting increased attention year by year; and

WHEREAS, American Education Week should be observed throughout the State of Delaware, with special programs, visits to the schools, and in other appropriate ways; THEREFORE,

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

That the Governor of the State of Delaware be authorized and requested to issue a Proclamation calling upon all teachers of schools to arrange special programs at sometime during American Education Week, and calling upon the people of the entire State to observe it in some fitting manner.

Approved May 1, 1939.

CHAPTER 128

"BLUE HENS CHICKEN" OFFICIAL STATE BIRD

AN ACT ADOPTING THE "BLUE HEN CHICKEN" AS THE OFFICIAL BIRD 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 from and after the passage of this Act the "Blue Hen Chicken" shall be and the same is hereby made the official bird of the State of Delaware.

Approved April 14, 1939.

Fish, Oysters and Game

CHAPTER 129

GAME AND FISH COMMISSIONERS TO ENGAGE IN WILD LIFE RESTORATION PROJECTS

AN ACT ASSENTING TO THE PROVISIONS OF THE ACT OF CONGRESS ENTITLED, "AN ACT TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN WILDLIFE-RESTORATION PROJECTS, AND FOR OTHER PURPOSES," APPROVED SEPTEMBER 2, 1937, BY AUTHORIZING THE BOARD OF GAME AND FISH COMMISSIONERS TO ENGAGE IN WILDLIFE-RESTORATION PROJECTS AS OUTLINED IN SAID ACT; PROVIDING THAT FUNDS ACCRUING FROM LICENSE FEES SHALL NOT BE DIVERTED.

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

Section 1. The State of Delaware hereby assents to the provisions of the Act of Congress entitled, "An Act to Provide that the United States Shall Aid the States in Wildlife-Restoration Projects, and for Other Purposes," approved September 2, 1937 (Public, N. 415, 75th Congress) and the Board of Game and Fish Commissioners is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, as defined in said Act of Congress, in compliance with said Act and with rules and regulations promulgated by the Secretary of Agriculture thereunder. Said Board of Game and Fish Commissioners is further hereby authorized and empowered to receive and disburse any and all funds now or which may hereafter be allocated to this State under the provisions of said Act of Congress and any amendment or amendments thereto.

Section 2. No funds accruing from license fees paid by hunters shall be diverted from any other purpose than the administration of the Board of Game and Fish of this State.

Approved April 17, 1939.

CHAPTER 130

GAME

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO FISH, OYSTERS AND GAME, BY PROVIDING FOR THE FREE DISTRIBUTION OF THE ANNUAL REPORT OF THE BOARD OF GAME AND FISH COMMISSIONERS AND BY REQUIRING A BOND TO BE GIVEN BY PERSONS AUTHORIZED TO SELL HUNTING AND FISHING LICENSES.

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

Section 1. That 2806. Sec. 5 of Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding thereto and inserting at the end thereof the following sentence:—Proprietors of sporting goods stores and all other persons authorized by the Board to sell the aforesaid licenses shall be required to give bond in the penal sum of five hundred dollars, conditioned for the faithful performance of their duties and for the prompt and correct remittance to the Board of the moneys received from the sale of said licenses.

Section 2. That 2808. Sec. 7 of Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding thereto and inserting at the end thereof the following sentence:—The Board shall distribute its annual report, free of charge, to the general public through all agencies selling hunting and fishing licenses, and to the secretary or other official of every sportsmen's association in the State of Delaware when requested by them, in writing to do so.

Approved May 13, 1939.

CHAPTER 131

OYSTERS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO FISH, OYSTER AND GAME, PROVIDING FOR THE PROTECTION OF THE OYSTER BEDS IN THE BROADKILN RIVER AND MISPELLION RIVER AND PROVIDING THAT THE WARDEN EMPLOYED ON WATCHBOAT PATROLLING BROADKILN RIVER SHALL BE A RESIDENT OF THE TENTH REPRESENTATIVE DISTRICT IN SUSSEX COUNTY.

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

Section 1. That 2951. Section 150 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 2951. Section 150, and inserting in lieu thereof a new section to be known as 2951. Section 150, as follows:

2951. Section 150. Watchboat Maintained by; Oyster Revenue Collector; Wardens in Charge; Appointment by Governor; Salary of Wardens; Penalty for Violation:—For the purpose of protecting the oyster beds in the Broadkiln River and the Mispillion River, and those who have planted, or may hereafter plant, oysters therein, the Collector of the Oyster Revenue shall keep and maintain upon each of said Rivers a suitable watchboat, upon each of which shall be placed a Warden and any other person or persons necessary, in his judgment, to enforce the oyster laws relating to the Broadkiln River or the Mispillion River. The said Wardens and other employees on said watchboats shall be appointed by the Governor, to serve at his pleasure; the Warden employed on said watchboat patrolling the Broadkiln River shall be a resident of the Tenth Representative District in Sussex County; the Warden employed on the watchboat patrolling the Mispillion River shall be a resident of Cedar Creek Hundred in Sussex County. The said Wardens and other employees on said watchboats shall be paid a salary commensurate with their duties by the State Treasurer upon proper voucher signed by the Collector of the Oyster Revenue. The

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said watchboats shall be employed at all times in the protection of the natural oyster beds in said Rivers and any other oyster plantations of the several planters and shall cruise at all times, when the weather will allow, over the oyster beds and plantations for their protection and for the purpose of carrying into effect the laws of this State pertaining to oysters in the Broadkilm River and Mississippi River.

Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be compelled to pay a fine of Fifteen Dollars for the first offense and Fifty Dollars 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.

Approved April 28, 1939.

CHAPTER 132

OYSTERS

AN ACT AUTHORIZING AND EMPOWERING ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION, DOMESTIC AND/OR FOREIGN, TO MAKE LOANS ON OYSTER BEDS OR GROUNDS IN THE DELAWARE BAY AND TO HOLD A MORTGAGE AGAINST OR AN ASSIGNMENT OF SAID BEDS OR GROUNDS AS SECURITY FOR SAID LOANS.

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 signing of this Act, it shall be lawful for any person, partnership, association or corporation holding or occupying oyster grounds on lease from the State of Delaware, to mortgage or assign his, her or its interest in said oyster grounds to any person, partnership, association or corporation, domestic and/or foreign, regardless of the amount of acreage involved, for the purpose of securing any loan or advances made in the past or to be made in the future by said person, partnership, association, corporation, domestic and/or foreign.

Section 2. The possession and title of any person, firm or corporation, who or which at the time of the approval of this Act had possession for planting and propagating oysters of any portion of the Delaware Bay within the jurisdiction of the State of Delaware, is hereby confirmed and made valid provided the person, firm or corporation at the time of the approval of this Act has paid in full the rent on said oyster grounds and any license fee due the State of Delaware relating thereto, and provided further, however, that this Act shall in no other respect be deemed to grant any greater interest or estate in any way of the said bottom than that now authorized under existing laws.

Section 3. Any acts or parts of acts inconsistent with the provisions of this Act are hereby repealed insofar as such inconsistency does occur.

Approved April 17, 1939.

CHAPTER 133

CRABS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, PROVIDING FOR THE POSSESSION, SALE AND OFFERING FOR SALE OF HARD AND PEELER CRABS CAUGHT IN INDIAN RIVER AND REHOBOTH BAY OR ANY OF THEIR TRIBUTARIES.

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 3044. Section 243 and by inserting in lieu thereof the following to be known as 3044. Section 243:

3044. Section 243. It shall be unlawful for any person or persons, not a resident of the State of Delaware, at any time to sell or offer for sale any hard shell crabs taken from any of the waters of Indian River, Rehoboth Bay or any of their tributaries.

It shall be lawful, however, for any resident of the State of Delaware, at any time to sell or offer for sale any hard shell crabs over five and one-half inches in length and peeler crabs over three inches in length, from said waters.

It shall be unlawful for any person or persons at any time to have in their possession more than two bushels of hard shell crabs other than peeler crabs less than five and one-half inches in length taken from said waters.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed to the extent of the inconsistency only.

Approved May 4, 1939.

Insane

CHAPTER 134

STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST

AN ACT TO AMEND 3074. SECTION 9, AND 3072. SECTION 7 OF CHAPTER 76 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, BY STRIKING OUT PARAGRAPHS TWO AND THREE FROM 3074. SECTION 9 AND RE-ENACTING THE SAME SUBJECT MATTER UNDER 3072. SECTION 7.

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

Section 1. That 3074. Section 9 of Chapter 76, of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by striking out paragraphs Two and Three thereof.

Section 2. That 3072. Section 7 of Chapter 76 of the Revised Code of the State of Delaware, 1935, be amended by adding thereto the above-named paragraphs, and the same shall become paragraphs Two and Three of 3072. Section 7, Chapter 76, so that 3072. Section 7 shall then be in toto as follows:—

3072. Sec. 7. Psychiatric Observation Clinic; Patients; How Admitted; Duration of Observation:—The State Board of Trustees of The Delaware State Hospital at Farnhurst are hereby authorized to establish under the direction and supervision of the said State Hospital a psychiatric observation clinic for the observation, study, psychiatric diagnosis and treatment of persons suffering from mental and nervous diseases. Any physician licensed to practice medicine within this State, may, upon compliance with the rules and regulations of the said State Board of Trustees made from time to time, cause any patient under his care or treatment, who is suffering from mental or nervous disease, to be admitted to said Clinic for a period not to exceed four weeks at any one time for observation,

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study, diagnosis and treatment. Any patient so admitted shall remain in said Clinic for a further period or periods not to exceed four weeks' duration each, upon the request of the physician upon whose application such patient was admitted to said Clinic and with the approval of the said State Board of Trustees. Any person who shall be admitted into such clinic shall not be allowed to depart therefrom prior to the expiration of such four weeks period, or any extension thereof, in case any such extension shall have been made, without the consent of the Superintendent of The Delaware State Hospital.

Upon the filing of such application it shall be the duty of the Psychiatric Observation Clinic of The Delaware State Hospital to observe and study the person mentioned in said certificate and report its findings to the State Board of Trustees of the said Hospital. If the report of the said Clinic shall be that the said supposed insane person should be admitted to the said Hospital because of mental diseases, the said State Board of Trustees are hereby authorized, empowered and directed to summon a jury of six responsible persons to determine whether such person is suffering from mental disease and should be admitted to the said Hospital, if such jury shall be requested by any person related or connected with such supposed insane person by blood or marriage. If such jury shall not be requested, the State Board of Trustees shall appoint a commission consisting of two qualified and licensed physicians who shall determine whether such supposed insane person is suffering from mental disease and should be admitted into said State Hospital. The said Jury or the said Commission, as the case may be, shall report their findings to the said State Board of Trustees and if the report shall be that such supposed insane person is suffering from mental disease and should be admitted into said Hospital, such report shall be sufficient for the commitment of such person, subject to the right of appeal hereinafter provided. No investigation by the said Jury or Commission shall be had except in the presence of the said supposed insane person and the said Jury or Commission shall have power to take testimony and administer oaths.

The said supposed insane person or any person related to or

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connected with him by blood or marriage, shall have the right to an appeal from the findings of said Jury or Commission to the Chancellor of the State of Delaware within ten days from the filing of the report of such Jury or Commission with the said State Board of Trustees. The members of said Jury or Commission shall receive such compensation as shall be fixed by general rule by the said State Board of Trustees. This Section shall not apply to or be construed to embrace commitments to said Hospital made by any Court of this State, as provided by law.

Approved April 24, 1939.

Regulations Concerning Trade

CHAPTER 135

WEIGHTS AND MEASURES—COAL

AN ACT TO AMEND CHAPTER 82 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED, RELATING TO WEIGHTS AND MEASURES, BY SPECIFYING AND DEFINING SOLID FUELS COVERED HEREIN AND THE LEGAL STANDARD TON OF SOLID FUELS AND THE SALE OF SAME BY WEIGHT IN THIS STATE, AND PROVIDING FOR THE FURNISHING OF WEIGHT OR DELIVERY TICKETS, AND THE REWEIGHING OF SAME, AND FOR THE APPOINTMENT OF LICENSED WEIGHMASTERS IN CONNECTION THEREWITH, AND PROVIDING FOR THE MARKING OF ALL VEHICLES TRANSPORTING SOLID FUELS, AND PROVIDING FOR THE PLACE OF WEIGHING SOLID FUELS BROUGHT INTO THE STATE BY MOTOR TRUCK, AND PROVIDING FOR THE ISSUANCE AND SIGNING OF CERTIFICATES OF ORIGIN FOR SOLID FUELS BROUGHT INTO THE STATE BY MOTOR TRUCK, AND PROVIDING FOR THE APPOINTMENT OF DEPUTY REGULATORS OF WEIGHTS AND MEASURES FOR THE SEVERAL COUNTIES AND FURTHER PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF THIS ACT RELATING TO THE TRANSPORTATION, SALE AND DELIVERY OF SOLID FUELS WITHIN THIS STATE.

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

Section 1. That 3438, Section 20, Chapter 82, Revised Code of Delaware, 1935, be amended by striking out all of said 3438, Section 20, and substituting in lieu thereof the following:

3438. Section 20. Coal; Standard Ton; Sale of Ton of Less Than Standard Weight a Misdemeanor; Penalty:—The legal stand-

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ard ton for coal in this State shall be two thousand pounds avoirdupois weight; any coal dealer or other person selling or sending out into the highways, lanes, or streets of this State, or any city or town of this State, or otherwise disposing of a load of coal containing less than two thousand pounds avoirdupois for a ton, except when delivering fractions of a ton, or, if delivering a fraction of a ton and said fraction of a ton contains less relatively than the legal standard of two thousand pounds avoirdupois, the dealer or other person so acting shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be compelled to pay a fine of fifty dollars.

Section 2. That 3440. Section 22, of the Revised Code of Delaware, 1935, be amended by striking out all of said 3440, Section 22 and substituting in lieu thereof the following:

3440. Section 22 (1) Definitions:—Wherever used in this Act, "Solid Fuel" shall mean and include anthracite, semi-anthracite, bituminous or semi-bituminous coal, lignite coal, briquettes, charcoal, boulets, coke, gas house coke, petroleum coke, petroleum carbon or any other manufactured or patented fuel not sold by liquid or metered measure.

"Person" shall mean and include an individual, partnership, association of individuals, corporations, or other form of business enterprise.

(2) Sale of Solid Fuel:—Solid fuel shall be sold by weight. No person shall sell or deliver or attempt or offer to sell or deliver, or cause to permit to be sold or delivered, any solid fuels less than two thousand pounds by weight to the ton of solid fuel, or a proper proportion thereof, in quantities of less than a ton.

(3) Duty of Regulators to Inspect; Tolerance Permitted:—It shall be the duty of the Regulator of Weights and Measures for each County to inspect at least once in every three months the scales

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used by every dealer in solid fuels maintaining a place of business in the County, and to make periodical inspections and tests of the weights of deliveries of solid fuel of each dealer therein delivering solid fuels, to a purchaser or purchasers within the County, provided, however, that the said Regulator of Weights and Measures, in testing a load of or other quantity of solid fuel shall not compel such dealer or the dealer's agent or employee to go an unreasonable distance to a testing scale but shall use the nearest platform scales that are available and equipped for that purpose.

In all tests or inspections of the weight of solid fuels, a tolerance of two per centum of the weight thereof shall be permitted to allow for variations in scales and conditions not within the control of the dealer, provided, however, that such tolerance shall in no case exceed one hundred and seventy-five pounds for any load of solid fuels.

Section 3. That 3441, Section 23, of the Revised Code of Delaware, 1935, be amended by striking out all of said 3441, Section 23, and substituting in lieu thereof the following:

3441. Section 23. (1) Unlawful to sell except by Weight; Delivery Ticket; Contents of; Exception; Licensed Weighmaster and Qualifications; Certificate of Origin for Solid Fuel Brought into the State by Motor Truck; Place of Weighing and Re-Weighing Solid Fuel; Penalties for Violations:—All solid fuels shall be sold by weight and shall be weighed by a licensed Weighmaster appointed by the Regulator of Weights and Measures of the County. No person shall sell or deliver, or cause or permit to be sold or delivered, any solid fuels without each such sale or delivery being accompanied by a delivery ticket of a licensed Weighmaster, said delivery ticket to be given to the purchaser or purchaser's representative, or to an agent of the person receiving such solid fuels, and in all cases an exact copy or duplicate of the ticket delivered to the purchaser shall be retained by the person making such sale or delivery. On said delivery ticket there shall be distinctly and in-

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delibly stated the quantity or quantities in pounds of the solid fuel contained in the cart, wagon, truck, or other vehicle or container used in making delivery, the date of weighing, the date of sale, the name and address of the seller, the name and address of the purchaser, together with an impression of the official seal or stamp of the Weighmaster who performed the weighing. The tare and gross weights of the vehicle transporting solid fuel and the net weight of each delivery must be determined by the licensed weighmaster on the same scale, and in no case shall a licensed Weighmaster certify to the net weight of any solid fuel on any weight or delivery ticket, if, between the time of the taking of the tare weight, or weight of the vehicle without the load, and the time of taking of the gross weight or weight of the vehicle with the load, said vehicle shall have left the place or premises where such scale is located. Any Regulator of Weights and Measures of the several Counties, deputies, or other law enforcing officers of the State, or of any County, city, or other incorporated town, who finds any quantity of solid fuel ready for or in the process of delivery, may direct the person in charge of the vehicle carrying said solid fuel to convey the same to an available stationary scale suitable for weighing the vehicle transporting the solid fuel, located in the State of Delaware, and operated by a licensed Weighmaster, for the purpose of weighing and determining the net weight of the solid fuel, in accordance with the provisions of this Section and the next preceding section. It shall be unlawful for any seller or driver or other person in charge of the vehicle containing such solid fuel, or from which such solid fuel has been unloaded, upon the request and direction of any Regulator of Weights and Measures, or his deputies, or other law enforcing officers of the State, County, city or other incorporated town, to refuse and fail to take the said vehicle and solid fuel to a scale operated by a licensed Weighmaster to permit the said solid fuel and vehicle to be weighed.

The provisions of this section and the next preceding section shall not apply to solid fuel sold for delivery to one destination by the entire railroad car or cargo direct from the vessel or railroad

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car containing the same and accepted by the purchaser on the original bill of lading, railroad freight bill or invoice, as proof of weight; nor shall the provisions of this section and the next preceding section apply to sales of solid fuel in quantities of fifty pounds or less in paper bags, sacks, or packages; provided, such bags, sacks, or packages in which the solid fuel is sold or delivered are plainly and conspicuously marked with the correct weight of the contents.

(2) The Regulator of Weights and Measures of each County shall appoint as a licensed Weighmaster in and for the County, any person who shall possess the qualifications hereinafter provided and shall make application for such appointment, assigning to each licensee an official number. Any person shall be appointed a Weighmaster who shall be a person of good character, capable of and experienced in the operation of a stationary scale, and shall have been a resident of this State for not less than six months prior to his appointment, and who shall own and be engaged in, or shall be an employee or agent of a firm or corporation owning and engaged in, the business of conducting and maintaining a yard for the sale and delivery of solid fuels, with storage facilities and delivery equipment, including a stationary scale with a minimum capacity of five tons, and duly licensed to transact such business within this State. Licenses shall be issued to individuals only and not to firms or corporations, but any firm or corporation may have as many of their members or employees licensed as they may desire. The term of appointment of each Weighmaster shall be three years, but any Weighmaster may have his license revoked by the Regulator of Weights and Measures by whom he was appointed, for misconduct in office, dishonesty, incompetency, violation of a provision of this Act, or in case any such Weighmaster shall cease to possess the qualifications specified for his original appointment. For each appointment so made, the Regulator of Weights and Measures shall receive from the licensee a fee of \$5.00 for the use of the State. All fees so received shall be paid over to the State not later than the tenth of the month following the month when received. Each

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Weighmaster shall provide himself at his own expense, with a seal or stamp containing on the outer margin, his name, the name of the County in which he is licensed, followed by the word "Delaware," and shall also contain the word "Weighmaster" and his official number, together with a date indicator to show the date the seal or stamp was used by the Weighmaster on each weight or delivery ticket. No Weighmaster shall delegate his authority to another person.

No Weighmaster shall receive any salary or other compensation from the State for the performance of his duties, but each Weighmaster may charge and retain for the owner of the scale used for weighing, a fee not exceeding twenty-five cents for each weighing performed for any person other than the owner of the scale, said fee to be paid by the dealer, trucker or seller of the solid fuels so weighed. A separate fee may be charged by a Weighmaster for each delivery of solid fuel requiring a separate weight ticket. A licensed Weighmaster shall keep a permanent record of all vehicles weighed by him other than the vehicles owned and operated by the owner of the scale, showing the date, the name and address of the seller, the State registration number of the vehicle, and the tare and gross weight of the delivery, such records to be available at all times during business hours for the inspection of the Regulator of Weights and Measures of the County wherein the scale is located. All persons engaged in the sale and delivery of solid fuel and duly licensed to transact such business in the State of Delaware, equipped with a stationary scale and employing a licensed Weighmaster, shall, during business hours, permit the use of such scale for the purpose of weighing vehicles transporting solid fuels, in addition to those vehicles operated in his own business, in order to provide weighing facilities for carrying out the provisions of this section and the next preceding section. Said person shall also furnish, without charge, the necessary space within his yard to unload and reload the solid fuel from and to the vehicle containing such solid fuel to be weighed, provided, however, that he shall not be required to supply any labor in connection with

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either the unloading or reloading of the solid fuel so weighed. All vehicles used in the transportation of solid fuel shall be conspicuously marked with permanent letters on the exterior of the right and left sides thereof in plain view and easily discernible, the name and address of the registered owner. The letters shall be at least three inches in height and not less than one-half inch in width.

(3) The word "Certificate of Origin" when used in this section means a signed certificate containing the following:

- a. Name and location of, and the name of the owner or operator of the breaker, colliery, or other place of production where the solid fuel to which it refers is produced or if the solid fuel to which it refers comes from a yard, pocket or other place of storage where solid fuel is commingled and stored outside the State other than a colliery, breaker or other place of production, then the name of the owner or operator of the yard, pocket or other place of storage.
- b. The kinds, size and weight of the solid fuel.
- c. The name and address of the person claiming ownership of said solid fuel.
- d. The name and address of the driver of the truck hauling said solid fuel and the State Registration number of the truck.
- e. The name and address of the person or persons to whom said solid fuel is to be delivered, or in the event that said solid fuel is not intended for delivery to any particular person or persons, the name and address of the owner and yard to which it is to be taken.

The Certificate shall be filled in and prepared by typewriter, ink, or indelible pencil, and shall be signed in ink or indelible pencil by the person who is operating the truck, and by the person or his duly appointed agent who is the owner of the breaker, colliery, place of production, yard, pocket or other place of storage, as the case may be, where the solid fuel to which the Certificate of Origin refers, is loaded on the truck outside the State of Delaware.

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It shall be unlawful for any person to haul, transport, purchase, sell or deliver in the State of Delaware, any solid fuel brought into the State from outside the State by motor truck except in accordance with the provisions of this section. Such solid fuel shall be accompanied at all times until delivered, by a Certificate of Origin and a duplicate original of such Certificate of Origin shall be filed as hereinafter provided.

Every driver of a motor truck or other vehicle bringing solid fuel into the State of Delaware from outside the State, for sale and delivery within the State, shall, upon entering the State, proceed forthwith before delivery of the load of solid fuel, to the nearest available stationary scale, suitable for weighing the tare and gross weight of the vehicle, to the place or places of each delivery, to have the solid fuel weighed by a duly licensed Weighmaster in accordance with the requirements of this Section and the next preceding section, and shall then and there file with said licensed Weighmaster a duplicate original of the required Certificate of Origin. No licensed Weighmaster shall weigh up any such load of solid fuel and sign a weight ticket therefor unless and until a duplicate original of the Certificate of Origin for such solid fuel shall be filed with and retained by the Weighmaster in the form required by this section. Such Weighmaster upon signing or using his official stamp on such weight ticket shall make a notation thereon of the number and the date of the Certificate of Origin, and shall also sign or officially stamp and date the Certificate of Origin accompanying the load of solid fuel. Nothing herein contained shall be construed to require the weighing in the State of Delaware of any load of solid fuel which is merely being transported through the State, but the driver of any truck transporting such load of solid fuel shall, in any event, file a duplicate original of the required Certificate of Origin with a duly licensed Weighmaster at the nearest available scale after entering the State. Where the solid fuel transported by motor truck from outside the State of Delaware is delivered to a coal yard in the State and unloaded for storage, the driver of said motor truck shall forthwith file with the owner of said yard, or his representative, the duplicate original Certificate of Origin required for each delivery made and the said owner or

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his representative shall forward weekly to the Regulator of Weights and Measures for his respective County the Certificates of Origin covering all receipts of solid fuel delivered to said yard for storage during the preceding week.

The Certificate of Origin as herein provided shall be issued only on forms to be supplied upon application therefor to the Secretary of the State of Delaware. The Certificates shall be serially numbered and issued in duplicate, consecutively. A nominal charge to cover the cost of supplying such forms may be made by the Secretary of State. Said Certificates shall be non-transferrable and any person who has in his possession, or who files with a licensed Weighmaster, a false Certificate of Origin, shall be deemed guilty of a violation of this Act. The Secretary of the State of Delaware shall issue such blank Certificates of Origin to any person who is the owner or operator of a colliery, breaker, place of production, or who is the owner or operator of a yard, pocket or other place of storage outside the State of Delaware upon application therefor, but such person shall show the necessity for the issuance of said Certificate and shall furnish proof to the Secretary of State that all solid fuel produced or stored is not stolen and is legally acquired at its source. The Secretary of State shall monthly send a revised list of all Certificates of Origin issued by him to the Regulator of Weights and Measures of each County, who shall, in turn, send similar lists to all licensed Weighmasters appointed by him. All licensed Weighmasters shall keep a written record of all Certificates of Origin received by him at the time of weighing any solid fuel brought into the State. Said Weighmasters shall weekly forward to the Regulator of Weights and Measures of his respective County the Certificates of Origin filed with him for the weighing of solid fuel during the preceding week. The Regulator of Weights and Measures of each County shall retain for his official record said Certificates of Origin. Any person directly interested in the sale, distribution, hauling or transportation of solid fuel in the State of Delaware, and any association composed of persons who are so interested, shall be entitled to sue for and to have injunctive relief in any Court of the State of Delaware having jurisdiction over the parties against actual or threatened violations of this section or the

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next preceding section. The Regulator of Weights and Measures shall have power to adopt regulations, not inconsistent with this Chapter, to make effective the provisions of this section and the next preceding section of this Chapter.

For the purpose of carrying out the provisions of this section and the next preceding section pertaining to the sale of solid fuels, the Regulator of Weights and Measures of the several Counties may appoint a deputy or deputies, who shall have full power and authority to perform the duties of his office in so far as those duties pertain to the sale of solid fuels and the enforcement of the provisions set forth in this section and the next preceding section pertaining thereto. The appointment of a deputy shall be recorded in the office of the Recorder of Deeds in and for the county in which the Regulator of Weights and Measures and the deputy are appointed. Said deputy shall be sworn, or affirmed, to perform the duties of his office faithfully and impartially. He shall, within thirty days from his appointment, give bond to the State, with sufficient surety, to be approved by the Governor, in the sum of One Thousand Dollars, conditioned for the faithful performance of the duties of his office. Any deputy appointed under this section shall not receive compensation from the State of Delaware for his services in this capacity. All such deputies shall be under the control of the Regulator of Weights and Measures by whom appointed, which Regulator shall have the right to revoke the appointment at any time without cause.

Any person, firm, or corporation who shall violate any provisions of this and the next preceding section shall forfeit and pay a fine of not less than Fifty Dollars nor more than One Hundred Dollars, or be imprisoned for a term not exceeding thirty days, or both, in the discretion of the Court, for the first offense, and forfeit and pay a fine of not less than One Hundred Dollars nor more than Two Hundred and Fifty Dollars, or be imprisoned for a term not exceeding three months, or both, in the discretion of the Court, for each subsequent offense.

If any clause, sentence, paragraph or other part of such sections as amended or added, as the case may be, by this Act shall for any

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reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, embarrass and 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 such judgment shall have been rendered.

No provision of this section shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective pursuant to the United States Constitution and to the laws of the United States enacted pursuant thereto.

This Act shall take effect immediately.

Approved March 30, 1939.

CHAPTER 136
PUBLIC BUILDING PROJECTS

AN ACT TO AMEND CHAPTER 90 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO PREFERENCE BEING GIVEN TO DELAWARE LABOR IN THE CONSTRUCTION OF PUBLIC WORKS FOR CITY, COUNTY OR STATE.

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

Section 1. That Chapter 90 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 3644. Sec. 54 of Article 7 of said Chapter and substituting in lieu thereof the following to be known as 3644. Sec. 54:

3644. Sec. 54: Preference for Delaware Labor; Stipulation in Contract; Penalty for Violation:—In the construction of all public works for city, county or the State, or by persons contracting with a city, county, or the State, preference in employment of laborers, workmen or mechanics, shall be given to bona fide legal citizens of the State of Delaware, who have established such citizenship by residence of at least ninety days in the State. Each contract for the construction of public works for city, county or the State shall contain a stipulation that any person, company or corporation who violates the provisions of this section shall pay a penalty to the State Treasurer equal to the amount of compensation paid to any person, in violation of this Article.

Approved April 28, 1939.

Administration of Estates

CHAPTER 137

CONVEYANCES

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. 1939 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 April 24, 1939.

CHAPTER 138

RELATING TO DEATH TAXES UPON ESTATES OF
NON-RESIDENT DECEDENTSAN ACT PROVIDING RECIPROCAL RELATIONS IN RESPECT TO
DEATH TAXES UPON ESTATES OF NON-RESIDENT DECE-
DENTS.

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

Section 1. The terms "death tax" and "death taxes," as used in the five following paragraphs, shall include inheritance and estate taxes and any taxes levied against the estate of a decedent upon the occasion of his death.

Paragraph 1. At any time before the expiration of eighteen months after the qualification before any Register of Wills in this State of any executor of the will or administrator of the estate of any non-resident decedent, such executor or administrator shall file with such court proof that all death taxes, together with interest or penalties thereon, which are due to the State of domicile of such decedent, or to any political sub-division thereof, have been paid or secured, or that no such taxes, interest or penalties are due, as the case may be, unless it appears that letters testamentary or of administration have been issued on the estate of such decedent in the state of his domicile, in the four following paragraphs called the domiciliary state.

Paragraph 2. The proof required by paragraph 1 may be in the form of a certificate issued by the official or body charged with the administration of the death tax laws of the domiciliary state. If such proof has not been filed within the time limited in paragraph 1, and if within such time it does not appear that letters testamentary or of administration have been issued in the domiciliary state, the Register of Wills shall forthwith upon the expiration of such time notify by mail the official or body of the domiciliary state charged with the administration of the death tax laws thereof with respect to such estate, and shall state in such notice so far as is

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known to him (a) the name, date of death and last domicile of such decedent, (b) the name and address of each executor or administrator, (c) a summary of the values of the real estate, tangible personalty, and intangible personalty, wherever situated, belonging to such decedent at the time of his death, and (d) the fact that such executor or administrator has not filed theretofore the proof required in paragraph 1. Such Register shall attach to such notice a plain copy of the will and codicils of such decedent, if he died testate, or, if he died intestate, a list of his heirs and next of kin, so far as is known to such Register. Within sixty days after the mailing of such notice the official or body charged with the administration of the death tax laws of the domiciliary state may file with such Register of Wills in this State a petition for an accounting in such estate, and such official or body of the domiciliary State shall, for the purposes of this Section, be a party interested for the purpose of petitioning such Register of Wills for such accounting. If such petition be filed within said period of sixty days, such Register of Wills shall decree such accounting, and upon such accounting being filed and approved shall decree either the payment of any such tax found to be due to the domiciliary state or subdivision thereof or the remission to a fiduciary appointed or to be appointed by the probate court, or other court charged with the administration of estates of decedents, of the domiciliary state, of the balance of the intangible personalty after the payment of creditors and expenses of administration in this State.

Paragraph 3. No final account of an executor or administrator of a non-resident decedent shall be allowed unless either (1) proof has been filed as required by paragraph 1, or (2) notice under paragraph 2 has been given to the official or body charged with the administration of the death tax laws of the domiciliary state, and such official or body has not petitioned for an accounting under said section within sixty days after the mailing of such notice, or (3) an accounting has been had under paragraph 2, a decree has been made upon such accounting and it appears that the executor or administrator has paid such sums and remitted such securities, if any, as he was required to pay or remit by such decree, or (4) it

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appears that letters testamentary or of administration have been issued by the domiciliary state and that no notice has been given under said paragraph 2.

Paragraph 4. This Act shall apply to the estate of a non-resident decedent, only in case the laws of the domiciliary state contain a provision, of any nature or however expressed, whereby this State is given reasonable assurance, as finally determined by the State Tax Commissioner, of the collection of its death taxes, interest and penalties from the estates of decedents dying domiciled in this State, when such estates are administered in whole or in part by a probate court, or other court charged with the administration of estates of decedents, in such other state.

Paragraph 5. The provisions of this Act shall be liberally construed in order to ensure that the domiciliary state of any non-resident decedent whose estate is administered in this State shall receive any death taxes, together with interest and penalties thereon, due to it from the estate of such decedent.

Section 2. That all acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency only.

Approved April 14, 1939.

CHAPTER 139

SETTLEMENT OF PERSONAL ESTATES

AN ACT TO AMEND 3813. SECTION 15 OF CHAPTER 98 OF THE REVISED CODE OF DELAWARE, 1935, CHANGING THE AMOUNT OF THE BOND TO BE GIVEN BY AN EXECUTOR OR ADMINISTRATOR.

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

Section 1. That 3813. Section 15 of Chapter 98, of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the words between "Register" in the fifth line of said Section, and the words "with condition" in the seventh line of said Section, and by inserting in lieu of the words so stricken out, the following words—"in an amount fixed by the Register being not less than the best estimate that can be made of the personal estate."

Approved April 28, 1939.

CHAPTER 140

SETTLEMENT OF PERSONAL ESTATES

AN ACT TO AMEND CHAPTER 98 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO SETTLEMENT OF PERSONAL ESTATES BY PROVIDING FOR HEARING CONCERNING ABSENCE AND CIRCUMSTANCES THEREOF OF PERSONS PRESUMED TO BE DEAD; GRANTING OF LETTERS ON ESTATE OF SUCH PERSON TO PARTY INTERESTED; DISTRIBUTION OF ESTATE; REVOCATION OF LETTERS OF ADMINISTRATION AND VACATION OF DECREE UPON PROOF THAT PRESUMED DECEDENT IS ALIVE; COSTS.

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

Section 1. That 3826, Section 28, of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 3826, Section 28, and inserting in lieu thereof the following section, to be known as 3826, Section 28:

3826. Section 28. (a) Whenever, hereafter any person shall be presumed to be dead, on account of absence for seven or more years from the place of his or her last domicile, whether the same be within this State or in any other State, Territory, or possession of the United States or in any foreign country, any person entitled under the last will and testament of such presumed decedent or under the intestate laws to any share in his or her estate within this State, or under any deed, will or other instrument in writing or in any other way, method or manner to any share or interest in any estate held by or for such presumed decedent for years, or for the term of his or her natural life, or the escheator for the State, may present a Petition to the Register of Wills of the county of such person's last residence, or, where the presumed decedent was a non-resident of this State, to the Register of Wills of the County where the greater part of his property within this State may be situated, setting forth the facts which raise the presumption of death and praying for an adjudication thereon declaring such person to be presumed to be deceased. The said Register of Wills if

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satisfied as to the interest of the petitioner, may cause to be advertised in a newspaper published in said county once a week for four consecutive weeks, together with such other advertisement as the court, according to the circumstances of the case, shall deem expedient or advisable, the fact of such application, together with notice that on a day certain, which shall be at least two weeks after the last appearance of said advertisement, the Register of Wills will hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof.

(b) Whenever, hereafter, letters of administration or letters testamentary shall have been granted in any other State, Territory, or possession of the United States, or in any foreign country, on the estate of a resident thereof, presumed to be dead, on account of absence for seven or more years from the place of his last domicile, it shall be lawful for the person or persons, or trust company, to whom such letters have been granted, to present a petition to the Register of Wills of the county within this State in which all or the greater portion of the estate of said presumed decedent may be found, accompanied by a complete exemplification of the record of the grant of such letters, praying for the grant of ancillary letters testamentary or of administration upon the estate of such presumed decedent, situate, owing, or belonging to him within this State. The said Register of Wills, if satisfied that the person or trust company proposed in such petition would be a fit person or company to whom such letters might be issued, shall cause publication to be made, in the manner and for the period as provided in clause (a) of this Section, of the fact of such application, together with notice that on a day certain, which shall be at least two weeks after the last appearance of said advertisement, the Register of Wills will hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof.

(c) At the hearing in either of the cases provided for in the preceding clauses of this Section, the Register of Wills shall take such legal evidence as shall be offered, for the purpose of ascertaining whether the presumption of death is established; or may appoint a master to take such testimony, and report his finds there-

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on; and no person shall be disqualified to testify by reason of his or her relationship as husband or wife to the presumed decedent, or of his or her interest in the estate of the presumed decedent.

(d) If satisfied, upon such hearing, or upon the report of such master, that the legal presumption of death is made out, the Register of Wills shall so decree, and the said Register of Wills may determine in such decree the date when such presumption arose; and shall forthwith cause to be published for three successive weeks, in the manner provided in clause (a) of this section, a notice requiring the presumed decedent, if alive, to produce before the Register of Wills satisfactory evidence of his continuance in life; such evidence to be produced within twelve weeks from the date of the last publication of the notice in the case of an original application for the grant of letters, and within four weeks from such date in the case of an application for ancillary letters.

(e) If, within said period, evidence satisfactory to the Register of Wills of the continuance in life of the presumed decedent shall be presented, said decree shall be vacated; but, if such evidence shall not be forthcoming, such decree shall be confirmed absolutely; and it shall be the duty of the Register of Wills to issue letters of administration to the person thereto entitled; or to receive for probate the last will and testament of such presumed decedent, and, if duly proved, to admit the same to probate and issue letters testamentary thereunder; and the said letters, until revoked, and all acts done in pursuance thereof and in reliance thereupon, shall be as valid as if the presumed decedent were really dead.

(f) Whenever the said Register of Wills shall enter a decree that the presumption of death of any person has been established, and such decree shall be confirmed absolutely, the real estate of the presumed decedent shall pass and devolve as in the case of actual death, and the person entitled by will or under the intestate laws may enter and take possession. In case the presumption of death is thereafter rebutted by adequate proof that the presumed decedent is in fact alive, the said decree is vacated, said real estate shall revert to him as fully as though such decree had never been

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entered, subject, however, to payment of the costs and expenses of the proceedings and advertisement aforesaid. Such decree, when confirmed absolutely, may be recorded in the office of the Recorder of Deeds of the proper county, in the deed book, and shall be indexed by the Recorder in the granters' index under the name of the decedent, and in the grantees' index under the names of the persons taking the real estate; and if so recorded, and the persons taking the real estate, sell or mortgage the same, the purchaser or mortgagee shall take a good title, free and discharged of any interest or claim of the presumed decedent.

(g) The executor or administrator to whom letters have been issued upon the estate of a presumed decedent, as aforesaid, shall administer the estate in the same manner and with the same effect as the same would be administered under existing laws of this State, if the presumed decedent were in fact dead.

(h) Before any distribution of the proceeds of the estate of such presumed decedent, the persons, other than creditors, entitled to receive the same, shall, respectively, give sufficient real or personal security, to be approved by the Register of Wills having jurisdiction, in such sum and form as he shall direct, with condition that, if the said presumed decedent shall in fact be at the time alive, they will respectively refund the amounts received by each, on demand, with interest thereon. If any person or persons entitled to receive the same shall refuse or neglect, or be unable, to enter such security, the Register of Wills may, upon petition of any person interested, and upon due notice to all persons interested, so far as such notice can reasonably be given, appoint a suitable person or corporation as trustee to receive and hold the share of the distributee refusing or neglecting, or being unable, to enter security as aforesaid, until the further order of the Register of Wills; such trustee not to be an insurer of the trust fund, and to be liable to the person or persons interested therein only for such care, prudence and diligence in the execution of the trust as the trustees are liable for. If the said Register of Wills shall be satisfied, from the evidence at the hearing to ascertain whether the presumption of death is established, or from the report of the master, that there is no

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likelihood of the presumed decedent's being still alive, then the said Register of Wills may, at his discretion, accept refunding bonds from the distributees of the presumed decedent's estate without requiring sureties thereon.

(i) The Register of Wills may revoke the said letters and vacate the decree that the presumption of death has been established, at any time, on due and satisfactory proof that the presumed decedent is in fact alive. After such revocation all the powers of the executor or administrator shall cease, but all receipts or disbursements of assets, and other acts previously done by him, shall remain as valid as if the said letters were unrevoked. The executor or administrator shall settle on account of his administration down to the time of such revocation, and shall transfer all assets remaining in his hands to the person as whose executor or administrator he has acted, or to his duly authorized agent or attorney. Nothing in this section contained shall validate the title of any person to any money or property received as surviving spouse, next of kin, heir, legatee, or devisee of such presumed decedent, but the same may be recovered from such person in all cases in which such recovery would be had if this act had not been passed.

(j) After revocation of the letters, and vacation of the decree that the presumption of death has been established, the person erroneously presumed to be dead may, on the suggestion filed of record of the proper facts, be substituted as plaintiff or petitioner in all actions or proceedings at law, in equity or in any Orphans' Court or before the Register of Wills, brought by the executor or administrator, whether prosecuted to judgment or decree, or otherwise, he may, in all actions or proceedings previously brought against the executor or administrator, be substituted as decedent or respondent, on proper suggestion filed by himself, or by proper service of writ or other process, but shall not be compelled to go to trial in less than three months from the time of such suggestion filed or process served. Judgments or decrees recovered against the executor or administrator before revocation and vacation as aforesaid of the letters and decree, may be opened on application by the presumed decedent, made within three months from the said revocation, and

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supported by affidavit denying specifically, on the knowledge of the affiant, the cause of action, or specifically alleging the existence of facts which would be a valid defense; but, if within the said three months, such application shall not be made, or being made the facts exhibited shall be adjudged an insufficient defense, the judgment or decree shall be conclusive to all intents, saving the defendant's right to have it reviewed as in other cases on appeal. Notwithstanding the substitution of the presumed decedent as defendant in any judgment or decree, as aforesaid, it shall continue as a lien upon his real estate in the county, as other judgments.

(k) Whenever, hereafter letters testamentary or of administration shall be issued upon the estate of any person presumed to be dead, on account of absence of seven years or more from the place of his last domicile, in accordance with the foregoing provisions of this section, the person having custody of any will which may have been left by such presumed decedent, in case letters of administration have been issued, or of any later will, in case letters testamentary have been issued, or any creditor of any person interested in the estate, may file a petition with the Register of Wills in which the proceedings to establish the death by presumption have been held, as aforesaid, setting forth the facts of the case, a copy of said will or later will, or an averment that such will exists, and the names of all persons interested in the estate of the presumed decedent. Upon the filing of such petition, said Register of Wills after due notice to all parties in interest, may receive proof in support of the averments of said petition, and, if established, to admit said will or later will to probate; and, if an executor be named in said will, to revoke said letters of administration, or, in case an earlier will shall have been admitted to probate, to set aside such probate and revoke the letters testamentary issued thereunder.

(1) Thereupon the Register of Wills shall issue a citation to the person to whom letters of administration or letters testamentary have been issued, as aforesaid, and to all persons interested in the estate of the presumed decedent, to appear upon a day fixed, and to show cause why the said alleged will or later will should not be admitted to probate.

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(m) Upon the return of the citation, if the Register of Wills shall be satisfied from all the evidence that may be adduced that the proposed will was, in fact, the last will and testament made by the presumed decedent before his departure or disappearance from his residence, the said will shall be admitted to probate as if the testator were in fact dead. If, upon such probate, it appears that an executor is named in the will, the letters of administration previously granted shall be revoked, and letters testamentary shall be issued to said executor, in the same manner and form as if the testator were in fact dead; but, if no executor shall be named in such will, then a certified copy of said will shall be attached to the letters of administration theretofore issued, or to a certified copy of such letters. Thereafter the executor or administrator shall execute the said will according to its terms, and all property of the decedent shall be distributed and passed as provided by said will to the several legatees and devisees named therein. In case an earlier will shall have been admitted to probate, the letters testamentary issued thereunder shall be revoked, and letters shall be issued under the said last will, or if no executor shall be named in said last will, then letters of administration with the will annexed shall be issued to the person or persons entitled thereto.

(n) The costs attending the issuance or revocation of letters shall be paid out of the estate of the presumed decedent, and costs arising upon an application for letters which shall not be granted shall be paid by the applicant.

Approved May 1, 1939.

CHAPTER 141

SETTLEMENT OF PERSONAL ESTATES

AN ACT TO AMEND CHAPTER 98 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "SETTLEMENT OF PERSONAL ESTATES, REGISTER OF WILLS" RELATING TO ACQUITANCES FROM GUARDIAN OR TRUSTEE; FORM THEREOF; BY PROVIDING FOR FILING THEREOF WITH REGISTER AND PRESCRIBING HOW TREATED IN ACCOUNT BEFORE REGISTER.

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

Section 1. That Chapter 98 of the Revised Code of Delaware 1935, be and the same is hereby amended by striking out all of 3858. Sec. 60 thereof and substituting in lieu thereof the following new section to be styled as 3858. Sec. 60:

3858. Sec. 60: Acquittances from Guardian or Trustee; Form of; Filed With Register; How Treated in Account Before Register:—Whenever an executor or administrator shall make an assignment of any investment or shall transfer or deliver any personal property of any testator or intestate to a guardian or trustee as payment in whole or in part of a specific legacy or of a distributive share, such guardian or trustee shall give to such executor or administrator, for the purpose of accounting by the executor or administrator in the settlement of the estate, only, a receipt therefor at the valuation affixed in the appraisalment of the estate of such testator or intestate, and such receipt, when delivered to the Register of Wills before whom it shall be the duty of such executor or administrator to pass his account, shall be a sufficient discharge of such executor or administrator and of his sureties for any property so transferred or delivered, and such Guardian or Trustee may take over such property and may without liability for any loss or depreciation therein continue to hold the same, until in the exercise of due care it shall become no longer wise so to do; provided that nothing herein contained shall permit or require a guardian or trustee to take over in settlement of a distributive share of an estate

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property at a value less than the distributive portion of the estate to which such guardian or trustee would otherwise be entitled, and provided further that in case a guardian or trustee is acting under authority of an instrument or a court order, the terms and provisions of such instrument or court order shall be controlling as to the powers and duties of such guardian or trustee.

Approved May 1, 1939.

CHAPTER 142

SETTLEMENT OF PERSONAL ESTATES

AN ACT TO AMEND CHAPTER 98 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE SETTLEMENT OF PERSONAL ESTATES, PROVIDING FOR NOTICE OF ADMINISTRATION, PUBLICATION OF, EFFECT THEREOF WITH RESPECT TO CLAIMS AGAINST THE ESTATE OF A DECEDENT, AND BARRING CERTAIN CLAIMS NOT PRESENTED WITHIN ONE YEAR.

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

Section 1. That Chapter 98 of the Revised Code of The State of Delaware, 1935, be and the same is hereby amended by striking out 3861. Sec. 63, and inserting in lieu thereof the following section, to be known as 3861. Sec. 63:

3861. Sec. 63. Notice of Administration; Publication of; Effect With Respect to Claims Against the Estate of a Decedent:—The Register shall give notice as hereinafter provided of the granting of letters and the date thereof, and requiring all persons having claims against the decedent to exhibit the same to the Executor or Administrator or abide by the law in this behalf. Such notice shall be given in all cases by advertisements to be posted within forty days from the grant to letters in the County Court House and in at least two other public places in the county wherein the decedent resided at the time of his death, or, in the case of non-resident decedents, in the county wherein letters testamentary or of administration shall have been granted; and such notice shall also be published in one or more newspapers published in such county at least three times within the same period not less frequently than once a week for three successive weeks; except that if the Register at the time of the granting of letters shall determine from evidence satisfactory to him that the gross personal estate of the decedent does not exceed the sum or value of Two Thousand Dollars, and also that the gross real and personal estate of the decedent does not in the aggregate exceed the sum or value of Five Thousand Dollars,

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the Register may, in his discretion, give such notice solely by the posting of advertisements as aforesaid, and not by publication in a newspaper or newspapers as aforesaid. The Register is authorized to require that the actual costs and expenses of such posting and publication be advanced to him prior to the grant of letters. The Register shall note or record in his docket the giving of notice and the form of notice given.

If the Register shall observe the requirements of the first paragraph of this section, all claims against the estate of the decedent, whether due, not due or contingent, and including any claim on a bond secured by a mortgage on real estate, not presented to such executor or administrator in writing with an affidavit provided for in Section 43 of this Chapter, and of which he shall not have notice as provided in Section 41 of this Chapter, within one year after the date of the granting of letters to such executor or administrator shall be forever barred; and any claim not so barred which shall have been rejected by an executor or administrator shall be forever barred unless an action or suit be commenced thereon within three months after the executor or administrator shall have notified the claimant of such rejection by a writing delivered to him in person or mailed to his last address known to the executor or administrator. The foregoing shall not apply to claims for legacies or distributive shares of an estate of a decedent. Provided, however, that the failure to present a claim on a bond secured by a mortgage on real estate, in accordance with the foregoing provisions, shall not invalidate said bond so as to prevent the foreclosure of the mortgage on real estate at any time thereafter, but no claim may be asserted against the decedent's estate on or by reason of said bond.

Section 2. That Chapter 98, Article 3, of the Revised Code of Delaware of 1935, be and the same is hereby amended by striking out 3839. Sec. 41, and inserting in lieu thereof a new section to be known as 3839. Sec. 41, as follows:

3839. Sec. 41. Of What Debts Notice Presumed:—An executor or administrator shall be deemed to have notice of judgments, decrees, recognizances and mortgages (but not of the bonds accom-

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panying such mortgages) of record in any county of this State, unless there has been a failure to insert them in the index of the docket wherein they stand; except judgments and recognizances before a Justice of the Peace, of which he shall not be charged with notice, unless actual notice be given.

Section 3. That on and after the passage of this Act, no claim for a deficiency or otherwise, based on a bond which has been secured by a mortgage on real estate, shall be entertained against a decedent's estate, unless such claim shall have been presented to the executor or administrator within one year after the date of the granting of letters to such executor or administrator.

Section 4. No claim against the estate of any decedent in which letters have been granted prior to the passage of this Act shall be in any wise affected by this Act; and the provisions of said Sections 41 and 63 of this Chapter as heretofore existing shall be continued in full force and effect as to all such claims and as to all estates in which letters have been granted prior to the passage of this Act.

Approved April 28, 1939.

CHAPTER 143

SETTLEMENT OF PERSONAL ESTATES

AN ACT TO AMEND 3867. SEC. 69, CHAPTER 98, OF THE REVISED CODE OF DELAWARE OF 1935, RELATING TO DISTRIBUTION OF THE ESTATES OF DECEDENTS.

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

Section 1. That 3867. Sec. 69, Chapter 98, of the Revised Code of Delaware of 1935, be and the same is hereby amended by striking out said 3867. Sec. 69, and substituting in lieu thereof a new 3867. Sec. 69, reading as follows:

"3867. Sec. 69. Jurisdiction of Orphans Court; Distribution of Estates of Decedents; Procedure For; Notice; Hearing; Decree; Appeal:—The jurisdiction of the Orphans Court shall extend to and embrace the distribution of the assets and surplusage of the estates of decedents among the persons entitled thereto in all cases where such jurisdiction is invoked as hereinafter provided.

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 to the Orphans Court in the county in which letters testamentary or of administration were granted upon the estate to be distributed, by a written petition filed in said court by an attorney admitted and licensed to practice therein, for a decree of distribution of the estate among the persons entitled thereto. Such petition shall have attached to it a certified copy of all accounts that have been theretofore filed by the executor or administrator in the office of the Register of Wills for the said county; shall contain the names of all persons known to the petitioner who claim or may claim an interest in the estate to be distributed, together with their post office addresses so far as known; shall state whether the executor or administrator of the said estate has given the notice required to be given by Section 34 of Article IV of the Constitution of this State; and shall be duly verified. If at the time such petition is filed the executor or administrator of said estate shall not have given the

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notice required to be given by said Section 34 of Article IV of the said Constitution, the said Court shall forthwith order such notice to be given by such executor or administrator within such time as shall be fixed by the Court.

Upon the filing of such a petition, the Orphans Court, after having satisfied itself of the sufficiency of such petition, shall make an ORDER (1) taking jurisdiction of the proceeding; (2) setting the application for a decree of distribution down for a hearing before the said Court, at a time fixed in such order; (3) providing for personal service of a written notice upon, and delivery of a copy thereof to, each person residing in the State of Delaware who is named in said petition as a person who claims or may claim an interest in the estate to be distributed and each such person of whom the Court otherwise has knowledge, and also upon the personal representative of the decedent, if he is not the petitioner in said proceeding; (4) further providing for like notice by registered mail to each such claimant named in said petition, or of whom the Court otherwise has knowledge, who resides outside the State of Delaware; and (5) further providing for the posting of such notice in the County Court House in said County at least thirty days before the date of such hearing, and for the publication thereof in a newspaper published in said County, at least once a week for at least four weeks before the date of such hearing. The said notice shall be given, mailed, posted and published by and in the name of the Clerk of the Orphans Court of the County in which the proceeding is pending; shall be personally served, with delivery of copy as aforesaid, by the Sheriff of said County; and shall be in substantially the following form:

IN THE ORPHANS COURT

IN AND FOR COUNTY,

DELAWARE

TO ALL PERSONS CLAIMING TO HAVE AN INTEREST IN
THE DISTRIBUTION OF THE ESTATE OF.....,

SETTLEMENT OF PERSONAL ESTATES

DECEASED, INCLUDING PERSONS CLAIMING TO BE
HEIRS, LEGATEES, BENEFICIARIES OR OTHER DISTRIB-
UTEES OF SAID ESTATE.

YOU ARE HEREBY NOTIFIED that an application has been
made to the Orphans Court in and for County,
Delaware, for a decree of distribution of the estate of said decedent
and that the said application has been set down for a hearing be-
fore the said Court on the day of
A. D. 19....., at o'clock in the forenoon, in the court
room of the said Court in the County Court House in the City of
....., Delaware.

You are further notified that if you desire to make any claim
to an interest in the distribution of the said estate, or to all or any
part of the distributable amount of said estate, you must appear
before the said Court at the time and place aforesaid and present
such claim together with any evidence you desire to present to sus-
tain such claim.

Your failure to appear and present your evidence at the time
and place aforesaid will be at your peril.

.....
Clerk of the Orphans Court in and for
.....County, Delaware

At the hearing of said application or any adjournment thereof,
the Court shall consider the sworn petition of the applicant and
any sworn answer or answers that shall have been filed in the pro-
ceeding and shall take and receive any and all pertinent evidence
that may be offered by the petitioner or by the personal representa-
tive of the decedent or by any person appearing and claiming to
have an interest in the estate to be distributed. The evidence so

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taken shall be recorded stenographically and, if required by the Court or if an appeal be taken from any decree of distribution that may be made on the application, shall be transcribed.

If, upon the said hearing, the Court shall be satisfied that the estate or any part thereof may then be distributed, the Court shall make 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 should be reserved for contingent liabilities against the estate, such decree may, if the Court should deem proper, determine the distribution of such balance if and to the extent that the same may thereafter become available for distribution.

Whenever it shall appear in any such proceeding that the balance of the estate, after the payment of debts, includes stocks, bonds or other securities, which, for reasons satisfactory to the Court, have not been converted by the personal representative of the decedent, it shall be lawful for said Court to direct distribution of such assets in kind to and among those lawfully entitled thereto, including fiduciaries. Such distribution in kind shall specify what stocks, bonds or other securities shall be distributed to each distributee separately. Any fiduciary to whom such a distribution in kind has been made shall be authorized to accept the stocks, bonds or other securities so distributed, but, with respect to the retention thereof after such distribution, such fiduciary shall be governed by the general law applicable thereto.

The Orphans Court, instead of hearing in the first instance an application for a decree of distribution hereunder, may appoint a master to hear the same who shall thereafter proceed in accordance with the provisions of this 3867. Sec. 69, and thereupon shall make a report to the Orphans Court recommending the decree to be entered in the proceeding. Such report shall be subject to exceptions by the personal representative of the estate or any person claiming to have an interest therein and such exceptions shall be heard by the Orphans Court and thereafter a decree shall be entered by the court in the proceeding.

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The Orphans Court shall have power to make all necessary rules of procedure before the master and other rules governing this proceeding not inconsistent with the provisions of this 3867. Sec. 69.

Every decree of distribution made by the Orphans Court in a proceeding initiated hereunder shall be a final decree, but the personal representative of the decedent or any person claiming to have an interest in the estate thereby decreed to be distributed shall have the right, at any time within two months after the making and entry of such decree, to take an appeal therefrom to the Superior Court. After the expiration of said period of two months such decree of distribution, with respect to all matters contained therein, if no appeal shall have been taken therefrom, shall become and be conclusive and binding upon the executor or administrator of the estate of the decedent and upon every person claiming to have an interest in the estate thereby distributed. If an appeal is taken from any such decree, the decree or judgment made and entered by the Superior Court on such appeal shall likewise be conclusive and binding upon such executor or administrator and every such person so claiming as aforesaid, from the date of the making and entry of such decree or judgment by such Superior Court, and no further appeal may be taken from such decree or judgment of such Superior Court.

Any such appeal taken to the Superior Court shall be heard by that Court upon the record of the proceeding in the Orphans Court and the procedure on such appeal shall otherwise be in accordance with such rules as shall be made by the Superior Court with respect thereto."

Section 2. That Chapter 184 of Volume 38 of the Laws of Delaware be and the same is hereby repealed.

Approved April 24, 1939.

General Provisions Respecting the Police

CHAPTER 144

NARCOTIC DRUGS

AN ACT TO PROVIDE FOR THE SEIZURE, CONDEMNATION AND FORFEITURE TO THE STATE OF DELAWARE OF ALL VEHICLES KNOWINGLY USED IN OR IN CONNECTION WITH THE COMMISSION OF ANY FELONY OR IN THE VIOLATION OF ARTICLE 42 OF CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO NARCOTIC DRUGS OR KNOWINGLY AND VOLUNTARILY USED IN OR IN CONNECTION WITH THE FLIGHT OR ESCAPE OF ANY PERSON WHO HAS COMMITTED ANY FELONY OR WHO HAS VIOLATED THE PROVISIONS OF THE AFORESAID LAW RELATING TO NARCOTIC DRUGS.

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

Section 1. The term "vehicle" when used in this Act shall be construed to include all motor propelled vehicles, wagons, carts, carriages, bicycles and aircraft.

Section 2. Whenever any vehicle as above defined shall have been used in, or in connection, with the commission of any felony, or in the commission of any act in violation of Chapter 100 Article 42 of the Revised Code of Delaware, 1935, relating to narcotic drugs, or in, or in connection with, the flight or escape of any person who has committed any felony, or who has violated the said law relating to narcotic drugs shall forthwith be seized and taken into custody by the peace officer or officers having knowledge of the facts of such use.

Section 3. Said vehicle seized under the provisions of Section

NARCOTIC DRUGS

1 of this Act shall be proceeded against by the Attorney General on behalf of The State of Delaware, by libel in the Superior Court or The State of Delaware in term time, or before any Judge thereof in vacation, for the condemnation and forfeiture of said vehicle to The State of Delaware. The Superior Court may by rule provide for the practice and procedure under this Act, including the giving of notice of the pendency of said libel of condemnation to all parties in interest, and in any event notice by registered United States mail to the last known postoffice address of the party in interest, or by publication in a newspaper of general circulation in The State of Delaware as said Court by rule or order shall prescribe shall be sufficient.

Section 4. Upon the judgment of the Court in term time or any Judge thereof in vacation, the vehicle so seized and all of the right, title and interest therein, or any right, title or interest in and to any such motor vehicle, as the Court or Judge shall determine, shall be forfeited to The State of Delaware and said vehicle shall be committed to the custody of the State Treasurer who may allocate the same to and for the use of any state bureau, department, agency or officer or may in his discretion sell the same and deposit the proceeds in the general funds of The State of Delaware.

Section 5. The provisions of this Act with respect to condemnation and forfeiture shall not apply to or against the owner of a vehicle who has not knowingly used or permitted said vehicle to be used in, or in connection with, the commission of a felony, or in, or in connection with, any violation of the aforesaid laws relating to narcotic drugs, or who has not knowingly and voluntarily used or permitted said vehicle to be used in, or in connection with, the flight or escape of any person who has committed any such felony or violation of the law relating to narcotic drugs. Nothing in this Act shall be construed as authorizing the condemnation and forfeiture of the interest of any bona fide mortgagee or lienholder with respect to said vehicle but the burden in all such cases shall be upon such mortgagee or lienholder to show that he or it did not know or have cause to know, at the time his or its interest accrued, of a contemplated unlawful use of such vehicle.

Approved May 4, 1939.

Courts

CHAPTER 145

RELATING TO THE JUVENILE COURT OF NEW CASTLE COUNTY

AN ACT TO AMEND 4334. SECTION 19 OF CHAPTER 116 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE JUVENILE COURT OF NEW CASTLE COUNTY AND THE APPOINTMENT OF PROBATION OFFICERS THEREFOR.

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

Section 1. That Chapter 116 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 4334. Section 19 of said Chapter and inserting in lieu thereof the following new section, to be known and styled as 4334. Section 19.

4334. Sec. 19. Probation Officers; Compensation; Appointment; Chief Probation Officer; Appointment; Compensation; How Paid; Powers; Duties:—The Judge of the Juvenile Court shall have authority to appoint or designate one or more discreet persons, men or women, of good moral character to serve as Volunteer Probation Officers during the pleasure of the Court. Said Probation Officers shall receive no compensation for their services.

The Judges of the Superior Court shall appoint, upon the recommendation of the said Judge of the Juvenile Court, provided they consider the recommendation a proper one, one officer who shall be known as the Chief Probation Officer who shall have had previous experience in Social Welfare work. All probation officers shall be directly under the control of the Chief Probation Officer.

The Judge of the Juvenile Court shall have authority to appoint

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NEW CASTLE COUNTY

five probation officers, men or women, who shall be persons of good moral character. One of said probation officers shall be appointed Assistant to the Chief Probation Officer. One probation officer shall be the probation officer for rural New Castle County. The other probation officers shall be appointed for work within the City of Wilmington and may be assigned by the Chief Probation Officer, from time to time, to do the work of the Juvenile Court in rural New Castle County.

The compensation of the Chief Probation Officer and other probation officers for the said Juvenile Court shall be fixed by the Judge of the said Court, by and with the consent of the Mayor and Council of Wilmington, and the Commissioners of the Levy Court of New Castle County. Necessary expenses to an amount not exceeding Two Hundred Dollars (\$200.00) per annum shall be allowed each probation officer, with the exception of the probation officer for rural New Castle County and the Chief Probation Officer who shall be allowed an amount not exceeding Three Hundred Dollars (\$300.00) per annum.

All salaries and all expenses authorized and provided for in this Section, shall be paid in equal shares—one-half by the Mayor and Council of Wilmington, and one-half by the Levy Court of New Castle County.

The Judge of the Juvenile Court each year shall submit a budget for estimated expenses, salaries and clerical help, to the Mayor and Council of Wilmington and to the Commissioners of the Levy Court of New Castle County, at the time designated or fixed by those bodies for the submission of budgets for their fiscal year.

All paid probation officers shall be invested with all the duties and powers set forth in Sections 12 to 30, inclusive, of this Chapter, and for the purposes set forth in these sections shall possess the power and authority of a Sheriff to make arrests, and shall have authority to go into the home of any delinquent, neglected or dependent child.

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NEW CASTLE COUNTY

When any child is brought before the Court, it shall be the duty of a probation officer to make an investigation of such case and to be present in Court to represent the interests of the child when the case is heard, to furnish to the Court such information and assistance as the Court or Judge may require, and to take charge of any child before and after the trial, as may be directed by the Court.

Section 2. This Act shall become operative when passed by the General Assembly and approved by the Governor.

Approved April 24, 1939.

CHAPTER 146

COURT OF CHANCERY

AN ACT TO REPEAL ALL OF CHAPTER 206, VOLUME 41, LAWS OF DELAWARE, 1937, ENTITLED "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 enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That all of Chapter 206, Volume 41, Laws of Delaware, 1937, be and the same is hereby repealed.

Approved May 1, 1939.

CHAPTER 147

AUTHORIZING THE PUBLICATION OF UNPUBLISHED
DECISIONS OF JOSIAH O. WOLCOTT, LATE CHANCELLORAN ACT AUTHORIZING THE PUBLICATION OF THE UNPUB-
LISHED DECISIONS OF JOSIAH O. WOLCOTT, LATE CHAN-
CELLOR OF THE STATE OF DELAWARE.

WHEREAS, in accordance with Section 4256 of the Revised Code of 1935 authorizing the Chancellor of the State of Delaware to publish such decisions of the Court of Chancery, the Orphans' Courts in the respective counties, and appeals in the Supreme Court from the Court of Chancery, and the Orphans' Courts, the Chancellors of the State of Delaware have heretofore collected, reported and from time to time published certain decisions as therein provided; and

WHEREAS, Josiah O. Wolcott, late Chancellor of this State, died leaving certain decisions in the said Courts unpublished, which cases are sufficient to complete an additional volume of Chancery Reports; and

WHEREAS, heretofore it has been the practice of this Assembly to authorize the families of deceased Chancellors and other reporting Judges to publish such decisions as remain unreported at the death of the Chancellor or reporting Judge.

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

Section 1. That Daniel F. Wolcott and Josiah O. Wolcott, Jr., be and they are hereby authorized and requested to prepare for publication, and publish the decisions of the Court of Chancery, the Orphans' Courts in the respective counties, and appeals in the Supreme Court from the Court of Chancery and Orphans' Courts, which in the case of the Court of Chancery and the Orphans' Courts of the respective counties were determined during the lifetime of the late Chancellor Josiah O. Wolcott, and in the case of the Supreme Court were determined or pending on appeal from the Court

AUTHORIZING THE PUBLICATION OF UNPUBLISHED DECISIONS OF JOSIAH O. WOLCOTT, LATE CHANCELLOR

of Chancery or the Orphans' Courts during the lifetime of the late Chancellor Josiah O. Wolcott upon the same terms and subject to the requirements of Section 4256 of the Revised Code of the State of Delaware of 1935, except as to the number of pages to be contained in such volume, said volume to be known as Volume XXII Delaware Chancery Reports; and the said Daniel F. Wolcott and Josiah O. Wolcott, Jr., shall have the full power and authority to select such cases and other papers which came before the said Josiah O. Wolcott as Chancellor, as in their discretion they may deem proper for publication.

Section 2. That when the said report shall have been published, two hundred copies of the same shall be deposited in the State Library at Dover for the use of the State, and upon the certificate of the State Librarian of such deposit, the State Treasurer shall pay to the said Daniel F. Wolcott and Josiah O. Wolcott, Jr., Sixteen Hundred Dollars out of the general fund of the State Treasury, not otherwise appropriated, to cover the expenses of the publication of the said report.

Approved April 28, 1939.

CHAPTER 148

VICE-CHANCELLOR

AN ACT CREATING THE OFFICE OF VICE-CHANCELLOR OF THE STATE OF DELAWARE, DEFINING HIS DUTIES, POWERS, TERM, QUALIFICATIONS, AND SALARY.

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

Section 1. The office of Vice-Chancellor of the State of Delaware is hereby created. The Vice-Chancellor shall be a solicitor entitled to practice in the Court of Chancery of the State of Delaware, and shall be appointed by the Chancellor and commissioned by the Governor. He shall hold office at the pleasure of the Chancellor.

Section 2. The Chancellor may refer to the Vice-Chancellor any cause or other matter which at any time may be pending in the Court of Chancery. Any cause or other matter so referred to the Vice-Chancellor shall be heard by him for the Chancellor, and he shall report thereon to the Chancellor and advise what order or decree should be made therein. The Chancellor may by general rule of Court provide for the reference to the Vice-Chancellor of causes, matters and proceedings pending that in the future may come before the Court of Chancery. Any matter, cause or proceeding referred to the Vice-Chancellor pursuant to any general rule made by the Chancellor shall be heard by the Vice-Chancellor, as heretofore provided.

Section 3. When any cause, matter or proceeding shall be referred to the Vice-Chancellor, as provided in Section 2 of this Act, the Vice-Chancellor is authorized to take and hear evidence in said cause, matter or proceeding, in the same manner as evidence is now taken and heard by the Chancellor in the Court of Chancery, and the evidence so taken and heard by the Vice-Chancellor shall constitute a part of the record of said cause, matter or proceeding.

VICE-CHANCELLOR

Section 4. The Vice-Chancellor shall not engage in the practice of law as counsel or otherwise, in any of the courts of this State, of the United States, or of any other State. He shall receive an annual salary of seven thousand five hundred dollars (\$7,500.00), payable in the same manner as is the salary of the Chancellor. Said salary shall be full payment for all services rendered by the Vice-Chancellor, and he shall not be entitled to any per diem or other allowance over and above said salary.

Approved May 12, 1939.

CHAPTER 149

RELATING TO INVESTMENTS BY TRUSTEES, GUARDIANS
AND OTHER FIDUCIARIES

AN ACT TO AMEND CHAPTER 117 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 206, VOLUME 41, LAWS OF DELAWARE, 1937, IN RELATION TO INVESTMENTS BY TRUSTEES, GUARDIANS AND OTHER FIDUCIARIES.

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

Section 1. That Section 35 of said Chapter 117 of the Revised Code of the State of Delaware, of 1935, being Section 4401 of said Code, be and the same is hereby, amended by adding a new paragraph under subdivision (B) of said Section, to be known as paragraph (10a), as follows:

(10a) Unsecured obligations of industrial corporations, including findings companies, incorporated in one of the states of the United States, maturing in not more than fifteen years from the date of the purchase, provided that the unsecured obligation purchased shall not be convertible into stock or carry the creation of mortgage debt maturing after one year without the said unsecured obligation being equally secured; and provided further that as of the close of the corporation's last fiscal year preceding the date of purchases.

(a) The total assets of the corporation after accrued depreciation and depletion shall have been not less than \$100,000,000.

(b) The total secured debt of the corporation shall have been not greater than 10% of the total unsecured debt of the corporation, and

(c) The working capital of the corporation shall have been at least equal to the total of the secured debt and unsecured debt, other than current unsecured debt, of the corporation, and pro-

RELATING TO INVESTMENTS BY TRUSTEES, GUARDIANS AND
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vided further that the net earnings of the corporation after depreciation and depletion, for a period of five fiscal years immediately preceding the date of the purchase, shall have averaged three times total fiscal charges; that in the latest of such five fiscal years and in each of three out of the remaining four such five fiscal years net earnings shall have been at least two times total fixed charges (as defined in paragraph (10) of this subdivision; and that if a corporation shall not have had fixed charges in one or more of the five fiscal years immediately preceding the date of purchase, the coverage ratios of fixed charges for such years, as hereinabove required, may be determined, for the purposes of this Act, by assuming such fixed charges to have been the same as at the date of purchase.

Section 2. That Section 35 of said Chapter 117 of the Revised Code of the State of Delaware of 1935, being Section 4401 of said Code, be and the same is hereby further amended by striking out all of paragraph (15) of subdivision (b) of said Section and inserting in lieu thereof the following:

(15) A bank or trust company authorized to set in a fiduciary capacity and acting in such a capacity, other than merely as Agent, may invest funds held by it for investment as fiduciary in fractional undivided interests in a common fund composed exclusively of securities of the classes described in paragraphs (1) to (12) both inclusive, of this subdivision (B) of this Section 35 and of cash, provided that such common fund shall have been created and is managed exclusively by such bank or trust company as trustee under a written plan of which an original executed by such bank or trust company has been filed and is recorded in the Office of the Register in Chancery of the County in which such bank or trust company is located; and also provided that under such a plan it shall not be permitted that any such fractional interests shall at any time be owned by any other than such bank or trust company as trustee under will, under agreement or for an insane person, or as guardian of a minor, or as executor or administrator; and also provided that at least once each three months, as of a predetermined

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date, the fair value of the assets of the common fund shall be ascertained, and that a fractional interest in such common fund may only be acquired or redeemed on such predetermined dates or within two business days thereafter by payment, in the case of acquisition, of an amount in cash or, in the case of redemption, of an amount in cash or in kind, or partly in cash and partly in kind, equal to its proportionate part of the fair value of the common fund, and also provided that at the time of the making of an investment in such common fund there shall not be held in the fund any asset which, because of the nature of such asset, the bank or trust company might not then properly purchase as an investment for the fiduciary account for which the investment in the common fund is made; and also provided that the bank or trust company shall not charge a fee or commission to the common fund for its management or receive any fees or commissions from any fiduciary estate which may be invested in a common fund other than those it would be entitled to receive if such estate were otherwise invested.

Approved May 2, 1939.

NOTE: Errors and omissions herein—so enrolled.

CHAPTER 150

DEFINING THE TERM "PRINCIPAL" IN ACCOUNTING
AND DISTRIBUTION OF TRUST FUNDSAN ACT TO AMEND CHAPTER 117 OF THE REVISED CODE OF
DELAWARE, 1935, BY DEFINING THE TERM "PRINCIPAL"
IN ACCOUNTING AND DISTRIBUTION OF TRUST FUNDS.

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

Section 1. That Chapter 117 of the Revised Code of Delaware, 1935, be amended by adding a new section thereto to be styled Section 35A thereof as follows:

Section 35A: If any part of the funds of a trust shall be invested in bonds or other obligations for the payment of money, unless otherwise provided in the instrument creating such trust, the cost of such bonds or obligations as of the date of the purchase of the same by the trustee, if purchased, or the market value of such bonds or obligations as of the date of acquisition of the same by transfer from an executor or administrator, if same are acquired by the trustee by transfer from an executor or administrator, shall be treated as principal, regardless of their par or maturity value, and any gain or loss realized upon the sale or other disposition thereof shall enure to or fall upon the principal of such trust except that in the event non-interest bearing bonds or obligations are purchased on a discount basis, then the discount, when received shall be income. Unless otherwise provided in the instrument creating a trust the trustee thereof shall not be required to, but may if the trustee deems it desirable, set aside a sinking fund out of the income of the trust to offset depreciation, obsolescence, amortization or other waste of the principal of the trust.

Approved May 1, 1939.

Civil Actions, Pleading and Practice

CHAPTER 151

AFFIDAVITS OF DEMAND

AN ACT TO AMEND CHAPTER 128 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO PLEADING AND PRACTICE IN CIVIL ACTIONS BY REQUIRING NOTICE TO BE GIVEN TO THE DEFENDANT BY THE PROTHONOTARY IN CASES WHERE AN AFFIDAVIT OF DEMAND IS USED.

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

Section 1. That 4648. Section 6 of Chapter 128 of The Revised Code of Delaware, 1935, is hereby amended by adding after the word "due" and after the semi-colon, which semi-colon follows the word "due" and before the word "and" in Line 41 of said Paragraph 4648. Section 6, the following wording, to-wit: "Said affidavit shall be filed in duplicate and a copy thereof delivered or mailed by the Prothonotary to the defendant and/or his attorney of record. Proof of the mailing or delivery of such copy in a manner satisfactory to the Court shall also be given before any judgment shall be entered."

Approved April 28, 1939.

Executions

CHAPTER 152

ATTACHMENTS

AN ACT PROVIDING FOR ATTACHMENT OF WAGES OF EMPLOYEES OF THE STATE, COUNTY, DISTRICT OR ANY MUNICIPALITY.

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

Section 1. That the attachment laws of this State shall apply to employees of the State, or of any County, District or Municipality with the same force and effect as they are now applicable to other individuals. Any officer of the State, or of any County, District or Municipality, whose duty it is to pay such employees compensation from funds of the State, County, District or Municipality for any services rendered by such employees to the State, County, District or Municipality may be summoned to appear and answer as other garnishees are now required to do.

Section 2. The term "employee" as used in Section 1 shall include any and every person performing any and every form of labor and work for the State, County, District or Municipality for compensation.

Approved April 14, 1939.

CHAPTER 153

WRITS OF POSSESSION

AN ACT TO AMEND CHAPTER 133 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO EXECUTIONS WITH REFERENCE TO WRITS OF POSSESSION.

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

Section 1. That Section 46 of Article 7 of said Chapter 133 of the Revised Code of Delaware, 1935, being Code Section 4837. of said Code, be and the same is hereby amended by adding, at the end of 4837. Section 46 thereof, the following:

"And it is further provided, in the event of a judicial sale at law or equity under and by virtue of the foreclosure of any mortgage, or execution upon a mechanics lien, the purchaser at said judicial sale may have a writ of possession awarded against any person in possession of the real estate so sold, provided the rights of such person in possession arose posterior to the date of the mortgage, or the effective date of the mechanics lien."

Approved May 4, 1939.

Limitation of Actions

CHAPTER 154

LIMITATION OF APPEALS AND EXCEPTIONS

AN ACT TO AMEND CHAPTER 147 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO LIMITATION OF APPEALS AND EXCEPTIONS, BY ADDING A NEW SECTION THERETO, LIMITING APPEALS OF THE SUPERIOR COURT FROM THE REGISTER OF WILLS AND THE ORPHANS' COURT.

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

Section 1. That Chapter 147 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new section thereto, to be known as 5153a, Sec. 10a, as follows:

5153a, Sec. 10a. Appeals to Superior Court from Register of Wills and, in Certain Cases, from Orphans' Court; Limitations of Time for Taking:—No appeal to the Superior Court from any order, decree or act of the Register of Wills or from any order, decree or act of the Orphans' Court in cases the cognizance of which shall belong to the Orphans' Court by reason of the personal interest of the Register of Wills in the questions raised but which cases would otherwise be within the jurisdiction of the Register of Wills, shall be taken unless such appeal shall be begun within six months from the date of the entry or making of such order, decree or act or within six months from the date of the passage of this Act, whichever date shall be later.

Approved April 28, 1939.

Crimes and Punishments

CHAPTER 155

OFFENSES AGAINST PRIVATE PROPERTY

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO OFFENSES AGAINST PRIVATE PROPERTY BY MAKING IT A FELONY TO BREAK AND ENTER WITH INTENT TO COMMIT ANY CRIME OR MISDEMEANOR; AND PROVIDING NO CRIMINAL PROCEEDING COMMENCED PRIOR TO THE APPROVAL OF THIS ACT SHALL BE AFFECTED HEREBY.

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

Section 1. That Chapter 150 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5190. Section 10 and 5192. Section 12, and by inserting in lieu thereof respectively the following new Sections:

5190. Section 10. Whoever shall, in the nighttime, break and enter into the dwelling house of another person with the intent to commit any crime or misdemeanor other than that of murder, rape or arson of the first degree, whether such intent be executed or not, shall be deemed guilty of a felony, and shall be fined not less than One Hundred, nor more than Five Hundred Dollars, shall be whipped with not less than twenty nor more than forty lashes and shall be imprisoned for a term not exceeding twenty years.

5192. Section 12. Whoever shall, in the daytime, break and enter into the dwelling house of another with the intent to commit any crime or misdemeanor, or whoever shall enter into the dwelling house of another by day or by night, without breaking the same, with intent to commit any crime or misdemeanor, or whoever, being in the dwelling house of another, shall commit any crime or mis-

OFFENSES AGAINST PRIVATE PROPERTY

demeanor and shall in the nighttime break the said house to get out of the same, or whoever shall, in the nighttime, break and enter into any warehouse, store, office, shop, or outhouse, of another, wherein any goods, money, or other thing being the subject of larceny of any degree are kept, or deposited, with intent to commit larceny of any degree, whether in either case the intent be executed or not, shall be deemed guilty of felony, and shall be whipped with twenty lashes and shall be imprisoned for a term not exceeding three years; and moreover, if any goods, money, or other thing being the subject of larceny of any degree shall have been taken, the person so offending shall forfeit and pay, as restitution money, to the owner thereof, twice the value thereof, unless such goods, money or other thing, or any part thereof, shall have been restored, and in that case the full value thereof.

Section 2. No criminal proceeding commenced prior to the date of approval of this Act shall be, in any manner affected by this Act.

Approved April 7, 1939.

CHAPTER 156

OFFENSES AGAINST PRIVATE PROPERTY

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "OFFENSES AGAINST PRIVATE PROPERTY," RELATING TO THE ISSUANCE OF WORTHLESS CHEQUES FOR VALUABLE CONSIDERATION AND PROVIDING A PENALTY.

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

Section 1. That Chapter 150 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 5218. Section 38, and inserting in lieu thereof the following new section to be known as 5218. Section 38.

5218. Section 38. Any person who shall make or draw, or utter or deliver any check, draft or order for the payment of money, upon any bank or other depository knowing at the time of such making, drawing, uttering or delivering that the maker, or drawer, has not sufficient funds in, or credit with, such bank or other depository for the payment of such check, draft or order, in full, upon its presentation, shall be guilty of a misdemeanor, and punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both fine and imprisonment.

As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of knowledge of insufficient funds in, or credit with, such bank or other depository; Provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within ten days after receiving notice that such check, draft or order has not been paid by the drawee.

The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

Approved May 1, 1939.

CHAPTER 157

GENERAL PROVISIONS CONCERNING CRIMES
AND PUNISHMENTAN ACT TO AMEND 5296 SECTION 1 OF THE REVISED CODE
OF THE STATE OF DELAWARE, 1935, RELATING TO AC-
COMPLICES BY CONFERRING UPON THE COURT DISCRE-
TION IN THE MATTER OF PUNISHMENT UNDER SAID ACT.

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

Section 1. That Chapter 155 of the Revised Code of the State of Delaware, 1935, be and the same hereby is amended by repealing and striking out all of 5296 Section 1 thereof and by inserting in lieu thereof a new section to be known as 5296 Section 1 as follows:

5296. Sec. 1. Accomplices; Degree of Guilt of; How Punished; When to Suffer Highest Degree of Punishment; How Triable; Acquittal of Principal No Bar to Prosecution of:—Whoever shall abet, procure, command or counsel any other person, or persons, to commit any crime or misdemeanor, shall be deemed an accomplice and shall be guilty of the same crime or misdemeanor as the principal offender. Such accomplice may be punished in the same manner and with the same punishment as the principal offender or the Court may in its discretion impose a punishment of lesser degree upon an accomplice than upon the principal offender notwithstanding the accomplice and the principal offender may have been indicted, tried and convicted under the same indictment.

But if the principal offender be under the age of fourteen years, and the crime committed not capital, the accomplice, if of full age, shall suffer the highest degree of punishment prescribed for the offense.

An accomplice may be prosecuted, tried and convicted, without the conviction, trial or indictment, of the principal; and an acquittal of the principal shall not be a bar to the trial and conviction of the accomplice.

Approved April 7, 1939.

Fees of Public Officers

CHAPTER 158

RELATING TO FEES TO BE CHARGED BY THE REGISTER IN CHANCERY

AN ACT TO AMEND 5352. SECTION 9 OF CHAPTER 156 OF THE
REVISED CODE OF DELAWARE, 1935, RELATING TO THE
FEES TO BE CHARGED BY THE REGISTER IN CHANCERY.

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

Section 1. That 5352. Section 9 of Chapter 156 of the Revised
Code of Delaware, 1935, be and the same is hereby amended by
adding after the line reading:

"Filing claims in excess of 200, each10c"
the following:

"Filing exceptions to claims in receivership pro-
ceedings up to 200, each20c

Filing exceptions to claims in receivership proceedings
in excess of 200, each10c"

Approved April 28, 1939.

Additional Boards and Commission

CHAPTER 159

STATE BOARD OF CHIROPODY

AN ACT TO AMEND CHAPTER 157 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE BOARD OF CHIROPODY, THE MEMBERS THEREOF, THE TERM OF OFFICE AND VACANCIES.

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

Section 1. That Chapter 157 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 5386. Sec. 2 of said Chapter 157 and inserting in lieu thereof the following:

5386. Sec. 2. Board Established; Members; Term of Office; Vacancies:—There shall be established a Board of Chiropractic Examiners for the State of Delaware. This Board shall consist of four members to be selected from registered and licensed Chiropractors of the State of Delaware. Said members shall be appointed by the Governor for terms of four years respectively and may be removed at any time for good and sufficient cause. Vacancies in said Board shall be filled by the Governor for the unexpired term.

Approved May 1, 1939.

CHAPTER 160

STATE BOARD OF CHIROPODY

AN ACT TO AMEND CHAPTER 157 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO APPLICATION FOR CERTIFICATE TO PRACTICE CHIROPODY, FEE AND QUALIFICATIONS OF APPLICANT.

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

Section 1. That Chapter 157 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 5387. Sec. 3 of said Chapter 157 and inserting in lieu thereof the following:

5387. Sec. 3. Application for Certificate; Fee; Qualifications of Applicant:—From and after the eighteenth day of April, 1935, any person not holding a certificate to practice Chiropody in this State shall make an application upon a blank form authorized and furnished by the State Board of Chiropody Examiners and file same with said Board for an examination, accompanied by a fee of twenty-five dollars, together with satisfactory proof that he or she is more than twenty-one years of age and of good moral character and that he or she has obtained a preliminary education which is equivalent to a four-year course of instruction in an accredited scholastic high school. Such applicant must also have obtained a doctorate degree in Chiropody upon graduation from an accredited college or university, acceptable to the Board, said college or university requiring, as a prerequisite for said doctorate degree, a four year course of instruction in Chiropody, which course shall consist of at least eight months of instruction per year and a total of at least thirty-nine hundred eighty hours of instruction for said four-year course.

Approved May 1, 1939.

CHAPTER 161

BOARD OF BOILER RULES

AN ACT MAKING IT UNLAWFUL TO OPERATE A STEAM GENERATING BOILER, USING WOOD, COAL, OR COKE FOR FUEL UNLESS EQUIPPED WITH AN EFFECTIVE SPARK ARRESTING DEVICE; DEFINING AN EFFECTIVE SPARK ARRESTING DEVICE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

It shall be unlawful for any owner of a steam generating boiler, using wood, coal, or coke for fuel, to use or operate such boiler or suffer or permit the same to be used or operated in or within three hundred (300) feet of forest land or other combustible vegetation or soil cover unless said boiler is equipped with devices that are effective in preventing the escape of sparks from the smokestack or firebox thereof.

An effective spark arresting device for the purpose of this act shall be deemed to be a spark arrestor which under any circumstances does not permit sparks to escape more than six (6) feet from the smokestack or firebox.

Any owner or operator of a steam boiler as aforesaid who shall operate or suffer or permit the same to be used or operated without effective spark arresting devices as provided herein, or who shall fail or neglect to provide the same shall be guilty of a misdemeanor and, upon conviction before a Justice of the Peace or a Court of Common Pleas, be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. Each day or fraction thereof any boiler is operated in violation hereof shall be deemed a separate offense.

Nothing herein contained shall be construed as applicable to any boiler or boilers installed in or used in or with any locomotive or locomotive crane or wreck derricks subject to the jurisdiction of

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the Bureau of Locomotive Inspection of the Interstate Commerce Commission, nor to the boiler of any railroad equipment moving on the rails of any company or corporation engaged in interstate commerce.

Approved May 4, 1939.

CHAPTER 162

STATE HOUSING BOARD AND HOUSING AUTHORITY

AN ACT TO AMEND CHAPTER 160 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO THE HOUSING AUTHORITY LAW BY REPEALING THE AUTHORITY TO MAKE LOANS FROM THE GENERAL FUND OF THE STATE.

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

Section 1. That Chapter 160 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out from 5461. Section 38, thereof, the following:

"The Treasurer of the State, with the written approval of the Attorney General of the State as to the constitutional and legal authority of the said Treasurer to make such a loan, may lend to an Authority, from the general fund of the State, a sum or sums of money not exceeding at any one time twenty thousand dollars in the aggregate. All sums so advanced shall constitute an indebtedness of the Authority and shall be repaid out of any funds which the Authority may have available for such purpose at any time."

Approved May 13, 1939.

CHAPTER 163

DELAWARE RACING COMMISSION

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF HORSE RACING IN THE STATE OF DELAWARE, TO CREATE A DELAWARE RACING COMMISSION, AND TO PRESCRIBE ITS POWERS AND DUTIES AND PROVIDING FOR SALARIES AND EXPENSES THEREFOR, AND TO PROVIDE FOR THE FEES TO BE CHARGED AND TAXES TO BE COLLECTED FOR THE CONDUCT OF HORSE RACING WITHIN THE STATE OF DELAWARE AND THE DISPOSITION THEREOF" BEING CHAPTER 62, VOLUME 38, LAWS OF DELAWARE, AS AMENDED.

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

Section 1. That Section 15 of an Act entitled "An Act to provide for the Regulation, Control and Licensing of Horse Racing in the State of Delaware, to Create a Delaware Racing Commission, and to Prescribe Its Powers and Duties and Providing for Salaries and Expenses Therefor, and to Provide for the Fees to Be Charged and Taxes to Be Collected for the Conduct of Horse Racing Within the State of Delaware and the Disposition Thereof," as amended (being Sec. 5510 of the Revised Code of Delaware of 1935, as amended), be and it is hereby further amended by striking out all of said Section 15 of said Act, as amended, and inserting in lieu thereof the following:

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

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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 qualifications 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.

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

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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 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 (hereinafter called the Licensee), the Commission shall authorize as further commissions to such Licensee the further sum of one and one-half per cent (1½%) of the total contributions to all pari mutuel or totalizator pools; provided, however, that in no event and at no track licensed under this Act shall the total of the commissions allowed to any licensee, plus the amount payable to the Delaware Racing Commission from such

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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 such 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 lowest multiple of five. The appropriation and use of the money constituting such further commission of one and one-half per cent ($1\frac{1}{2}\%$) of such total contributions to all pari mutuel or totalizator pools for the purposes of the retirement or redemption of any funded debt or shares of stock having a preference on dissolution, or both, incurred or issued by such licensee in financing the purchase of his or its lands and the construction of his or its buildings or equipment thereon, may occur at any time after said commission is earned; the appropriation and use of the money constituting such further commission of one and one-half per cent ($1\frac{1}{2}\%$) of such total contributions to all pari mutuel or totalizator pools for the other purposes hereinafter set forth shall be authorized by the Commission only after the closing of the racing season during which such pools were made or conducted, and only after the completion of an audit of the financial operations of the licensee. Said additional one and one-half per cent ($1\frac{1}{2}\%$) commission shall be used only for the following purposes:

All of the said additional one and one-half per cent ($1\frac{1}{2}\%$) commission shall, after the deduction of all taxes assessable thereon, be applied exclusively to the retirement or redemption of any funded debt or shares of stock having a preference on dissolution, or both, incurred or issued by such licensee in financing the purchase of his or its lands and the construction of his or its buildings or equipment thereon, until the total amount of such funded debt and shares of stock so retired or redeemed hereunder shall equal twenty-five per cent (25%) of the sum equal to the total redemption price of such funded debt, plus the total redemption price of all such shares of stock, or, if such shares shall not be redeemable, then the total dissolution value of such shares; thereafter three-fourths of the said one and one-half per cent ($1\frac{1}{2}\%$) additional commission shall be so applied until the total of all such retirements and redemptions shall equal fifty per cent (50%) of such

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sum equal to the total redemption price of such funded debt, plus the total redemption price of such shares of stock; thereafter one-half of the said one and one-half per cent ($1\frac{1}{2}\%$) commission shall be so applied until the total retirements and redemptions shall equal seventy-five per cent (75%) of such sum equal to the total redemption price of such funded debt, plus the total redemption price of such shares of stock; thereafter one-fourth of said one and one-half per cent ($1\frac{1}{2}\%$) commission shall be so applied until all of such funded debt and such shares of stock have been retired or redeemed. Any portion of the said one and one-half per cent ($1\frac{1}{2}\%$) commission not required herein to be applied to the redemption of such funded debt and shares of stock may, in the discretion of the licensee, be used for further retirement or redemption of such funded debt and shares of stock, or, if not so used, shall be applied first to any operating deficits of the current or preceding fiscal years, and, second, to any improvements in the racing plant required by the Delaware Racing Commission; and thereafter shall be applied to any one or more of the following purposes, without order of preference, viz.:

Any other improvements to the racing plant; suitable monetary rewards for the breeders of winning horses at the said racing plant; stakes or purses for races at said racing plant; or a suitable reserve fund for any of the above five purposes in this section set forth.

Approved February 20, 1939.

CHAPTER 164

STATE ATHLETIC COMMISSION

AN ACT TO AMEND CHAPTER 164 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE ATHLETIC COMMISSION BY PROVIDING ADDITIONAL CONDITIONS FOR THE BONDS REQUIRED TO BE GIVEN BY LICENSEES TO THE COMMISSION AND FOR THE DEPOSIT AND DISBURSEMENT OF MONEYS COLLECTED AND REALIZED BY THE COMMISSION UNDER THE PROVISIONS OF SAID CHAPTER.

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

Section 1. That Chapter 164 of the Revised Code of Delaware, 1935, be and the same hereby is amended by striking out all of 5526. Section 16 of said Chapter and by inserting in lieu thereof a new Section to be known as 5526. Section 16 as follows:

5526. Section 16. Bonds:—Before a license shall be granted to a corporation or person, such corporation or person shall execute and file with the commission a bond in the sum of not less than one thousand dollars (\$1,000.00) except as herein otherwise provided for, to be approved as to form and sufficiency of sureties thereon by said commission, conditioned upon the faithful performance by the licensee of the provisions of this chapter and of the rules and regulations of the commission and further conditioned that the licensee will pay or cause to be paid to all, contestants any and all sums of money due under any contract or agreement between such contestant and the licensee or licensee's agent with relation to any exhibition the conduct of which is authorized by the license granted by the commission to the licensee. No such license shall be issued until such bond is approved and filed. In case of default in the performance of any of the conditions prescribed by the Chapter by the rules and regulations of the commission, the commission shall impose upon the delinquent corporation or person a penalty in a sum not to exceed the amount of the required bond for each offense, which shall be recovered by the Attorney General in the name

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of The State of Delaware, in the manner as other penalties are recovered by law. Any amount so recovered shall be paid to the State Treasurer for the use of the commission.

Section 2. That Chapter 164 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 5535. Section 25 of said Chapter and by inserting in lieu thereof a new Section to be known as 5535. Section 25 as follows:

5535. Section 25. All Moneys Paid to State Treasurer:—All moneys collected and realized under the provisions of this Chapter shall be paid, within five days after the receipt of any such moneys by the secretary of the commission to the State Treasurer, who shall keep the moneys collected and realized under the provisions of this Chapter as a fund separate and apart in the State Treasury for the payment, upon proper warrants signed by the chairman and secretary of the State Athletic Commission and approved by the State Auditor, of the salaries and actual necessary expenses of the officers and employees of the commission, and all other necessary expenses incident to the administration of this Chapter, including the payment and disbursement to the contestants participating in any licensed exhibition of any sum or sums of money due to and received by the commission by reason of the breach by any licensee of the conditions of any bond furnished under the provisions of Section 16 of this chapter; provided, however, that in no case shall any warrant be paid by the State Treasurer for the expenses of any contest until the moneys collected and realized for said contest have been paid to said official by the said secretary. All moneys in excess of Two Thousand Dollars (\$2,000.00) remaining in said fund at the expiration of any calendar year shall revert to the general fund of the State for the purpose of providing money for the payment of the salaries and actual and necessary expenses of the officers and employees of the commission, and all other necessary expenses incident to the administration of this Chapter, the sum of Fifteen Hundred Dollars (\$1500.00) is hereby appropriated for the use of said commission. The secretary of the commission shall give a surety bond to the State of Delaware in such sum as the commission may determine premium on such bond shall be regarded as

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a proper and necessary expense of the commission, and shall be paid out of the funds herein created.

Approved April 14, 1939.

CHAPTER 165

MOTOR VEHICLES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT REGULATING THE USE OF THE PUBLIC HIGHWAY OF THE STATE OF DELAWARE AND IMPOSING A TAX UPON CARRIERS FOR THE USE THEREOF," BEING CHAPTER 39 OF VOLUME 40, LAWS OF DELAWARE, BY FURTHER DEFINING THE TERM "MOTOR VEHICLE."

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

Section 1. That Section 2, paragraph (a) of an Act entitled "An Act Regulating the Use of the Public Highway of the State of Delaware and imposing a Tax upon Carriers for the Use Thereof," being Chapter 39 of Volume 40, Laws of Delaware, be and the same is hereby amended by striking out all of the said paragraph (a) of the said Section 2 and inserting in lieu thereof the following:

"(a) Motor Vehicle means any self-propelled or motor driven vehicle, and any trailer or semi-trailer attached thereto, used upon any public highway in this State in transporting persons or property, except vehicles operating on fixed rails or tracks, and except electric trackless trolley coaches."

Approved February 20, 1939.

CHAPTER 166
MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 10, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CONCERNING MOTOR VEHICLES AND MAKING UNIFORM THE LAW RELATING THERETO" BY FURTHER DEFINING THE WORD "VEHICLE."

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 an Act entitled "An Act Concerning Motor Vehicles and Making Uniform the Law Relating Thereto," being Section 1 of Chapter 10, Volume 36, Laws of Delaware, and being Section 5539 of the Revised Code of Delaware of 1935, be and the same hereby is amended by striking out all of subparagraph (a) of said Section 1 and inserting in lieu thereof the following:

"(a) 'Vehicle'. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and excepting electric trackless trolley coaches."

Approved February 20, 1939.

CHAPTER 167

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY PROVIDING THAT THE MOTOR VEHICLE DEPARTMENT SHALL BE A DEPARTMENT 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 Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by repealing and striking out all of 5540. Sec. 2 thereof, and inserting in lieu thereof the following:

5540. Sec. 2. The Motor Vehicle Department is a Department of the State Government and to secure proper coordination shall be under the supervision and control of the State Highway Department.

The administrative head of the Motor Vehicle Department shall be the Motor Vehicle Commissioner, who shall be appointed by the State Highway Department for such time, not exceeding one year, as said Highway Department shall determine. The Motor Vehicle Commissioner shall have all powers and perform such duties as are herein vested in and conferred upon the Motor Vehicle Commissioner, and with the authority, subject to the approval of the State Highway Department, to hire and discharge, and to fix the compensation of such employees necessary to accomplish the purposes of this Chapter.

Section 2. That said Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by repealing and striking out all of 5678. Sec. 140 thereof and inserting in lieu thereof the following:

5678. Sec. 140. Powers to Seize Motorcycles or Motor Vehicles, When; Motor Vehicle Inspectors; By Whom Appointed;

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Official Badge; Compensation: (a) Any Member of the State Highway Police or any Automobile Inspector shall, after the passage of this Chapter, be clothed with the authority and have the right and is hereby directed to summarily seize in the name of the State and take from any person, other than the rightful owner thereof, having in his or her possession any motorcycle or motor vehicle from which the manufacturer's serial number or any other manufacturer's trade or distinguishing number or identification mark has been removed and effaced, changed, covered or destroyed, and such officer making said seizure shall at once deliver such motorcycle or motor vehicle to the Motor Vehicle Commissioner, who is hereby empowered to hold said motor vehicle until he shall have determined the true owner thereof. Whereupon said Motor Vehicle Commissioner shall apprise such true owner of the fact that he has in his possession such motorcycle or motor vehicle and said Motor Vehicle Commissioner shall deliver the same to the rightful owner thereof. Said owner first paying to the Motor Vehicle Commissioner the cost of such delivery.

(b) The Motor Vehicle Commissioner shall be required to hold in his possession any motorcycle or motor vehicle seized as aforesaid for at least ten days after such seizure, during which time the person from whom the same was taken shall have the right to replevy the same.

(c) For the purpose of enforcing the motor vehicle statutes of the State of Delaware, the Motor Vehicle Commissioner, subject to the approval of the State Highway Department, is authorized to appoint one motor vehicle inspector for each county in the State, said inspectors to be under the jurisdiction and direction of the Motor Vehicle Commissioner and to wear an official badge bearing the inscription "Motor Vehicle Inspector, State of Delaware." The compensation of said inspectors shall not exceed the sum of One Hundred and Fifty Dollars (\$150.00) per month to be paid by the State Treasurer out of any money received by him for the use of the State Highway Department upon warrants drawn by the Motor Vehicle Commissioner. The term of said inspectors shall

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extend from month to month at the discretion of the Motor Vehicle Commissioner.

Section 3. That said Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by striking out of 5690. Sec. 152, 5691. Sec. 153, and 5697. Sec. 159, the words "Secretary of State" wherever such appear, and inserting in lieu thereof the words "Motor Vehicle Commissioner."

Section 4. Upon this Act becoming effective the Motor Vehicle Commissioner, also referred to as the Secretary of State, under the provisions of law to which this Act is an amendment, shall transfer and deliver to the Motor Vehicle Commissioner provided for by this Act, all records, files, papers, supplies, equipment and all paraphernalia, etc., belonging to the Motor Vehicle Department.

Section 5. All motor vehicle registrations, operator's and chauffeurs' licenses, Certificates of Title, and all other official acts heretofore issued or performed by the Motor Vehicle Commissioner, or the Secretary of State, under any of the provisions of the law to which this Act is an amendment shall be valid and continue in force and effect during the period of time authorized by the provisions of the law to which this Act is an amendment.

Section 6. This Act shall become effective immediately upon becoming a law pursuant to the provisions of the Constitution of this State.

NOTE: This bill became a law on April 11, 1939 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

CHAPTER 168

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, IN REFERENCE TO MOTOR VEHICLES; NUMBER PLATES TO BE FURNISHED BY THE DEPARTMENT; SPECIAL NUMBER PLATES TO BE FURNISHED BY THE DEPARTMENT; PROVIDING DATE OF REGISTRATION; RENEWAL OF REGISTRATION; REGISTRATION BY MANUFACTURERS OF REGISTRATION UPON NOTICE OF THEFT OR EMBEZZLEMENT.

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, as amended, be and the same is hereby further amended by striking out 5550. Section 12 of said Chapter, and by inserting in lieu thereof the following:

5550. Sec. 12. Number Plates to Be Furnished by Department:—(a) The Department shall also furnish to each owner whose vehicle shall be registered one number plate for a motorcycle, trailer or semi-trailer and two number plates for each other motor vehicle. The Commission shall have authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this Chapter.

(b) Each number plate, excepting those provided for in paragraph (c) hereof, shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, also the name of this State which may be abbreviated and the date of expiration of such number plate. Such plate and the required letters and numerals thereon, except the date of expiration of such number plate, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

(c) Beginning with the registration year 1940, the Department shall also furnish to each member of the Judicial Branch of

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the State Government, excepting Justices of the Peace, and to the Judge or Judges of the United States District Court for the District of Delaware, to each Judge of the Circuit Court of Appeals of the United States residing within the State of Delaware, and to each member of Congress from the State of Delaware, whose vehicle shall be registered, number plates which shall have displayed thereon the registration number assigned to the vehicle and to the owner thereof; also the name of this State, which may be abbreviated, and the date of expiration of such number plate and in the case of the Judicial Department aforesaid, the Judge or Judges of the United States District Court for the District of Delaware and the Judge or Judges of the Circuit Court of Appeals of the United States, residing in the State of Delaware, the word "Judiciary" and in the case of the members of Congress from the State of Delaware the word "Congressional," such plates to be of the same size as the plates provided for in Section (b) hereof.

(d) The Department shall also furnish to members of the Legislative Branches of the State Government, automobile plates upon which shall be printed the word "Legislative." The said plates shall be two inches wide and of the same length as the license plates to which they are attached; they shall be of the same general design or pattern to correspond with the license plates issued; and the Department shall furnish proper attachments with which to attach the same. Not more than two sets of such plates shall be furnished any one person.

(e) The Department shall issue for every passenger motor vehicle, rented without a driver, the same type of number plates as the type of plates issued for private passenger vehicles.

(f) It shall be unlawful for any person not authorized under the provisions of this Section to use or exhibit said plates on any motor vehicle and any person convicted thereof shall be fined not more than Fifty Dollars for each and every offense.

Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amend-

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ed by striking out 5552. Section 14 of said Chapter, and by inserting in lieu thereof the following:

5552. Sec. 14. Renewal of Registration:—The Registration year 1939 shall be and the same hereby is extended to March thirty-first, 1940, and every vehicle registration under this Chapter issued for the registration year 1939 shall expire on March thirty-first, 1940. Thereafter every vehicle registration under this Chapter shall expire on March thirty-first of each year and shall be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of April in each year.

(b) An owner, who has made proper application for renewal of registration of a vehicle previous to April first but who has not received the number plates, plate or registration card for the ensuing registration year, shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plate or plates issued for the preceding registration year for such time to be prescribed by the Department as it may find necessary for issuance of such new plates.

(c) An owner who has made proper application for registration of a vehicle previous to April first for the ensuing registration year, shall be entitled to operate or permit the operation of such vehicle upon the highways on and after March fifteenth of the current year; provided, the number plates or plate issued for said vehicle for the ensuing registration year shall be properly attached thereto.

Section 3. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out paragraph (a) of 5554. Section 16 of said Chapter, and by inserting in lieu thereof the following:

5554. Sec. 16. Registration by Manufacturers and Dealers:—

(a) A manufacture of or dealer in motor vehicles, trailers, or semi-trailers, owning or operating any such vehicle upon any highway in lieu of registering each such vehicle may obtain from the Department, upon application therefor upon the proper official

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form and payment of the fees required by law, and attach to each such vehicle one or duplicate number plates, as required for different classes of vehicles by Section 12 (a), which plate or set of plates shall each bear thereon a distinctive number, also the name of this State, which may be abbreviated, and the date of expiration of such plate or plates, together with the word "dealer" or a distinguishing symbol indicating that such plate or plates are issued to a manufacturer or dealer, and any such plates so issued may, during the registration year for which issued, be transferred from one such vehicle to another owned or operated by such manufacturer or dealer who shall keep a written record of the vehicles upon which such dealers' number plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the Department.

Section 4. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out paragraph (a) of 5556. Section 18 of said Chapter, and by inserting in lieu thereof the following:

5556. Sec. 18. Registration by Non-Residents:—(a) A non-resident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current registration year in the State, Country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the number plate or plates issued for any such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this State without registering such vehicle or paying any fees to this State.

Section 5. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out 5558. Section 20 of said Chapter, and by inserting in lieu thereof the following:

5558. Sec. 20. Department to Suspend Registration Upon Notice of Theft or Embezzlement:—Whenever the owner of any mo-

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tor vehicle, trailer or semi-trailer, which is stolen or embezzled, files an affidavit alleging either said fact with the Department, it shall immediately suspend the registration of such vehicle and shall not transfer the registration of or re-register such vehicle until such time as it shall be notified that the owner has recovered such vehicle, but notices given as heretofore provided shall be effective only during the current registration year in which given, but if during such registration year such vehicle is not recovered a new affidavit may be filed with like effect during the ensuing registration year. Every owner, who has filed an affidavit of theft or embezzlement, must immediately notify the Department of the recovery of such vehicle.

Approved April 7, 1939.

CHAPTER 169

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES, BY PROVIDING THAT IMMEDIATE FAMILY OF DECEASED PERSON AFTER NOTICE TO THE MOTOR VEHICLE DEPARTMENT MAY CONTINUE TO OPERATE MOTOR VEHICLE OF DECEASED UPON DECEASED'S LICENSE PLATES.

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

Section 1. That 5553, Section 15 of Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out paragraph (d) of 5553, Section 15 of said chapter and inserting in lieu thereof a new paragraph, to be known as paragraph (d), as follows:

(d) In the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy, or insolvency, or execution sale, the registration thereof shall expire and the vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof, except that the widower or widow of any deceased person and the immediate members of his or her family residing in the household, after having given due and proper notice to the Department in such manner and on such form as may be provided therefor by the Department, may operate such vehicle and said license plates shall continue in full force and effect, and excepting further than an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or the assignee or legal representative of any such person may operate or cause to be operated any vehicle upon the highways for a distance not exceeding 125 miles from the place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, upon displaying upon such vehicle the number plates issued to the former owner. The license

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plates shall then be removed from the vehicle and delivered to the Motor Vehicle Department.

Approved May 1, 1939.

CHAPTER 170

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, IN REFERENCE TO REGISTRATION FEES OF MOTOR VEHICLES.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out 5564. Section 26 of said Chapter, and by inserting in lieu thereof the following:

5564. Sec. 26. Registration Fees:—Beginning with the registration year 1940, there shall be paid to the Department for the Registration of Motor Vehicles, Trailers, and Semi-Trailers fees according to the following schedule:

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

For each Motor Vehicle, the use of which is for pleasure or for the chief purpose of carrying persons, excepting Motor Vehicles used for hire, the fee shall be One Dollar and Twenty-five Cents (\$1.25) for each five hundred (500) pounds or fraction thereof of the gross load weight of the vehicle up to and including five thousand (5,000) pounds, and in the event the gross load weight shall exceed five thousand (5,000) pounds the fee for each five hundred (500) pounds or fraction thereof over and above five thousand (5,000) pounds shall be One Dollar and Fifty Cents (\$1.50). The gross load weight of a vehicle, the use of which is for pleasure or for the chief purpose of carrying persons, shall be ascertained by multiplying the maximum number of persons the vehicle is provided to carry by one hundred and twenty-five (125) pounds and adding the result thereby obtained to the weight of the vehicle as specified in the application.

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For other Motor Vehicles, excepting those propelled by Diesel engines, the fee shall be One Dollar and Fifty Cents (\$1.50) for each five hundred (500) pounds or fraction thereof of the gross load weight of the vehicle up to and including five thousand (5,000) pounds and in the event the gross load weight shall exceed five thousand (5,000) pounds the fees for each five hundred (500) pounds or fraction thereof over and above five thousand (5,000) pounds shall be Two Dollars (\$2.00). The gross load weight shall be the weight of the chassis, body, equipment and maximum allowable load as specified by the application. For Motor Vehicles propelled by Diesel engines the fee shall be twice the amount of the fee as is in this paragraph above provided for other Motor Vehicles.

All Convertible Vehicles shall be registered as Commercial Vehicles and the fee for the registration thereof shall be ascertained upon that gross load weight which shall be the greater whether or not the vehicle is a carrier of persons or a carrier of property.

Beginning with the registration year 1940 the fee for registering motor vehicles at any period between October the first and March the fifteenth of each registration year shall be fifty per cent. of those as above enumerated.

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

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 28, 1939.

CHAPTER 171

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, IN REFERENCE TO OPERATORS' AND CHAUFFEURS' LICENSES; NON-RESIDENTS, WHEN EXEMPT FROM LICENSES; APPLICATION FOR OPERATOR'S AND CHAUFFEUR'S LICENSES; NOTARY FEES, CHARGING UNLAWFUL NOTARY FEES, MISDEMEANOR; PENALTY, WHAT APPLICATION SHALL CONTAIN; PROVIDING LICENSE FEES; PROVIDING EXPIRATION DATE OF LICENSE.

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, as amended, be and the same is hereby further amended by striking out paragraph (b) of 5591. Sec. 53, of said Chapter and by inserting in lieu thereof the following:

5591. Sec. 53. Non-Residents, When Exempt From Licenses:—(b) It shall be unlawful for any non-resident whose home State or Country does not require the licensing of operators or chauffeurs, and who has not been licensed either as an operator or chauffeur in his home State or Country, to operate any motor vehicle upon any highway in this State, without first making application for and obtaining a license as an operator or chauffeur as required under this Chapter, except that any said unlicensed non-resident who is over the age of sixteen years and who is the owner of a motor vehicle which has been duly registered for the current registration year in the State or Country of which the owner is a resident, may operate such motor vehicle upon the highways of this State for a period of not more than thirty days in any one year without making application for or obtaining an operator's or chauffeur's license under this Chapter upon condition that the motor vehicle shall at all times display the license number plate or plates issued therefor in the home State or Country of the owner and that the non-resident owner has in his immediate possession a registration card evidencing such ownership and registration in his home State or Country.

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Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out paragraph (c) of 5595. Sec. 57, of said Chapter and by inserting in lieu thereof the following:

5595. Sec. 57. Application for Operator's and Chauffeur's Licenses; Notary Fees; Charging Unlawful Notary Fees, Misdemeanor; Penalty; What Application Shall Contain; License Fee:—(c) Upon receipt of the application and a fee of One Dollar (\$1.00) and after such examination as is herein provided, the Motor Vehicle Commissioner of this State may issue, at his discretion a motor vehicle operator's license, or a chauffeur's license.

Section 3. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out 5603. Sec. 65, of said Chapter and by inserting in lieu thereof the following:

5603. Sec. 65. Expiration of License:—Every operator's and chauffeur's license issued hereunder to expire on the last day of February of the year 1940 shall be and the same hereby is extended to and shall expire on the thirty-first day of May, 1940. Thereafter every operator's and chauffeur's license issued under this Chapter shall expire on May thirty-first of each year and shall be renewed annually upon application and payment of the fees required by law, such renewal to take effect on the first day of June in each year; provided, that the Department, in its discretion, may waive the examination of any such applicant previously licensed under this Chapter.

Approved April 28, 1939.

CHAPTER 172

STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, PROVIDING FOR REORGANIZATION OF THE STATE HIGHWAY DEPARTMENT BY INCREASING THE MEMBERSHIP THEREOF.

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

Section 1. That Chapter 166 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out after the word "Department" in the third line of 5721 Sec. 2 thereof all the remaining provisions of 5721 Sec. 2 and inserting in lieu thereof immediately after "There is created a State Department to be known as the 'State Highway Department' " the following:—

which shall consist of seven members. The four members heretofore appointed by the Governor and now serving shall continue to be members of said Department as resident members of their designated respective Districts, until the expiration of their terms of office respectively. There is hereby appointed, in addition to the four present members heretofore appointed by the Governor as aforesaid, three additional members, viz; Donald P. Ross, of New Castle County, who is appointed the resident member-at-large for New Castle County, Ralph W. Emerson, of Kent County, who is appointed a resident member for Kent County, and Charles D. Abbott, of Sussex County, who is appointed a resident member for Sussex County, each of whom shall hold office until the first day of May, A. D. 1941, at which time their terms of office shall expire and their successors shall be appointed as hereinafter provided. Upon the expiration, on May 1, A. D. 1939, of the term of office of the member heretofore appointed by the Governor now serving as the member of said Department resident in Kent County, the Governor shall appoint a member of said Department for the term of seven years. On May 1, A. D. 1941, upon the expiration of the term of office of the members appointed by this Act and upon the expiration of the term of office of the member heretofore ap-

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pointed by the Governor as a resident member for Sussex County, the Governor shall appoint a resident member-at-large for New Castle County who shall serve for the term of four years, a resident member for Kent County who shall serve for the term of one year, and two resident members for Sussex County, one of whom shall serve for the term of three years and the other shall serve for the term of six years.

In the case of a vacancy in the Department for any reason other than the expiration of the term of office the remaining members of the Department shall fill such vacancy for the unexpired term by selecting a properly qualified person. After the expiration of the terms of office of the members as hereinbefore provided, the Governor shall appoint members of the Department for the full term of six years, other than the resident member-at-large for New Castle County, who shall, at all times, be appointed for the full term of four years.

The members of said Department, including the members heretofore appointed and now serving, and the three additional members appointed as aforesaid, and all members appointed hereafter, shall be, when appointed, and during their terms of office respectively, citizens of the State of Delaware and shall not be a member of any State, County or District political committee, and one shall be a resident of the City of Wilmington, New Castle County, one a resident of New Castle County outside of said City of Wilmington, one a resident-at-large of New Castle County, two shall be residents of Kent County, and two shall be residents of Sussex County. Those members who are to be resident members of the respective Districts shall be so designated in their appointment, and the two members of the Department appointed as residents of the same County or of the Districts thereof, shall not belong to the same political party, but this provision shall not apply to the resident member at-large of New Castle County.

Within thirty days after the first day of May, A. D. 1939, the members shall convene at the offices of the Department at Dover. The new members appointed by this Act shall present a certified

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copy of this Act and the same shall be accepted as sufficient evidence of their authority to hold the offices to which they were respectively appointed by this Act. The said members being as convened shall organize by electing one of their members Chairman. Before entering upon the duties of the office, each member shall take and subscribe the oath or affirmation prescribed in Article XIV of the Constitution. Such oath or affirmation shall become one of the records of the Department. Four members shall constitute a quorum, and, except as herein otherwise provided, a majority of the members present and constituting a quorum, shall be sufficient for any action by the Department.

Section 2. That said Chapter 166 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of 5723 Sec. 4 and inserting in lieu thereof the following:

5723 Sec. 4. Chief Engineer, Appointment of; Qualifications; Secretary; Bond; Salaries:—As soon after the organization as is practicable the Department, at least four members concurring, shall employ a Chief Engineer, for such time, not exceeding one year, as may be determined by the Department, who shall be a civil engineer, and at the time of his employment, not less than thirty years of age and shall have been in active practice of his profession for ten years and shall have had responsible charge of road engineering work for at least five years and shall be qualified to design as well as to direct road engineering work. Graduation from a school of engineering of recognized reputation shall be considered as equivalent to two years of active practice. The said Department, at least four members concurring, shall also employ a Secretary who shall hold office at the pleasure of the Department. The Chief Engineer and the Secretary before entering upon the duties of their offices shall give such bond, if any, as may be required by the said Department for the faithful performance of their respective duties in such positions, respectively, and the Chief Engineer shall take and subscribe an oath or affirmation like that required of a member of said Department. The Chief Engineer may be paid a salary

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not in excess of Seven Thousand Five Hundred Dollars a year, and the Secretary may be paid a salary not in excess of Five Thousand Dollars a year. The members of the Department shall require no compensation for their services, but shall receive their actual expenses incurred while engaged in the affairs of the Department.

Section 3. That said Chapter 166 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out the fifth paragraph of 5731 Sec. 12 and inserting in lieu thereof the following:

Whenever there is an unusual emergency which in the opinion of the Department (at least five members concurring), together with the Chief Engineer, requires immediate attention to save any State Highway from damage, the Department shall have power to employ labor and purchase material to prevent such damage without competitive bids.

Section 4. This Act shall become effective immediately upon becoming a law pursuant to the provisions of the Constitution of this State.

NOTE: This bill became a law on March 27, A. D. 1939 without the approval of the Governor and in accordance with Section 18, Article 3 of the Constitution of Delaware.

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STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, PROVIDING FOR REORGANIZATION 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 Chapter 166 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out after the word "Department" in the third line of 5721. Sec. 2 thereof all the remaining provisions of 5721. Sec. 2 and inserting in lieu thereof immediately after "there is created a State Department to be known as the "State Highway Department'" the following:—

which shall consist of seven members. The members heretofore appointed by the Governor and now serving shall continue to be members of said Department as resident members of their designated respective Districts, until the expiration of their terms of office respectively. There is hereby appointed, in addition to the present members heretofore appointed by the Governor as aforesaid, three additional members, viz: Donald P. Ross of New Castle County, who is appointed the resident member at-large for New Castle County, Ralph W. Emerson of Kent County, who is appointed a resident member for Kent County, and Charles D. Abbott of Sussex County, who is appointed a resident member for Sussex County, each of whom shall hold office until the first day of May, A. D. 1941, at which time their terms of office shall expire and their successors shall be appointed as hereinafter provided. Upon this Act becoming effective, if the Governor has not appointed a member of said Department resident in Kent County duly qualified under the provisions of law to which this Act is an amendment, as a Successor to the member of said Department resident in Kent County whose term of office expired in May 1939, the Governor shall appoint a member of said Department resident in Kent County duly qualified under the provisions of this Act who shall serve as a member of said Department resident in Kent County until May 1,

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1946; and if the Governor before this Act is effective has appointed a duly qualified member of said Department resident in Kent County as a successor to the member of said Department resident in Kent County whose term of office expired in May 1939, said member shall hold office until the expiration of the term thereof. On May 1, A. D. 1941, upon the expiration of the terms of office of the members appointed by this Act and upon the expiration of the term of office of the member heretofore appointed by the Governor as a resident member for Sussex County, the Governor shall appoint a resident member at-large for New Castle County who shall serve for the term of four years, a resident member for Kent County who shall serve for the term of one year, and two resident members for Sussex County, one of whom shall serve for the term of three years and the other shall serve for the term of six years.

In the case of a vacancy in the Department for any reason other than the expiration of the term of office the remaining members of the Department shall fill such vacancy for the unexpired term by selecting a properly qualified person. After the expiration of the terms of office of the members as hereinbefore provided, the Governor shall appoint members of the Department for the full term of six years, other than the resident member at-large for New Castle County, who shall, at all times, be appointed for the full term of four years.

The members of said Department, including the members heretofore appointed and now serving, and the additional members appointed as aforesaid, and all members appointed hereafter, shall be, when appointed, and during their terms of office respectively, citizens of the State of Delaware and shall not be a member of any State, County or District political committee, and one shall be a resident of the City of Wilmington, New Castle County, one a resident of New Castle County outside of said City of Wilmington, one a resident at-large of New Castle County, two shall be residents of Kent County, and two shall be residents of Sussex County. Those members who are to be resident members of the respective Districts shall be so designated in their appointment, and the two members of the Department appointed as residents of the same County or of

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the Districts thereof, shall not belong to the same political party, but this provision shall not apply to the resident member at-large of New Castle County.

Within ten days after this Act becomes effective, the members of said Department shall convene at the offices of the Department at Dover. The new members appointed by this Act shall present a certified copy of this Act and the same shall be accepted as sufficient evidence of their authority to hold the offices to which they were respectively appointed by this Act. The said members being as convened shall organize by electing one of their members Chairman. Before entering upon the duties of the office, each member shall take and subscribe the oath or affirmation prescribed in Article XIV of the Constitution. Such oath or affirmation shall become one of the records of the Department. Four members shall constitute a quorum, and, except as herein otherwise provided, a majority of the members present and constituting a quorum, shall be sufficient for any action by the Department.

Section 2. That said Chapter 166 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of 5723 Sec. 4 and inserting in lieu thereof the following:—

5723. Sec. 4. Chief Engineer, Appointment of; Qualifications; Secretary; Bond; Salaries:—As soon after the organization as is practicable the Department, at least four members concurring, shall employ a Chief Engineer, for such time, not exceeding one year, as may be determined by the Department, who shall be a civil engineer, and at the time of his employment, not less than thirty years of age and shall have been in active practice of his profession for ten years and shall have had responsible charge of road engineering work for at least five years and shall be qualified to design as well as to direct road engineering work. Graduation from a school of engineering of recognized reputation shall be considered as equivalent to two years of active practice. The said Department, at least four members concurring, shall also employ a Secretary who shall hold office at the pleasure of the Department. The Chief Engineer and

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the Secretary before entering upon the duties of their offices shall give such bond, if any, as may be required by the said Department for the faithful performance of their respective duties in such positions, respectively, and the Chief Engineer shall take and subscribe an oath or affirmation like that required of a member of said Department. The Chief Engineer may be paid a salary not in excess of Seven Thousand Five Hundred Dollars a year, and the Secretary may be paid a salary not in excess of Five Thousand Dollars a year. The members of the Department shall require no compensation for their services, but shall receive their actual expenses incurred while engaged in the affairs of the Department.

Section 3. That said Chapter 166 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out the fifth paragraph of 5731. Sec. 12 and inserting in lieu thereof the following:

Whenever there is an unusual emergency which in the opinion of the Department (at least five members concurring), together with the Chief Engineer, requires immediate attention to save any State Highway from damage, the Department shall have power to employ labor and purchase material to prevent such damage without competitive bids.

Section 4. This Act shall become effective immediately upon becoming a law pursuant to the provisions of the Constitution of this State.

NOTE: This bill became a law on August 28, 1939 without the approval of the Governor and in accordance with Section 18, Article 3, of the Constitution of Delaware.

CHAPTER 174

STATE HIGHWAY DEPARTMENT

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO PURCHASE CERTAIN HIGHWAY IMPROVEMENT BONDS AND STATE AID BONDS ISSUED BY THE LEVY COURTS OF NEW CASTLE, KENT AND SUSSEX COUNTIES AND MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 1941.

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, empowered and directed to purchase at par all Highway Improvement Bonds and State Aid Road Bonds heretofore issued by New Castle, Kent and Sussex Counties, respectively, which shall mature during the fiscal biennium of the State beginning on July 1, 1939 and ending on June 30, 1941.

Section 2. The Highway Improvement Bonds and State Aid Road Bonds referred to in Section 1 of 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 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.

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Section 3. On or before June 1, 1939 the Levy Court Commissioners of the Counties of New Castle, Kent and Sussex, respectively, shall certify to the State Highway Department the number of bonds of each issue, the amount thereof and the date on which the maturities of principal on the said Highway Improvement Bonds and the said State Aid Road Bonds of each of said Counties will become due and payable during the fiscal biennium of the State of Delaware beginning on July 1, 1939 and ending on June 30, 1941.

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 Highway Department, the State Treasurer and Auditor of Accounts are the State Highway Department, State Treasurer and Auditor of Accounts are hereby directed and required to have on deposit and available for immediate payment at the Farmers Bank in the proper county of this State or other place where the principal of said bonds are payable at maturity, according to the provisions thereof, full and sufficient funds to pay at par the principal of all such maturing bonds, and upon the presentation of any of said bonds for payment on the maturity date or thereafter, to cause to be paid to the lawful owner or holder of any such bonds the principal sums due thereon.

Section 5. Upon the presentation at maturity of any of said bonds, there shall be paid to the registered holder or to the bearer thereof, as specified in the bonds, the principal sum of each maturing bond out of the funds deposited with and made available for this specific purpose under the provisions of this Act, and upon payment thereof the bonds shall thereafter be delivered to the State Highway Department. If any of the bonds are registered according to the provisions thereof the registered holder shall properly endorse, assign and transfer his title thereto to the State Highway Department.

Section 6. There is hereby appropriated, authorized and directed to be paid out of the State Treasury such sums of money as shall be necessary for the payment of maturities of principal on all

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the said bonds set forth in Section 2 of this Act. The moneys hereby appropriated and authorized shall embrace the sums necessary to provide for the said maturities of principals 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, 1939 to June 30, 1941, both inclusive.

Section 7. The moneys hereby appropriated and authorized to be paid out of the State Treasury shall be paid out of the funds now or hereafter allocated to the State Highway Department.

Section 8. 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 9. All persons are hereby authorized, directed and empowered to do any act or acts necessary for the carrying out of the provisions of this act in order that the principal of each and every of the bonds specified in this act shall be duly and faithfully paid upon the maturity thereof according to the provisions thereof.

Approved May 13, 1939.

CHAPTER 175

STATE HIGHWAY 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 1st, 1939 and ending June 30th, 1940, and for the fiscal year beginning July 1st, 1940 and ending June 30th, 1941, 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 17, 1939.

CHAPTER 176

STATE HIGHWAY DEPARTMENT

AN ACT AUTHORIZING AND DIRECTING STATE HIGHWAY DEPARTMENT TO CONSTRUCT AT ITS OWN COST A DRAINAGE SEWER ALONG RIGHT OF WAY OF STATE HIGHWAY THROUGH UNINCORPORATED TOWN OR DEVELOPMENT KNOWN AS STOCKDALE.

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 directed to lay and construct at its own expense a suitable drainage sewer along its right of way along the State Highway known as Governor Printz Boulevard as the same passes through the unincorporated town or development known as Stockdale.

Approved May 13, 1939.

CHAPTER 177

STATE HIGHWAY DEPARTMENT

AN ACT TO AUTHORIZE A HIGHWAY CROSSING AT GRADE
IN SEAFORD HUNDRED, SUSSEX COUNTY, OVER THE
CAMBRIDGE DIVISION OF THE PENNSYLVANIA RAIL-
ROAD.

WHEREAS, in connection with the building of a new plant at Seaford, Sussex County, the State Highway Department deems it advisable to close an earth road which now crosses the tracks of the Cambridge Division of the Pennsylvania Railroad at grade, and to construct a by-pass road around the tract of land on which said plant is to be constructed, which will cross the tracks of said railroad at a point in Seaford Hundred, Sussex County, about 2,150 feet west of the present crossing; NOW, THEREFORE,

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

Section 1. That the State Highway Department be, and it is hereby authorized to construct at grade a new crossing in Seaford Hundred, Sussex County, over the tracks of the Cambridge Division of the Pennsylvania Railroad at a point approximately 2,150 feet west of the present crossing, which is an extension of Harrington Street of said Town of Seaford on road No. 536.

Section 2. That the said crossing at grade provided for by section 1 hereof is hereby authorized notwithstanding the provisions of 5739. Sec. 20, of the Revised Code of Delaware, 1935.

Approved March 24, 1939.

CHAPTER 178

STATE HIGHWAY DEPARTMENT

AN ACT AMENDING CHAPTER 197, LAWS OF DELAWARE, 1937, REGULATING THE TAKING OF SAND FROM THE BEACHES ALONG THE DELAWARE RIVER AND DELAWARE BAY AND ATLANTIC OCEAN BY EXEMPTING GRAVEL FROM THE PROVISIONS THEREOF.

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

Section 1. That Chapter 197, Laws of Delaware, 1937, be and the same is hereby amended by striking out Section 1 thereof and inserting in lieu thereof a new section to be known as Section 1, as follows:

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 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, provided that this section shall not prohibit the digging or removal of gravel therefrom.

For the purpose of this Act, gravel shall be construed to mean any gravel or coarse sand suitable for concrete masonry such as can be had or found between high and low water mark.

Approved April 28, 1939.

CHAPTER 179

STATE HIGHWAY DEPARTMENT

AN ACT AUTHORIZING THE CONVEYANCE TO THE DELAWARE RAILROAD COMPANY OF A PARCEL OF LAND IN NEW CASTLE COUNTY, DELAWARE, AND RATIFYING AN OPTION GRANTED TO SAID COMPANY TO PURCHASE THE SAME AND AN AGREEMENT TO RELOCATE RAILROAD PLATFORMS AND CONSTRUCT AN APPROACH THERETO.

WHEREAS the State Highway Department acquired a piece of land from The Delaware Railroad Company near State Road Station, New Castle County, Delaware, and granted to the said Company an option to purchase, at any time within three years from the eleventh day of May, 1936, another piece of land of substantially the same area as the piece of land so acquired, a description by metes and bounds of which latter piece of land is hereinafter set forth, for the consideration of Two Hundred and Fifty Dollars (\$250.00), of which One Dollar (\$1.00) was paid by the said Company at the time of the grant of said option, and at the same time the State Highway Department agreed to relocate the platforms of said Company at State Road Station and to construct an approach thereto, said option and said agreement being subject to ratification by the General Assembly of the State of Delaware;

AND WHEREAS the said platforms have been relocated and the approach thereto constructed, and the said Company has notified the State Highway Department that it desires to exercise its said option to acquire the said piece of land hereinafter described by metes and bounds; Now, Therefore,

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

Section 1. The said option and the said agreement to relocate platforms and construct approach be and they are hereby ratified.

Section 2. The State Highway Department, acting by the signature of its Chairman and under its seal duly attested by its Secre-

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tary, together with the Governor of this State, upon payment to said State Highway Department of the sum of Two Hundred and Forty-nine Dollars (\$249.00) by the said The Delaware Railroad Company, is and they are hereby authorized and empowered to execute and deliver a good and sufficient deed of special warranty to The Delaware Railroad Company, a corporation of the State of Delaware, conveying to The Delaware Railroad Company all the title the State of Delaware now has in the following described lot of land, to-wit:

ALL that certain triangular parcel of land situate near State Road Station in New Castle Hundred, New Castle County, Delaware, bounded and described as follows to-wit:

BEGINNING at a point formed by the intersection of the northerly right of way line of the State Highway at eighty feet wide and the southerly right of way line of The Delaware Railroad Company; thence, South thirty-nine degrees fifty-four minutes West, a distance of fifty-four feet along the northerly right of way line of the State Road; thence, North fifty degrees six minutes West, a distance of fifty-seven feet to the southerly right of way line of The Delaware Railroad Company; thence, North eighty-three degrees thirty-four minutes East along the southerly right of way line of the said The Delaware Railroad Company a distance of seventy-eight and fifty-one one-hundredths feet to the place of beginning. Said parcel of land containing one thousand five hundred and thirty-nine square feet more or less.

Section 3. The said sum of Two Hundred and Forty-nine Dollars (\$249.00), when paid to the State Highway Department, shall be placed in the State Treasury to the credit of the State Highway Department to be used for the general purposes of that Department.

Section 4. All acts or parts of acts, if any, inconsistent with this Act are hereby repealed.

Approved March 8, 1939.

CHAPTER 180

STATE HIGHWAY DEPARTMENT—FIREWORKS

AN ACT TO PROHIBIT THE USE AND SALE AND DISPLAY OR POSSESSION OF FIREWORKS, FIRE CRACKERS, SPARKLERS AND OTHER PYROTECHNICS REGULATING PYROTECHNIC DISPLAYS AND REGULATING THE HAVING, USING, STORING AND KEEPING OF FIREWORKS, FIRE CRACKERS, SPARKLERS AND OTHER PYROTECHNICS IN THE STATE OF DELAWARE, AND FURTHER PROHIBITING THE FIRING AND DISCHARGING OF FIREARMS IN OR INTO ANY STREET, HIGHWAY, ALLEY OR OTHER PUBLIC PLACES OF THE STATE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. That on and after the effective date of this Act, it shall be unlawful and it is hereby prohibited, for any person or persons, firm or corporation to store, sell, offer or expose for sale, or have in possession with intent to sell or to use, discharge or cause to be discharged, ignited, fired or otherwise set in action within the State of Delaware, any fireworks, fire crackers, rockets, sparklers, torpedoes, roman candles, fire balloons or other fireworks, or substances of any combination whatsoever designed or intended for pyrotechnic display except after having obtained a permit as hereinafter provided, provided, however, that the provisions of this section shall not apply to any person, firm or corporation now established and now manufacturing fireworks of any or all kinds in the State of Delaware.

Section 2. It shall also be unlawful and it is hereby prohibited, for any person, persons, association or company, to fire or discharge in or on or into any street, highway, alley or public place in the State, any rifle, gun, pistol, revolver, cane, cannon or other appliance, whether projecting or exploding and bullet, cartridge, blank cartridge, cap or otherwise or any explosive substance or mixture of chlorates or nitrates, provided, however, that the provisions of this

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section shall not apply to Peace Officers in the regular discharge of their duties as such and provided further, however, that nothing in this section shall be construed to prohibit any person or persons, association, firm or corporation from using explosives in quarrying or for blasting or other industrial use.

Section 3. Any association or company desiring to hold a public display of fireworks, may apply to the State Highway Department of the State of Delaware for a permit to hold such display, provided application is made thirty days prior to date of holding said display. Application for permit shall set forth the date and hour, and place of holding such display, place of storing fireworks prior to display; also the name of the person or persons holding display and name of person or persons in charge of igniting of fireworks. The application shall be accompanied by a bond in the principal sum of \$3,500.00 payable to the State of Delaware indemnifying any person who may receive or sustain injury to his person or property by reason of any discharge of such fireworks by the applicant or anyone acting for or on his behalf, and any such person so receiving or sustaining injury as aforesaid, may sue on said bond in the name of the State of Delaware to recover damages for such injury, and the Attorney General is hereby authorized and directed to represent such person, in said action. If the State Highway Department is satisfied that the holding of such display is supervised by competent and experienced person or persons, and that said display will not be a detriment to the community in which said display is held, it may grant a permit for said display. The place of storage of fireworks prior to the display shall be subject to the approval of the State Highway Department.

Section 4. The State Highway Department is hereby authorized and directed to confiscate all fireworks or explosives illegally stored within the State.

Section 5. Any person or persons, firm or corporation, convicted for the violation of any provisions of the Act, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) within the discretion

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of the Court. Any Justice of the Peace of the State and the Judge of the Municipal Court of the City of Wilmington shall have plenary jurisdiction of any violation of the provisions of this Act.

Section 6. This Act shall become effective on and after the first day of July, A. D. 1939.

Section 7. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed in so far as such inconsistency does occur.

Approved September 5, 1939.

CHAPTER 181

STATE BUREAU OF IDENTIFICATION WITHIN
THE STATE POLICEAN ACT CREATING A STATE BUREAU OF IDENTIFICATION
WITHIN THE STATE POLICE.

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

Section 1. Bureau Created:—There is hereby created a State Bureau of Identification in the Delaware State Police, hereinafter referred to as "the Bureau," and shall be under the supervision and control of the Superintendent of State Police. The Bureau shall be equipped and maintained by the State police, and shall be located in the main offices of the State Police. The Superintendent of State Police, shall appoint, subject to the approval of the Commission, a Supervisor of the Bureau. The Supervisor shall be a regularly appointed member of the State Police, who shall be trained and experienced in the classification and filing of fingerprints, and he and all other employees of the Bureau shall be subject to the same rules and regulations governing the State Police.

Section 2. Bureau Personnel:—The Bureau personnel shall consist of regular appointed members of the State Police, and such civilian personnel as may be deemed necessary to carry out the provisions of this Act. The civilian personnel so appointed shall each be experienced in the work to be performed by them.

Section 3. Information to Be Supplied by Peace Officers:—Every sheriff, constable, chief police officer, officer in charge, members of the State Police and other law enforcement agencies and officers of the state and of any local government unit shall within forty-eight hours after the arrest of any person, transmit to the Bureau, so far as available, as provided in Section 7 hereof: (a) The names, fingerprints, photographs, and such other data as the Supervisor may from time to time prescribe to all persons arrested for, or suspected of,

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(1) An indictable offense; or such non-indictable offense as is, or may hereafter be, included in the compilations of the Federal Bureau of Investigation of the U. S. Department of Justice;

(2) Being a fugitive from justice;

(3) Being a vagrant or transit;

(4) Being a suspicious person;

(5) Being concerned in gambling or gambling devices;

(6) Being a known habitual offender, or criminal;

(7) Being habitual users of narcotics, or other habit-forming drugs;

(8) Being the operator of a motor vehicle while under the influence of intoxicating liquor or drugs, or leaving the scene of accident without identifying themselves;

(9) Being in possession of stolen goods or of goods believed to have been stolen; and

(10) Being in possession of illegal or illegally carried weapons or in possession of burglar's tools, tools for defacing or altering of the numbers on automobiles, automobile parts, automobile engines, or automobile engine parts; or other articles used in the manufacture or alteration of counterfeit money or bank notes; or illegally in possession of high power explosives, infernal machines, bombs, or other contrivances reasonably believed by the arresting person to be intended to be used for unlawful purposes.

(b) The finger-prints, photographs, and other data prescribed by the Supervisor concerning unidentified dead persons.

(c) The fingerprints, photographs, and other data prescribed by the Supervisor of all persons making application for a permit to

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buy or possess illegal weapons or firearms or to carry concealed a deadly weapon.

(d) A record of the indictable offenses and of such non-indictable offenses as are, or may hereafter be committed within the jurisdiction of the reporting officer, including a statement of the facts of the offense and a description of the offender, so far as known, the offenders method of operation, the official action taken, and such other information as the Supervisor may require.

(e) Copies of such reports as are now required by law to be made or as may hereafter be so required, and as shall be prescribed by the Supervisor, to be made by pawnshops, second-hand dealers, and dealers in weapons.

Section 4. Information to Be Supplied by Court Officials:—Every clerk of a court having original or appellate jurisdiction over indictable offenses, or over such non-indictable offenses as are herein mentioned, or, if there be no clerk, every judge or justice of such court, shall transmit promptly to the Bureau, as provided in Section 7 hereof, such statistics and information as the Supervisor shall prescribe regarding indictments and information filed in such court and the disposition made of them, pleas, convictions, committals, acquittals, probations and paroles granted or denied, and any other dispositions of criminal proceedings made in such court.

Section 5. Information to be Supplied by Heads of Institutions:—Every person in responsible charge of reformatories, industrial schools or insane institutions to which there are committed persons convicted of crime or juvenile delinquency or declared to be criminally insane, shall after the effective date of this act, immediately transmit to the Bureau, the names, finger-prints, photographs, and such other data prescribed by the Supervisor of all persons so committed, as provided in Section 7 hereof.

Section 6. Information to be Supplied by Wardens, Jailers or Keepers:—Every warden, jailer, or keeper of workhouses, jails,

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penitentiaries or other penal institutions, and every probate officer shall within forty-eight hours, transmit to the Bureau, as provided in Section 7 hereof:

(a) The names, fingerprints, photographs, and other data prescribed by the Supervisor, of all prisoners who within ten years prior to the effective date of this Act, were received in such workhouse, jail, penitentiary or penal institution (or in the predecessors of such institutions) for the violation of an indictable offense, so far as such information is available.

(b) The names, fingerprints, photographs, and other data prescribed by the Supervisor, concerning all persons who are hereafter received or committed to such workhouse, jail, penitentiary or penal institution, or who are hereafter placed on parole or probation for any offense.

(c) The officers and officials described in Sections 5 and 6 herein, shall forward to the Bureau, the names and photographs of all prisoners who are to be released or discharged from such institutions, after having been confined in such institutions for a period of three years or more, such photographs will be taken immediately before release of such persons, and he or she shall be attired in civilian clothes.

(d) Full reports of all transfers to or from such institutions, paroles granted or revoked, discharges, from such institutions or from parole, commutation of sentence, and pardons of all persons described in sub-sections (a), (b) and (c) of this section.

(e) All photographs taken of persons or prisoners described in Sections 3, 5 and 6 herein, shall be of a recent date, taken while such persons or prisoners are attired in civilian clothes.

Section 7. Manner of Furnishing Information:—The officers and officials described in Sections 3, 4, 5 and 6 herein shall furnish to the Bureau the information and reports specified in Sections 3, 4,

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5 and 6 hereof at or within such time or period as the Supervisor shall designate, on forms prescribed by the Supervisor, and to forward without delay two copies, or in such number of copies as the Supervisor may require.

Section 8. Bureau Employees' Access to Public Records:—Any employee of the Bureau, upon written authorization by the Supervisor, is authorized to enter any institution described in Sections 5 and 6 hereof, to take or cause to be taken fingerprints or photographs or to make investigation relative to any person confined therein, for the purpose of obtaining information which will lead to the identification of criminals; and every person who has charge or custody of public records or documents from which it may reasonably be supposed that information described in Sections 3, 4, 5, 6, and 10 hereof can be obtained, shall grant access thereto to any employee of the Bureau upon written authorization by the Supervisor, or shall produce such records or documents for the inspection and examination of such employee.

Section 9. Filing Information:—The Bureau shall file all information received by it and shall make a systematic record and index thereof, to the end of providing a method of convenient reference and consultation. No information identifying a person received by the Bureau may be destroyed by it until ten years after the person identified is known or reasonably believed to be dead.

Section 10. Information Voluntarily Supplied by Residents:—Whenever a resident of this State shall appear before any of the officers mentioned in Section 3 hereof, and request an impression of his or her fingerprints, it shall be the duty of such mentioned officer to comply with the request, and make at least two copies of the impressions on forms supplied by the Bureau, one copy shall be forwarded to the Federal Bureau of Investigation at Washington, D. C., and one copy shall be forwarded promptly to the Bureau as provided in Section 7 hereof together with any personal identification data obtainable. The Bureau shall accept and file such fingerprints and personal identification data submitted voluntarily

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by such resident in a separate filing system, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory or change of appearance.

Section 11. **Furnishing Information on Application:**—Upon application the Bureau shall furnish a copy of all information available pertaining to identification and history of any person or persons of whom the Bureau has a record, or any other necessary information:

(1) To any sheriff, constable, chief police officer of the State or of any local government unit, or to any officer of similar rank and description of any State, or of the United States, or of any foreign country, or

(2) To the prosecuting attorney in any court of this State in which such person is being tried for any offense, or

(3) To the judge in any court of this State in which such person is so being tried.

Section 12. **Furnishing Information in Non-Criminal Cases:**—If any officer or official described in Section 11 hereof shall transmit to the Bureau the identification data of any unidentified deceased or injured person or any person suffering from loss of memory, the Bureau shall furnish to such officer or official any information available pertaining to the identification of such person.

Section 13. **Furnishing Information Without Application:**—Although no application for information has been made to the Bureau as provided in Section 11 hereof, the Bureau may transmit such information as the Supervisor shall in his discretion designate, to such persons as are authorized by Section 11 hereof to make application for it and as are designated by the Supervisor.

Section 14. **Local Assistance:**—At the request of any officer

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or official described in Sections 3, 5 and 6 hereof, the Superintendent of State Police may direct the Supervisor to assist such officer.

(1) In the establishment of local identification and record system;

(2) In investigating the circumstances of any crime and in the identification, apprehension, and conviction of the perpetrator or perpetrators thereof, and for this purpose may detail such employee or employees of the Bureau, for such length of time as the Supervisor may deem fit; and

(3) Without such request the Supervisor shall, at the direction of the Governor, detail such employee or employees, for such time as the Governor may deem fit, to investigate any crime within this State, for the purpose of identifying, apprehending, and convicting the perpetrator or perpetrators thereof.

Section 15. Scientific Crime Detection Laboratory. To the end that the Bureau may be able to furnish the assistance and aid specified in Section 14 hereof, the Superintendent of the State Police may direct the Supervisor to organize in the Bureau and maintain therein scientific crime detection laboratory facilities.

Section 16. Certified Copies:—Any copy of a record, picture, photograph, fingerprint or other paper or document in the files of the bureau certified by the Supervisor to be a true copy of the original shall be admissible in evidence in any court of this State in the same manner as the original might be.

Section 17. Reports:—The Supervisor shall submit to the Superintendent of State Police an annual yearly report of the conduct of his office. This report shall present summary statistics of the information collected by the Bureau.

Section 18. Access to Files:—Only employees of the Bureau and persons specifically authorized by the Supervisor shall have

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access to the files or records of the Bureau. No such file or record or information shall be disclosed by any employee of the Bureau except to officials as hereinbefore provided and except as may be deemed necessary by the Supervisor in the apprehension or trial of persons accused of offenses or in the identification of persons or of property.

Section 19. Authority to Procedure Evidence of Identity:—To the end that the officers and officials described in Sections 3, 4, 5, 6, and 10 hereof may be enabled to transmit the reports required of them in the said sections, such officers and officials shall have the authority and duty to take, or cause to be taken, fingerprints, photographs, and other data of persons described in the said Sections 3, 4, 5, 6, and 10. A like authority shall be had by employees of the Bureau who are authorized to enter any institution under the provisions of Section 8 hereof, as to persons confined in such institutions.

Section 20. Failure to Make Required Reports:—Any person who neglects, or refuses, to make any report lawfully required of him under the provisions of this Act, or to do or perform any other act so required to be done or performed by him, or who shall hinder or prevent another from doing an act so required to be done by that other, shall constitute a misdemeanor and such officers or official upon conviction thereof, shall be punished by a fine of not more than fifty dollars, or imprisonment in the County jail for not more than sixty days, or both such fine and imprisonment, and such neglect or refusal shall constitute malfeasance in office, and subject such officer or official to removal from office.

Section 21. Wilful Misconduct:—Any person who shall wilfully give any false information or wilfully withhold information in any report lawfully required of him under the provisions of this act, or who shall remove, destroy, alter or mutilate any file or record of the Bureau, shall be guilty of a misdemeanor, and such person shall upon conviction thereof, be punished by a fine of not less than Fifty Dollars nor more than One Hundred Dollars, or by imprison-

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ment in the county jail for not more than six months, or by both such fine and imprisonment at the discretion of the court, and such act shall constitute malfeasance in office and subject such officer or official to removal from office.

Section 22. Liberal Construction:—This act shall be liberally construed, to the end that offenders may be promptly and certainly identified, apprehended, and prosecuted.

Section 23. Repeal:—All laws and parts of laws in conflict herewith are hereby repealed.

Section 24. Constitutionality:—Should any section or provision of this act be held to be invalid by any court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than the portion so held to be invalid.

Section 25. Appropriation:—The sum of Five Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated to the State Police, from the State Highway Department Funds, specifically for the purpose of carrying out the provisions of this act.

Section 26. Effective Date:—This act shall become effective July first, one thousand nine hundred and thirty-nine.

Approved May 13, 1939.

CHAPTER 182

STATE HIGHWAY DEPARTMENT—OUTDOOR
ADVERTISING

AN ACT FOR THE REGULATION OF OUTDOOR ADVERTISING.

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

Section 1. Purposes and General Scope 1:—The rapid growth in the use of motor vehicles throughout the state, the concurrent extension of highways, built or improved at public expense, is leading to great changes in the extent and character of public travel; the investment of the state, municipalities and towns in good roads, parks, parkways, playgrounds and reservations, the safety, convenience and welfare of the inhabitants are being affected; and the regulation and control of outdoor advertising signs, structures and devices of all kinds is hereby provided for in order to promote the general welfare, especially in the particulars so recited.

2. The powers and authority hereby granted are in derogation of no other powers or authority granted by or created or exercised under any other statute, or by a planning or zoning board or authority, or other public officer, but shall be construed as in addition to any such power or authority, which shall remain unaffected hereby.

Section 2. Powers and Duties of State Highway Department:—It shall be the function and duties of the State Highway Department (a) to enforce the provisions of this act, and (b) to make, publish and enforce such further regulations for the proper control and restriction of structures, signs and other outdoor advertising devices, within the territory under its jurisdiction, as may be required to accomplish the purposes of this Act. The territory under the jurisdiction of the said State Highway Department for the purposes of this Act shall include all of the state outside the corporate limits of any city or incorporated village or town. All employees of the State Highway Department, or any peace officer of this State, when so directed by the State Highway Department or its officers,

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may enter into and upon any land or building to make any examination or survey, or to enforce the provisions of this act.

Section 3. Individual Device Permits:—1. Except as herein-after provided, no person, firm, association or corporation whether engaged in the business of outdoor advertising or not, shall erect, maintain or display any poster panel, bulletin, advertising structure, advertising sign or other advertising device, above or upon real property, without first obtaining a permit therefor from the State Highway Department as herein provided.

2. A separate application for a permit shall be made for each separate advertising structure, sign or device on a form furnished by the said State Highway Department, which application shall contain such information as it may require. Each application shall be accompanied by the written consent of the owner or tenant of the real property upon which such structure, sign, device or display is to be erected or maintained. Application shall be made in like manner for a permit to maintain any existing structure, sign, device or display or to renew a permit.

3. The said State Highway Department, in accordance with the provisions of this Act, shall issue permits for a period of at least one year for the erection and maintenance of all types of outdoor advertising structures, signs, devices and displays; and if the erection and display of any advertising device for which a permit is issued by the said State Highway Department shall be prevented by any zoning board, commission or other public authority or agency which also has jurisdiction over the proposed device or its site, the permit shall be revoked.

Section 4. Identification:—The said State Highway Department shall require that each outdoor advertising structure, sign, device or display shall bear an identifying tag or plate to be issued by the State Highway Department, and if erected or maintained by an outdoor advertiser shall also bear his name, and the said State Highway Department shall make suitable provisions for the details thereof. Excepting, however, all signs, devices or announcements which a telephone, telegraph or electric power company places on

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its poles to indicate danger or ownership thereof, or on buildings to indicate the places where its services are available, or its offices are situated, or crossing signs, devices or announcements erected or maintained by incorporated railroad or railway companies or caution crossing and danger stop signs erected by utility companies or municipal authorities.

Section 5. Removal:—All outdoor advertising structures, signs, devices or displays shall be removed by the outdoor advertiser or other person, firm or corporation, erecting, owning, maintaining or displaying the same, or in default of the owner or tenant of the premises upon which the structure or display is located, within thirty days from the date of the expiration or revocation of the permit for the same.

Section 6. Certain Outdoor Advertising Prohibited:—No structure or advertising device, except directional and warning signs erected by or with the approval of the said State Highway Department shall be erected or maintained:

1. On the right of way of any public highway.
2. Within twenty-five feet of any public highway, park, parkway, playground, school or church if within view of any portion of the same.
3. Upon the inside of curves or at or near a railroad crossing or a highway intersection, if such would obstruct or interfere with the view of a train, locomotive, street car or other vehicle or at approaching such crossing or intersection, or so as to obstruct the view of any such intersection or crossing or of a turn or sharp change in alignment or in any manner dangerous to the public.
4. If said structure or advertising device is not in good physical condition or in any way endangers traffic on any public highway.

Section 7. Outdoor Advertising on Public Highways:—Any person who wilfully or maliciously displaces, removes, destroys or

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injures a mile-board, mile-stone, danger-sign or signal; or guide sign or post or any inscription thereon, lawfully within a public highway, or who in any manner paints, prints, places, puts or affixes, such an advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-stone, danger-signal, guide-sign, guide-post, building or other object lawfully within the limits of any public highway, is guilty of a misdemeanor.

Section 8. Certain Announcements Excepted:—The following classes of signs and announcements, even when otherwise falling within the category of outdoor advertising are excepted from the provisions of the Act.

1. A sign erected or maintained upon property to identify a business conducted thereon provided such sign does not exceed thirty square feet in area and is placed on the premises.

2. A sign containing six square feet or less upon real property stating that the property, or a part thereof, is for sale or for rent.

3. A notice or advertisement required by law in any legal proceeding or put upon by public authority.

4. Danger or precautionary sign containing two square feet or less relating to the premises or a sign warning of the condition of or danger of travel on a highway.

5. Any notice or sign of any railroad or other transportation or transmission or communication company necessary for the direction or information or safety of the public.

6. Any sign, containing six square feet or less and bearing announcement of any town, village or city advertising itself or local industries, meetings, buildings, historical markers or attractions, provided the same is maintained at public expense.

Section 9. Harmony of Regulations:—No zoning board or commission, nor any other public officer or agency, shall have power to permit any outdoor advertising which is prohibited by this act

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or by the said State Highway Department under the provisions of this act, nor shall the said State Highway Department have any power to permit any outdoor advertising which is prohibited by any other law or by any board, officer or public agency in the lawful exercise of its or their powers.

Section 10. No outdoor advertising, structures, signs, devices or displays for advertising purposes shall display copy which is critical of the laws or government of the United States or the State of Delaware, which induces a violation of Federal or State law, or which is offensive to the moral standards of the community at the time the copy is offered for display, or which is false, misleading or deceptive.

Section 11. No advertising copy of any character shall be posted, painted, placed or affixed in any way upon rocks, trees, fences, or barricades, within fifty feet of any public highway.

Section 12. Non-Conforming Signs:—Any person, firm or corporation maintaining any advertising sign, structure or device of any kind in violation of the provisions of this Act shall within three years of the effective date of this Act remove such signs, structures or devices or relocate them in compliance with the provisions of this Act.

Section 13. Violation a Nuisance; Abatement:—Any advertising sign, structure or device, which is erected, maintained or displayed in violation of this Act or of any regulations lawfully adopted pursuant to this Act is hereby declared to be a public nuisance and may be forthwith removed, obliterated or abated by the State Highway Department, its employees or any peace officer of the State. Any person, firm or corporation violating the provisions of this Act or any regulation lawfully adopted pursuant to this Act, shall be guilty of a misdemeanor and shall upon conviction be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). Each day that a violation is allowed to continue after notice of its existence shall constitute a separate offense. Any taxpayer may maintain an action for an injunction to restrain any violation of the provisions of this act or of any regulation lawfully adopted pursuant thereto.

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Section 14. Local Regulations:—The provisions of this Act shall not apply to any structures, signs or other outdoor advertising devices situate within the corporate limits of any city or incorporated town or village in the State of Delaware.

Section 15. Construction of Act:—This act shall be liberally construed with a view to the effective accomplishment of its purpose. If any section or provision of this act shall be held invalid or unconstitutional such decision shall affect only the section or provision so declared invalid or unconstitutional and shall not affect any other section or provisions of this act.

Section 16. This Act shall take effect January 1st, 1940.

Approved May 15, 1939.

CHAPTER 183

STATE HIGHWAY DEPARTMENT
COMMISSION TO CONSIDER THE FEASIBILITY OF AN
APPROPRIATE CROSSING OF THE DELAWARE RIVER
AN ACT AUTHORIZING THE APPOINTMENT OF A COMMISSION
TO CONSIDER THE FEASIBILITY OF AN APPROPRIATE
CROSSING OF THE DELAWARE RIVER.

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 appointed, authorized and directed to investigate the desirability, practicability and commercial feasibility of the construction and establishment of a bridge, or tunnel over or under the Delaware River, and connecting the State of Delaware and the State of New Jersey; and to that end, but without limitation of the foregoing, the said Department is hereby authorized and empowered:

(a) To prepare preliminary plans, estimates, and to secure all necessary engineering and cost of construction data, to determine the location and character of installing and operating a method of transportation between the State of Delaware and the State of New Jersey; and to determine and report whether the said operation should be a bridge or a tunnel.

(b) To determine through proper negotiations the costs for acquiring the necessary property of every character both in New Jersey and Delaware for the construction both of a bridge or a tunnel, as well as necessary terminal facilities for each of said operations.

(c) To examine, determine and report on all legal questions of every character both in relation to the State of New Jersey and its several sub-divisions which may have relation to the purposes of this Act; and to the State of Delaware and its several sub-divisions, which may have relation to the purposes of this Act; and of all transportation operations whether public or private, which may be involved in or related to the final plan.

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(d) To prepare a plan for the establishment of an authority as an agency to carry out the plans and operations for the construction and operation of the final plan which may be determined upon by the proper authorities of the State of Delaware.

(e) To consult with the United States War Department, through its proper agency, on all questions arising under any proposed crossing operation as recommended by the Department, and to secure the approval of said War Department of the plan finally agreed upon.

(f) To determine by studies the question of traffic both in relation to the present traffic of both passenger and freight over the Highways of the State of Delaware, as well as by means of the proposed crossing; and to make and secure estimates relating to the question of charging a toll fee for the use of the means of transportation to be finally determined upon.

(g) To determine, after negotiations, with responsible banking interests, whether corporate or private, the best possible basis for the issuance of such securities as may be issued by the proposed Authority under such powers as may be conferred upon it, for the purpose of putting in effect and operating the said crossing operation.

(h) If the Department consider it advisable, to prepare, examine and present plans to the Public Works Administration at Washington, for the purpose of securing such financial aid, or other assistance as may be needed or obtainable to assist in the carrying out of the proposed objective for which the Authority is created.

(i) To make a comprehensive study of all matter which said Department shall consider proper in order to make a full and complete report on said proposed crossing.

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Section 2. The State Highway Department is hereby authorized and empowered to select any person, persons, or group of persons individually or as constituting a special commission or committee, to advise and assist it in carrying out any of the authority or directions of this Act, especially those specifically enumerated in Section 1 hereof, and in so doing the State Highway Department is hereby authorized and empowered to pay for such services as it deems fit and proper.

Section 3. Upon completion of its studies and findings the said Department shall report its conclusions and recommendations to the Governor of this State and to the General Assembly if it shall be in session; and in the event the General Assembly is not in session it shall be the duty of the Governor, upon the next convening of the General Assembly thereafter, either in regular or in special session, to transmit to each House thereof copies of the report or reports made by said Department.

Approved May 4, 1939.

CHAPTER 184

COURT OF COMMON PLEAS—NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 169 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE RIGHT OF AN ACCUSED PERSON TO ELECT TO BE TRIED BY THE COURT OF COMMON PLEAS OF NEW CASTLE COUNTY; DUTY OF THE JUSTICE OF THE PEACE AND THE ARRESTING OFFICER TO ADVISE THE ACCUSED OF HIS RIGHT TO SO ELECT; EFFECT UPON JURISDICTION.

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 12, 1939.

CHAPTER 185

DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE DELAWARE WORKMEN'S COMPENSATION LAW, AND EFFECTING THE INTERPRETATION THEREOF AND DEFINITIONS THEREIN.

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

Section 1. That 6071, Sec. 1 of Chapter 175, the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of said 6071 Sec. 1 and inserting in lieu thereof a new paragraph to be known as 6071 Sec. 1.

6071 Sec. 1. Application of Chapter:—This Chapter shall be called and cited as the "Delaware Workmen's Compensation Law of 1917" and shall apply to all accidents occurring within the State of Delaware irrespective of the place where the contract of hiring was made, renewed or extended, and shall not apply to any accident occurring outside of the State of Delaware except to accidents occurring to State Employees outside the State of Delaware while such employees are engaged in duly authorized business of the State of Delaware, and except accidents occurring to Delaware employees whose duties require them to go temporarily beyond the territorial limits of the State of Delaware, not over ninety days, when such employees are performing services for employers whose place of business is within the State of Delaware.

The word "Board" shall mean the Industrial Accident Board as created hereby.

Section 2. That 6113 Sec. 43 of Chapter 175, the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of said 6113 Sec. 43 and inserting in lieu thereof a new paragraph to be known as 6113 Sec. 43.

DELAWARE WORKMEN'S COMPENSATION LAW

6113. Sec. 43. "Employee" Construed:—The term "employee" as used in this Chapter shall be construed to mean: "Every person in service in the State of Delaware of the County of New Castle, or any corporation (private, public, municipal or public quasi), of any association, of any firm or of any person (excepting the employer mentioned in Sec. 48 and Sec. 49 hereof) under any contract of hire, expressed or implied, oral or written, or performing services for a valuable consideration, excluding executive officers of any corporation and executive officers for the purpose of this Act shall be construed to mean the President, any Vice-President, Secretary, Treasurer, or any other executive officer elected and empowered by the Board of Directors in accordance with the Charter and the regularly adopted By-laws of the Corporation, unless such officers elect to be covered under this Act, and also excluding any person whose employment is casual and not in the regular course of the trade, business, profession or occupation of his employer, and not including persons to whom articles or materials are furnished or repaired, or adopted for sale in the workman's own home, or on the premises not under the control or management of the employer.

Section 3. Any acts or parts of acts inconsistent with the provisions of this Act are hereby repealed insofar as such inconsistency might occur.

Approved April 12, 1939.

CHAPTER 186

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, PROHIBITING THE SALE OF ALCOHOLIC LIQUOR IN GROCERY STORES, DELICATESSEN SHOPS, OR CIGAR STORES.

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

Section 1. On and after July 1, 1940, it shall be unlawful for any owner, lessee or manager conducting a grocery store, delicatessen shop or cigar store to sell or dispense alcoholic liquors in the State of Delaware.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of the inconsistency only.

Approved April 21, 1939.

CHAPTER 187

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE SALE OF ALCOHOLIC LIQUOR IN PHARMACIES OR DRUG STORES FOR MEDICINAL PURPOSES ONLY.

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 an additional paragraph to be known as Paragraph 12 to 6146. Sec. 17 thereof as follows:

6146. Sec. 17, 12:—On and after the first day of July, A. D. 1940, it shall be unlawful for any owner, lessee or manager conducting a pharmacy or drug store and recognized as such by the Commission to sell or dispense on the premises conducted as a pharmacy or drug store alcoholic liquor for any other purpose than medicinal, scientific and industrial purposes.

Approved May 13, 1939.

CHAPTER 188

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REGARD TO THE ISSUING OF LIQUOR LICENSES.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 6150. Sec. 21 of said Chapter and inserting in lieu thereof a new section to be styled 6150. Sec. 21 as follows:

6150. Sec. 21. General Provisions in Regard to Licenses:— The Commission shall examine all applications for license as promptly as possible, and if it shall appear that any application should not be granted, the commission shall so notify the applicant, stating the cause for refusal and returning the amount paid by the applicant.

All applications for sale of Alcoholic Liquors received by the Commission shall be advertised in the County papers in which the application is made, at least twice, over a period of ten days and if there is no protest against the application, the Commission may consider the application upon their plan of procedure. Upon protest, signed by ten (10) property owners living in the community where said license is to operate then the Commission shall hold a hearing to consider said protest.

Approved April 11, 1939.

CHAPTER 189

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE CANCELLATION OR SUSPENSION OF LICENSES FOR THE SALE OF ALCOHOLIC LIQUORS, WINES AND BEER AND THE DISPOSITION OF ALCOHOLIC LIQUOR, WINE 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, as amended by Chapter 246, 41 Laws of Delaware, be and the same is hereby amended, by striking out Paragraph (2) (b) of 6158. Section 29 as amended, and inserting in lieu thereof the following paragraph:

6158. Section 29 (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 value thereof as determined by the Commission, shall be remitted to the holder of the license cancelled by the Commission or surrendered by the license holder, less ten per cent of such value. When other illegally acquired alcoholic liquors have been seized under this section, no payment shall be made therefor.

Section 2. That Chapter 176 of the Revised Code of Delaware, 1935, as amended by Chapter 246, 41 Laws of Delaware, be and the same is hereby amended by striking out Paragraph (2) (f) of 6158. Section 29 as amended and inserting in lieu thereof the following paragraph:

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6158. Section 29 (2) (f). Any alcoholic liquor purchased or seized by the Commission through the cancellation or surrender of a license, the death of the licensee, under a judgment, or in case of insolvency of a licensee, may be offered and sold by the Commission to persons duly licensed under the provisions of Chapter 176, Revised Code of Delaware, 1935, who shall file sealed bids for such liquors in accordance with the 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 April 11, 1939.

CHAPTER 190

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO POTABLE AND NON-POTABLE ALCOHOL FROM A DISTILLERY TO A MANUFACTURER.

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 6170. Sec. 41 and inserting in lieu thereof the following paragraph:

6170. Sec. 41. Potable and Non-Potable Alcohol from a distillery to a manufacturer: No provision of this chapter shall prevent the Commission from agreeing to the sale and delivery of potable and non-potable alcohol from a distillery direct to a manufacturer of articles requiring such alcohol, provided such sale and delivery be made subject to such conditions as the Commission may publish.

Approved April 11, 1939.

CHAPTER 191

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE SALE AND DELIVERY OF ALCOHOLIC LIQUORS, THOSE ENTITLED TO PURCHASE, RESELL OR DISPENSE ALCOHOLIC LIQUORS, TARIFF OF LICENSE FEES, SEIZURES AND TRANSPORTATION OF ALCOHOLIC LIQUORS.

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 (5) of 6145. Section 16, and inserting in lieu thereof the following paragraph:

6145. Section 16 (5). The Commission may sell at its store or stores, and deliver to any person authorized under this Chapter to purchase alcoholic liquors, alcohol, spirits, wines or beer; provided, however, that no quantity greater than one bottle of spirits or twelve bottles of wine or beer, or twenty-four half bottles of wine or of beer shall be sold to persons other than to a person personally exhibiting at the time of such purchase his or her license to purchase a stock of alcoholic liquor for personal use.

Section 2. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Paragraph (6) of 6146. Section 17, and inserting in lieu thereof the following paragraph:

6146. Section 17 (6). Any person in charge of a grocery, a delicatessen shop, a hotel, a restaurant, a club or a store, whether owner, lessee or manager, and recognized as such by the Commission, may purchase from the Commission or through the Commission, as provided in Section 16 Paragraph (4), but not otherwise, and may keep and sell and deliver on the premises only spirits, wine or beer by the bottle or half-bottle only, but not for consumption on the premises where sold, or in any dependency thereof; provided.

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however, that no quantity greater than one bottle of spirits or twelve bottles of wine or beer, or twenty-four half-bottles of wine or beer shall be so sold or delivered except to a person personally exhibiting at the time of such purchase his or her license to purchase a stock of alcoholic liquor for personal use. All bottles so sold shall be delivered to the purchaser and shall be removed by him or her from the premises where sold and with the seals of such bottles unbroken.

Section 3. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Paragraph (4) of 6148. Section 19, and inserting in lieu thereof the following:

6148. Section 19 (4). All purchases of alcoholic liquor for stock shall be made from the Commission or through the Commission as provided in Section 16 Paragraph 4 of this Chapter, or from persons duly licensed by the Commission to sell alcoholic liquor.

Section 4. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out paragraphs (7) and (9) of 6159. Section 30, and inserting in lieu thereof the following:

6159. Section 30 (7). To sell alcoholic liquor from a grocery, a delicatessen shop, a hotel, a restaurant or a store, not for consumption on the premises, the sum of One Hundred and Fifty Dollars (\$150.00), except as provided in Paragraph (1) (c) of this Section.

6159. Section 30 (9). For a license to purchase a stock of alcoholic liquors for storage in the residence of the licensee for his or her personal use and for the personal use of his or her family and guests, but not for sale, the sum of One Dollar (\$1.00).

Section 5. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Paragraph (b) (1) (d) of 6165. Section 36, as amended by Chap-

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ter 251, Laws of Delaware, 1937, and inserting in lieu thereof the following:

6165. Section 36 (B) (1) (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; provided that the restriction as to quantity shall not apply to the holder of a license to purchase a stock of alcoholic liquor for personal use who having said license then with him or her, is personally transporting for his or her personal use any alcoholic liquor in any quantity; or

Section 6. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting at the end of 6182. Section 53 as amended the following new paragraph:

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

Section 7. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting at the end of 6183. Section 54 the following new paragraph:

The provisions of this Section shall not apply to an individual, the holder of a license to purchase a stock of alcoholic liquor for personal use, who having said license then with him or her, is personally transporting for his or her own personal use any alcoholic liquor in any quantity.

Approved April 11, 1939.

CHAPTER 192

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE SALE OF ALCOHOLIC LIQUOR IN QUANTITIES LARGER THAN ONE BOTTLE TO INDIVIDUALS PRACTISING MEDICINE, SURGERY, OBSTETRICS AND DENTISTRY, OR ANY INDIVIDUAL PRACTICING THE PROFESSION OF A VETERINARY SURGEON.

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 (3) of 6167. Section 38, and inserting in lieu thereof the following paragraph:

6167. Section 38 (3). Every such individual or person mentioned in this Section 38 shall purchase such alcoholic liquor directly from the Commission or through the Commission as provided in Section 16, Paragraph (4) of this Chapter; but the Commission may, at its discretion, refuse to sell the quantity applied for.

Approved April 11, 1939.

CHAPTER 193

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE AUTHORITY OF DELAWARE LIQUOR COMMISSION TO NEGOTIATE AGREEMENTS WITH OTHER STATES OF THE UNITED STATES WITH REGARD TO THE MANUFACTURE, IMPORTATION, SALE AND TRANSPORTATION OF ALCOHOLIC LIQUORS.

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 6134. Section 5 (13) a new paragraph providing as follows, to be known as 6134. Section 5 (14):

6134. Section 5 (14). To negotiate and, with the approval of the Governor, enter into reciprocal agreements with the duly authorized officials of other states of the United States relative to the manufacture, importation, sale and transportation of alcoholic liquors in the several states.

Approved April 11, 1939.

CHAPTER 194

ALCOHOLIC LIQUORS, WINES AND BEERS

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO SELLING ALCOHOLIC LIQUORS DURING CERTAIN HOURS ON CERTAIN DAYS AND IN CERTAIN PLACES.

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 (2) of 6162. Section 33, and inserting in lieu thereof the following paragraph:

6162. Section 33 (2). It is forbidden for any manufacturer or importer to sell or deliver alcoholic liquor on any holiday as hereinafter named, or at hours other than those prescribed by the rules or regulations of the Commission.

Approved April 11, 1939.

CHAPTER 195

UNEMPLOYMENT COMPENSATION COMMISSION

AN ACT TO RELIEVE CERTAIN EMPLOYERS ENGAGED IN INTERSTATE COMMERCE FROM LIABILITY TO PAY CONTRIBUTIONS WITH RESPECT TO WAGES PAYABLE FOR EMPLOYMENT OCCURRING AFTER JUNE 30, 1939, PURSUANT TO THE PROVISIONS OF THE UNEMPLOYMENT COMPENSATION LAW OF THIS STATE, TO EXCLUDE INDIVIDUALS EMPLOYED BY SUCH EMPLOYERS FROM THE SYSTEM OF UNEMPLOYMENT COMPENSATION ESTABLISHED BY THE UNEMPLOYMENT COMPENSATION LAW OF THIS STATE WITH RESPECT TO UNEMPLOYMENT OCCURRING AFTER JUNE 30, 1939, TO PROVIDE FOR THE TRANSFER OF CERTAIN FUNDS FROM THE UNEMPLOYMENT TRUST FUND ACCOUNT OF THIS STATE IN THE UNEMPLOYMENT TRUST FUND ESTABLISHED AND MAINTAINED PURSUANT TO SECTION 904 OF THE SOCIAL SECURITY ACT OF THE CONGRESS OF THE UNITED STATE OF AMERICA, AS AMENDED, TO THE RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT ESTABLISHED AND MAINTAINED PURSUANT TO SECTION 10 OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT OF THE CONGRESS OF THE UNITED STATES OF AMERICA IN SAID UNEMPLOYMENT TRUST FUND AND FOR OTHER PURPOSES.

WHEREAS, by enactment of the Railroad Unemployment Insurance Act, the Congress of the United States of America has made exclusive provision for the payment of unemployment benefits for unemployment occurring after June 30, 1939, based upon employment as in said Act of Congress and as in this Act defined, Therefore,

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

DEFINITIONS

Section 1. As used in this Act, unless the context clearly requires otherwise.

UNEMPLOYMENT COMPENSATION COMMISSION

(a) The term "carrier" means an express company, sleeping car company or carrier by railroad, subject to Part I of the Interstate Commerce Act of the Congress of the United States of America.

(b) The term "company" includes corporations, associations and joint stock companies.

(c) The term "employer" means any carrier (as defined in subsection (a) of this Section), and any company, which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: Provided, however, That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies, and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act of the Congress of the United States of America, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and by-laws of such organizations.

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(d) The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" (as defined in subsection (c) of this section) who before or after August 29, 1935, was in the service of an employer (as defined in subsection (c) of this section) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act of the Congress of the United States of America, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(e) The term "employee" means any individual who is or has been (1) in the service of one or more employers for compensation, or (2) an employee representative.

(f) The term "employment" means service performed as an employee.

REFERENCE TO ACT OF CONGRESS

Section 2. Any reference in this Act to any Act of the Congress of the United States of America includes a reference to such Act of the Congress of the United States of America, as amended from time to time.

CERTAIN SERVICE PERFORMED AFTER JUNE 30, 1939, EXCLUDED FROM TERM "EMPLOYMENT," AS USED IN THE UNEMPLOYMENT COMPENSATION LAW

Section 3. The term "employment," as used in the Unemployment Compensation Law of this State, shall not include service performed after June 30, 1939, for an employer as defined in this Act, and shall not include service performed after June 30, 1939, as an employee representative, as defined in this Act.

CERTAIN BENEFITS NOT TO BECOME PAYABLE AND NOT TO BE PAID PURSUANT TO THE PROVISIONS OF THE UNEMPLOYMENT COMPENSATION LAW

UNEMPLOYMENT COMPENSATION COMMISSION

Section 4. No benefit shall become payable, nor shall any benefits be paid pursuant to the provisions of the Unemployment Compensation Law of this State with respect to unemployment occurring after June 30, 1939, based upon employment, as defined in this Act.

TRANSFER OF FUNDS

Section 5. Notwithstanding any requirements of Section 9 of the Unemployment Compensation Law of this State, the Unemployment Compensation Commission of Delaware shall, prior to July 1, 1939, authorize and direct the Secretary of the Treasury of the United States of America to transfer from the account of this State in the Unemployment Trust Fund, established and maintained pursuant to Section 904 of the Social Security Act of the Congress of the United States of America, as amended, to the Railroad Unemployment Insurance Account, established and maintained pursuant to Section 10 of the Railroad Unemployment Insurance Act of the Congress of the United States of America, an amount hereinafter referred to as the preliminary amount; and shall, prior to January 1, 1940, authorize and direct the Secretary of the Treasury of the United States of America to transfer from the account of this State in said Unemployment Trust Fund to said Railroad Unemployment Insurance Account an additional amount hereinafter referred to as the liquidating amount. The preliminary amount shall consist of that proportion of the balance as of June 30, 1939, in the Unemployment Compensation Fund, as established by Section 9 of the Unemployment Compensation Law of this State, as the total amount of contributions collected from employers (as the term employers is defined in this Act) and credited to the said Unemployment Compensation Fund, bears to all contributions theretofore collected under the said Unemployment Compensation Law and credited to the said Unemployment Compensation Fund. The liquidating amount shall consist of the total amount of contributions collected from employers (as the term employer is defined in this Act), pursuant to the provisions of the said Unemployment Compensation Law, during the period July 1, 1939, to December 31, 1939, inclusive.

Approved April 14, 1939.

CHAPTER 196

UNEMPLOYMENT COMPENSATION COMMISSION

AN ACT TO AMEND AN ACT KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW," BEING CHAPTER 258 OF THE LAWS OF DELAWARE, 1937, BY CHANGING THE DEFINITION OF "BASE PERIOD," CHANGING THE DEFINITION OF "BENEFIT YEAR," EXEMPTING PART TIME OFFICERS OF CERTAIN ORGANIZATIONS, CHANGING THE DEFINITION OF "UNEMPLOYMENT," DEFINING "WAGES" WITH REFERENCE TO JOBS, MAKING SUBJECT TO THIS ACT ANY EMPLOYING UNIT WHICH IS AN EMPLOYER UNDER TITLE IX OF THE FEDERAL SOCIAL SECURITY ACT, REQUIRING CONTRIBUTIONS FROM CERTAIN FRATERNAL BENEFIT SOCIETIES, GIVING A NEW DEFINITION OF "WEEKLY BENEFIT AMOUNT," GIVING A NEW DEFINITION OF THE "DURATION OF BENEFITS," RESTATING THE CONDITIONS BY WHICH UNEMPLOYED INDIVIDUALS BECOME ELIGIBLE FOR BENEFITS, REDUCING AND MAKING UNIFORM THE PERIODS OF DISQUALIFICATION FOR CERTAIN CAUSES, PROVIDING THAT NO INDIVIDUAL MAY RECEIVE DUPLICATE BENEFITS UNDER A STATE OR FEDERAL UNEMPLOYMENT COMPENSATION LAW, AND BY INCREASING THE PERIOD WITHIN WHICH REFUNDS MAY BE CLAIMED.

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

ARTICLE I

Section 1. That Section 2 (a) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 2 (a) and inserting in lieu thereof the following:

(a) "Base Period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

UNEMPLOYMENT COMPENSATION COMMISSION

Section 2. That Section 2 (c) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 2 (c) and inserting in lieu thereof the following:

(c) "Benefit Year" with respect to any individual means the fifty-two-consecutive-week period beginning with the first day of the first week with respect to which the individual first files a valid claim for benefits, and thereafter the fifty-two-consecutive-week period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with Section 6 (a) of this Act shall be deemed to be a "valid claim" for the purposes of this subsection if the individual has earned the wages for employment required under Section 4 (e) of this Act.

Section 3. That Section 2 (h) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by adding thereto a new and additional paragraph to be known as Section 2 (h) (7), reading as follows: "(7) Any employing unit which is an employer under the terms of Title IX of the statute of the United States of America, known and cited as the 'Social Security Act.' "

Section 4. That Section 2 (i) (6) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by adding thereto and inserting at the end thereof a new paragraph to be known as Section 2 (i) (6) (9).

(9) Service performed by an officer of any building and loan association, fraternal order, society, labor union, political club or political organization, service club, alumni association, or any corporation, association, society or club organized and operated exclusively for social or civic purposes. Provided, however, that the exemptions mentioned in this paragraph shall apply only when the

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service performed by the said officer is a part-time service. And provided, further, that the exemptions mentioned in this paragraph shall apply only when the remuneration of the officer performing the aforesaid part-time service does not exceed the sum of Thirty Dollars in any calendar quarter in any calendar year.

Section 5. That Section 2 (m) of Chapter 258 of the Laws of Delaware, 1937, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 2 (m) and inserting in lieu thereof the following:

(m) "Unemployment." An individual shall be deemed "unemployed" in any week during which he performs no services and with respect to which no wages are payable to him, or in any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount plus Two Dollars. The commission shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the commission deems necessary.

Section 6. That Section 2 (p) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 2 (p) and inserting in lieu thereof a new section 2 (p) as follows:

(p) That Section 550 of the Revised Code of Delaware, 1937, shall not be so construed as to relieve the fraternal benefit societies therein mentioned from the payment of the contributions required by this Act.

Section 7. That Section 3 (b) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking

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out all of the said Section 3 (b) and inserting in lieu thereof a new Section 3 (b) as follows:

(b) "Weekly Benefit Amount":—An individual's "weekly benefit amount" shall be an amount equal to one-twenty-fifth of his total wages for employment by employers during that quarter of his base period in which such total wages were highest, except that if such amount is more than Fifteen Dollars, the weekly benefit amount shall be deemed to be Fifteen Dollars, or if less than Five Dollars, shall be deemed to be Five Dollars, and if not a multiple of Fifty Cents, shall be computed to the next higher multiple of Fifty Cents.

Section 8. That Section 3 (c) of Chapter 258 of the Laws of Delaware, 1937, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 3 (c) and inserting in lieu thereof a new Section 3 (c) as follows:

(c) "Weekly Benefit for Unemployment":—Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which is in excess of Two Dollars. Such benefit, if not a multiple of Fifty Cents, shall be computed to the next higher multiple of Fifty Cents.

Section 9. That Section 3 (d) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out and repealing all of the said Section 3 (d).

Section 10. That Section 3 (e) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 3 (e) and inserting in lieu thereof the following:

3 (e) "Duration of Benefits":—Any otherwise eligible individual shall be entitled during any benefit year to a total amount

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of benefits equal to whichever is the lesser of thirteen times his weekly benefit amount, and one-sixth of the wages earned by him for employment by employers during his base period; provided that such total amount of benefits, if not a multiple of Fifty Cents, shall be computed to the next higher multiple of Fifty Cents. For the purposes of this section, wages shall be counted as wages for employment by employers for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of Section 2 (h) or Section 8 (c) with respect to becoming an employer.

Section 11. That Section 3 (f) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out and repealing all of the said Section 3 (f).

Section 12. That Section 4 of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 4 and inserting in lieu thereof the following:

Section 4. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:—

(a) He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the commission may prescribe, except that the Commission may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this Act; provided that no such regulation shall conflict with Section 3 (a) of this Act.

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(b) He has made a claim for benefits with respect to such week in accordance with such regulations as the commission may prescribe.

(c) He is able to work, and is available for work.

(d) He has been unemployed for a waiting period of two weeks. Such weeks of unemployment need not be consecutive. No week shall be counted as a week of unemployment for the purposes of this subsection:—

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further that the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as the preceding benefit year.

(2) If benefits have been paid with respect thereto;

(3) Unless the individual was eligible for benefits with respect thereto as provided in Sections 4 and 5 of this Act, except for the requirements of this subsection and of subsection (e) of Section 5.

(e) He has during his base period earned wages for employment by employers equal to not less than One Hundred Twenty-Five Dollars (\$125.00). For the purposes of this subsection wages shall be counted as wages for employment by employers for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of Section 2 (h) or Section 8 (c) with respect to becoming an employer.

Section 13. That Section 5 (a) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Com-

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pensation Law"), be and the same is hereby amended by striking out all of the said section and inserting in lieu thereof a new Section 5 (a) reading as follows:

(a) For the week in which he has left work voluntarily without good cause and for the two weeks which immediately follow such week (in addition to the waiting period).

Section 14. That Section 5 (b) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said section and inserting in lieu thereof a new Section 5 (b) reading as follows:

(b) For the week in which he has been discharged for misconduct connected with his work and for the two weeks which immediately follow such week.

Section 15. That Section 5 (c) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law") be and the same is hereby amended by adding thereto and inserting at the end thereof a new sentence as follows: "Provided, however, that such disqualification shall continue for the week in which such failure occurred and for the seven weeks immediately following such week.

Section 16. That Section 5 (e) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said section and inserting in lieu thereof a new Section 5 (e) reading as follows:

(e) (1). For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another State or of the United States; Provided that if the appropriate agency of such other State of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

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(e) (2). For any week with respect to which he has received old-age benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress.

Section 17. That Section 14 (d) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out the phrase "one year" and inserting in lieu thereof the phrase "four years."

ARTICLE II.

a. As used in this Section unless the context clearly requires otherwise:

(1) "Old law" means the unemployment compensation law prior to its amendment by Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Article I of this Act.

(2) "New Law" means the unemployment compensation law as amended by Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of this Act.

(3) "Effective date" means the date upon which the new law becomes effective. The effective date of the new law shall be April 1, 1939.

b. Except as otherwise specifically provided in subsection c of this section, the new law shall be exclusively applicable with respect to any individual on and after the effective date. No provision of the old law shall be construed to limit or to extend the rights of any individual as fixed by the new law, after the new law becomes exclusively applicable with respect to such individual as provided in this section.

c. (1) With respect to any individual for whom there is current a benefit year, established pursuant to the old law, which has

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not expired prior to the effective date, Sections 2 (a) (base period), 2 (c) (benefit year), 3 (e) (duration of benefits); and 4 (e) (qualifying wages) of the old law, and the weekly benefit amount determined pursuant to Section 2 (p), 3 (b), and 3 (d) of the old law, shall be exclusively applicable until the expiration of such current benefit year, except that:

(A) Notwithstanding any provision of Sections 2 (a) and 3 (d) of the old law to the contrary, the base period of such individual and the period usable in the determination or redetermination of his full-time weekly wage shall in no event extend after September 30, 1938. Provided, that there shall be added to the maximum total benefits payable during such current benefit year the amount (if any) by which such maximum total benefits are exceeded by the maximum total benefits which would have been payable under subsections (b), (c), and (e) of Section 3 and Section 4 (e) of the new law during a benefit year beginning on the effective date, but such aggregate total benefits shall not exceed 13 times the weekly benefit amount established pursuant to the old law.

(B) Notwithstanding any provision of Section 4 (d) of the old or new law to the contrary, no waiting period shall be required of any such individual after the effective date and before the expiration of such current benefit year, and

(C) Notwithstanding any provision of the old law to the contrary, the weekly benefit amount and the maximum total benefits payable during such current benefit year shall, if not a multiple of Fifty Cents, be computed to the next higher multiple of Fifty Cents, with respect to all weeks of unemployment occurring after the effective date.

(2) Sections 2 (a), 2 (c), 3 (b), 3 (e) and 4 (e) of the new law shall be exclusively applicable with respect to such individual after the expiration of such benefit year.

Approved April 7, 1939.

CHAPTER 197

UNEMPLOYMENT COMPENSATION COMMISSION

AN ACT TO AMEND AN ACT KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW," BEING CHAPTER 258 OF THE LAWS OF DELAWARE, 1937, BY CHANGING THE METHOD OF DETERMINING THE CONTRIBUTION RATES OF CERTAIN EMPLOYERS FOR EACH YEAR AFTER DECEMBER 31, 1941.

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

Section 1. That Section 7 (c) of Chapter 258 of the Laws of Delaware, 1937 (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 7 (c) and inserting in lieu thereof the following:

(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.

(2) The commission shall, for the calendar year 1942 and for each calendar year thereafter, determine the contribution rate of each employer with respect to whom there has been three calendar years throughout which benefits were payable to any individual in his employ who became unemployed and was eligible for benefits. Such contribution rate shall be based on the maximum liability of the fund for benefits to the employer's employees who have received benefits, modified by the State experience as to average duration of benefits, as provided below:

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(A) When, in any benefit year, an employee is first paid benefits for total or partial unemployment, his wages during his base period shall be termed the "employee's benefit wages," and shall be treated, for the purposes of this subsection, as though they had been earned in the calendar year in which such first benefit is paid. For the purposes of this subsection, benefit wages shall include only the first \$1170 of wages from any one employer to any one employee in such employee's base period.

(B) The "employer's benefit wages" for any calendar year shall be the total of the employee benefit wages of all of such employer's employees or former employees.

(C) The "benefit wage ratio" of each employer shall be the percentage obtained by dividing the total of his benefit wages for the most recent three completed calendar years by his total payroll subject to contributions for the same three years as shown on his contribution reports.

(D) For any calendar year, the total benefits paid from the fund during the previous calendar year, less all amounts credited to the fund in such previous calendar year other than employers' contributions, shall be termed the amount required from employers. The amount required from employers, divided by the state-wide total of benefit wages of all employers for that calendar year, after adjustment to the nearest multiple of one per cent, shall be termed the "state experience factor." The state experience factor shall be determined annually, prior to the due date of the first contribution payment for employment in the current calendar year.

(E) The contribution rate for each employer for the current calendar year shall be determined prior to the due date of the first contribution for such year in accordance with the following table:

UNEMPLOYMENT COMPENSATION COMMISSION

TABLE

When the State Experience Factor is	If the Employer's Benefit Wage Ratio Does Not Exceed:						
1%	50%	100%	150%	200%	250%	300%	350%
2%	25%	50%	75%	100%	125%	150%	175%
3%	17%	33%	50%	66%	83%	100%	117%
4%	13%	25%	38%	50%	63%	75%	88%
5%	10%	20%	30%	40%	50%	60%	70%
6%	8%	17%	25%	34%	42%	50%	58%
7%	7%	14%	21%	29%	36%	43%	50%
8%	6%	13%	19%	25%	31%	38%	44%
9%	6%	11%	16%	22%	28%	33%	39%
10%	5%	10%	15%	20%	25%	30%	35%
11%	5%	9%	14%	18%	23%	27%	32%
12%	4%	8%	13%	17%	21%	25%	29%
13%	4%	8%	12%	15%	19%	23%	27%
14%	4%	7%	11%	14%	18%	21%	25%
15%	3%	7%	10%	13%	17%	20%	23%
16%	3%	6%	9%	12%	16%	19%	22%
17%	3%	6%	9%	12%	15%	18%	21%

The Employer's Contribution Rate Shall Be:

.5% 1.0% 1.5% 2.0% 2.5% 3.0% 3.5%

If the employer's benefit wage ratio exceeds the percentage in the last column of the table opposite the state experience factor, his contribution rate shall be 4%.

(3) 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.

Section 2. This Act shall be effective as of January 1, 1939.

Approved April 24, 1939.

CHAPTER 198

UNEMPLOYMENT COMPENSATION COMMISSION

AN ACT TO AMEND AN ACT ENTITLED "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 CO-OPERATION 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," SAID ACT BEING CHAPTER 258 OF VOLUME 41, LAWS OF DELAWARE, 1937.

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

Section 1. That sub-section (k) of Section 11 of the Unemployment Law be and the same is hereby amended by adding at the end thereof two new paragraphs, as follows:

The Commission may make its records relating to the administration of this Act available to the Railroad Retirement Board established by Act of the Congress of the United States of America and may furnish to the said Railroad Retirement Board, at the expense of the said Board, such copies thereof as the said Railroad Retirement Board may deem necessary for its purposes.

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The Commission may afford reasonable co-operation with every agency of the United States of America charged with the administration of any Unemployment Insurance or Compensation Law.

Section 2. That sub-section (a) of Section 12 of the Unemployment Compensation Law be and the same is hereby amended by adding at the end thereof a new paragraph, as follows:

The Commission may co-operate with or enter into agreements with the Railroad Retirement Board established by Act of the Congress of the United States of America with respect to the establishment, maintenance and use of free employment service facilities.

Section 3. That sub-section (b) of Section 12 of the Unemployment Compensation Law be and the same is hereby amended by striking out the said sub-section (b) of the said Section 12 and inserting in lieu thereof a new sub-section (b) of Section 12, as follows:

(b) Financing:—All moneys received by this State under 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, 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 employment offices, the Commission is authorized to enter into agreements with the Railroad Retirement Board established by Act of the Congress of the United States of America or any other agency of the United States charged with the administration of an Unemployment Insurance or Compensation Law, with any political sub-division of this State or with any private non-profit organization, and as a part of any such agreement, the Commission may accept

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moneys, services or quarters as a contribution to the Employment Service Account.

Section 4. That sub-section (a) of Section 13 of the Unemployment Compensation Law be and the same is hereby amended

by striking out the said sub-section (a) of the said Section 13 and inserting in lieu thereof a new sub-section (a) of Section 13 as follows:

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 now or hereafter may be deposited or paid into said 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, the Railroad Retirement Board, the United States Employment Service or from any other source, for such purpose. Moneys received from the said Railroad Retirement Board as compensation for services or facilities supplied to said Board shall be paid into this fund and the employment service account thereof, on the same basis as expenditures are made for such services or facilities from such fund and account.

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 balance 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 performance of his duties in connection with the unemployment com-

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pensation 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.

Section 5. That Section 18 of the Unemployment Compensation Law be and the same is hereby amended by striking out all of the said Section 18 and inserting in lieu thereof a new Section 18, as follows:

Section 18. (a) 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 accumulated 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.

(b) The commission is also authorized to enter into arrangements with the appropriate agencies of other States or of the Federal Government (1) whereby wages or services, upon the basis of which an individual may become entitled to benefits under the unemployment insurance or compensation law of another State or of the Federal Government, shall be deemed to be wages for employment by employers for the purposes of Section 3 and Section 4 (e) of this Act, provided such other State agency or agency of the Federal Government has agreed to reimburse the unemployment compensation fund for such portion of benefits paid under this

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Act upon the basis of such wages or services as the Commission finds will be fair and reasonable as to all affected interests, and (2) whereby the Commission will reimburse other State or Federal agencies charged with the administration of unemployment insurance or compensation laws with such reasonable portion of benefits, paid under the law of any such other State or of the Federal Government upon the basis of employment or wages for employment by employers, as the Commission finds will be fair and reasonable as to all affected interests.

Reimbursements so payable shall be deemed to be benefits for the purposes of Sections 3 (e) and 9 of this Act, but no reimbursement so payable shall be charged against any employer's account for the purposes of Section 7 of this Act.

The Commission is hereby authorized to make to other State or Federal agencies and receive from such other State or Federal agencies, reimbursements from or to the unemployment compensation fund, in accordance with arrangements pursuant to this section.

Approved April 14, 1939.

CHAPTER 199

STATE BOARD OF CHIROPRACTIC EXAMINERS

AN ACT TO AMEND AN ACT ENTITLED "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," BY AUTHORIZING THE STATE BOARD TO REFUSE TO ISSUE OR REISSUE A LICENSE FOR CERTAIN REASONS AND MAKING IT UNLAWFUL TO PRACTICE CHIROPRACTIC WITHOUT CERTIFICATE FROM THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

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

Section 1. That Chapter 261, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out all of Section 6 of said Chapter and inserting in lieu thereof the following:

Section 6. No person shall be issued an occupational license or other license by the State of Delaware for the practice of the profession of Chiropractic, unless he or she has first procured from the State Board of Chiropractic Examiners the certificate or certificates required by the provisions of this Act.

Section 2. That Chapter 261, Volume 41, Laws of Delaware, be and the same is hereby amended by adding to Section 7 thereof a new Section to be known as Section 7A as follows:

Section 7A. The State Board of Chiropractic Examiners shall have the power and authority to refuse to issue or reissue a license issued for the practice of the profession of Chiropractic for any of the following causes: Material misrepresentative of facts in the application; chronic and persistent inebriety or chronic drug addiction; the practice of criminal abortion; public advertising of special ability to cure chronic incurable diseases; and the presentation to the

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board of examiners licenses or certificates that shall have been illegally obtained or shall have been signed or issued unlawfully or under fraudulent representation.

The Board of Examiners shall have the power to act upon complaint in writing made to it, or upon its own motion. The accused person shall be furnished with a copy of the complaint charge, and shall be afforded an opportunity for hearing before the board in person or by attorney.

Section 3. That Chapter 261, Volume 41, Laws of Delaware, be and the same is hereby amended by adding to Section 9 thereof a new Section to be known as Section 9A as follows:

Section 9A. It shall be unlawful for any person or persons to represent themselves to the public as a Doctor of Chiropractic, or display any sign or advertise in any manner as being a Doctor of Chiropractic or Chiropractic Physician, or practice in any manner as a Doctor of Chiropractic or Chiropractic Physician without first obtaining from the State Board of Chiropractic Examiners the certificate or certificates required under the provisions of this Act.

Section 4. That Chapter 261, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out all of Section 10 and inserting in lieu thereof the following:

Section 10. Any person or persons violating any of the 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.

Approved May 1, 1939.

CHAPTER 200

STATE PARK COMMISSION

AN ACT TO AMEND CHAPTER 259, VOLUME 41, OF THE LAWS OF DELAWARE, RELATIVE TO STATE PARK COMMISSION; AUTHORIZING THE BORROWING OF MONEY AND THE CREATION OF A DEBT BY OR IN BEHALF OF THE STATE OF DELAWARE FOR THE DEVELOPMENT AND LAYING OUT AND GENERAL IMPROVEMENT OF PUBLIC PARK LANDS BY THE STATE PARK COMMISSION AND THE ISSUANCE OF BONDS THEREFOR.

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

Section 1. That Chapter 259, Volume 41, of the Laws of Delaware, be and the same are hereby amended by adding thereto the following new section, to be known as Section 2 (a):

Section 2 (a). Right to Borrow Money:—The Commission shall be and hereby is authorized and empowered from time to time to borrow not exceeding in the aggregate at any one time, the sum of Four Hundred Thousand (\$400,000.00) Dollars for the purpose of developing and improving such areas as may be administered by it and to pledge the revenues of the Commission as security for the repayment of any sum so borrowed, and for that purpose to issue bonds which may bear coupons or not, or may be registered as to principal, and/or interest, in such series, denominations and/or maturities, bearing such rate of interest, not exceeding five per centum, and containing such provisions as to call or redemption, and such other terms and conditions, as the Commission may determine.

Said bonds shall be issued in the name of the State Park Commission and shall be signed by the President and Secretary thereof, which signatures may be engraved or printed or written upon such bonds or any coupons attached thereto. The faith and credit of the State Park Commission are hereby pledged for the payment of the bonds authorized to be issued under the provisions of this Act, together with interest thereon. These bonds shall not be issued on

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the faith and credit of the State of Delaware but shall be exclusively the obligation of the State Park Commission and only the revenues of said Commission shall be pledged for the payment of principal and interest thereof. All said bonds shall be payable with respect to principal and interest at the Farmers Bank of Wilmington, Delaware, in lawful money of the United States.

Said bonds shall be exempt from taxation by the State or any political subdivision thereof for any purpose.

The Commission may sell and dispose of such bonds on the most advantageous terms possible, whether above or below par, after having advertised the same in at least one newspaper published in the State of Delaware, at least once each week for at least two weeks. No commission or other compensation shall be paid to any member of the Commission for effecting the sale or negotiating the sale of such bonds.

All money received from the sale of any of said bonds after the payment of charges and expenses connected with the preparation and sale thereof, shall be deposited in the Farmers Bank at Wilmington to the credit of the Commission in a separate account, and payments therefrom shall be made upon the order of the Treasurer of the Commission under such rules as may be prescribed by the Commission.

No purchaser or holder of any of said bonds shall be bound to see to or shall be affected by the application of any of the money realized from the sale thereof.

Approved April 28, 1939.

CHAPTER 201

STATE BOARD FOR VOCATIONAL EDUCATION

AN ACT TO PROVIDE FOR THE VOCATIONAL REHABILITATION AND PLACEMENT OF PHYSICALLY DISABLED PERSONS, 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 in order to provide for the vocational rehabilitation of physically disabled persons, there is hereby established, under the direction and control of the State Board for Vocational Education, a division for the vocational rehabilitation and placement in remunerative employment of persons whose capacity to earn a living is or has been destroyed or impaired.

Section 2. That for the purposes of this Act the term "physically disabled person" means any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation; the term "vocational rehabilitation" means the rendering of a disabled person fit to engage in a remunerative occupation.

To be eligible for rehabilitation a person must be vocationally handicapped, and must be susceptible of rehabilitation.

Section 3. The State Board for Vocational Education is hereby authorized and directed:

(a) To make rules and regulations for the disbursing of funds provided for the vocational rehabilitation of disabled persons;

(b) To appoint and to provide for the compensation of the personnel necessary to administer this Act;

(c) To rehabilitate vocationally, and place in remunerative occupations persons eligible for the benefits of this Act.

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(d) To make such rules and regulations as may be necessary for the administration of this Act;

(e) And to report annually to the Governor on the administration of this Act.

Section 4. The State Board for Vocational Education and the Industrial Accident Board are hereby empowered and directed to formulate a plan of cooperation, to become effective when approved by the Governor.

Section 5. The State Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations as may be offered unconditionally, or under such conditions as in the judgment of said State Board are proper and consistent with the provisions of this Act. All moneys received as gifts or donations shall be deposited in the State Treasury and shall constitute a special fund to be used by the State Board in carrying out the purposes of this Act. A report of all gifts and donations received and all disbursements made therefrom shall be submitted annually to the Governor of the State.

Section 6. The State of Delaware hereby accepts the provisions and benefits of the Act of Congress entitled, "An Act to Provide for the Promotion of Vocational Rehabilitation of Persons Disabled in Industry or Otherwise and Their Return to Civil Employment," approved June 2, 1920, as amended; and designates the State Treasurer as custodian of all moneys received by the State from appropriations made by the Congress of the United States for vocational rehabilitation of persons disabled in industry or otherwise, and authorized the State Treasurer to make disbursements therefrom upon the order of the State Board for Vocational Education; and empowers and directs the State Board for Vocational Education to cooperate with the Federal Office of Education, U. S. Department of the Interior, in carrying out the provisions of the national Vocational Rehabilitation Act.

Section 8. This Act shall take effect on July 1, 1939.

Approved April 12, 1939.

CHAPTER 202

DELAWARE COMMISSION ON INTERSTATE
COOPERATION

AN ACT TO FACILITATE THE COOPERATION OF THE STATE
OF DELAWARE WITH OTHER UNITS OF GOVERNMENT
AND TO ESTABLISH AN UNPAID COMMISSION FOR THAT
PURPOSE.

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

Section 1. There is hereby established a standing committee of the Senate of the General Assembly of the State of Delaware, to be officially known as the Senate Committee on Interstate Cooperation, and to consist of three Senators. The members and the chairman of this Committee shall be designated by the President Pro Tempore of said Senate.

Section 2. There is hereby established a similar standing committee of the House of Representatives of the General Assembly of the State of Delaware, to be officially known as the House Committee on Interstate Cooperation, and to consist of three members of the House of Representatives. The members and the chairman of this committee shall be appointed by the Speaker of said House of Representatives.

Section 3. There is hereby established a committee of administrative officials and private citizens of Delaware to be officially known as the Governor's Committee on Interstate Cooperation, and to consist of three members. The governor shall appoint one of the three members of this Committee as its Chairman. In addition to the regular members, the Governor shall be ex-officio an honorary non-voting member of this committee.

Section 4. There is hereby established the Delaware Commission on Interstate Cooperation. This Commission shall be composed of nine regular members, namely:

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The three members of the Senate Committee on Interstate Cooperation;

The three members of the House Committee on Interstate Cooperation; and,

The three members of the Governor's Committee on Interstate Cooperation.

Section 5. The said standing Committee of the Senate and the said standing Committee of the House of Representatives shall function during the regular sessions of the legislature and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall respectively constitute for this State the Senate Council and the House Council of the American Legislators' Association. The term of each administrative member of this Commission shall extend until the first day of February of each year of the regular biennial session of the General Assembly, and until his successor is appointed.

Section 6. It shall be the function of this Commission:

(1) To carry forward the participation of this State as a member of the Council of State Governments.

(2) To encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise, with officials and employees of the other States, of the Federal Government, and of local units of government.

(3) To endeavor to advance cooperation between this State and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating

(a) The adoption of compacts,

(b) The enactment of uniform or reciprocal statutes,

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- (c) The adoption of uniform or reciprocal administrative rules and regulations,
- (d) The informal cooperation of governmental offices with one another,
- (e) The personal cooperation of governmental officials and employees with one another, individually,
- (f) The interchange and clearance of research and information, and
- (g) Any other suitable process.

(4) In short, to do all such acts as will, in the opinion of this Commission, enable this State to do its part—or more than its part—in forming a more perfect union among the various governments in the United States and in developing the Council of State Governments for that purpose.

Section 7. The Commission shall establish such delegations and committees as it deems advisable, in order that they may confer and formulate proposals concerning effective means to secure intergovernmental harmony, and may perform other functions for the Commission in obedience to its decisions. Subject to the approval of the Commission, the member or members of each such delegation or committee shall be appointed by the Chairman of the Commission. The Commission may provide such other rules as it considers appropriate concerning the membership and the functioning of any such delegation or committee. The Commission may provide for advisory boards for itself and for its various delegations and committees.

Section 8. The Commission shall report to the Governor and to the General Assembly within fifteen days after the convening of each regular legislative session, and at such other times as it deems appropriate. Its members and the members of all delegations and committees which it establishes shall serve without compensation

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for such service, but they shall be paid their necessary expenses in carrying out their obligations under this act. The Commission may appoint one of its members its secretary and may employ a stenographer, and may incur such other expenses as may be necessary for the proper performance of its duties, and it may, by contributions to the Council of State Governments, participate with other states in maintaining the said Council's district and central secretariats and its other governmental services.

Section 9. The Committees and the Commission established by this Act shall be informally known, respectively as the Senate Cooperation Committee, the House Cooperation Committee, the Governor's Cooperation Committee and the Delaware Cooperation Commission.

Section 10. For the payment of wages and other compensation of employees; for the payment of expenses of members in attending conferences; and for the payment of general expenses necessary to the proper conduct of the work of the Interstate Commission on the Delaware River Basin, operating under the jurisdiction of the Delaware Commission on Interstate Cooperation and similar agencies of the other participating states, there is hereby appropriated from the general funds in the State Treasury, the sum of Twenty-five Hundred Dollars (\$2500.00) for the year beginning July 1, 1939 and a like sum of Twenty-five Hundred Dollars (\$2500.00) for the year beginning July 1, 1940.

Payments of said appropriated sums shall be made on warrants signed by the Commission by its President and Secretary.

Approved May 13, 1939.

CHAPTER 203

THE DELAWARE DAY COMMISSION

AN ACT AUTHORIZING THE APPOINTMENT OF A COMMISSION TO COMMEMORATE "DELAWARE DAY"; DUTIES THEREOF.

WHEREAS, the State of Delaware was the first State in the Union to ratify the Constitution and thus became the first State; and

WHEREAS, this ratification took place on the 7th day of December, it now is officially recognized as "Delaware Day"; 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 be and he is hereby authorized and directed to appoint on the first day of July, A. D., 1939, for a term of four (4) years a commission of three (3) persons, residents and citizens of the State of Delaware, which shall be known as "The Delaware Day Commission."

It shall be the duty of "The Delaware Day Commission" to stage suitable and proper celebrations in each of the three (3) counties of the State on the 7th day of December of each year commemorating the ratification of the Federal Constitution by the State of Delaware.

Approved May 15, 1939.

CHAPTER 204

PERMANENT BUDGET COMMISSION

AN ACT TO PROVIDE FOR THE ESTABLISHMENTS OF A PERMANENT BUDGET COMMISSION AND DEFINING THE POWERS AND DUTIES THEREOF.

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 shall be known, and may be referred to, as the "Permanent Budget Commission Act of 1939."

Section 2. There is hereby established a Commission to be known as "The Budget Commission" to consist of the Governor, the Auditor of Accounts, the State Treasurer and the State Tax Commissioner.

Section 3. The term of the Budget Commission shall commence upon the effective date of this Act. The Governor shall be the Chairman. The Commission shall meet at least once every month during term of office for the purpose of reviewing anticipated expenditures and the fiscal affairs of the agencies of this State whose support or maintenance in whole or in part is provided for in the budget as defined in this Act.

Section 4. The said Budget Commission shall and it is hereby empowered and directed to

(a) Audit, inspect and examine the accounts and the affairs of and the records of any agency of this State at such times as it deems expedient for the supervision of the budget and shall require all agencies to submit estimates showing the amounts and purposes of all anticipated expenditures to be made at the time or period in which such expenditures are to be made by an agency. Estimates of anticipated expenditures shall be submitted in such form as the Budget Commission may prescribe;

(b) And to require such fiscal reports, statements of balances on hand, estimates of receipts, and information in any manner

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pertinent to the fiscal affairs of this State from the State Treasurer, State Auditor, or any other agency of the State in such form as it shall prescribe for the purposes of this Act.

Section 5. The Budget Commission is hereby authorized to employ a qualified accountant at a salary not exceeding \$5,000.00 per annum, and to prescribe his duties, and to delegate to such accountant all powers of investigation, audit, inspection and examination granted to it under this Act. It shall also have the power to employ the services of accountants and auditors for special investigations for an amount not to exceed \$10,000.00 per annum, payable on warrant of the State Budget Commission upon the State Treasurer.

Section 6. The provisions of 5399. Section 1, Chapter 158 of the Revised Code of Delaware, 1935, providing for the creation of and appointment of the Board of Budget Directors are hereby repealed, and the powers and duties provided for the said Board of Budget Directors in said Chapter 158, Revised Code of Delaware, 1935, are hereby incorporated and made part of the powers and duties of the Budget Commission in so far as they are not inconsistent with the provisions of this Act.

Section 7. The term Budget for the purposes of this Act shall include the complete financial plan of the State as evidenced by all appropriations and allowances made and estimates of revenue approved by the General Assembly, including in addition to the general budget of appropriations adopted by the General Assembly and approved by the Governor, the budget of the State Board of Education as defined in 2664. Section 42 of Chapter 71 of the Revised Code of Delaware, 1935, and the budget of the State Highway Department as defined in 5733. Section 14, Chapter 166 of the Revised Code of Delaware, 1935, relating to the State Highway Department, and all other appropriations and allowances authorized by law which have been or shall be made to all other agencies of this State which are supported in whole or in part out of the revenues, taxes, licenses, fees, permits, fines and from other sources including all agencies which are empowered by statute to collect and

PERMANENT BUDGET COMMISSION

expend revenues by the use of special funds by whatever name known whether or not specifically appropriated by the General Assembly, and shall include the budgets and the revenues and expenditures of all agencies to which moneys are appropriated by supplementary appropriations or otherwise, except that no right to investigate or require reports from the Judiciary or from the courts of this State or from any private hospital, or from the General Assembly, or from any Fire Company, or from Layton Home for Aged Colored, or from Palmer Home, or concerning the Burial of Indigent Veterans, or from Kent and Sussex Fair Association, or from the Libraries of Municipalities, or from the Historical Society of Delaware, or from the American Legion, or from the United Spanish War Veterans, or from the Veterans of Foreign Wars, or from the Grand Army of the Republic, or from other similar institutions not directly under the jurisdiction of the administrative or executive authority of this State shall be granted by this Act.

Section 8. Among the additional duties of the Budget Commission shall be

(a) To report to the General Assembly and the Attorney General in writing any irregular, illegal or improper financial administration or transaction;

(b) To make recommendations to the General Assembly concerning the control of all State property and of accounts receivable, and concerning a system of recording and accounting for the improvement and control of the fiscal practices and the adoption of a fiscal policy by the State;

(c) To consider and approve or disapprove transfers between appropriations contained in the budget as defined in this Act, and for which purpose it is provided that such transfers shall become effective only upon approval of the said Budget Commission.

Section 9. The provisions of this Act shall be in addition to the administration provided by law for the fiscal affairs of this

PERMANENT BUDGET COMMISSION

State, except that any conflicts of existing laws with this Act shall be resolved to give effect to this Act.

Section 10. The term Agency as used in this Act, and for the purposes of this Act, shall include every Board, Department, Bureau, Commission, person or group of persons or other authority created and now existing or hereafter to be created to execute, supervise, control and/or administer governmental functions under the laws of this State or to perform such other duties as may be prescribed or to whom any moneys are appropriated under any budget appropriation act or supplemental appropriation act or any other act which authorizes and requires any department to collect and/or use any taxes, fees, licenses, permits or other receipts for services or otherwise for the performance of any function of or related to or supported in whole or in part by the laws of this State, and/or created to administer any laws providing for the collection of taxes, fees, permits, licenses or other forms of receipts from any sources whatsoever for the use of the State or any agency of the State, except the Judiciary and the Courts of the State and shall include

Committee on Uniform Laws.
State Librarian.
Attorney General.
Secretary of State.
State Board of Accountancy.
State Treasurer.
State Auditor of Accounts.
State Revenue Collector.
State Insurance Commissioner.
Oyster Revenue Collector.
State Tax Department.
State Bank Commissioner.
Delaware Liquor Commission.
Delaware Racing Commission.
Custodian.
State Board of Health.
Medical Council of Delaware.

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State Board of Pharmacy.
State Board of Dental Examiners.
Board of Examiners of Barbers.
Board of Veterinary Examiners.
Board of Examiners of Optometry.
Board of Examiners for Registered Nurses.
State Board of Undertakers.
State Housing Commission.
State Board of Charities.
Delaware State Hospital.
Mothers' Pension Commission.
Delaware Industrial School for Girls.
Industrial School for Colored Girls.
Delaware Commission for the Blind.
Delaware Commission for the Feeble Minded.
Ferris Industrial School.
Old Age Welfare Commission.
State Welfare Home.
Mosquito Control Commission.
University of Delaware.
State College for Colored Students.
State Board of Education.
Teachers' Retirement Commission.
State Board of Agriculture.
State Forestry Department.
Game and Fish Commission.
Labor Commission of Delaware.
Parole Board.
Detention Home for Juveniles.
Board of Pardons.
Delaware State Employment Bureau.
Board of Boiler Rules.
Regulators of Weights and Measures.
Delaware Real Estate Commission.
Industrial Accident Board.
National Guard and Adjutant General.
State Highway Department.
Delaware Waterfront Commission.

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Public Archives Commission.
Portrait Commission of Delaware.
State Armories Commission.
State Board of Architects.
State Athletic Commission.

The term Expenditures shall include any outlay of public moneys by authority of any law of this State and shall include the expenditure of any appropriation authorized by the General Assembly of the State.

The term Anticipated Expenditure shall include any items estimated or proposed to be expended by any agency at any future time which are included in the budget.

Section 11. In addition to amounts made available to the Budget Commission under the provisions of this Act for the employment of assistants, each member shall be entitled to receive for expenses actually incurred in the performance of the duties imposed by this Act, an amount not in excess of \$250.00 per annum to be paid by the State Treasurer on warrants drawn by the Commission.

Section 12. All acts or parts of acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved May 1, 1939.

CHAPTER 205

TEMPORARY COMMISSION TO STUDY APPROPRIATE
LEGISLATION NEEDED TO ELIMINATE POSSIBLE
DUPLICATION OF TAXES BASED ON DOMICILE

AN ACT PROVIDING FOR A TEMPORARY COMMISSION TO
STUDY APPROPRIATE LEGISLATION NEEDED TO ELIMI-
NATE POSSIBLE DUPLICATION OF TAXES BASED ON DOMI-
CILE.

WHEREAS every person has at all times one domicile, and no person has more than one domicile at a time; and

WHEREAS in certain States, persons believing themselves to be residents of and domiciled in such State, have, nevertheless, been subject to taxation, based upon domicile, by still other States; and

WHEREAS it is desirable some form of legislation be enacted to meet conditions which will arise if citizens of Delaware are subjected to or threatened with taxation by other States on the claim that such citizens are domiciled in such other States; THEREFORE

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

Section 1. That a temporary commission be and there is hereby created for the purposes specified in the preamble hereof consisting of three persons to be appointed as follows: one member of the Senate to be appointed by the President Pro Tem of the Senate, one member of the House to be appointed by the Speaker of the House, and one member, who may be a State official, to be appointed by the Governor. Vacancies in the commission occurring from any cause shall be filled by the officer authorized to make the original appointment. The commission shall elect a chairman and may elect a vice-chairman from its membership, and the members shall serve without compensation.

Section 2. The duty of such commission shall be to make a thorough examination and study of cases in which an individual or

TEMPORARY COMMISSION TO STUDY APPROPRIATE LEGIS-
LATION NEEDED TO ELIMINATE POSSIBLE DUPLICATION
OF TAXES BASED ON DOMICILE

an estate has been subject to taxation by the State where such individual was domiciled and also by one or more other States claiming him as a citizen.

Section 3. The commission may hold public hearings and shall, if time permits, present to the General Assembly, during the current session, a bill which in the commissions' judgment will offer the best method of eliminating duplicate domiciliary taxation to the end that citizens shall pay taxes based upon domicile in the State in which they are in fact domiciled and only in such State; and to the end that citizens of Delaware shall not be subject to taxation, based upon domicile, by other States also claiming them as citizens; and to the end that citizens of other States shall not be deterred from sojourning in Delaware by fear of such duplicate taxation. If in the judgment of the commission there is insufficient time to complete such a bill as referred to in the preceding paragraph then the commission will report its findings to the Governor for consideration upon any future convening of the General Assembly.

Approved April 24, 1939.

Resolutions

CHAPTER 206

FARMERS BANK DIRECTORS

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 William D. Denney, Frank R. Manahan and Grover C. Frear, 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 Aaron Finger, Leland Lyon and E. Ennals Berl, 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 John G. Townsend, Jr., J. Edward Goslee and William A. B. Dodd, 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 6, 1939.

CHAPTER 207

AUTHORIZING GOVERNOR TO PROCLAIM DELAWARE
SWEDISH COLONIAL DAY

WHEREAS, during the year, 1938, various celebrations were held throughout the State of Delaware under the auspices of the Delaware Tercentenary Commission, culminating in a State, National, and International celebration on June 27 in Wilmington, in commemoration of the founding on March 29, 1638, of the Colony of New Sweden and the establishment of the first permanent settlement in the State of Delaware as well as in the Delaware River Valley at "The Rocks" on the Christina River in the present City of Wilmington, and

WHEREAS, the State of Delaware in the same year created a park at "The Rocks," known as "Fort Christina State Park," to mark perpetually the site of the first permanent settlement, and

WHEREAS, the Governor proclaimed March 29, 1938, as "Delaware Tercentenary Day," and

WHEREAS, it is very desirable to keep green the memory of the significance of the date, March 29, in the history of the State of Delaware, and

WHEREAS, it is fitting and proper that the recurring anniversary of this occasion of the founding of the first permanent settlement and the establishment of the first permanent government upon the soil of Delaware at Fort Christina near "The Rocks" on the Christina River, located at "Fort Christina State Park," be commemorated with suitable patriotic and public exercises, therefore

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

That the Governor of the State of Delaware be authorized and directed to proclaim March 29 of each year as "Delaware Swedish Colonial Day," and

AUTHORIZING GOVERNOR TO PROCLAIM DELAWARE
SWEDISH COLONIAL DAY

That he be further authorized and directed to issue a proclamation calling upon officials of the government to display the flags of the United States and of the State of Delaware on all governmental buildings on March 29 of each year to be known as "Delaware Swedish Colonial Day" and inviting the people of the State of Delaware to observe "Delaware Swedish Colonial Day" in schools, churches, patriotic and historical societies and other organizations with appropriate ceremonies in commemoration of the landing of the Swedes upon the soil of Delaware.

Approved March 17, 1939.

CHAPTER 208

APPROVING REPORT AND DISCHARGING DELAWARE
TERCENTENARY COMMISSION

WHEREAS Delaware Tercentenary Commission, appointed in pursuance of Senate Joint Resolution No. 2, approved February 10, 1937, and Senate Substitute for House Joint Resolution No. 5, approved March 5, 1937, has submitted to the General Assembly its Final Report, as required by said Senate Joint Resolution, No. 2, said report showing that said Commission has fulfilled the purposes of its appointment and praying for the approval of its said report by the General Assembly and the discharge of its members from further duty in the premises; and

WHEREAS it appears by said Report that disposition must be made of certain publications and other articles remaining in its hands and the payment over of certain unexpended moneys as proposed therein, which disposition and payment cannot be made until said Report is approved by the General Assembly; therefore

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

That said Report be and the same is hereby approved and that the members of said Commission be discharged from further duty in the premises as of the fifteenth day of March, A. D. 1939.

Approved March 17, 1939.

CHAPTER 209

APPROVING PAYMENT OF SUPREME COURT EXPENSES

APPROPRIATING CERTAIN MONEYS OUT OF THE STATE
TREASURY TO PAY CERTAIN CLAIMS AGAINST THE
STATE, RELATIVE TO EXPENSES INCURRED BY THE SU-
PREME COURT.

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein, that the following amounts be and the same are hereby appropriated for the payment of certain claims against the State of Delaware:

Herman C. Taylor (acting Crier of Supreme Court)	\$ 22.50
Ollie C. Hayes, Crier of Supreme Court (from June 5, 1937 to March 1, 1939)	\$135.00
Levi Everett, Jr., Sheriff, attending Supreme Court	\$ 32.00
Grier Minner, Sheriff, attending Supreme Court	\$ 18.00
Ida Johnson, Executrix of Thomas B. Johnson, attending Su- preme Court	\$ 42.00
William Masten, attending Supreme Court	\$ 28.00

Approved September 8, 1939.

CHAPTER 210

RELATING TO THE OPENING OF MIGRATORY
WATERFOWL SEASONREQUESTING THAT MIGRATORY WATERFOWL SEASON OPEN
NOVEMBER 1, 1939 INSTEAD OF OCTOBER 16, 1939.

WHEREAS, in the opinion of the Board of Game and Fish Commissioners, supported by most of the sportsmen of the State of Delaware, it is felt that October 16, 1939, is too early in the season for the opening of the migratory waterfowl laws; therefore

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

That this General Assembly desires to go on record and requests that the migratory waterfowl season open November 1, 1939 instead of October 16, 1939; and be it

FURTHER RESOLVED that a copy of this Resolution be sent to the Bureau of Biological Survey, Washington, D. C., as a recommendation that this Resolution be considered when the Federal Regulations are made for the year 1939.

Approved May 1, 1939.

CHAPTER 211

APPROVING PAYMENT OF COURT OF CHANCERY
EXPENSES

APPROPRIATING CERTAIN MONEYS OUT OF THE STATE
TREASURY TO PAY CERTAIN CLAIMS AGAINST THE
STATE, RELATING TO EXPENSES INCURRED BY THE
COURT OF CHANCERY.

*Be it resolved by the House of Representatives of the State of
Delaware, the Senate concurring therein:*

That the following amounts be and the same are hereby ap-
propriated for the payment of certain claims against the State of
Delaware:

Hugh A. George Co.	\$294.85
Albert L. Massey	\$152.65

Approved May 15, 1939.

CHAPTER 212

APPROVING PAYMENT OF SUPREME COURT EXPENSES

APPROPRIATING CERTAIN MONEYS OUT OF THE STATE TREASURY TO PAY CERTAIN CLAIMS AGAINST THE STATE, RELATING TO EXPENSES INCURRED BY THE SUPREME COURT.

Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein:

That the following amounts be and the same are hereby appropriated for the payment of certain claims against the State of Delaware:

The Delaware State News (Calendars)	\$120.00
Hugh A. George Co. (Stationery)	\$413.25

Approved May 15, 1939.

Proclamations

CHAPTER 213

STATE OF DELAWARE EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the second day of January, A. D. 1934, a list of corporations 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 nineteenth day of January, A. D. 1934, proclaiming the "Summit Council No. 18 Junior Order United American Mechanics, Inc.," as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim that, "Summit Council No. 18, Junior Order United American Mechanics, Inc.," a corporation incorporated under the laws of the State of Delaware, April 6, A. D. 1922, 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 corporation 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, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State

PROCLAMATION

(Great Seal) to be hereunto affixed this thirty-first day of August, 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-second.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 214

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Constitution of the United States was signed on September 17, 1787, and had by June 21, 1788, been ratified by the necessary number of States, the State of Delaware being the First State to ratify on December 7, 1787, and

WHEREAS, George Washington was inaugurated as the First President of the United States on April 30, 1789,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby designate the period from September 17, 1937 to April 30, 1938 as one of commemoration of the one hundred and fiftieth anniversary of the signing and the ratification of the Constitution and of the inauguration of the first President under that Constitution.

In commemorating this period we shall affirm our debt to those who ordained and established the Constitution "in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

We shall recognize that the Constitution is an enduring instrument fit for the governing of a far-flung population.

It is, therefore, appropriate that in the period herein set apart we shall think afresh of the founding of our Government under the Constitution, how it has served us in the past and how in the days to come its principles will guide the Nation ever forward.

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 first day of September, in

PROCLAMATION

(Great Seal) 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-second.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 215

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, each year millions of dollars are lost and thousands of lives claimed through destructive fires, and

WHEREAS, it is of the utmost importance that greater efforts be put forth to decrease this great waste, and

WHEREAS, the President of the United States, for the benefit of the whole American people, has proclaimed the week of October 3-9 to be

FIRE PREVENTION WEEK

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby PROCLAIM the week of October 3-9 to be

FIRE PREVENTION WEEK

and urge that the citizens of the State of Delaware, individually and through the various organizations, promptly unite upon specific programs of cooperation in order to discover and correct existent fire hazards, promote measures of public and private fire protection, extend instruction in fire prevention among adults, as well as school children and support the various local volunteer fire companies in their endeavor to protect the lives and property of those in their communities.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of said State to be hereunto affixed this twenty-seventh day of
(Great Seal) September, in the year of our Lord, one thousand nine hundred and thirty-seven, and of the Inde-

PROCLAMATION

pendence of the United States of America, the one hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 216

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the 11th day of October 1779 is the date in American History of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

WHEREAS, the State of Delaware, through legislative enactment has designated October 11th of each year as "General Pulaski's Memorial Day, and

WHEREAS it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War;

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, by virtue of the authority in me vested by the General Assembly of the State of Delaware, do proclaim October 11th, 1937, as General Pulaski's Memorial Day and invite the people of this State to observe the day in schools and churches or other suitable places, with appropriate ceremonies in commemoration of the death of this illustrious hero.

IN WITNESS WHEREOF, I, Richard C. McMullen, have hereunto set my hand, and caused the Great Seal of the State of Delaware to be hereunto affixed, at
(Great Seal) Dover this fourth day of October, in the year of our Lord one thousand nine hundred and thirty-seven and in the year of the Independence of the United States of America, the one hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 217

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the week beginning November 7th, 1937, has been set aside and designated as American Education Week. There is no observance in the United States of America more significant and no institution has a greater responsibility for the future of American democracy than the public schools, and

WHEREAS, the topic for American Education Week this year is "Education and Our National Life." Our country no longer consists of small, widely separated communities but has become a single social and economic unit, therefore, Education in each community has come to be of great importance to all other communities. During the observance of this week many of our American citizens will be given the opportunity to consider as carefully as did the founders of our country what has been called the unique function of education in American democracy, and the entire nation should consider this vital subject carefully.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim the week of November 7th to 13th as

AMERICAN EDUCATION WEEK

and urge all the citizens of the State of Delaware to try to acquaint themselves with our educational system. Visit your schools, it is only through cooperation and interest of all our people that the present standard of education can be maintained. Democracy will prevail and succeed in our country only if the level of thought and intelligence is sufficiently high to deal with the problem facing our Nation.

IN WITNESS WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set

PROCLAMATION

(Great Seal) my hand and caused the Great Seal of this State to be hereunto affixed this Fifth day of November, 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-second.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 218

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 the opportunity is presented for everyone to become a member and by so doing the necessary financial support to the activities of the Red Cross is forthcoming, and

WHEREAS, The American Red Cross not only stands in readiness to assist in great emergencies, such as earthquakes, epidemics, explosions, fires, floods, hurricanes, etc., but also assists in programs of service to public health nursing, home hygiene, first aid, life saving and Junior Red Cross, all of which are essential to the well being and betterment of many of our communities. Nearly 800,000 new members were enrolled last year, bringing the membership of the Red Cross close to the five million mark. This new strength financially was put to good use in the January flood of our country, the worst in the history of the Ohio and Mississippi Valleys.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do proclaim November 11th to the 26th, 1937, the

ANNUAL ROLL CALL OF THE AMERICAN RED CROSS and wish to impress upon the people of the State of Delaware to continue their support of this organization, the needs of which are more urgent and more numerous than past generations have ever experienced. In becoming a member of the Red Cross you will display confidence in their work and perform a very worthwhile service to your community.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this Eighth day of November,

PROCLAMATION

(Great Seal) in the year of our Lord one thousand nine hundred and thirty-seven, and of the Independence of the the United States of America, the one Hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 219

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

It has been the custom, since the early days of our country, to give thanks and praise for the blessings received during the year on a day typically American in character, set apart by decree of the President of the United States, and

In keeping with the thought that the people of our State are the grateful recipients of many blessings bestowed by a Divine Providence, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim the day appointed by our President

THURSDAY, NOVEMBER TWENTY-FIFTH, 1937

AS THANKSGIVING DAY

and ask the citizens of our State to lay aside the troubles of everyday life and show due respect to the day by attending such services as may be held in accordance with our various beliefs.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this Sixteenth day of November, (Great Seal) 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-second.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 220

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the one hundred and fiftieth anniversary of the ratification of the Federal Constitution by the State of Delaware, will occur on December 7th, 1937,

WHEREAS, being fully aware of the importance and significance due this historical event, we, the citizens of Delaware, "The First State in the Union," have reason to be proud of our record in the foundation and preservation of the Nation,

NOW, THEREFORE, I, Richard C. McMullen, in accord with the authority vested in me through act of the General Assembly, do hereby designate Tuesday, December 7th, 1937, as

DELAWARE DAY

and in bringing the attention of our people to this anniversary, remind them of the honor bestowed upon us by our forefathers, and to urge the observance of this occasion by our citizens displaying the flags of our State and Nation. It would be fitting and proper for the schools to hold appropriate exercises, as well as the Churches and civic organizations, in commemoration of this historical event.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have caused the Great Seal of this State to be hereunto affixed this third day of December, one thousand nine hundred and thirty-seven, and of the Independence of the United States of America, the One Hundred and Sixty-second.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 221

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, James P. Truss, 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, Richard C. McMullen, 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:

Abruzzi American Club Inc., A. A. I. Laundry, Incorporated, Abbott's Brandy Company, A. B. Equipment Company, A. B. C. Ice Company, A. B. C. Shares Inc., A D V National, Inc., A. E. L., Inc., A. H. Tunstall Corporation, A. Sanguigni Sons Co., A. Smart Building Co., A. V. Kozak Company, Action Advertising, Inc., Accumulative Finance Corporation, Accumulative Income Corporation, Ace Knitting Mills, Inc., Acme Land and Fur Company, Incorporated, Acme Loan Service, Inc., Acme Ribbon and Carbon Company, Inc. of Brooklyn, Acoustical Corporation of America, Adams Clothes, Inc., Adirondack Diatomite Mining Corporation, Adrosol Company, The, Adam Hoche Corporation, Advance Holding Corporation, The, Advance Hose Mfg. Co., Adcraft Products Corporation, The, Advertising and Selling, Incorporated, Admiral Tea House, Inc., The, Aeon Mercantile Corporation, Afro American Trading Corporation, Affiliated Bankers Inc., Airkure Corporation, The, Aero-motive Corporation, Airgraf Communications, Incorporated, Air Conditioning Industries, Inc., Aiken Corporation, Air-Control Systems Inc., Airex Engine Corporation of America, Akron Gold Mines, Inc., Air Ice Research and Development Corporation, Aeriform Industrial Works, Ltd., Air Line Sea Foods, Inc., Agnew Oil

PROCLAMATION

Burner Corporation, Airkure Products Corporation, The, Airways Pipe Line Company, Air Power Inc., Alaskan-American Paper Corporation, Albert Bender, Inc., Alcoholic Beverage Dealers' Association, Aldrich Blake, Inc., Alcazar Food Shoppe, Inc., Alcoma Gas & Oil Corporation, Alexandria Ironworks & Engineering Corporation, Albany-Rensselaer Terminal & Shipping Corporation, Albert Thomas Inc., Allied Construction Industries of Delaware, Inc., Alliance Corporation, The, Allentown Cable & Machine Company, Allen & Drew, Inc., Allegheny Development, Company, Allied Fruit Stores, Inc., Allied Fuels, Inc., Allied Holding Corporation of Delaware, Allyn's Inc., Allison Laboratories, Inc., Alpine Motors Corporation, Allen Oil Company, Inc., Alpha Pi Lambda Sorority Inc., All Wave Radio Corporation, Alseco Corporation, Alton-St. Louis Bridge Company, Amidon Corporation, Ambler Laundry Company, Amalgamated Petroleum Corporation, Amplion Products Corporation, Amazon Products Company, American Automatic Circuit Breaker, Inc., American Automotive Corporation, American Auto Laundry Association, American Anigraphic Corporation, American Appliance Company, American Association of Pools and Beaches Inc., American Broadcasting System, Inc., American Bond & Share Corporation, American Bottling Co., American-Continental Wines & Liquors, Inc., American Discount Company, American Eastern Trading Association, Ltd., American Equipment Company, American Electric Power Corporation, American and European Oil Corporation, American Family Magazine Corporation, American Fiduciary Corporation, American Farms and Land Company, Incorporated, American Finance and Surety Corporation, The, American Fuel & Clay Products Company, American Geophysical Engineering Corporation, American Gold Co-operative Association, American Homes Corporation, American Helth Erth Corporation, American-Italian Hotel, Inc., American International Terminals Corporation, American Individual Mausoleum Corporation, American Life Association, American Leaders, Inc., American Land and Finance Company, Inc., American Mines Corporation, American Medicine Corporation, American Manufacturing and Mining Corporation, American Natural Health System, Inc., American Participations, Inc., of Delaware, American Power Corporation, American Rack Company, American Scientific Expedition, Inc., American Stages Inc., American Steel Road-Base Corporation, Ameri

PROCLAMATION

can Synthetic Asbestos Corporation, American Tin Company, American Wurtzilit Company, American Thiberge Corporation, American Zymos Company, Anders & Heckman, Inc., Andmill Manufacturing Corporation, Anchor Milling Company, Inc., Andoris Oil Co., Anglo-American Superfuel Corporation, Anton Busch Company, Inc., Anthracite Combustion Equipment Company, Angora Products Corporation, Approved Service System Incorporated, Archon Rubber Heel Corporation, Arrow Auto Safety Signal Corporation, Arrow Building Block Co., Arizona Biltmore Corporation, Argyle Cafeteria Co., Inc., Argo Crude Oil Purchasing Company, Arrow Club, Inc., The, Archibald C. Jones, Incorporated, Arbel Corporation, Arinosa Corporation, Arcadia Dining Car Company, Arden Dairies Inc., Artistic Hairdressers Association of America, Inc., Arey-Hauser Company, Artex Memorial Shop Inc., Argus Oil Corporation, Arrow Trade Mark, Inc., Asch-Beck Corporation, Associated Contracting Company, Inc., Ascot Company, Associated Independent Druggists of America, Inc., Astrin's, Inc., Association of International Patentees Incorporated, The, Associated Mills Corporation, Association of Service Station and Garage Operatives, Inc., Associated Supply Company, Inc., Associated Tire and Supply Co., Association of Wine and Liquor Producers of France, Inc., Atlantic Advertising Agency, Inc., Atlantic Club, Incorporated, The, Atlas Collecting Agency, Inc., Atlantic Construction Corporation, Atlas Engraving Company, Inc., Atlantic Finance and Discount Company, The, Atcomoco, Inc., Atlantic Investment & Development Co., Atlantic Motor Sales, Inc., Atlantic Motor Freight Co., Atlantic and Pacific Finance Company, Avileo Airplane Corporation, Avery Corporation, Autosales Corporation, The, Automatic Canteen Company of Pennsylvania, Aviation Diesel Engine Co. Ltd., Automatic Equipment Inc., Austin Homesteads, Inc., Automatinvestors Incorporated, Aviation Industries and Research Corporation, Limited, Audubon Motor Company, Auburn Park Hospital, Inc., Automatic Parts Corporation, Aubrey Poultry Farms, Inc., Auto Signal Company.

B & B Transportation Company, B & B Motor Company, Baccardi Corporation of America, The, Bagdad Copper Products, Incorporated, Bachman's, Inc., B-U Company, B. R. & D. Security Corporation, Bain's Cafeterias, Inc., Baker Chemical Company, Bakers Oven Equipment Corporation, Baltimore Oil Engine Com-

PROCLAMATION

pany, Banan-N-Freeze Novelty Corporation, Bankers Discount Corporation, Bambino Products Corporation, Bard Creek Mining Corporation, Baranof Chicagof Gold Mines Company, Inc., Barden-Storrier, Inc., Barometer Advisory Service, Inc., Barnyard Inc., Bates Paint Service Co., Inc., Baxter Corporation, The, Bay Meadows Fruit Company, Bay Products Corporation, Bay State Distillers, Inc., Beaver Creek Placers, Inc., Beachland Development Corporation, Beaux-art Gardens, Inc., Beauticians Wholesale Supply & Equipment Co., Beaver Point Lumber Corporation, Bell Gold Mining Company, Bell Motor Company, Bellevue Mushroom Farms, Inc., Belvedere Mortgage Co., Ben Bernhardt Dial Painting Co. Inc., Bender's Department Stores, Inc., Benjamin's Loan Office, Inc., Berkshire Broadcasting Corporation, Berks Farms, Inc., Berlin-Ocean City Electric Bakery Company, Berger Investments, Inc., Berger & Thompson, Incorporated, Beryl Gold & Silver Company of Mexico, Inc., Bernwood, Incorporated, Better Food Products Company, Inc., Beverly Hall Association, Betsy Ross Shoe Corporation, Big Four Production Company, Big Horn Mining Company, Big Horn Gold Mines, Inc., Bickel Surf Motor Company, Big 3 Automatic Machinery Co., Inc., Birmingham Homesteads, Inc., Bis Publishing Co., Black Hawk Gold Mines, Inc., Bismarck Elevator & Investment Company, Blue Band Shoes, Inc., Blue Ridge Coal & Coke Company, Blue Springs Estates, Incorporated, Blue Star Markets, Inc., Bogdan Industries, Incorporated, Boda Tire Service Inc., Bonanza King Extension Ltd., Bonanza Mines Company, Bonita Oil Corporation, Botany Consolidated Mills, Inc., Boss Machine Company, Inc., "Botts" Oil & Gas Co., Inc., Boyd Corporation, Bowling Green Metals Corporation, Bowling Green, Incorporated, Bradford Corporation, The, Brandywine Dairy, Incorporated, Bradt's Oil Company, Inc., Brady Process Company, Braun's Alambra Preparations Inc., Braude-Macksoud Radio Manufacturing Corporation, Brandt's Perfect Pipe Cleaner, Inc., Brewington-Smith Inc., Briggs Bituminous Composition Company, Brightman & Co., Inc., Brights and Haynes Glades Ditch Company, The, Bricklayer's Independent Union of America, Britt Motor Co., Inc., Broadcasting Company, Inc., Broadway Garage, Inc., Brockway Transport, Inc., Brookin Corporation, Brown & Day, Inc., "Brown Jug Packers," Inc., Browning, King & Co., Inc., Brunswick Associates Corporation, Buckeye Tile Co., Buist Community Athletic Association, Builders Capital Corporation of Westchester

PROCLAMATION

County, Bullseye Displays, Inc., Buenaventura, Inc., Bullion Salvage, Inc., Builders Specialty Company, Burlington Industrial Alcohol Co., Burnoil Utilities Company, Burns & Company, Burns Oil & Gas Corporation, Burress Ry-Hy Gate Company, Bus Center of Washington, Inc., The, Bus Center, Inc., Bushmill Distilling, Brewing and Winery Company, Butter Ring Pastries, Inc.

C. A. Kephart, Inc., Cal Corporation, California Delaware Gold Mines Corporation, C. E. Strausser, Inc., C. F. Kirk Company, Calivare, Ltd., C. Morrison Smith Securities Co., Inc., C. L. Pierce & Company, California New York Mining Co., Inc., C. R. McCann Company, California Sales Co., Inc., Cafe Superior, Inc., C & S Corporation, C. S. Specialties Corporation, C-S-O Laboratories, Incorporated, Calaveras Central Mining Corporation, C. W. Gale Distillery Corporation, Cameron Company, Inc. of New York, Cambridge District Parsonage Asso. of the M. E. Church, The, Camp Ridgedale Company Inc., Campbell Upholstering Co., Canadian American Mines, Ltd., Capital Club, Inc., Canell Corporation, Capitol Drilling Co., Capitol Furniture Company, Incorporated, Cannery Finance Corporation, Canyon Gold, Incorporated, Capital Liqueurs, Inc., Canadian Minerals Holding Corporation, Capital Mortgage Loan Company, The, Capital Range & Heating Company, Carbonox Corporation, The, Cardinal's Club, Inc., The, Carbon Dioxide Sales Corporation, Card Finance Company, The, Caribbean Food Products, Inc., Cardo Laboratories, Inc., Carlisle Loan Co., Inc., The, Carmac Metal Products Corporation, Carbonic Manufacturing Corporation, Carroll-Hobson Company, Carroll Lumber Company, Carton Container Company, Casady Coal Mines, Inc., Castle Co., The, Casco Laboratories, Inc., Central American Import & Export Corporation, Cathay Ceramics Co., Inc., Central Agency Service, Inc., Cellulose Corporation of America, Century Clay Company, Central Discount Corporation, Catlett-Davis Oil Corporation, Cavalcade Film Corporation, Central Funding Corporation, Central Grain & Merchandising Corporation, Century Industrial Corporation, Century Model Mart, Inc., Central Management Company, Inc., Central New York Gas Corporation, Central Products Company, Central Pipe Line Company, Cedar Point Toboggan Company, Cathay Studios, Ltd., Central States Corporation, Central States Petroleum Corporation, Central States Edison Company, Central States Investment

PROCLAMATION

Trust, Inc., Cavalier Trading Company, Cell-U-Base Corporation, Central West Benefit Association, Champion Associates, Inc., Champagne Brendel, Ltd., Champagne Brands Corporation, Charles C. Phillips Chemical Company, Charles Conrad, Incorporated, Chancellorsville Homestead Community, Inc., Charles Horton Company, Charles Malandra, Inc., Charles O. Lyon Company, Charter & Transfer Trust Company, Checker Cab Company, Cheverly Corporation, Chemical Gas Vault Corporation, Checksit, Inc., Chemical Laboratory Inventions Company, Cherokee Mines Inc., Chemical Products Company, Chestnut Realty & Investment Company, Inc., Chestnut St. Theatre Co., Chester Valley Ice Cream Company, China Fine Art Academy, Inc., The, Chicago Mill Flooring Company, Chicago Process Company, Chicago Realty Shares Inc., China Wing on Finance Co., Inc., The, Civic Building Syndicate, Circus Exhibition Company, Circle Oil Company, Inc., Cinnabar Reduction Corporation, Cine' Synchro, Inc., Classic Pictures Inc., Clay Products Company, Inc., of Indiana, Clarksville Social Club, Clare T. Gucker, Inc., Cleveland Wrecking Company, Clifton Corporation, Climax Finance Company, The, Club La Riviera, Clinical Supplies, Inc., Coastal Gasoline, Inc., Collins Manufacturing Co., Inc., Collier Service Corporation, Collapsible Tube Manufacturers Association, Inc., Colonial Mortar Co., Columbia Associates, Inc., Colvin Corporation, Columbia Distillers Products Corporation, Color Films, Inc., Colored Independent Republican Club, Colovada Mines, Inc., Columbia Mining Corporation of America, Columbia Oil and Gas Company, Columbia Pump & Engineering Corporation, Columbia River Pine Mills, Inc., Columbia Sales & Service Corporation, Colonial Syndicate Ltd., Commercial Brokers, Inc., Community Builders of America Inc., Compania de Telefonos de Barranquilla, Committee For A Sound Dollar and Sound Currency, Inc., The, Combined Investors Corporation, Combustion Machinery Corporation, Compania Nacional De Aviacion, Inc., Community Refineries Corporation, Community Superservice Company, Inc., Commercial Steel Company, The, Combined Shares, Inc., Commodity Trading Corporation, The, Commonwealth Warehouse & Storage Company, Inc., Conciliation Bureau, Inc., The, Congress Mining Company of Delaware, Connecticut Valley Brewing Corporation, Consolidated Associates Inc., Consolidation Coal Products Company, Consolidated Distillers, Inc., Consolidated Distributors, Inc., Consolidated Food

PROCLAMATION

Products, Inc., Consolidated Newspapers Corporation of New York, Consolidated Trading Co.—China—Inc., Consolidated Trading Corporation, Consolidated Western Distilleries, Incorporated, Continental Brokers, Inc., Continental Central Corporation, Continental Petroleum Engineers Inc., The, Continental Radio News Service, Inc., Continental Realty Co., Continental Underwriters, Inc., Cooks Peak Mining and Milling Company, Cooperative Corporation Company of Delaware, Coronado Gold Mines, Inc., Corco Oil Refining Corporation, Cornell Packing Corporation, Cosmetic Laboratories, Inc., Corn Mining Co., Corsair Mining Corporation, Cosby Producing and Royalty Company, Cotton Blossom Show Boat, Inc., Craftsman Building Company, Incorporated, Crane Honey, Inc., Crandall Theatres Corporation, Crescent Commercial Company, Inc., Srestmont Farms Improvement Co., Cregan & Mallory Co. Inc., Credit Neerlandais Co., Credit Relief, Inc., Cronel Company, Limited, Cronan & Company, Crown Brewing Company, The, Crystalwrap, Inc., Crown Rubber Sundries, Inc., Crystal Silver Corporation, Cuba Chicago Corporation, Cuban Cane Products Co. Inc., Current News Features, Incorporated, Cycle of Equity, Inc., Cycle Finance Company.

Dairy Can Corporation, D. C. Realty Company Inc., Daily Dog Walking Service, Inc., Dalworthington Gardens, Inc., D. M. A. Finance Company, Dalles Southern Railroad Company, The, D. S. K. U. Corporation, Darwin Oil and Gas Corporation, Davenport Cement Co., Davis, Hastings & Company, Day Estates, Inc., Dawson Hotel Inc., Dease Lake Gold Mines, Inc., Decorative Folding Doors, Inc., Dejoy Radio Corporation, Deep Sea Engineering Corporation, Delmar Ice Company, Del-Plaza Farms, Inc., Delaware Avenue Holding Company, Delaware Aviation Corporation, Delaware Business Loan Co., Inc., Delaware Bowling Alleys, Inc., Delaware and Chesapeake Steamship Co., Delaware County Bridge Club, Delaware Club, Delaware Homestead Community, Inc., Delaware Holding Corporation, Delaware-Kent Orchards, Inc., Delaware Mortgage Company, Delaware Pants Company, Inc., Delaware Stevedoring Company, Dennison Development Corporation, Denver Pacific Railroad Company, Development Engineers, Inc., Diamond Core Drillers' Union, Inc., Diess Importing Co., Inc., Diamond State Motors, Inc., Diamond State Amusement Company,

PROCLAMATION

The, District of Columbia Rehabilitation Corporation, The, Dirigo Corporation, The, District Holding Company, Direct-Line General Telephone Company, Dix Machine Co., Inc., Dixie Power Company, Dixie Producers Inc., District Tax Corporation, Dohm Building Company, Dockery Drugs, Inc., Dohan Glazed Kid Company, Domestic Heating and Air Conditioning Corporation, Domestic Oil Co., Donahoe's, Incorporated, Don Juan Mining Corporation, Donaldson Realty Company, Inc., Dos Cabezas Mining & Smelting Co., Douglas Corporation, The, Double D. Gold Mines Limited, Dorrance Plumbing, Heating & Mfg. Co., Double Stitch Welt Shoe Corporation, Doughten Seed Company, The, Druggists' Confidence Builder Association, Inc., Druggist's Fountain Supply Company, Du Bois Industrial Corporation, Du Bois Silk Throwing Company, Du Chemin Corporation, The, Dublin Inn, Incorporated, Dual Motors Corporation, Duluth Buick-Oldsmobile, Inc., Duluth Subsistence Homesteads, Inc., Dunlop Mining and Development Company, Duntile-Dunbrik Corporation, Durango Placer Gold Mining Company, Durango Gold, Inc., Duarble Goods Shares Ltd., Dutch Park Group Mines, Inc., Dure Realty Company.

Eagle Gold & Platinum Mining Co., Inc., The, Eastern Engineering Corporation, Eagle Fruit Stores, Inc., E. F. Kemp, Inc., E. & G. Products Company, Eagle Igniter Corporation, E. J. Wagner Corporation, The, Eastern Kentucky Exploration Company, Eagle Laundry Company, Eastgate Market, Incorporated, The, Easthom-Melvin Company, Inc., Eastern Manufacturers, Inc., Eastern Shore Poultry Farms, Inc., Eastern Shore Wholesalers, Inc., Eastern Saturnmix Company, Eastern States Construction Corporation, Economic Developments, Incorporated, Eckels Engineering Corporation, Economy Retail Liquor Store, Inc., Economy Shoe Stores, Inc., Edgar A. Coleman Sales Corporation, The, Effanay Company, Inc., Eddie Dowling Pictures Corporation, Edmund L. Barto Construction Corporation, Electric Broom Corporation, The, Elite Cleaners, Inc., Electrecorder Corporation, Elevator Engineering College, Inc., Electric Eye Corporation, El-Gas Heater Company, Inc., Elks Home Building Association, Electrical Industries, Inc., The, Electric, Inc., Elgentrust, Incorporated, Electro Mineral Co., Inc., The, Electric Servant Distributing Corporation, Electrified Sugar Company, El Trio Game Farms, Inc., Ellery A. Baker and Company, Incorporated.

PROCLAMATION

Elliott-Chapman Coal and Coke Company, Elleardsville Ice and Ice Cream Company, Emerson Chemical Company, Energetic Food Products Corporation, Endgrain Floor Company, Ember Glo Oil Burner Corporation, Equitable Petroleum Corporation, Empire Security Trust Company, Empire State Oil & Gas Co. Inc., The, Empire State Chemical Corporation, Empire State Wine Corporation, Erne Oil Development Company, Estate Administration Distributors, Inc., Eternium Corporation, The, Estate Managers Accumulative Fund, Inc., Estate Managers Bond Fund, Inc., Estate Managers Income Fund, Inc., Express Advertising Corporation, Eureka Lode Mining Company, Inc., Excelsior Oil Co., Executive Pharmacy, Inc., Eureka Reporting Co., Inc., Express Steamship Corporation.

F. A. Poth's Sons, Inc., Famous Dairy Products Company, Falls Development Corporation, Fabric Flame Proofing Corporation of America, Fairview Fruit Packing Company, Fannettie Land Corporation, Family Protective Association, Inc., Fairhaven Productions, Limited, F. P. Newport Corporation Ltd., Famal Securities Co., Factory Supplies Co. (Inc.), Fabric Treatment Institute, Inc., F. V. Warren Company, Far Western Placer Mining Corporation, Farmers & Consumers League of the United States, Inc., The, Farmers Realty Company of Newark, Federal Co-operative Drug Stores Association, Felton Council No. 15 Junior Order United American Mechanics, Incorporated, Feinstein and Company, Inc., Federal Charter Trust Company of Delaware, Federal Fastener, Inc., Federated Fishing Boats of America, Inc., Federal Public Service Corporation, Federal Shipping and Trading Corporation, The, Federal Union Investment Corporation, Federal Wood Products Corporation, Fernwood Athletic Club, Ferdinand Company, Ferguson Company, The, Fetzer Greenhouses Inc., Fidelity Charter Service, Inc., Fiab Den-Tite, Inc., Filament Export Corporation, Film Inspection Machine Company, Inc., Fidelity National Aid Association, Film Securities Corporation, Fifth Street and Hennepin Avenue Building Corporation, Firesteel Coal Company, Inc., First National Corporation of Beverly Hills, Ltd., The, Fireside Players, Inc., First Trans Continent Investment Corporation, First Texas Paper Can Company, Five Counties Coal Company, Flannery Bolt Company, Flannery Investment Company, Flexible Mower-Blade Co., Inc., Floyd Coal Co., Inc., Flintflex Corporation, Foot Appli-

PROCLAMATION

ance Guild, Inc., The, Foam Corporation, 4-C Products, Inc., Foster Drug Company, The, Fourcalt Glass Sales Company, Fortuna Gold Mining Co., Forest Hills Calvary Corporation, Fortuna Mining Company, Foundation Petroleum Corporation, Fortune Tobacco Company, The, Four Winds Marine Club, Inc., Frankford Canning Company, Franseen, Fair & Foss, Inc., Frankson Holding Company, Frank J. Bender's Sons, Incorporated, Franklin Porcelain Company, Franklin Railway Products Company, Fred A. Bientzle Supply Co., Inc., French Button Works, Inc., Freeland Bobbin Corporation, Freedames Corporation, Freed Television & Radio Corporation, Friendship Club, The, Friendship Conclave No. 1 of the Heptasophs or Seven Wise Men, Incorporated, Fruit Stores Service Corporation, Fruitvale Oil Company, Funeral Directors Acceptance Corporation, Fuel Products Improvement Association Incorporated, Fulton Securities Company, Fueloil-Watergas Corporation.

G. J. A. Holding Corporation, G. M. Piggott, Inc., G-P-M Mining Company, G. T. Restaurant Co., Gateway Bridge Company, Gas Generator Corporation of America, Garten Holding Corporation, Gateway Laboratories, Inc., Gasone Products Corporation, Garo Products, Inc., Gates Social Club, General Air Conditioning and Refrigeration Company, General Burner Service Company, General Council of Retail Tailors, Cleaners and Dyers, Inc., General Core Barrel Corporation, Gerloffs Drive It Yourself Company, Inc., General Enterprises of Texas, Inc., German Equal Rights Forum, Inc., General Electronics International Corporation, General Electronics Corporation, Geo. H. Zollman Fruit & Produce Co., Gheen's Incorporated, General Industrial Corporation, George E. Boyle, Inc., George J. Hanley Corporation, Georgia-Kennedy Pharmacy, Inc., General Marketing Corporation, Germatoll Medicine Company Incorporated, Gerard Manufacturing & Distributing Corporation, General Mining Corporation, General Marketing Counselors, Inc., General Minerals, Inc., General Naval Supplies, Inc., General Properties Company, Gene Palmer, Incorporated, George P. Elliott Company, General Radio Manufacturing Corporation, General Realty Company of Pittsburgh, Georgia Silica & Mineral Co., General Tire and Resoles, Inc., The, General Wines & Spirits Corporation, General Weatherstrip Company, Gerotor Licensing Co., Gianni Corporation, The, Gilpin Coincidental Lock Company, Gilcrease Oil Company of

PROCLAMATION

Delaware, Globe American Commercial & Financial Company, Ltd., The, Goldie Ahearn, Inc., Goldfields of America, Ltd., Gold Cross Corporation of China, Goldstone Consolidated Mining Company, Golden Eagle Lines Incorporated of Arizona, Golden Eagle Lines, Incorporated of Missouri, Golden Eagle Lines, Incorporated, of Texas, Golden Eagle Lines, Incorporated, of Oklahoma, Golden Eagle Lines, Inc., Golden Eagle Beverage Company, Goldring Holding Corporation, Goldring's, Inc., Gold Ledge Mines and Holding Company, Gold Mines of America, Inc., Gold Ore Processing Corporation, Gold & Silver Extraction, Inc., Goldring Stores Corporation, Goodstay Company, Graustark Brewing Corporation, Grand Central Mining Co. of America, Grandview Distillery Corporation, Granold, Inc., Grand Realty Corporation, Greater America Association, The, Great American Benefit Association, Greenhill Coal Company, Great Eastern Natural Gas Co., Inc., Great Eastern Stages, Inc., Great Eastern Securities Corporation, Great Lakes Securities Company, Green Lane Silk Company, Green Rock Oil and Gas Company, Great Western Broadcasting Association, Inc., Greystone Mining Corporation, Group Hospitalization System, Incorporated, Grocery Manufacturing Company, Guilford Broadcasting Company, Gulf Coast Oil & Gas Development Co. Inc., Guardian Financial Corporation of Monessen, Guardian Financial Corporation of Shamokin, Guardian Financial Corporation of Sharon, Guardian Financial Corporation of Hudson County, Gum Hollow Oil Co., Guilford Island Lumber Company, Gustav Muller & Son, Inc., Gulf States Development Company, Incorporated.

H. Adams and Co., H. A. Burns Corporation, The, H-A-P-I-A Health Institute, Inc., H. A. Page, Jr., Motor Company, H. C. Johnson Woodworking Company, Incorporated, H. D. Johnson, Inc., H. F. Wilcox Aeronautics, Inc., H. Denburger Contracting Company, H. K. Realties, Inc., H. Lange Corporation, Haddon Lake Land Company, H. M. D. Exploration, Inc., H. Porter Distilling Company, Inc., H. V. Short Mfg. Co., H. W. Prah! Incorporated, HaDees Kindling Corporation, Hamilton Beverage Co., The, Hall & Donahue, Inc., Hagen Marine Construction Co., Hamilton Carhartt Cotton Mills of Liverpool, Inc., Hamilton Gas Company, Hamilton Loan Society of Pennsylvania, Hamilton Mortgage Company, Inc., The, Hamilton Shares, Incorporated, Hamilton Utilities

PROCLAMATION

Corporation, Happy Hills Incorporated, Hanover Land Company, Hand's Transmission Company, Harlan Coals, Incorporated, Harley Real Estate Corporation, Harms Scalp Service, Inc., The, Harmer Steel Products & Supply Company, Harper Steel Form Corporation, Harmony Toy & Novelty Corporation, Harry's Auto Supply Stores, Inc., Harrison's Food Fountains, Inc., Harry L. Harris, Inc., Harry Levi & Company of Delaware, Harrisburg Stanley Spring Works, Inc., Harval Devices, Inc., Hattiesburg Homesteads of Mississippi, Inc., Hawkes Investment Corporation, Hazard Gas Company, Heart of America Hospice, Inc., The, Heacock & Cheek Company, Heetquick Oil Burner Corporation, Health Plan Inc., The, Health Sanitation Service Company, Inc., Heidsieck & Co., Inc., Helios Corporation, Henry C. Weis, Inc., Henry Holt and Company, Henault Scis'o Co., Hester Farms, Inc., Herculo Pump Co., Inc., Herman Straus & Sons Company, Inc., Hickory Coal Corporation, Hight Elevator Corporation, Hillcrest Farms, Incorporated, Hohensee Developments, Inc., Hoffman Garage Corporation, Homespun Company, Inc., The, Holly Farms Corporation, Holstad Coffee Company, Home Foundation, Inc., Home Improvement Finance Corporation, Home Loans Inc., Home Thrift Publishing Company, Hornitos Mines, Inc., Hotel Biloxi, Inc., Houston Gardens, Inc., Hotel Guest Service Corporation, Hospital Service Sales, Incorporated, Houck Electric Advertising Corporation of Delaware, Howard Ricketts, Inc., Hudson Branch Ditch Company, Hudson Finance Corporation, Hudson Food Products Company, Huber Refining Co., Hudson Theatrical Club, Inc., Hudson Theatres Corporation, Hugh C. Ernst Associates, Ltd., Humes Investment Company, Hugh M. Brinkley & Company, Hydrex Asphalt Products Corporation, Huntman Stabilizer Corporation, Huxley Foundry, Inc., Hydro Refining Company.

Ideal Glass Container Corporation, Ideal Advertising Corporation, Imperial Beverages Corporation, Immediate Benefit Society of United States, I. Freimuth, Inc., Imperial Lines, Incorporated, Ideal Meat Market, Inc., Ibach Oil Corp., Imperial Service Corporation, I. Shainin & Company (Provisions) Inc., Industries Development Corporation, Industrial Equities, Inc., Income Estates of America, Inc., Industrial Finance Service Co., Inc., Industrial Health Service, Inc., Insurance Investment Corporation, Individual Instruction Schools, Inc., Industrial Minerals Corporation of America, Indus-

PROCLAMATION

trial and Organization Representatives, Inc., Insulation Products Corporation, Informer Publishing Company, Industrial Refractories Corporation, Indian River Game Preserve Association, Indian River Tribe, Number Thirty-Seven, Improved Order of Red Men, Indian Spring Village Inc., Independent Tung Oil Corporation, Integrity Auto Company, Inc., International Aircraft Corporation, Interborough Athletic Association, Inter-Continent Petroleum Corporation, Inverness Corporation, Investors Company, Interstate Distillers, Inc., International Distillers and Vintners Corporation, International Film Libraries, Inc., International Fruit Distributors, Inc., Interstate Fuel and Light Company, International Gold Mines, Inc., International Gyrul Gear Corporation, International Gin Compress Co., Inc., International Interests Corporation, Interservices, Inc., Investors Management Company, Inter-Ocean Fisheries Corporation, Intercontinents Power Company, Inter-Racial-Photo-Plays, Inc., International Salvage, Inc., Integrity Spirit Sales Co. Inc., International Securities Incorporated, Investors Stock Union Corporation, Interstate Coal Company, International Television & Radio Enterprises, Inc., International Wine Cellars, Inc., Investors Thrift Corporation, Intercoast Utilities Incorporated, Investors Union, Inc., Invicta Writer, Inc., The, Italian-American Citizens League, Inc., The, Ion Chemical Company, The, Isleton Canning Co., Iron City Oil & Gas Co., Island Investment Company, Irish Salvage Co., Incorporated.

J. A. Kay, Incorporated, J. A. Mott & Company, J. & A. Company, J. B. Henderson Company, Inc., J. B. Ferguson & Co., J. & B. Investment Company, J. B. Sheppard & Sons, Inc., J. and B. Securities Co. The, J. C. Belick and Company, James E. Cairns Company, Jas. F. Martin Corporation, The, Jay Group Service, Inc., J. Goldstein & Son, Inc., J. G. Head Sales Organization, Inc., J. G. Townsend, Jr. & Co., Jasper Homesteads, Inc., J. L. Mott Sanitary & Manufacturing Company, Inc., J. L. Boals, Inc., Jack Norton Mining Co., Inc., Jackson Oil Terminal & Transport Company, Jarrett Petroleum Corporation, J. R. Lusk Company, Inc., J. Stone & Co., J. S. Bryan & Sons Corporation, Jiffy Duplicator Corporation, Ltd., Jersey Homesteads, Inc., Jefferson Journal, Inc., Jefferson Mortgage Company, Jerge Motor Corporation, John Bricker Oil Company, Joe Brown Theatrical Enterprises, Inc., Joan's Beauty Shoppe, Inc., John B. Lis Co. Inc., Jomar Corporation, John C. Cheatham Co., John E.

PROCLAMATION

McAllister Corporation, The, John J. Ryan, Inc., John Moore Marble and Tile Co., Johnson Mining Company, John Poindexter Distilleries Company, The, John Roman, Inc., Johann Stein, Inc., Johnson, Schaffer Drug Co., Johnson Service, Inc., John W. Moore & Son, Inc., Jones Aeroplane Corporation, Joseph H. Glennon's Brewery of Pittston, Pa., Inc., Joyce and Kerrigan, Inc., Jordan Studios, Inc., K. C. P. Corporation, L. & L. Realty Co., Inc.

Kal-Pheno Chemical Company, Kahler Shoes Company, Inc., Kansas City Rectal & Colon Clinic, Inc., Katz Exclusive Millinery, Inc., (Delaware), Keen-It Corporation, Keil Liquor Corporation, Kemp-Cromwell Pistons, Inc., Kelly Gold and Silver Mines, Inc., Kelly Graphite Mills, Inc., Kenny's Clothes Shop, Inc., Kentucky Consolidated Power and Utilities Company, Kenya Engine Company, Kennedy Press, Inc., Kennett-Shidler Corporation, Kentucky Silica Company, Inc., Keystone Burial Vault Co., Inc., Kernoe Corporation, Keyograph Corporation, Keystone Cap Co., Keystone Distillers, Inc., Keystone Foundation, Incorporated, Keystone Jobbers, Inc., Keyokla Oil Producing Company, Kettle River Mining & Lumber Company, The, Keystone State Securities Company, Keystone Temple No. 448 I. B. P. O. E. of W. Inc., Keystone Utilities Corporation, Kettler Well Strainer Co., Kil-In-Sec Company, The, Kildall Sea Food Products, Inc., Kinney-Oakley, Incorporated, Knight Securities Corporation, Koenig Brewing Corporation, Koebel Wagner Diamond Corporation, Kor-Jul Special Formula Laboratory, Inc., Kos Mining Syndicate, Ltd., Kur Jewelry Company, Kuykendall Ramsey Motor Company.

Lakewood Distillers, Inc., Lake Dye & Chemical Co., Inc., Lakewood Golf Club, Incorporated, L. Hashim and Company, Incorporated, L. and L. Restaurant Corporation, Lady Margaret Company, L. N. Renault & Sons Corporation, Label Protective Company, Inc., Lake Railways, Inc., La Santa Fe Gold Mines, Inc., Lake Shore & Southwestern Oil & Metals Corporation, L. S. Clough Land & Timber Co., Inc., La Tosca Wine Corporation, Ladow's Tavern, Inc., Lake Tracy Farms Company, Lake Underseas Development Corporation, L. W. McCormick & Co., Inc., Lancaster Asphalt, Inc., Land Bank Securities Company, Lane Corporation, The, Landgraf Manufacturing & Die Casting Corporation, Landers-Morrison-

PROCLAMATION

Christenson, Incorporated, Land & Royalty Corporation, The, Larson Aircraft Corporation, Langenberg Lumber Company Inc., Lanhier Aircraft Corporation, Larner Corporation, Lasco Corporation, Latimer and Maloney Contracting Company, Lavinsky's Antique Shop Inc., Laurel Homesteads of Mississippi, Inc., Laurel Realty Company, Laurence S. Kemp & Co., Royalty Security Brokers Inc., Lawton Loan & Discount Company, Inc., Lawyer Manufacturing Company, Lawler Theatres Corporation, Leapost Corporation, Leesville Mining Company, Lehigh Building Block Company, Inc., Lehu-lu Oil Company, Legal Practice Publishing Co., Inc., Leontine Holding Company, Levine & Leuin, Inc., Leverage Shares of America, Inc., Lewes Painting Company, Inc., Lexington Stave Company, Ligue Commerciale Franco-Americaine Inc., Lil-Ed Corporation, Lily Laundry, Inc., The, Liberty Laundry, Inc., Lincoln Circle, Inc., Lima, Inc., Lithuanian Development Corporation, Locust Hill Associates, Inc., Local No. 1 Independent Union of Masonry Workers of the State of Delaware, Lock-Steel Co., The, Lomax Company of Delaware, The, Longacre Engineering and Construction Company, Los Angeles Biltmore Company, Louis E. May Co., Louis F. Dow Investment Company, Louis F. Dow Co., Louis J. Robertson, Inc., Lucy Company, Inc., Lur Eye Products, Inc., Lump Gulch Mining Co. Inc., Ludwig Saha Co., Inc., Lyndhurst Ice and Coal Company, Lycoming Mortgage Corporation.

M. B. Service Corporation, Machinery Castings Investment Corporation, Ma-De-Ra Confectionery Company, Machinery Engineers Corporation, M. E. Bailey Construction Company, Inc., M. H. S. Productions, Inc., Ltd., M. R. Gibbons Company, M. S. Shek-etoff, Incorporated, MacSulphur Corporation, M. Stevenson Trading Company, Inc., Mack Sennett, Inc., Magnus Automatic Machine Company, Magen Hardware Company, The, MacQuown River Transportation, Inc., Mahala D. Douglas Company, Mahoning Garden Homesteads, Inc., Major Oil Company, Inc., Majestic Royalty Corporation, Maire and Son Inc., Mammoth Oil Service Company, Manning Amusement Company, Manning & Company Inc., Manganese Consolidated Corporation, Manchester Coal Co., Manitoba Gas & Oil Company, Inc., Manayunk Loan Company, Manganese Steel Products Corporation, Mariner Cafe, Inc., Marine Equipment Corporation, Mariposa Gold Mining Company, Maricopa Mining

PROCLAMATION

Corporation, Maritime Steamship Company, Marine & Trading Corporation, Marion DeVries, Incorporated, Marshall Importing Co., Inc., Marshall Petroleum Products, Inc., Marple Riding Club, Mary Lou, Inc., Maryland Land Title Company, The, Martin Manufacturing Co., Inc., Marr Natural Gasoline Corporation, Maryland and Overseas Trading Corporation, Maryland Properties Co., Ltd., Maryland Sanitary Service, Incorporated Master Appliances, Incorporated, Matholt Marine Investment Corporation, Mavis Bottling Company of America, Maxon Brothers Company, Maysud Corporation, Mayfield Gas Company, May Investment Company, Mecklenburg Baseball Corporation, Meadow Creek Gold Placer Corporation, The, Medford H. White & Company, Melvin Company, Mercer Coal Company, Mercantile Finance Corporation of Alabama, Inc., Meridian Homesteads of Mississippi, Inc., Merchants Mutual Guild, Incorporated, Mercury Motors Corporation, Merchants' Protective Association, Inc., The, Metalloys, Inc., Metropolitan Mortgage & Finance Company, Metropolitan NSE Distributors Incorporated, Metcalf & Richards, Inc., Metzner, Staley and Company, Inc., Mexican Food Products, Inc., Mexamerican Hardwood Company, Meyer Milling Company, The, Mexican National Oil Corporation, Mexico Natural Gas Company, Inc., Mianus Corporation, Midwest Airways Corporation, Mibo Corporation, Mica Corporation, Mid-East Oil Company, Midwest Elevator Warehouse Co., Midland Lumber & Coal Company, Midwest and Northern Corporation, Mid-Ocean Development Corporation, Mid-Ocean Motion Picture Corporation, Midland Oil and Drilling Co., The, Mid-West Liquor Sales, Inc., Mid-West Machine Corporation, Mid-West Securities Corporation, Milam Oil Company, Milestone System Inc. of Pennsylvania, The, Mills & Company, Inc., Miller Certified Estates, Inc., Miller Holding Co. Inc., Miller Press, Inc., The, Milton S. Kronheim Company, Inc., Minerlax Company, Minas Coffee Sales Corporation, Minah Consolidated Mines Corporation, Minerva Corporation, Minerals Exploration Company, Minerals International Corporation, Minerals, Inc., Mines of Mexico Corporation, Mineral Mining and Power Company, Minneapolis School Supply Company, Miriam C. Thorbred Association, Missouri Drilling Co., Missouri Ore Company, Mitten Management, Incorporated, Mizrahi's Perfumery Laboratory Company, Modoo Milling & Mining Corporation, Modern Patents, Inc., Mo-Tex Corporation, Mogul Corporation, The, Mohawk

PROCLAMATION

Slate Machine Company, Monarch Beverages, Inc., Monmouth Beach Fish Company, Montezuma Corporation, The, Monroe County Homesteads, Inc., Montgomery-Canning, Inc., Mongahela Forest Lumber and Manufacturing Company, Monad Securities Corporation, Moon Gasoline Company, Moose Placers, Inc., Morris Blum & Co., Inc., Morgan Plan Foundation, Inc., Morisite Products Corporation, Morning Star Gold Mines, Ltd., Mortgage Assurance Corporation, Mortgage Guaranty Company of Asia, Morton Marr Company, Motor Buyers Corporation, Motor Equipment & Acceptance Co., Motor Mart Inc., The, Mt. Pleasant Storage & Sales Corporation, Mountain Varnish & Color Works, Inc., Muhlenberg Publishing Company, Multivox and Television Industries, Inc., Munson Auto-Lock Tile Company, Mundy Bros., Inc., Mushroom Marketing Bureau, Inc., Mutual Discount and Investment Corporation, Mutual Guarantee Corporation, Mutual Oil Royalty Company, Incorporated, Mutual Petroleum Company, Mutual Professional Plan Incorporated, Mutual Securities Corporation of America.

McAllister Derrick & Wrecking Corporation, McAllister Lighterage Line, Inc., McComb Honesteads of Mississippi, Inc., McCullochs Green River Whiskeys, Inc., McKeever and Gross, Inc., McKeesport Republican Club, Inc., McMurray Hill Investment Corporation.

N. B. Springer & Son, Inc., Naben Company, Inc., The, Nankin Company, The, N. E. Hoffman Inc., Nancy Crystal Co., Inc., Nancy Hanks Gold Mining Company, N. R. A. Service Company, N. T. Liquidators Inc., Nassau Securities Corporation, Nash and Turner Corporation, The, Navajo Gold Mines, Inc., The, Natural Gas Producers Corporation, Natural Loaf Cheese Corporation, Natural Rock Asphalt Corporation, National Association of Public Utility Stock and Bond Owners, Inc., Nationalist Association, The, National Association of Service Station, Operators and Attendants, The, National Aviation Supply, Inc., National American Aid Society, National Association of Exposition Exhibitors of America, National Brandies, Inc., National Business University, Inc., National Church Supplies Corporation, National Credit Association for Industry, Inc., National Coal Distributing Corporation, National Capital Amusement Corporation, National Commission Distribut-

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ing Corporation, National Cottonseed Products Corporation, National Dishwasher, Inc., National Distributing Corporation of America, National Department Stores, Inc., National Export Indent Company, National Extension Forum and Delta Rho Delta Sorority, Inc., National Fisheries Corporation, National Gold and Dredging Company, Inc., National Gas Company, National Home Sanitation Co., National Intermediate Credit Corporation, National Investment Transcript, Inc., National Investors Oil Company, National Labor Exchange, Inc., National Liquidating Corporation, National Life Investment Company, National Mattress Company, National New Products Development Corporation, National Observer Publishing Company, Inc., National Oil Refining Company, Inc., of Delaware, National Premium Advertising Association, National Protected Homes Corporation,, National Quarry Company, The, National Rock Asphalt Corporation, National Retail Cleaning Stores Association, National Reorganization Corporation, National Rayon Yarn Processors Association, Inc., National Sani-Draft Co., National Salvage, Inc., National Security & Trust Company, National School of Business, Inc., National Selfservice Corporation, National Securities Oil Co., National Shoe Rebuilders Association of America, National Sewage Disposal Corporation, National Savings Corporation, National Silver Corporation, National Specialty Salesman Publications, Inc., National Short Term Securities Corporation, National Travel Checks—Inc.—Ltd., National Utilities Corporation, National Whiskey Certificate Corporation, Neale, Inc., Neighborly Aid Society, Inc., Nel-Stone Company of Texas, Neustadt Brewing Corporation, Neuburger Brothers Rousso & Wolf Corporation, New Berne Navigation Company, New Deal Mining & Development Co., New Duluth Realty Company, New England Auto Supply Company, New England Merchandisers, Incorporated, New Idea Exchange Club, New Jersey Oil Company, New Jefferson Hotel Company, New Process Gear Company, Inc., New Process Lubricants, Inc., Neway Towel Service Company, New York Automobile Club, New York Curtain Corporation of Delaware, New York School of Chiropractic, Inc., Nirrep Mining Co., Inc., No-Chemic Research Corporation, Nodiz Drug Company, Inc., No-Drip Coaster Co., Inc., Nonpareil Silk Hosiery Co., North American Consolidated Mining Corporation, North American National Corporation, North American Oil Refining Co., North American Fuel Company, North China

PROCLAMATION

Drug Company, Norton Coal Mining Co., Northeastern Finance Corporation, Northwestern Electric Corporation, Northwest Land & Livestock Corporation, Northumberland Mining Company, Northrup-Nichols Corporation, Northwest Oil Corporation, Northeastern Sales Company, Northern States Manufacturing Company, Northwestern Theatrical Enterprises, Inc., Northwestern Timber Company, Nut Products, Incorporated.

O. B. C. Bourbon Distillery, Inc., Oakwyn Building Corporation, Oboschell Corporation, The, Ohio-Ashland Gas Co., Inc., Oklahoma Company, Oklahoma Coal Marketing Company, Oil Conversion Process Corporation, Oil Finding Corporation, Oil & Gas Utility Co., Oildraulic Lift Company, Oil Producers Finance Corporation, Oilco Corporation, Oklahoma Production Company, Old Channel Mining Co., Old Colonel Co., The, Open E. Z. Crown Co., Inc., Orpheum Circuit, Inc., Oriente Gold Mining Company (Cia. Minera de Oro Oriente, S. A.), Orthopedics Incorporated, Oriza L. Legrand, Inc., Oregon Mines and Smelting Company, Inc., Orplid Trading Company Inc., Otterol Corporation, Otato Corporation, Outfitters Operating Realty Co., Inc., Otter Tail Truck Lines, Inc., Ozego Medicine Co. Inc., Overland News Company, Inc., Owasso Oil Co., Owl Petroleum Co., Inc., Overland Stages, Incorporated.

P. B. M. Oil and Refining Company, Pacific Contracting and Sales Corporation, Dayton, Washington, P. D., Inc., Pacific Electrified Sugar Company, P & F Dairy Products Corporation, P. F. Harris, Incorporated, P. F. Brown & Company, Inc., Pacific Investment Inc., Pacific Products Company, Paf Sales Co., P. T. McDermott Co., Inc., Pan-American-Canadian Development Corporation, Pan-American Lumber Co., Pantone Corporation, Palacio Desportivo, Inc., U. S. A., Panhandle Farms, Inc., Pandora, Inc., Pam-Pa International, Inc., Palustrepine, Inc., Pan Chocolate Products Co., Parkside Beverage Co., Parlac Corporation, Parkview Company, ParCar Corporation, The, Parker-Holladay Company, The, Parelmans, Inc., Parko Products, Inc., Park Range Gold Mines, Inc., Paramount Research Corporation, Pasadena Bond and Mortgage Company, Pasteurizer Corporation, Patents Development Corporation, Paymaster Gold Placers, Inc., Peggy O'Neal Cigar Corporation, Peerless Pulp

PROCLAMATION

and Paper Corporation, Peabody Securities Company, Pen Argyl Textile Company, Pennsylvania Business Men's Protective Association, Pennsylvania Dispatch Publishing Co., Penn-Del Finance Corporation, Penn Gas & Oil Co., Penderlea Homesteads, Inc., Penn Liquor Sales Co., Inc., Pennsylvania Metal Products Co., Penn-Ohio Oil and Gas Company, Penn-Ohio Distilling Corporation, Pennsylvania Refining Company, The, Pennsylvania Research Laboratories, Inc., Penny Shares, Inc., Pennsylvania Securities Investment Corporation, Pennsylvania Security Holding Company, Penn-Victor Dairies, Inc., Penn Well Oil Co., Inc., Penn-York Development Company, Inc., The, Permanent Builders, Inc., Peoples Department Store, Incorporated, Peoria Distilling Company, Perry Insurance Claims Service, Inc., Permanent Mortgage Corporation, Perry Oil & Gas Corporation, Perfect Safety Window Corporation of New Jersey, Peoples Service Power & Light Company, Petroleum Chemical Corporation, Petroleum Exploration Corporation, Petroleum Investors Corporation, Petroleum, Inc., Petty Laboratories, Inc., Peter Pan Stores Co., Petroleum Processing Corporation, Phillippe's Beverages, Inc., Phoenix American Trading & Finance Company, Ltd., Phoenix Corporation, Philadelphia Dairy Stores Association, Inc., Philadelphia Fishermen's and Hunters' Club, Phillippi Investment Engineering & Sales Corporation, Philadelphia Monarch Club, The, Phoenix Petroleum Products, Inc., Phila. Roll Co., Philadelphia Tire and Battery Trade Association, Inc., Philadelphia, Trenton & Chester Forwarding Co., Phillips, Weinstein and Jones, Incorporated, Pierce-Arrow Sales Corporation, Picken Club, Pierce Holding Company, Pike Motors, Inc., Pine Crafts Company, Pilcher, Incorporated, Pioneer Mechanical Corporation, Pittsburgh Dispatch Publishing Co., Pitt Fuel Corporation, Pittsburgh Investment Building Company, Pitt-Tex Royalties Co., Placer Gold Corporation, Planet Mills, Inc., Plant Products Company, Plaza Restaurant, Inc., Plymouth-Chesapeake Corporation, Plymouth Consolidated Gold Mines, Ltd., Plymouth Steel Products Co., Plush Workers' Association, The, Pommery & Greno, Inc., Ponta Oil Company, Polamer Trading Corporation, Portchester Corporation, Porphyry Development Company, Pooled Investments, Inc., Popular Pictures Inc., Porto Rico Child Health Committee, Inc., Porter Ross Company, Portland Theatres Corporation, Poured Concrete Block Manufacturing Company of Memphis, Tennessee, The, Power Cost Engineering Com-

PROCLAMATION

pany National, Pottsville Coal Company, Pottstown Coaster Company, Power Equipment Engineers, Inc., Potomac Precooling Company, Post Publishing Company, The, Potomac Trading Corporation, Premier Developers, Inc., Preferred Finance Service, Inc., Preferred Investments, Inc., Precision Instrument Co., Inc., Press of Kells, Incorporated, The, Premier Oil & Gas Corporation, Precast Products, Inc., Prudential Bankers Corporation, Professional Business Service, Inc., Producers, Inc., Property Maintenance & Disposal Corporation, Price Produce Company, Princess Stephanie, Inc., Prudential Shares Corporation, Producers Service Corporation, Prior Tire Company Inc., Principal Theatres Corporation of Pennsylvania, Pupp Air Ship Lines, Inc., Pumpless Blow Torch Company, Purity Connellsville Coal Co., Pueblo Mines, Incorporated, Pyramid Mausoleum Corporation, Publix-Maine, Inc., Publix New Jersey Theatres, Inc., Publix Ottumwa Theatres, Inc., Publix Pennsylvania Theatres, Inc., Pure Springs Brewing Co., Inc.

Quaker City Co-operative Company, Inc., Quartz Hill Gold Mining Company, Quality Homes and Structures, Inc., Quick Tire Service of El Paso, Inc.

Rahn Brewing Company Incorporated, Radio Broadcasting Incorporated, Radio City Amusement Corporation, Raabs, Inc., R. & L. Baking Co., Rainbow Mining & Milling Co., R. M. Morriss & Company, Inc., R. O. Deacon Lumber Company, Railplane Syndicate, Inc., Radio Spark-Plug Corporation, Ranney Corporation, The, Ramonat's Inc., Rapid Air Lines Corporation, Raymond & Co., Ray E. Jacoby & Co., Inc., Rayon Industries Corporation, Raspin Productions, Inc., Rapid Tool Corporation, Recreation Bowling Alleys, Inc., of New Kensington, Pa., Realfoods Corporation, Reedsville Experimental Community, Inc., Reading Grain Company, Inc., Reba Ginns, Inc., Redmon Heating Company, Redfern Mines, Incorporated, Real McCoy, Inc., The, Recovery Securities Corporation, The, Reciprocal Trade Corporation, Reconstruction Unit Corporation, Reliance Consolidated Gold Mines, Inc., Rennobec Company, Reliance Capital Corporation, Republic Distillers, Inc., Reliable Decorative Company, Regional Finance Corporation, Reliance Gold Mining Company, Reliance General Corporation, Reo-Hickey Inc., Reptivogue Leather, Inc., Reineke Motor Corporation, Reliance Overseas

PROCLAMATION

Corporation, Reno Theatres, Inc., Reliance Trading Corporation, Rhodium Corporation of America, Reyer Construction Corporation, Resource Development Company of Mexico, Rhea Lightning Rod Company, Reserve Realty Corporation, The, Ribbonew Corporation of America, Rialto Company, The, Rice and Bealor, Incorporated, Richmond Corporation, The, Richton Homesteads of Mississippi, Inc., Rice Lands Investment Co., Richardson's Pharmacy, Inc., Riman Corporation, Rio Mayo Gold Mines, Inc., Ritz Motor Company, Inc., Riverview Mining Corporation, Riverview Manor Development Company, Riverside Oil Corporation, Ritz Restaurant, Incorporated, Ro-Be Company, Inc., Robin Dee Mines, Inc., Robinson Products, Incorporated, Robin Redbreast Hosiery, Inc., Roederer & Co., Inc., Rodney Clothes Shops, Inc., Rodelle Corporation, Rohm Gas & Oil Company, Rogers Jewelry Company, Rosanoff Process Co., Rose-Ann Frock Company, Ross-Republic Marble Corporation, Rothman Manufacturing Co., Round-Robin Libraries, Inc., Roup Super Service, Inc., Rotor Spark Corporation, Roto Signal Corporation, Rothwell Trading Corporation, Rozwick Corporation, Roy F. Bridgeman, Inc., Rowland Productions, Inc., Royal Security Co., Royal Tire Sales & Service, Inc., Royal Tire Service of Birmingham Inc., Royalty Management Corporation, Rurban Homes, Inc., Russell-Lock Super Service, Inc., Ryeloc Realty Corporation.

Sachem Aeronautical Corporation, Saffbilt Fibre Products Corporation, Safe Holder Co., The, S. L. Crook Corporation, Sabana Petroleum Corporation, S. P. Bowers Company, The, S. R. A. Inc., Safety Wheel Corporation of America, St. Paul Realty Holding Company, Salyer Consolidated Mines Company, Samuel Kabler Funeral Home, Inc., Sanz Corporation, San Domingo Development Co., Santo Domingo Club, San Francisco—Oaxaco—Mining Corporation, Inc., Sarasota Improvement Company, Sanitary Tissues, Inc., Saul Bros. Inc., Sawnox Oil Company, Schaffhauser Corporation, Schafer's, Inc., Schagrin's, Inc., Schotz Safety Razor Corporation, Schuyler Corporation, Schuyler Fund, Inc., Schwartz Brothers & Company, Inc., Scott Baker Corporation, The, Scranton Banana Supply Company, Inc., Seaboard Brokerage Corporation, Seaboard Distilleries Inc., Seco Electrical Corporation, Seeler-Farnum, Inc., Seabeacons, Inc., Seaboard Liquor Company, Inc., Securities Management Corporation, Seabury Oil Company, Seaway Oil Company,

PROCLAMATION

Sealed Oil, Inc., Sears Publishing Company Inc., Securities Registration Corporation, Seeger Refrigerator Sales Corporation, Secrus Security Corporation, Seaboard Utilities Shares Corporation, Selected Importations, Inc., Serap, Inc., Seidel's Incorporated, Selective Intercontinental Company, Inc., Serv-Ice Refrigeration Company, Selflock Nut and Bolt Co., Seismo Oil Corporation, Seminole Supply Company, The, Sell's Wayside Inns, Inc., Shamokin Anthracite Coal Company, Shanedling Brothers Company, Shanghai Casket Company, Shannon & Luchs Construction Company, Shanghai Medzon Corporation, Shanghai Respiratory Clinic, Inc., Sharpe Sand and Gravel Co., Shelly Electric Co., Inc., Shippers Ice Corporation, Shilo-Lovett Service Corporation, Showcraft Productions, Inc., Shoreham Pharmacy, Inc., Shortwave & Television Corporation, Show Van, Incorporated, Sierra Cona De Oro Mines, Inc., Sierra Financial Corporation, Signal Gasoline Company of Oklahoma, Sierra King Gold Mines, Ltd., Silver Label Products Company, Inc., Silver Lunch Co., Inc., Sierra Magnesite Company, Ltd., Sierra Madre Bonanza Mines, Inc., Silcox Smokeless Coal Company, Silent Victory Gold, Inc., Simons & Eichhorn, Inc., Sinclair & Grigg, Inc., Simrall Refining Corporation, Sitting Bull Corporation, Sixth Ward Second Precinct Republican Club of Haverford Township, Sir Walter Hotel Company, Smiling Charlie, Inc., Smith Container Corporation, Smith-Sheller Co., Inc., Snowcrest, Inc., Snow Point Mining Co., Inc., Solar Aircraft Company, Ltd., Sodalectric Corporation of America, Soilife Humus Company, The, Soap Specialties Corporation, Sonor Electric Company, Incorporated, Sonora Gold Mines Co., Ltd., The, Sonora Oil and Gas Company, Sonard Products Manufacturing Co. Inc., South Broad, Inc., Southern Cross Relief Association, The, Southern Hotel Company, Southern Illinois Homesteads, Inc., Southern Independent Pictures, Inc., Southern Motors, Incorporated, Southern New York Corporation, Southern Public Utilities Company, Southeastern Pictures Corporation, Southeastern Realty Company, Southern Retail Stores, Inc., Sowers, Shayne & Company Inc., South Shore Sand & Transport Company, The, South Shore Playhouse, Inc., The, Southwestern States Oil and Gas Corporation, Southern States Breweries, Inc., Southwestern Securities Company, Sphinx Acoustical Company, Spencer Company, Specialty Film Company, Specialty Importers, Inc., Specialty Manufacturing Co., Sperry Products, Inc., Special Service Corporation, Sports Club of America, Inc.,

PROCLAMATION

Spina Holding Corporation, Square Deal Mining & Milling Co., Square Deal Loan Company, Inc., Spring Hill Company, The, Stamford Oil Company, Standard Bond & Investment Company, Stapleford Chevrolet, Inc., Standard Coast Products Co., Standard Cut Rate Pharmacy, Inc., The, Standard Cut Rate Stores Co., Standard Crown Company, Standard Finance Company, Inc., Standard Investment and Development Company, Standard Mining & Milling Company, The, Standard Malted Milk Company, Inc., Standard Motor Holding Co., Standard Motor Service Corporation, Standard Pawn Company, Stanley Steel Welded Wheel Corporation, Star Dyeing & Cleaning Company, Star Food and Remedy Company, Star Roof Corporation, Steel Castings Development Bureau, Inc., Stein Securities, Inc., Stephan Engineering Corporation, Stevenson Foundry, Inc., Stedefyr, Inc., Steel Tube Products, Inc., Sterling Foods, Inc., Stock and Bond Guaranty Company, Stonehurst Athletic Association, Stop-Fire Inc., Stortz Gear Shift Company, Straitway Coffee, Inc., Stone Preservation, Inc., Sturdy-Bilt Products Corporation, Studebaker Chemical Company, Style Shoe Manufacturing Company, Inc., Students Stores Company, Sugar Operators, Incorporated, Suburban Publication, Inc., Suburban Security Corporation, Successor Stores Corporation, Super Concentrates, Inc., Superior Discount Sales Co., Superior Finance Service, Inc., Superior Gold Mines, Inc., Suprefoods, Incorporated, Sup-Ra-Hot Automatic Water Heater Corporation, Syndak, Inc., Sylvan Mining Corporation, Swiss Tri-Ergon Corporation.

T and H Pharmacal Co., T. & H. Vending Machine Corporation, Tax Payers League of Pittsburgh, Inc., Talking Clock Corporation, Tel-A-Ray Research Corporation, Terminals Development Corporation, Texas Gulf Coast Production Company, Texokan, Incorporated, Temple Luncheonette & Drug Company, Inc., Texas-Louisiana Power Company, Texene Packing Corporation, Texas Royalty Syndicate, Inc., Textile Shareholders Corporation, Tennessee Valley Oil and Gas Company, Tennessee Valley Rock Asphalt Corporation, Thea-Botal Oil Co., Inc., Thermolized Coal Corporation, Thermostat Devices Manufacturing Co. Inc., Thermal Industries Corporation, Three Associates, Inc., Thoraxium Company, The, Thompson Gas Company, Thrift Investment Corporation, Three River Gardens, Inc., Three Rivers Corporation, The, Tippet & Bond

PROCLAMATION

Drilling Company, Tinton Gold Mining Company, Inc., Tivoli Oil & Gas Company, Tioga Private Hospital, Inc., Tio-Penn Refining Company, Tom Bennett, Inc., Townsend Lumber Company, Topkis Steel Novelty Corporation, Trade Marks, Inc., Trans-Atlantic Distributors Corporation, Transpacific Airlines Corporation, Trinity Alps Gold Mining Company, Trade Association Institute, Inc., Tri-Bullion Corporation, Transkote Corporation, Trimble Distilling Company, Inc., Triangle Finance Company, Trans-Gulf Corporation, Trade Mark Title Company, Inc., Trabold Motors Company, Transcontinental Rest Cabins, Inc., Triangle Ranching Co., Transcontinental Signal Light Company, Tri-State Hotel Company, Tri-way Razor Corporation, Triple X Club, Trust Worthy Stores, Incorporated, Tuberculosen Corporation, Tupelo Homesteads of Mississippi, Inc., Turner & Coane Inc., Tur-Mac Oil Corporation, 20th Century Depositor Corporation, Twin Mountain Oil & Mining Company, Tyro Refining Co., Tygart Valley Homesteads, Inc.

Universal Bag Closing Machine Co., Inc., Unemployment Benefit Association, The, Universal Federation of Trades Workers Union of America, Universal Fittings and Scaffolding Company, Universal Houses, Inc., Underwriters Insurance Corporation, Universal Loan & Investment Company, Universal Loan Corporation, Universal Mining Company, The, Universal Pneumatic Lacquer-Spray Painting Corporation, Unit Petroleum Corporation, Universal Stoker Company, Inc., Universal Society for the Advancement of Astrological Science, Inc., Universal Solvents Corporation, Upland Textile Corporation, Universal Wines and Spirits Company, Inc., United Authors Corporation, United Business Publishers, Inc., Union Banana Co., United Chemical Works, Inc., United Coupon Co. Inc., United Water & Ice Corporation, Uniontown Food Jobbers, Inc., United Gold Corporation, United Investors Equity Corporation, United Liquidation Company, Union Mortgage Investment Company, Union Navigation Company, Inc., Union Oil & Development Company, United Progressive Association, The, United Pictures, Inc., Union Products Corporation, United Radio Artists, Inc., United Reliance Corporation, United States Bond and Mortgage Corporation of Kentucky, United States Development Company, Inc., United States Drug Company, Incorporated, United States Daily Publishing Corporation, The, United States & General Securities Corpora-

PROCLAMATION

tion, United States Jack Company, United States Mortgage Company, United States Refund Corporation, United States Wheel Track-Layer Corporation, United Theatres Corporation of Pennsylvania, United Tung Oil Corporation, Unity Trade Corporation, Upper Union Mining Co., United Western Mines, Inc., Utility Manufacturing Co., Utility Motor Products Corporation, Useful Service Artcraft, Inc.

Vacuum Bolting Cloth Cleaner Corporation, Vacuum Cotton Harvester, Inc., Vacuum Jar Corporation, Valley Bar Gold Placer Mines, Inc., Valley Club of Millvale, Inc., Vassel Grinding Mills, Inc., Van Locham Company, Van Loan Equipment & Bus Company, Van Meter, Shepherd & Hughes, Inc., Van Vliet Corporation, Velasko Mining Co., Venango Mortgage Loan Corporation, Vermiculite Products Corporation, Victory Building Company, Vicksburg Bridge and Terminal Company, Victor Dairies, Inc., Victor Flower Shop, Inc., Virginian Advertising Service Co., Inc., Vitalizer Corporation, The, Vitamine Co. of America, Virginia-Carolina Securities Corporation, Virginia Marine Products Company, Vision Pictures, Incorporated, Virginia Trading Corporation, The.

Wakulla Corporation, The, Wakefield Dairies, Inc., W. D. Smith Silver Company, W. E. R. Boston Producing Company, W. F. White & Co., Inc., W. P. Harms Company, Inc., Wakefield Mining Company, Incorporated, W-R-M, Inc., Wallace & Company, Inc., Walkson, Inc., Waldon, Inc., Wall Street Corporation, The, Walter M. Murphy Motors Company, Warehouse Products Corporation, Ware Trading Corporation, Warhorse Exploration Company, Warshaw, Inc., Washington Accessories & Garage Co., Washington Bleacher Seat Company, Washington Club, The, Washington Company of D. C., The, Washington Diplomatic and Consular Institute, Inc., Washington Equipment Corporation, Washington Industrial Mortgage Corporation, Washington Investment and Transactions Company, Washington Land & Livestock Corporation, Washington, London & Globe Legal Bureau, Inc., Waste Manufacturers Association, Inc., Washington Service Bureau, Inc., Washington Springs Works, Inc., Weago Corporation, Weber Knitting Mills, Inc., Webster Realty Corporation, Inc., Webster Stogie Company, Inc., Weisbrod & Hess Brewing Co., Inc., Weeks Realty Corpora-

PROCLAMATION

tion, Weldon Pictures Corporation, Western Amusements Inc., West Audit Company, Inc., Western Bond & Securities Company, Western Consolidated Gold Mines, Inc., Western Continent Minerals, Ltd., Western Fisheries Co. Inc., Western Gold Mines, Inc., Western Gold Products, Inc., Westmoreland Homesteads, Inc., Wessington, Inc., West Indies Oil and Alcohol Company, Westwood Lumber Company, West-National Finance Co., Western Petroleum Co., Inc., The, Westham Petroleum Corporation, West Philadelphia Social Club, Western Power Light & Telephone Company, Western Show Co., Inc., Western Sulphur Industries, Inc., Ltd., Whalen Tire Service Inc., Whe-Ta-Lon Corporation, Whitney Payne Corporation, White Palace System, Incorporated, White Rose Brewing Company, Wichita Falls & Western Pipe Line Co., Wichita Gardens, Inc., Wilcox Construction Company, William H. McCeney Jr., Incorporated, Willson Holding Company, Willmore Incorporated, The, William N. Compton, Incorporated, Williams Oil Well Flow Device, Inc., William P. Morris Implement Company, William W. Fahey Post Home Corporation, Wilmington Academy of Beauty Culture, Inc., Wilmington Dairy, Inc., Wilmington and Dover Mortgage Corporation, Wilmington Texas Oil & Gas Company, The, Wilmington Wool Pulling Co., Inc. Wilson and Company, Inc. of Dayton, Ohio, Winkler Ice Machine Co., Wine & Spirits Importers, Incorporated, Wissahickon Bakeries, Inc., Winston & Company, Wisconsin Forest-Farm Homesteads, Inc., Wisconsin Holding Corporation, Witten Aerial Exploration, Inc., Witty Engineering Corporation, Wlpfe Royalty Corporation, Wolverine Power Company, Woodland Club, Inc., Woodrow Realty Corporation, World Bestos Corporation, World Circus Company, Incorporated, Worthington Gas Company, Wotan Metals Compositions, Inc.

Yeasteds Foods, Inc., Yerger, Inc., Ye Olde Edgmont Inn, Inc., York-Delewar Corporation, Young-Keller, Inc.

Zion Institutions and Industries, Inc., Zeco Research Corporation, Zueda Co., The.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto

PROCLAMATION

(Great Seal) affixed this twenty-fourth day of January, in the year of our Lord one thousand nine hundred and thirty-eight and of the Independence of the United States of America, the one hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 222

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, sometime in November, 1637, an expedition of the New Sweden Company, consisting of two ships, the "Kalmar Nyckel" and the "Fogel Grip," departed from Gothenburg, Sweden, for the purpose of establishing a colony in the Delaware River Valley, and

WHEREAS, in the latter part of March, 1638, the two ships cast anchor off the so-called "Rocks" on the Christina River, about two miles upstream from the mouth of said river, and

WHEREAS, on March 29, 1638, the New Sweden Company, represented by the director of the expedition, Peter Minuit, purchased from five Indian chiefs the land on the west side of the Delaware River extending from Bombay Hook northward to the Schuylkill River, which land included what is now New Castle County in the State of Delaware, and

WHEREAS, following the sale of the land, and on the same day, Peter Minuit, his officers, and men, landed at the "Rocks", with solemn ceremonies raised the Swedish coat-of-arms on a post, called the country NEW SWEDEN, and built a fort there, which was named Fort Christina in honor of the Queen of Sweden, and

WHEREAS, Fort Christina was the first settlement of the Colony of New Sweden and the first permanent settlement in the Delaware River Valley, and was likewise the first permanent settlement in the State of Delaware, and

WHEREAS, this first settlement and successive settlements of the Swedes marked the beginnings of government, religion, education, agriculture, commerce, and industry, in our State, and

WHEREAS, March 29, 1938, will mark the three hundredth anniversary of the founding of the State of Delaware,

PROCLAMATION

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim

MARCH 29, 1938, as

DELAWARE TERCENTENARY DAY,

and request the citizens of the State to join in appropriate observances of this historic event.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this Sixteenth day of March, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America, the one hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 223

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is important to the welfare of our State that her natural resources be conserved with intelligent interest and promoted with the combined effort of all of our people,

WHEREAS, with the thought that our State, through the various Departments, is doing excellent work in the protection of our forests, reforestation, propagation and protection of fish, the conservation of wild life, and the protection of song and game birds,

WHEREAS, to further add to the efforts of our State Departments, it is necessary to educate the youth and ask the assistance of their parents in this great work,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do set aside the week of

April 4th to 9th as

CONSERVATION WEEK

and call upon the citizens of our State to support this worthy endeavor, and upon the schools for appropriate exercises to further this conservation program.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State to be hereunto affixed this Sixth day of April, in the
(Great Seal) year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America, the One Hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 224

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the great importance and value of our trees and birds urge the utmost conservation of Delaware's natural resources, and

WHEREAS, the interest that has been aroused should be retained relative to the great importance of creating beauty along the State Highways, in the development and beautification of our parks, the preservation of our wild flowers, forests and other natural landscape values, and

WHEREAS, realizing the best possible way of accomplishing this is by education in our public schools,

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 8th

AS

ARBOR AND BIRD DAY

and earnestly urge the close observance by all public and private schools and institutions of higher learning in the planting of trees with appropriate exercises, keeping the thought of advancing the study of arbor culture and the retention of a spirit of protection to birds and trees and preserving a proper sentiment toward them,

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this Sixth day of April, in the

PROCLAMATION

(Great Seal) year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America, the One Hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 225

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, for a number of years the President of our country and many of the Governors of the various States have, by proclamation designated May Day as Child Health Day,

WHEREAS, child health is of vital concern to our State and Nation, as through the well being and health of our youth lies the future strength of our country,

WHEREAS, every effort must be made to continue the extremely efficient work that has been accomplished by our State Board of Health, Medical Societies and other organizations of Delaware.

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, designate and have set aside

SUNDAY, MAY FIRST

AS

DELAWARE CHILD HEALTH DAY

and ask our citizens to observe this day in our schools, churches, various civic and community organizations, so that we may have a continuation of this splendid work, and to give thanks for the health gains that have been made,

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this Twenty-first day of April, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the

(Great Seal)

PROCLAMATION

United States of America, the One Hundred and
sixty-second.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 226

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the observance of Good-Will Day is wise and timely, as the date selected, May 18th, has for sometime been observed as commemorating the anniversary of the first Peace Conference at the Hague.

During the troubled state of the World, it is more than ever important that we give heed to the old adage that peace comes to men of good-will.

If good-will is established, human welfare and happiness will result.

I, THEREFORE, Richard C. McMullen, Governor of Delaware, designate the month of May, 1938, as

GOOD-WILL MONTH

and do proclaim May 18th, as Good-Will Day, and urge the people of our State to give it proper observance in churches, schools, fraternal organizations, in the homes and other institutions, to develop a sense of peace and unity among our people, thus preparing for the establishment of world peace through mutual good-will and better understanding.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be affixed this Sixth Day of May, in the year of our Lord One Thousand Nine Hundred and Thirty-eight, and of the Independence of the United States of America, the One Hundred and Sixty-second.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 227
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the Postoffice Department at Washington, is sponsoring National Air Mail Week from May 15 to 21, inclusive, and

WHEREAS, this is the twentieth anniversary of regular Air Mail Service in the United States, and

WHEREAS, I believe the citizens of Delaware have a lively interest in the development of Air Mail in our Nation,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby designate the week of

MAY 15-21 AS AIR MAIL WEEK

and do call upon our people to make proper observance of this week by liberally patronizing the air mail and otherwise evidencing their appreciation of the efforts of the Post Office Department to provide this necessary service for our State.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be affixed this Thirteenth Day of May, in the year of our Lord one Thousand Nine Hundred and Thirty-eight, and of the Independence of the United States of America, the One Hundred and Sixty-second.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 228

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, The General Assembly of the State of Delaware at the 1937 Session adopted a Joint Resolution providing for the appointment of a Commission to be known as the Delaware Tercentenary Commission to plan and execute the celebration of the Three Hundredth Anniversary of the first permanent settlement in our State, and

WHEREAS, to properly celebrate this important event and to give due honor and respect to those early Swedish and Finnish settlers, who made many sacrifices to travel to and settle a new, primitive country, and

WHEREAS, since June 27th has been fixed by the Delaware Tercentenary Commission as the official day to greet the Crown Prince and Princess of Sweden, our President, Franklin D. Roosevelt, as well as honored guests from the countries of Sweden and Finland and our United States, and to accept the monument to be given to the people of the United States by the people of the great country of Sweden,

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, do hereby proclaim

JUNE 27th, 1938

A DELAWARE STATE HOLIDAY

and request the various industrial plants, places of business, State Departments, as well as private citizens of the State to join in appropriate observance of this important celebration.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set

PROCLAMATION

(Great Seal) my hand and, caused the Great Seal of this State to be hereunto affixed this Thirteenth day of June, in the year of our Lord, one thousand nine hundred and thirty-eight, and of the Independence of the United States, the One Hundred and sixty-second.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 229

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the 11th day of October, 1938 is the commemorative date of the Death of Brigadier General Casimir Pulaski. This hero in our country's history died on October 11, 1779, of wounds received during the siege of Savannah, Georgia, on October 9th,

WHEREAS, Delaware, through act of Legislature, has set aside October 11 of each year as "General Pulaski's Memorial Day", and

WHEREAS, it is deemed fitting and proper that the death of this great American Hero of the Revolutionary War be commemorated by proper exercises;

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, by virtue of the authority vested in me by the General Assembly of the State of Delaware, do hereby proclaim October 11, 1938, as General Pulaski's Memorial Day, and request the people of our State to observe the day in the schools, churches, and other suitable places, with proper ceremonies in commemoration of the death of this great man.

IN WITNESS WHEREOF, I, Richard C. McMullen, have hereunto set my hand, and caused the Great Seal of the State of Delaware to be hereunto affixed, at Dover, this first day of October, in the year of our (Great Seal) Lord one thousand nine hundred and thirty-eight and in the year of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 230

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the fourth day of January, A. D. 1938, a list of corporations that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the twenty-fourth day of January, A. D. 1938, proclaiming the "Donahoe's Incorporated," as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim that, "Donahoe's Incorporated", a corporation incorporated under the laws of the State of Delaware, December 29, A. D. 1917, 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 corporation 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, Richard C. McMullen, 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 October, (Great Seal) in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 231
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the week beginning November 6th, 1938, has been designated by National decree as American Education Week, in order to increase interest in all matters of Public Education. This should be an important observance as no institution in our country has more responsibility for the future generation than the Public Schools, and

WHEREAS, it is conceded that Public Education is a means of making the world a better place in which to live; that Public Education is necessary in the development of a Nation, and that many of our evils are corrected in a State having a good system of free Public Schools, and

WHEREAS, during the observance of this period many of our citizens will be given an opportunity of considering the many advantages which arise from this important subject;

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do recommend that State and local authorities cooperate with the civic and religious bodies in our State, to secure the most general and helpful observance of

AMERICAN EDUCATION WEEK

during the period commencing November 6th and ending November 12th with the thought of acquainting ourselves with our present Educational System.

IN WITNESS WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this Fourth day of November, in
(Great Seal) the year of our Lord one thousand nine hundred

PROCLAMATION

and thirty-eight, and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 232

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Armistice Day which commemorates the end of the World War, is also the beginning of the American Red Cross Call for membership, and

WHEREAS, Thanksgiving Day which is a day set aside by the American people to give thanks and express appreciation for the blessings received throughout the year, marks the end of a campaign to enlist aid and financial support in the activities of the Red Cross, an organization devoted to the public's assistance in time of catastrophe and in public health service, home hygiene, life saving and many other forms of service, all very important to the well being of our individual communities and the citizens of our State. Human suffering always calls for an increased need of revenue and much good can be derived from the financial strength gained by a larger membership,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do proclaim the

ANNUAL ROLL CALL OF THE AMERICAN RED CROSS
beginning on Friday, November 11th and ending on Thursday, November 24th, and earnestly urge upon the people of our State the need of support to the worth while work of this national organization.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this ninth day of November,
(Great Seal) in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of

PROCLAMATION

the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 233

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

RICHARD C. McMULLEN, 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 8th day of November, in the year of our Lord one thousand nine hundred and thirty-eight that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Attorney General of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Attorney General were cast as follows, to wit:

NEW CASTLE COUNTY

Stewart Lynch	30,601
James R. Morford	41,019
Robert G. Houston	260

KENT COUNTY

Stewart Lynch	8,266
James R. Morford	7,198
Robert G. Houston	105

SUSSEX COUNTY

Stewart Lynch	9,088
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PROCLAMATION

James R. Morford	11,036
Robert G. Houston	488

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Attorney General, the result appears as follows, to wit:

Whole number of votes for Stewart Lynch	47,955
Whole number of votes for James R. Morford	59,253
Whole number of votes for Robert G. Houston	853

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that James R. Morford has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Attorney General of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the sixteenth day of November in the year of our Lord one thousand nine hundred and thirty-eight and of the independence of the said State the one hundred and sixty-third.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 234

STATE OF DELAWARE .
EXECUTIVE DEPARTMENT

PROCLAMATION

RICHARD C. McMULLEN, 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 8th day of November, in the year of our Lord one thousand nine hundred and thirty-eight 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	30,571
Benjamin I. Shaw	41,056
Charles du Pont Ridgely	84
Merrit Kirk	239

KENT COUNTY

James W. Wise	8,061
Benjamin I. Shaw	7,342
Charles du Pont Ridgely	131
Merrit Kirk	55

SUSSEX COUNTY

James W. Wise	8,707
Benjamin I. Shaw	11,015
Charles du Pont Ridgely	816
Merrit Kirk	58

PROCLAMATION

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	47,339
Whole number of votes for Benjamin I. Shaw	59,413
Whole number of votes for Charles du Pont Ridgely.....	1,031
Whole number of votes for Merrit Kirk	352

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that Benjamin I. Shaw 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 sixteenth day of November in the year of our Lord one thousand nine hundred
(Great Seal) and thirty-eight and of the Independence of the said State the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 235
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

RICHARD C. McMULLEN, 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 8th day of November, in the year of our Lord one thousand nine hundred and thirty-eight 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	28,660
Fagan H. Simonton	41,240
Walter O. Stack	91
L. Taylor Cunningham	243

KENT COUNTY

Ernest C. Blackstone	8,263
Fagan H. Simonton	7,117
Walter O. Stack	143
L. Taylor Cunningham	56

SUSSEX COUNTY

Ernest C. Blackstone	8,789
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PROCLAMATION

Fagan H. Simonton	10,915
Walter O. Stack	828
L. Taylor Cunningham	66

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	45,712
Whole number of votes for Fagan H. Simonton	59,272
Whole number of votes for Walter O. Stack	1,062
Whole number of votes for L. Taylor Cunningham	365

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that Fagan H. Simonton 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 sixteenth day of November in the year of our Lord one thousand nine hundred and thirty-eight and of the Independence of the said State the one hundred and sixty-third.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 236

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

RICHARD C. McMULLEN, 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 8th day of November, in the year of our Lord one thousand nine hundred and thirty-eight that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Insurance Commissioner of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Insurance Commissioner were cast as follows, to wit:

NEW CASTLE COUNTY

Frank L. Cates	30,466
William J. Swain	41,019
James Postles Hammond	79
Harold H. Vigneulle	360

KENT COUNTY

Frank L. Cates	8,235
William J. Swain	7,154
James Postles Hammond	109
Harold H. Vigneulle	72

SUSSEX COUNTY

Frank L. Cates	9,318
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PROCLAMATION

William J. Swain	10,781
James Postles Hammond	389
Harold H. Vigneulle	117

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Insurance Commissioner the result appears as follows, to wit:

Whole number of votes for Frank L. Cates	48,019
Whole number of votes for William J. Swain	58,954
Whole number of votes for James Postles Hammond	577
Whole number of votes for Harold H. Vigneulle	549

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that William J. Swain has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Insurance Commissioner of and for the State of Delaware.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the sixteenth day of November in the year of our Lord one thousand nine hundred (Great Seal) and thirty-eight and of the Independence of the said State the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 237

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

RICHARD C. McMULLEN, 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 8th day of November, in the year of our Lord one thousand nine hundred and thirty-eight 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-sixth 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	30,577
George S. Williams	41,303
William J. Highfield	359

KENT COUNTY

William F. Allen	7,980
George S. Williams	7,600
William J. Highfield	64
Ralph L. Brown	56

PROCLAMATION

SUSSEX COUNTY

William F. Allen	8,432
George S. Williams	11,758
William J. Highfield	393
Ralph L. Brown	49

AND WHEREAS, The said returns of the election for the choice of Representative of and for the said State in the Seventy-sixth 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	46,989
Whole number of votes for George S. Williams	60,661
Whole number of votes for William J. Highfield	816
Whole number of votes for Ralph L. Brown	105

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that George S. Williams has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the Seventy-sixth Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the sixteenth day of November in the year of our Lord one thousand nine hundred and thirty-eight and of the Independence of the said State the one hundred and sixty-third.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 238
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

Continuing the custom of our forefathers in setting apart one day in the year to express our gratitude for blessings received through a Divine Providence, I, Richard C. McMullen, do hereby proclaim the day appointed by the President of the United States

THURSDAY, NOVEMBER TWENTY-FOURTH

AS

THANKSGIVING DAY

and commend its observance in our communities in such a manner that the sacred traditions of the day will be preserved. I ask our people to express their gratitude to the Divine Father for the blessings we have received, and beseech guidance for the future in our public and private lives.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this eighteenth day of November, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America, the one hundred and sixty-third.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

PROCLAMATION

SUSSEX COUNTY

William F. Allen	8,432
George S. Williams	11,758
William J. Highfield	393
Ralph L. Brown	49

AND WHEREAS, The said returns of the election for the choice of Representative of and for the said State in the Seventy-sixth 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	46,989
Whole number of votes for George S. Williams	60,661
Whole number of votes for William J. Highfield	816
Whole number of votes for Ralph L. Brown	105

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that George S. Williams has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the Seventy-sixth Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the sixteenth day of November in the year of our Lord one thousand nine hundred and thirty-eight and of the Independence of the said State the one hundred and sixty-third.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 238
STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

Continuing the custom of our forefathers in setting apart one day in the year to express our gratitude for blessings received through a Divine Providence, I, Richard C. McMullen, do hereby proclaim the day appointed by the President of the United States

THURSDAY, NOVEMBER TWENTY-FOURTH

AS

THANKSGIVING DAY

and commend its observance in our communities in such a manner that the sacred traditions of the day will be preserved. I ask our people to express their gratitude to the Divine Father for the blessings we have received, and beseech guidance for the future in our public and private lives.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this eighteenth day of November, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America, the one hundred and sixty-third.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 239

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, by reason of the death of Chancellor Josiah O. Wolcott, a vacancy exists in the office of Chancellor 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, Richard C. McMullen, 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 capitol of the said State, on the seventh day of December, A. D. 1938, at twelve o'clock noon (standard time) 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 Chancellor; and

To transact such other executive business as may come before the Senate of the State of Delaware.

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 twenty-eighth day of November, in the year of our Lord one thousand nine hundred and thirty-eight and of the Independence of

(Great Seal)

PROCLAMATION

the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 240

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 our State have just cause to be proud of the part Delaware has taken in the foundation and preservation of the Union, particularly as it relates to the ratification of the Federal Constitution on December 7th, 1787, since which date Delaware has been known as the "First State in the Union,"

NOW, THEREFORE, I, Richard C. McMullen, by virtue of the authority vested in me through Act of the General Assembly, do hereby designate Wednesday, December 7, 1938, as

DELAWARE DAY

and in reminding our people of the honor bestowed upon them by their forefathers, urge them to observe this one hundred and fifty-first anniversary in proper manner by displaying the flags of our State and Nation, and to hold appropriate exercises in schools, churches and civic organizations in commemoration of this historical event.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have caused the Great Seal of this State to be hereunto affixed this fifth day of December, one thousand nine hundred and thirty-eight, and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN

CHARLES L. TERRY, JR., Secretary of State.

CHAPTER 241

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the fourth day of January, A. D. 1938, a list of corporations that were two years in arrears for taxes, having refused, failed or neglected to pay the taxes assessed against them; and

WHEREAS, the Governor of the State of Delaware did issue his Proclamation on the twenty-fourth day of January, A. D. 1938, proclaiming the "Marion DeVries, Incorporated," as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim that, "Marion DeVries, Incorporated," a corporation incorporated under the laws of the State of Delaware, December 29, A. D. 1917, 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 corporation 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 76 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, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this sixteenth day of January, in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence

(Great Seal)

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of the United States of America, the one hundred
and sixty-third.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., Secretary of State.

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT

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WHEREAS, James P. Truss, 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, Richard C. McMullen, 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. Stayton Company, A. B. & W. Corporation, A. C. Layman Machine Company, A. C. Mellichampe, Inc., A. Fink & Sons, Inc., A. & F. Tile and Marble Co., A. K. Bennett Hotel Corporation, Ltd., A. O. Best Corporation, A. P. Taliaferro, Jr. & Company, Inc., A. L. Erlanger Amusement Enterprises, Inc., A. Spain & Co., A. T. Baynes Co., A. W. Drilling Co., Abbey Radio Service, Inc., Abbott Engineering Company, Abel & Company, Incorporated, Adco Oil Company, Addison-Saunders Associates, Inc., Adford Corporation, Admiral Products Company, Admiral Refining Company, Aeroland Oil Company, Affiliated Hosts, Inc., Agence Internationale De Publicite, Inc., Agricultural Chemical Works, Inc., Agricultural Development Association, Air Conditioning Equipment Corporation, Air-Pake-Age, Inc., Air Valve Bottle Corporation, Airflo Keg Corporation, Airflo Keg Sales Corporation, Airlane Refining & Transport Company, Ltd., Airway Cargo Express, Inc., Akoa Corporation, Al Krenkel Chevrolet Company, The, Alabama Realty Company, The, Alabama Land and Mineral Company, Alabama Snailshell Mining Company, Incorporated, Alamo Petroleum Corporation, Alban-Towers Pharmacy, Incorporated, Alex Valet Service, Inc., Alexandria Motor Company, Incorporated, Alfred A. Dorsey, Inc., Alice

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Norman, Inc., All American Motor Sales, Inc., All-American Stencil Co., All-Oil Heater Corporation, Allan Fruit and Steamship Company of Mexico, Inc., Allegheny Packing Company, Allied Autos, Inc., Allied Research Laboratories, Inc., Alloyed Metals Corporation, Allyne Refrigeration Corporation, The, Alpha Springs Company, Alta-Idaho Gold and Copper Mining Company, The, Altar Consolidated Mines, Inc., Alton Corporation, Amar Banking and Trading Corporation, Amarillo Townsite & Land Company, American and Moroccan Phosphate Corporation, American Aid Society, American Association of Boat Builders and Repairers Inc., American Acoustic Company, American Austin Corporation, American Austin Parts Corporation, American-Balkan Corporation, American Bond & Trust Company, American Bureau of Investigation, Inc., American Carpatho Russian Lemko Citizens Association, American Cash Register Corporation, American Cooperative Trading Syndicate, Inc., American Cotton Finance Corporation, American Credit Agency, Inc., American Duplex Motors Inc., American Dyestuffs Association, American & Foreign Claims Bureau, Inc., American & Foreign Discount Corporation, American Furniture Associates, Inc., American General Properties, Inc., American Gold Producers, Incorporated, American Industrial Finance Corporation, American Institute of Medicine and Surgery, Inc., American Intercoastal Steamship Corporation, American International Association, Incorporated, The, American Loan Company of Connecticut, American Locker Company, American Metals Recovery Corporation, American Mutual Society, American Oil Royalties Corporation, American Pharmacal Company, American Plate Glass Company, American Publishers, Inc., American Resources, Inc., American Spigot Company, American Standard Exports Corporation, American States Public Service Company, American Stock Yard Company, American Tradeships, Inc., American Transom Co., Inc., The, American Typesetting Corporation, American Union Telephone Company, American Veneer Company, Incorporated, American Wafer-Paper Corporation, American World Traders, Incorporated, "Americanadian" Inc., Amulet Mines Corporation, Anatmos Metals & Furnace Corporation, Anania Company, The, Anchorage Corporation, Anderson-Stromenger, Incorporated, Anglo American Mill Company, Anglo Asiatic Corporation, Ltd., Anglo-South American Investing Corporation, Animated Air, Inc., Apartment Estates Club of Ameri-

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ca, Inc., Archery Company, Inc., The, Argo Asbestos & Rubber Corporation, Argosy Mining Company, Arizona Goldfields Development Corporation, Arkansas-Oklahoma Smokeless Coals, Incorporated, Arkansas Southern Oil Company, Inc., Arkmo Gin Company, Arlington House Furnishing Company, Armstrong Realty Corporation, Arnold-Blair-Rottner Inc., Arroyo Gardens Development Co., Art Craft Sign Co., Inc., Arthur Hopkins Productions, Inc., Asher Realty Company, Associated Brake Engineers, Inc., Associated Cleaners, Dyers and Tailors of Delaware, Inc., Associated Developers, Inc., Associated Dyeing & Printing Company, Inc., Associated Properties Corporation, Associated Publications of the Far East, Inc., Associated Publishing Co., Inc., Associated Wine & Liquor Retailers of America, Inc., Assured Investments, Inc., Astor Cab Corporation, Astra Company, The, Athetone Products, Inc., Atlantic Cleaners and Dyers, Inc., Atlantic Discount Corporation, Atlantic Investment Co., Atlantic Merchantile Company, Inc., Atlantic, Pacific and Oriental Company, Atlantic Products Corporation, Atlantic Screen Service, Inc., Atlas Crane Company, Inc., Atlas Export Steel Products Corporation, Atlas Wrecking & Salvage Corporation, Atwood Multiple Writer, Inc., Audited Industries Finance Company, Audrey Gift Shoppe, Inc., The, Audubon Contracting & Building Co. Inc., Autan Corporation, Auto-Mould, Incorporated, Automatic Awning Manufacturing Co., Inc., The, Automatic Printing and Stationery Company, Automobile Discount Corporation, Avocet Corporation, Automotive Development Corporation, Alexanderplatz Corporation.

Babcock Steamship Corporation, Baker Hall Corporation, Bagby Hall, Inc., Baker-Nagle Co., Baker-Righter Corporation, Bald Eagle Company, Bancshares, Ltd., Band Box Cleaners Inc., Bandera Oil Corporation, Bankee Corporation of America, Bankers Income Corporation, Bankers and Merchants Bureau, Inc., Bar-Bar Chemical Company, Barber & Ross, Inc., Barge Sheridan One Company, Barnet Lumber Products Corporation, Bavarian Luxburger Brewing Company, The, Beacon Laboratories, Inc., Beacon Sales Syndicate, Bear Creek Coal Company, Beasley-Eastman Laboratories, Incorporated, Beatlo's Upstairs Trunk Stores, Inc., Beauty Arts Distributing Company of Washington, Beaver Reclamation Oil Company, Bell Paper Box Company, Bellas Processing Corporation, Belle-

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Franklin Oil Co., Inc., The, Belmont Goldfield Mining Company, Ben Birkenfield, Inc., Ben Wofford Drilling Corporation, Beneficial Loan Society of New Haven, Beneficial Personal Safe Deposit Company, Benkirp Aircraft Engine Corporation, Benneweiss Gold Mines, Inc., Berkshire Mortgage & Finance Corporation, Best Publishers, Inc., Best Tool Company, Inc., The, Best's Valet Service, Inc., Bethlehem Hatchery and Poultry Farms, Inc., Better Housing Institute, Inc., Biederman, Incorporated, Big-4 Mining Co., Big Four Gold Mining Company, Bilmarjac Corporation, Biltwell Homes Corporation, Birmingham Textile Company, Bla-Seaport Gas Corporation, Blue Boar Gold Mines, Inc., Bold Chemical Company, Bond Electric Corporation, Bonded Commodity Corporation, Bonita Petroleum Corporation, Borco Potash Development Corporation, Borstein Electric Company, Bourbon Cooperage Company, Inc., Boyd Business University, Inc., Braak Corporation, The, Brandle & Smith Co., Brandt Products Company, The, Brandy-Wine Brewing Company, Brazil Gold, Silver and Oil Syndicate, Incorporated, Bridgeside Athletic Club, Brightwood Motor Sales Company, Brintnall Manufacturing Company, Inc. of Delaware, British Fuel Patents, Inc., Brooke V. Beyer, Inc., Brookland Avenue Realty Co., Brown Coal Company, Brown-Rotan Inc., Brownback Heck Incorporated, Bryan Corporation, Bryan-Foster Casket Company, Inc., The, Bryant & Rogers, Incorporated, Bryer Chemical Corporation, Buckley Radio Laboratory, Inc., Buena-Vista Products Corporation, Builders and Dealers Finance Company, Building Cleaning and Preservation, Inc., Building and Management Corporation, Burton Building Company, Buschel, Inc., Business Incorporators Company, Butler-Kuhn Corporation, Buttonless Fly Company, Baker Properties, Incorporated, The, Bergstan Patents Corporation, Blom Soap Company, Incorporated, Budge-It, Incorporated, Blue Hen Farms, Inc., Bullion Imports, Inc., Bunsen Oil Burning Corporation.

C. Kenyon Company of California, C. M. C. Construction Co., C. M. Simpler & Co., C. Wayne Gould & Company, Cadillac Mining Corporation, California Comstock Gold Mines, Ltd., California Gold Fields Development Co., California Gold Lode Mines, Inc., California Gold Mines, Inc., California Gulch Placers, Inc., California Majestic, Inc., Call "Jack" The Plumber, Inc., Callan Motors, Incorporated, Calvey Motor Company, Calway Corporation, Cam-

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bridge Amusement Enterprises, Inc., Cameron Properties, Limited, The, Canadian Mines of Delaware, Inc., Canadian Natural Resources, Inc., Canyon Lease and Royalty Company, Capital Beef Company, Inc., The, Capital Bus Terminal, Inc., Capital Distributing Corporation, Capital Kosher Sausage and Provision Company, Cargert, Inc., Carick, Inc., Carthage Marble Corporation, Cashin, DeVries & Co., Catalene Products Corporation, Cave Hill Gold Mining Company, Cedar Tree Press, Inc., The, Ceotex Company, The, Central Credit & Investment Company, Central Eastern Power Company, Central Natural Gas Company, Central Properties Inc., Central States Service Company, Centralized Service, Inc., Century Benefit Association, Century Pipe Line Company, Cerathenus, Inc., Certified Concrete Company, Chandler Candy Company, Channel Gold Mines, Ltd., Chapman-Meehan Casket Company, Charber Machinery Corporation, Charles F. Heartman, Limited, Charles L. Wagner, Inc., Charter Coal Company, Charter Mutual Benefit Association, Charwel Corporation, Chase-Scott Model Gin Compress and Cotton Package Company, Chelsea Exchange Corporation, Chemical Industries, Inc., Chemical Service, Inc., Cherry Valley Nursery, Inc., Chesapeake Mortgage Company of Maryland, The, Chicago Farm & Produce Corporation, Chicago, Ohio & Mississippi Transit Co., Church-Members Service, Inc., Cinemacolor Corporation, Circolo Recreativo, Inc., Citizens Benefit Association, City Central Corporation of America, City Ice & Beverage Co., Clark Fastner, Inc., Clarke, Lewis Investment Company, Claverhouse, Incorporated, Clay Industries, Inc., Clay Sewer Pipe Sales Promotion Corporation, Clendaniel Seed & Plant Co., Inc., Clinic Pharmacy, Incorporated, Clinton Distilleries Corporation, Cloiton Inc., Closure Corporation, The, Club Candies Inc., Club Heidelberg, Co-operative Industries, Inc., Co-operative Motors, Inc., Code Authority of the Brush Manufacturing Industry, Inc., Code Authority for the Limestone Industry, Inc., The, Coalotem Corporation, Cokel, Inc., Coker Photo-Offset Corporation, Cold Blast Feather Company, The, Collapsible Metal Case Corporation of America, Collapsible Steel Quilt Co., Inc., Colonial Press, Inc. of Washington, D. C., Columbia Airlines, Inc., Comanche Drilling Company, Combust Oil Co., Combination Chemical Company, Inc., Commerce Agriculture and Industry, Ltd., Commercial Broadcasters, Inc., Commercial Bullfrog Hatchery, Inc., Commercial Business Corporation, Compressed Air

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Service Corporation, Compton Mines Corporation, Cone Patents Corporation, Conlin Petroleum Corporation, Conlin Petroleum Producing Corporation, Consolidated Automatic Merchandising Corporation, Consolidated Durma-Viatic Dispensaries, Inc., Consolidated Gas Utilities Co., Consolidated Ozone Corporation, Consolidated Waterways Transportation, Inc., Construction Products Corporation, Continental Consolidated Gold Mining Company, Continental Distilleries, Incorporated, Continental Distributing Company, Continental Public Utilities Corporation, Continental Trustee & Deposit Corporation, Continuous Torque Transmission Corporation, Cook Realty Corporation, The, Coolair Inc., Coolspring Blue-stone Company, Cordrey Limited, Cosmopolitan Players, Inc., Cote D'Or Corporation, Cotton Club of Washington, D. C., Inc., Cotton Garment Code Authority, Inc., Cotton State Portland Cement Company, Cottontex Products Company, Council of the National Society Magna Carta Dames, The, Council of the Society of Descendants of Knights of The Most Noble Order of the Garter, The, Cove Point Beach, Incorporated, Craven Estate, Inc., Credit Adjustment and Loan Bureau, Inc., Crescent Holding Company, Crist's Auto Repairs, Inc., Croghan Mining & Milling Company, Inc., Crookston Safety Razor Co., Crouch-Bolas Aircraft Corporation, Crown Furniture Lines, Inc., Crown Lumber Company, Crystal Palace, Inc., Curtin Chemical Corporation, Cut-Rate Furniture Co. of Norristown, Clayton's, Inc., Chicago Heating & Piping Association, C. B. Kelly & Co., Inc., C. and C. Trucking Corporation, C. E. Bowers, Inc., Calamata Importing Co., Cann Brothers & Kindig, Inc., Chase Model Bale Gin Compress Company, Chevy Chase Amusement Corporation, China Well Drilling Corporation, City Coal & Ice Company, Clothing Research Corporation, Coal Feeder Corporation, Coast Insulating Co., Code Authority of the Dog Food Industry, Inc., Cognac Brandy Consortium, Inc., Coleman Companies Inc., Colmar Corporation, The, Columbia Accounting Machine Co., Inc., Columbia Advertisers Incorporated, Combined Gold Producers Syndicate, Inc., Consolidated Motembo Company, Consolidated Placers Company, The, Consumers Service, Inc., Cooper Sparkelite, Ltd., Coupon Grocery Stores, Inc., Cream Separator Bottle, Inc., Crescent Specialty Company, Inc., Curtiss Candy Sales, Inc., Cyanide, Gold & Tungs-ten Mining Corporation.

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D. C. Plastering Company, Inc., D. J. McCarthy Studios, Inc., D. M. D. Taxi Corporation, D. R. Altick, Inc., Dahlia Oil Company, Daily Racing Form Publishing Company, Dakota Finance Company, Daniel E. Hogan, Inc., Davis-Paradis Watchmen's Clock Corporation, Dayatnite Lamp Corporation, De Costa, Inc., de la Roza Engineering Corporation, Delaware Mirror & Plate Glass Co., Degn Corporation, The, Delmar Union Store Company, Denny Shoes, Inc., De Plan, Incorporated, Dealers Service and Discount Corporation, Deauville Mining Co., Deerpark Breweries, Inc., Dela.-River-Beach-Farms-Inc., Delaware Ave. & Broom St., Inc., Delaware Fruit Juice Company, Delaware Poultry Farm, Inc., Delaware Pretzel Company, Inc., Delaware-Western Mining Corporation, Delco Auto Supply Co., Delmarva Ice Cream Co., Inc., Denti-Set Corporation, Delhaven Dairy Farms, Inc., Delicious Orchards, Inc., The, Delmar Clearance House, Inc., Delmarvia Printing and Publishing Company, Delta Land & Timber Company, Delvatex Petroleum Corporation, Denny Refrigeration Company, Inc., The, Discount & Sales Corporation, Display Corporation of America, The, Display Products, Inc., Distillers Import Corporation of America, The, District Food Specialty Company, The, Dixie Development & Dairying Company, Dixie Transportation Company, Dobbston Realty Corporation, Dodge Manufacturing Corporation, Domestic Credit Securities Corporation, Dominant Refining Company, Doud Insulation Company, Inc., Doughboy of Allegheny County, Inc., Douglas Popcorn Whisky Company, The, Dougparm Inc., Dove Coal Company, Inc., Dover Hosiery Mills, Inc., Dover Motors Corporation, Dr. George C. Melody Laboratories, Incorporated, Dr. W. O. Coffee Co., Draper Telephone Company, The, Dresden Corporation, The, Drigard Products Corporation, Dual-Brake Corporation, The, Dubus Pump & Machinery Co., Duchess Mining and Milling Co., Dulce Mines, Inc., Duluth Talkies, Incorporated, Dunmore Mt. Airy Corporation, Dunmore Mt. Airy, Inc., Duo Corporation, Dur Productions, Inc., Durman Petroleum Corporation, Dutch Kitchen of Delaware, Inc., Dwelly Pearce Corporation, Diamond State Warehouse Company, The, Dakota Corporation, Democratic Club of Upper Darby, Inc., Diatomite Oil Refining Corporation of America, Divisional Code Authority For Cement Gun Contractors, Inc., Divisional Code Authority Retail Solid Fuel Industry, Division No. 31, Inc.,

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Divisional Code Authority for The Roofing and Sheet Metal Contracting Division of the Construction Industry, Inc.

E. A. London Inc., E. C. Lynch Ticket Agency, Inc., E. H. Bell, Inc., E. J. Frankel Inc., E. R. Mullen Stores Inc., The, Eagle Corporation, East Coast Airways, Inc., Eastern Blenders, Inc., Eastern Impex Company Limited, The, E. M. Bryan Company, Eastern Machinery Corporation, Eastern Shore Farm Associates, Inc., Easy Roller Screen Company, Eberhardt & Co., Eclipse Textile Devices, Inc., Economy Gas Generator Sales Corporation, Economy Oil Transportation Corporation, Ed F. Thomas & Company, Inc., Eddie Dowling Productions Corporation, Edgar A. Coleman Sales Company, Edman Manufacturing Company, Educational Corporation, Edward L. Mayer Company, Inc., The, "8 In 1" Fuse Corporation, Elam Electric Heating System, Inc., Electric Contracting Company, Electric Control Corporation, Electric Elements, Incorporated, Eagle Auto Stores Company, Electric Switch Heating Corporation, Electrical Trade Publishing Co., Electro Lime and Ice Corporation, Electrogear Corporation, Electro-Geophysical Corporation, Electro-Plastic Products, Incorporated, Elkhorn Corporation, The, Ellinger Furniture Manufacturing Company, Inc., El Peten Petroleum Corporation, Elsmere Leather Company, Emfra Bouquet and Co., Inc., Empire Industries Corporation, Empire Silk Company of California, Emporia Gold Mines, Inc., Equity Finance and Investment Corporation, Erin, Incorporated, Ernest M. Loeb Company, Inc., The, Ernst Company, Eros Amusement Corporation, Esperanza Gold Mining Company, Estate Conservation, Inc., Estate Managers General Fund, Inc., Ethical Laboratory Inc., Ethine Company, Inc., Euclid, Inc., Eugene Meredith, Inc., Eureka Oil and Gas Corporation, Eureka Saw Mill Company, European Sprinkler Company, Evanston Investors Corporation, Excel Brick and Tile Corporation, Excelsior Gold Mines Company, Expando Company, E. Bowen's Son, Inc., East Side Mutual Association, Eastern University, Inc., Emerald Sports Club, Equities of Friends Inc., Equitable Industrial Loan Corporation.

F. Irving Walls & Co., F. W. Cleveland & Son, Incorporated, Fairmount Plating Company, Inc., Fame Mining Company, Inc., The, Family Loan and Mortgage Company, Farmers Market Company of Washington, D. C., Farmers Market, Inc., The, Farrell Com-

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pany, The, Fashion Lane, Inc., Faultless Heater Corporation, Fayette Securities Company, Feather Butte Gold Mines, Inc., Federal-American Restaurant System, of Washington, D. C. Inc., The, Federal Holding Company, Federated Hotels, Ltd., Felton Theatre Company, Inc., Fermoid Products Co., Inc., Ferrous Magnetic Corporation, The, Fidelity Distributors, Inc., Fidelity Management Corporation, Filco Corporation, Filtermatic Manufacturing Co., Finchley, Chicago, Inc., Fidler Ridge Gold Mining Company, Inc., Fireproof Specialties Company, First Empire Corporation, First National Trust Company, First New York Pennsylvania Corporation, First State Supply Co., Fisher Foundry Company, Flettner Corporation of America, Floating Incinerators, Inc., Florida Citrus Marketing Corporation, Florida-Collier Coast Hotels, Inc., Florida Fruit Wine & Distilling Co., Inc., Flower Valve Co., Flywheel Welding Co., Inc., Fluck Brothers Company, Fontaine Needle Corporation, The, Food Processing Company, The, Forest City Corporation, Fork Run Producers, Inc., Foundation Commerce Corporation, Foundation Company of Washington, Four Cohans, Inc., The, 4-Square Stations, Inc., Francis W. McDermott, Inc., Franco-American College, Inc., Frank B. Connelly, Inc., Frank Di Giuseppe, Inc., Frank's Garages, Inc., Frank & Seder Department Store Co. Inc., Franklin Coal & Coke Company, Franklin County Coal Company, Inc., Franklin Poultry Company, Inc., Franklin Shoe Repair, Inc., Frasers, Limited, Fred Norris, Inc., Frederick Higman Trucking Co., Frederick Falkin & Company, Freeman Gas Company, Freeman-Thompson Shoe Company, Frejo Builders, Inc., Friendly Finance Corporation, Fuller Restaurant System, Inc., The, Fullerton White Corporation, Funsten Brothers and Company, Furmoto Chemical Company, Inc., The, Futurist Enterprises, Inc., F. P. & E. Construction Company.

Gandell, Inc., Garcia Mining and Developing Co., Garden Seed Company of America, Garland Corporation, The, Gaskoal Corporation, Gel-Sten Duplicator Co., Gene's Laundry and Cleaning Company, Inc., General Adjustment Service, Incorporated, General Aircraft Corporation, General Electric Hammer Corporation, General Foundry Machinery Corporation, General Governors, Incorporated, General Kiln and Furnace Corporation, General Metals Corporation, General Metals Development Company, Geneva Realty Company, George E. Boyle, Inc., George H. Lockwood, Inc.,

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Georgetown Auto Company, Gerald R. Nocton, Incorporated, Gibraltar Finance Corporation, Gibsonville Townsite Gold Mines, Inc., Gilco Light Company, Gillett Miracle Laboratory Products, Inc., Girard Equipment Company, Girvin Exploration Company, Glen Park Company, Glenridge Oil Corporation, Globe Brewing Company, Inc., Godfrey Conveyor Co., The, Gold Bar Mining Co., Gold Crown Mining & Development Corporation, Gold Dome Mining Company, Incorporated, Gold Eagle Mining and Milling Company, The, Gold Medal Film Co., Inc., Gold Recoveries, Incorporated, Gold Ridge Mining Corporation, Gold Rush Mining Co., Inc., Goldberger Securities Corporation, Golden Age Liquor Corporation, Golden Ace Mining Company, Golden Arrow Oil and Gas Company, Inc., The, Golden Chain Mines, Inc., Golden Eagle Lines, Holding Company, Golden Plume Mining Co., of Calif., Goldmont Inc. of Delaware, Gordon's Incorporated, Gore Co., General Contractors, The, Grady Oil Company, Grant Mountain Gold Mines Company, Grape Vine Mountain Gold Mines Co., Inc., The, Grayden Oil Company, Inc., Great Basin Oil Company, Great Eastern Trust Company, Greenbank Valley Milling Company, Greenville Bridge & Ferry Company, The, Greenville Greenhouses, Inc., Grey Line Transportation Co., Inc., Grocery Story Products, Inc., Guarantee Mortgage Finance Company, Guerrero Trading Company, Guevara Fruit Company, Inc., Gulf Coast Corporation, Gum-Lac Stencil Corporation, Guthrie Company Incorporated, Guy A. Willey Motor Company, General Mining & Smelting Co., General Roofing & Sheet Metal Works, Inc., General Sales & Advertising Co. Inc., General Sales Associates, Inc., General Sales Co. Inc., General Street Utility Corporation, General Telephone Corporation, Georgia Cotton Cooperative Association, Glenn-Ann Oil Company, Inc., Gold Mining Machinery Corporation, Grant's Pharmacy, Incorporated, Great American Union, Green Lantern Country Club, G. B. Wilkinsson Estate Incorporated, Gadsden Copper Company, Gainesville Gas & Electric Company, Gaylord's, Inc., General Spar Corporation, Gardenia Grocery Company, Gardens Corporation, The, Gatennala Holding Company, Gibilton, Inc., Gillock & Co., Inc., Goldchain Consolidated Mines Co., Glenwood Mills, Incorporated, Gordon Buckout, Inc., Grand Cinema Corporation, Greendale Exploration Company, Gold Recovery Mining and Milling Corporation.

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H. A. Davis Company, H. B. Wright Company, H. Bates Garments, Inc., H. C. Zeamer, Incorporated, H. & M. Engineering Company, Inc., Hagerstown Brewing Company, Hair Wave Machines Corporation of America, Halcyon Products, Inc., Hall Gold Mines, Inc., Halstead Oil Company, Inc., Hamilton Stuart Productions, Inc., Hamilton Trading Corporation, Harbor Sand, Inc., Harris Brothers Corporation, Harrisburg Motors Incorporated, Harry Cragin Lumber Co., Harry I. Day, Inc., Harvard Terrace Development Corporation, Harville Construction System, Inc., Hawaiian Securities Agency, Inc., Hayden-Bookhultz, Inc., Hays Gold Mining Company, Inc., Hazelton & Wilkes-Barre Corporation, Health Budget Systems, Inc., Health Container Sales Corporation, Heat-Rite Company, The, Heating Appliances and Equipment Co. Inc., Hedden Holding Company, Hedden Realty Company, Henderson Food Products, Inc., Henflo Corporation, Henry C. Samuels, Inc., Henry Field Company, Henry Rose Inc., Hercules Acceptance Corporation, Hertz Drivurself Stations, Inc. (Alabama), Hester Price, Inc., Hickman Plastering Co., Inc., Hide Sales Co., Inc., Hijos De Agustin Blazquez, Incorporated, Hillpine Corporation, The, Hillside Corporation, Hilliard Company, Inc., Holmes Restaurant Corporation, Home Beverage Co., Home Finance Investment Company, Home Land Corporation, Home Town Newspapers, Inc., Hommel Wine Company, The, Hopkins & Shaffer, Inc., Hotel Fensgate, Inc., Howe Finance Company, Inc., The, Hubbard Company, The, Huckleberry Mountain Mining Corporation, Humboldt Mines, Inc., Hunter Machinery Company, Hupp Motors Export Corporation, Hurley Laundry Machinery Corporation, Hurt Building, Incorporated, Hydrolator, Inc., H. L. Cannady Company, Hardwood Manufacturers' Institute, Inc., Health Preservation Laboratories, Incorporated.

I-O-Dine Laboratories, Inc., Idaho Mining & Exploration Company, Idaho Precious Metals Corporation, Ideal Plan Inc., The, Igo Mining Corporation, Ilba Publishing Company Inc., Iliff Jones Company, The, Illini Building Corporation, Illinois Home Builders, Incorporated, Imperial Citrus Cooperative Association, Imperio Azteca Studios, Inc., Improved Lithography Corporation, Income Properties Corporation, Independent Investment Company, Indian Creek Company, Indiana Consumers Gas & By-Products Company, Indiana-Kentucky Oil Company, Inc., Individual Picture Distributors, Incor-

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porated, Industrial Construction Co., Inc., Industrial Corporation, Industrial Refinance Corporation, Inland Industries, Incorporated, Inland Iron Works Company, Inn at South Palm Beach, Inc., The, Innes Investments, Inc., Insurance Systems Incorporated, Insured Investments, Inc., Integrity Homes Inc., Integrity Supply, Inc., International Agencies, Incorporated, International Brake Beams, Incorporated, International Catholic Trust Company, International Housing Corporation, International Mining & Milling Corporation, International N. S. E. Sales Corporation, U. S. A., Interstate Realty Investment Corporation, Investment Finance Co., Investment Realization Company, Inwall Fixtures, Inc., Iris Pearl Paste Corporation, Island City Finance Company, Inc., Italian Stores Corporation of Philadelphia, Income Protective Syndicate, Italian American Club of the Twenty-First Ward, I. B. S. Benefit Association, Indiana Central Telephone Company, Inland Construction Co., International Distillers Corporation, Iodine Compounds, Inc., Isabey Paris, Incorporated, Island Airlines, Inc., International Patent Products Corporation, International Trade Mart, Inc., International Wine and Liquor Clearing House, Inc., Interstate Abstract & Title Guaranty Company, Interstate Chain Store Properties, Inc., Iran-American Developments, Ltd.

J. B. Shenk-Inc., J. D. Milans Sons, Inc., J. E. Rose, Inc., J. Irvin Strain, Incorporated, J. Joseph Finn, Inc., J. K. Larson Propeller & Boat Corporation, J. M. Griffin Lumber Company, J. T. Robertson Company, Inc., The, Jack G. Ways Funeral Home, Inc., Jack and Jill Shop, Inc., Jackson Engineering Corporation, Jackson Garage, Incorporated, Jacob K. Altemus Machine Company, Inc., James A. Cannon, Inc., James C. Langley & Co. (Kansas Division) Incorporated, James Haldas, Inc., James N. Ginns Investment Company, The, Jas. P. McCabe Co., James R. Buck and Co., Jamestown Farmers & Merchants Corporation, Janssen Engineering Corporation, Jayrose Millinery Co., Inc., Jiffy Corporation, Jimmie's Beauty Salons, Inc., Joerns Brothers Manufacturing Company of Delaware, John Hancock Reniger, Inc., Johnson Supply Company, Inc., Johnstown-Somerset Smokeless Coal Company, Jones Service Station, Inc., Jonjo Mines, Ltd., Joseph Gibbs Inc., Joseph J. McLaughlin, Inc., June Petroleum Corporation, Justo De Acevedo Y Cia., S. A., Inc., J. H. Lutten & Son, Inc., J. W. Dana and Company, Jackson Asphalt

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Company, James Porter Investment Co., The, Juvenile Products Company, Inc.

K. J. Heller, Inc., Kelgord Corporation, The, Kema Products Corporation, Kempton Motors Corporation, Kenberdor Silver-Lead, Inc., Kenilworth Amusement Corporation, Kent County Development Corporation, Kentucky Bonded Products Corporation, Kentucky Coal Agency, Incorporated, Kentucky Consolidated Gas Company, Kentucky Gas & Petroleum Co., Kentucky National Coal Corporation, The, Keyes Advertising Corporation, Keystone Construction Company, Keystone Home Builders, Inc., Keystone Jobbing House, Inc., Keystone Mines, Inc., Keystone Oil Corporation, Kimberley and Carpenter, Inc., Kineo Oil Company, Kixmiller Coal Mining Company, Kleen-O Chemical Products Company, Kludas Electro-Mechanical Devices, Inc., Kozy Korner, Inc., Kurtz Brothers, Inc., Kwik Kindler Corporation, Krystal Chemical Company, Inc., K. R. Publishing Corporation, Kansas City Select Corporation, Katona Mining Company, Kellum Company, The, Kentav Corporation, Kerner Corporation, Keystone Oil Land Company, Inc., Knox Cave Inc., Kochs, Inc., Kuebler Brewing Company, Inc.

L. N. Miller Engineering Corporation, Lachenmaier & Munger, Incorporated, Laco Production Company, Laird, Schober Co. of Mass., Lakes To Sea Carloading Corporation, Lambert Chemical Company, Lamoka Coal Company, Landairwater Industries, Incorporated, Landon Associates, Inc., Langer Fuel Saving Corporation of America, The, Larzelere Publishing Company, The, LaSalle Utility Investment Company, Leary Grean Company, Leased Motor Service Corporation, Lee Fibre Products Corporation, Leford, Inc., Lencel Corporation, The, Levy & Glosking Inc., Lincoln & Associates, Inc., Lincoln Distributing Corporation, Lincoln Equipment Company, Lincoln Pictures Corporation, Lincoln Road Machine Co., Linkins, Inc., Liquid Container Corporation, Logan Mining and Machine Company, The, Long Beach Securities Company, Lookout Broadcasting Corporation, Lost Emigrant Gold Mining Company, Louisiana Baking Corporation, Lucky Sixteen Advertising Displayer, Inc., Luden's, Inc., Delaware, Lydia Perkins Health & Beauty Products, Inc., Lincoln Aid Association, Live Stock Association of America, The, Local Retail Code Authority for Wilmington, Inc., Lancas-

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ter Dry Goods Company, Lang Body Company, The, Lea-Mex Gas Company, Lititz Springs Distilling Company, Lyon's Cafeterias, Inc., Lyons Department Stores, Inc., Lyons Mid-Continent Corporation, Loyal Aid Fraternity, Incorporated.

M. DeMay & Co., M & T Placer Gold Mines, Inc., Macsmine, Inc., Magnesite Mining & Manufacturing Company, Major Oil & Gas Company, Make-Klean Inc., Maltese Cross Gold Mining Company, Mammoth Gold Mines, Inc., Mandes Realty Company of Washington, D. C., Marble Hall Swimming Pool, Inc., Margo Petroleum Corporation, Marigold Oil Corporation, Mariposa Mining Corporation, Marjon Corporation, Marquette Cement Sales Corporation, Martino, Inc., Marvel Cleaners and Dyers, Inc., Marvelous Crystal Corporation, Mason Tire & Rubber Corp., The, Mathieson Auto Boat Corporation, Matthews American Laboratories Limited, Inc., May's, Inc., Mayfair Company, The, Mayfair Piece Dye Works, Inc., McAuley Automatic Trap Company, McBride Brothers, Incorporated, McCaulley Mortgage and Investment Co., McClelland Herb Company, McCloy Company, McCoy's Laboratories, Inc., McGee, Fleisher & Company, McGlinn Distilling Company, The, McMahan Baking Company Inc., McMenamin, Inc., Me-We Corporation, Mearns Mining Corporation, Mechanical Retailers Inc., Melody Construction Company, Mercantile Corporation Company, Mercantile Finance Corporation, Mercantile and Realty Company, The, Merchandising Corporation of St. Louis, Merchants Finance Service Corporation, Merchants & Mechanics Loan Association, Inc., Mercury Sales Corporation, Metallic Arts, Inc., Metropolitan Cleaning and Dyeing Company, Metropolitan Food Corporation, Meve Corporation, The, Mexican Industries, Inc., Meyers Mens Shop, Inc., Michigan Food Purveying Corporation, Mid-Cities Utilities Corporation, Mid-City Securities Corporation, Mid-Continent Income Shares, Inc., Midas Camera-Projectors Corporation, Middletown Hotel, Inc., Midvale Steele Export Company, Midwest Stove and Enameling Company, Millard Jr., Inc., Miller Casket Company of Washington, D. C., Miller Products, Inc., Milton Thomas Company, Inc., Mineral Developments, Inc., Mineral Life Corporation of Dallas, Mineral Park Gold Mining Company, Mines Engineering Corporation, Mining and Development Corporation, Minneapolis Transfer & Warehouse Company,

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The, Mirror Products Corporation, Mississippi Valley Iron Company, Mizpah Extension Company of Tonopah, Model Home Construction Company, Modern Envelope Co., Ltd., Modern Inventions Manufacturing Company, Modern Publications, Inc., Modern Sign Studios, Inc., Mofrage Petroleum Corporation, Mohawk Corporation, Mohawk Mines, Incorporated, Molas Lake Silver Mines, Inc., Monarch Manufacturing Company, Inc., Monarch Mines and Smelters, Incorporated, Monitor Gold Mining Co., Monogram Corporation of America, Monopack Film Industries, Inc., Mooney Boat Corporation, Morris Engineering Company, Inc., Morris Oil Development Corporation, Morris T. Baker Company, The, Mortgage & Acceptance Corporation, Mortgage Investment Company of Washington, Mother Lode Apex Co., The, Motor-Nu Corporation, Motor Power Equipment Company, Motor Sales Corporation, Motorway Express Agency, Inc., Mountain Valley Water Company, Mt. Pleasant Mines, Inc., Musical Research Products, Inc., Muskogee Sand and Gravel Corporation, Mutual Industrial Bankers, Inc., Myers Service Station, Inc., Men's Neckwear Code Authority, Inc., Metropolitan Aid Society, Milk Fund Foundation of America, Incorporated, Modern Aid Association, Motor-Rail Company, Motor Cleansing Corporation, Maas Construction Company, The, Malcolm Arizona Gold Corporation, Manufacturers' Merchandise Advertising Association, Marge Ann Oil Company, Marquette Iron Company, Maurer, Phillips & Co., Inc., Meon Engineering Corporation, Mercury Producers, Incorporated, The, Meret Co., The, Metropolitan Fund, Incorporated, Michigan Sulphur and Oil Co., Milada Dress Shop, Inc., Mineral Products, Inc., Model Cooperative Grocers, Inc., Modern Auto Loan Company, Modern Washer Corporation, Morning Telegraph Sports News, Inc., Moulded Pulp Corporation, Mutual Mortgage Company of Chicago, Inc., Maryland Mortgage and Guaranty Company.

Natalocs Products Corporation, National Anti-Chain Store League, Inc., National Bowlagame Mfg. Corporation, National Brokers, Inc., National Chain Stores Corporation, National Cigarette Sales Syndicate, National Depositors, Inc., National Flavoring Specialists, Inc., National Family Magazine Publishing Co., National Houses, Inc., National Keg Corporation, National Liquor Brands, Incorporated, National Marine School, Inc., National Metal Alloys

PROCLAMATION

Corporation, National Motor Boat Sales, Incorporated, National News Associates, Inc., National Non-Skid Tire Chain Corporation, National Patent Products, Corporation, National Publications, Inc., National Realty Valuation Corporation, National Refinance Corporation, National Reserve Company of America, National Sales Corporation, National Steel Rockers, Inc., National University Guild, Inc., National Utilities Company of Alabama, National Wine Corporation, National Wingless Aircraft, Inc., Natural Research Corporation, Naudain & Company, Navajo Drilling Company, Navajo Gold Mining Co., Naval Constructors, Inc. (Yourkevitch Patents), Navidad Development Company, Neal & Robinson, Inc., Neolithic Products Company, Neptune Line Company, Nevada Silver Consolidated Co., Inc., New Deal Coal Company, New Jersey Tobacco Growers, Inc., New York Airways, Inc., Newport Insurance Agency, Inc., Nibley Shamrock Mines, Inc., Nicberg Corporation, Nicolle Hotel, Incorporated, Nigger Heaven Dome Oil & Gas Co., Nip-sic Peat Works, Inc., Norbridge Company, The, Norment & Company, Inc., North American Pulp & Paper Corporation of America, North Shore Investment Co., North & South Motor Lines, Inc., Northampton Brewery Corporation, Northern Cambria Trading Corporation, Northern Mines Limited, Northern States Holding Company, Northern Utilities Company, Northwest Stellar-ene Company, Inc., Notaway Consolidated Mines, Inc., Nova Scotia Sea Foods, Inc., Nudeal Laboratories Company, Nudeal Publishing Co., Inc., No. 1 Tug Boat Co., Inc., Naive-Spillers Corporation, National Fisheries Association, National George Washington Foundation, Inc., National Home Relief Association, National Mutual Company, The, National Protective Union of America, National Relief Association, National Union Life Association, Nations Benefit Association, The, N. Simon, Inc., Nasife Motor Service Corporation, Nat's Delicatessen, Inc., National Association of Comfortable Manufacturers, National Builders Incorporated, National Dog Food Manufacturers Association, The, National Educational Research Association, Inc., National Home Mutual Benefit Association, National Millinery Association, Incorporated, National Motion Picture Corporation, National Producers of D. E. P., Inc., National Radiator Corporation, National Travel Checks Holders Association (Inc.), Near East Water Development Corporation, New York United Hotels, Inc., New & Novel Devices, Inc., Newark Box

PROCLAMATION

Toe Co., Newark Land Company, Newton Oil and Gas Company, North American Exploration Co., Nu-Enamel International Corporation, Northwestern Natural Gas Corporation.

O. K. Broadcasting Company, Comulgee Mortgage Loan Company, Oil Equipment Company, Oil Heating Engineers, Incorporated, Oil Payment Purchase Corporation, Oil Properties, Inc., Oil Ridge Oil & Refining Co., Oils, Incorporated, Oklahoma General Gas Company, Old English Co. Inc., The, Old Fashioned Extract Company, Oldham Patents Corporation, Oliver Properties, Inc., "Onley Trucking Company Inc.", Olsen Mechanical Products Corporation, Olympic Hotel Company, Olympic Resort Co., Inc., Optical Color Projection Corporation, Oro Grande-Grass Valley Gold & Silver Mines, Inc., Oronoco Company, Owens Development Corporation, Old Delaware Bank Association, Odol Products, Inc., Oklahoma Central Utilities Company, Oklahoma Star Gas Company, Oriental Film Productions, Incorporated, Owen E. Williams Holding Company.

P. Schlamp & Son, Incorporated, P. J. C. Corporation, P. & L. Pipe & Tool Corporation, Pacific Coast Sugar Manufacturing Company, Pacific Distributing Co. of California, Inc., Pacific Distributing Co., Inc., Paco, Incorporated, Padfield-Public Contact, Inc., Palmer Gas Products Corporation, The, Pan American Fisheries, Ltd., Pan American Fruit Corporation, Pan-American Laboratories, Inc., Panel Company, Inc., Paris Coal Mining Co., Inc., Park View Market Co., The, Parker Equipment Corporation, The, Patents Research & Engineering, Incorporated, Patrick Duluth Corporation, Patton & Co., Paul Brown & Co., Paul Henon, Inc., Paulus Hook Realty Co., Papaya Industries, Inc., Peacock Mining-Exploration Corporation, Peacock Special, Machine & Drilling Co., Pelithe (China) Ltd. Inc., Pelosi, Inc., Penn Alchemy Corporation, Penn-Gene Dairies, Inc., Penn Treaty Welding Company, Pennsuco Farming Company, Pennsylvania Cold Mix Association, Inc., Pennsylvania Syndicate Gas and Chemical Company, Penntroleum Corporation, Pere Marquette Hotel Company, Perfectaire Corporation, Perfection Steel Company, Personal Finance Company of Calumet, Personal Finance Company of Cedar Rapids, Personal Finance Company of Concord, Personal Finance Company of Council Bluffs, Personal Finance Company of Dover, Personal Finance Company of Dubuque, Per-

PROCLAMATION

sonal Finance Company of Eau Claire, Personal Finance Company of Green Bay, Personal Finance Company of Janesville, Personal Finance Company of Madison, Personal Finance Company of Maine, Personal Finance Company of Manitowoc, Personal Finance Company of Marinette, Personal Finance Company of Milwaukee, Personal Finance Company of Point Marion, Personal Finance Company of Portsmouth, Personal Finance Company of Racine, Personal Finance Company of Sioux City, Personal Finance Company of Superior, Personal Finance Company of Wisconsin, Personal Thrift System, Incorporated, Peters Petroleum Corporation, Petroleum Developers, Inc., Petroleum Producers, Inc., Petroleum Properties, Inc., Petroleum Corporation, Philadelphia Fund, Inc., Philadelphia Varnish Company, Philip M. Jullien & Co., Photo Process Research Corporation, Picadilly Amusement Enterprises, Inc., Pinehurst Plantation, Inc., Pioneer Gold Dredging Co., Pipe Production, Ltd., Pittsburgh Cast Iron Pipe and Foundry Company, Pittsburgh-Goldfield Mining Company, Plans Development, Inc., Plaza Pie Company, Plymouth Finance Company, Polarice Distributors Corporation, Polbe Inc., Port Neches Petroleum Corporation, Potomac News Service, Inc., Potter Manufacturing Corporation, Powell Plumbing and Heating Co., Inc., Precious Metals Exploration Co. Ltd., Precision Products Company, Preferred Credit Corporation, Primrose Company, Inc., Progress Baking Equipment Co., Inc., Progressive Mechanism Corporation, Property Owners' Service, Inc., Provident Appraisal, Inc., Provident Loan Association of America, Prudential Finance Corporation, Public Food Stores, Inc., The, Pueblo Petroleum Co., Puncture-Proof Tire Co. of America Inc., Purdy Egg Products, Inc., Puritan Productions, Inc., Pacific Movement Association, Incorporated, Paper and Paper Box Makers Union of America Local No. 100, Philadelphia Bowlers Club, Philadelphia Entertainment Contractors Association, Inc., Philip C. Haibach, Inc., Pomona Orchard Company, The, Progress Casket Co., Pacific Distilleries Inc., Pacific Transit Company, Ltd., Park Mortgage and Ground Rent Company, The, Patent Digest Corporation, PBA Investors Corporation, Peacock Motor Wheel Corporation, Pennsylvania Nationwide News Service, Inc., Perfect Laundry Machinery Company, Philmore Gasoline Corporation, Pine Dome Development Company, Pioneer Gas Utilities Company, Pioneer Ice Cream Company, Phila. Hydrant

PROCLAMATION

Company, Plant-Food Chemicals, Inc., Polarice Corporation, Privex Corporation.

Quintex Lens Company, The, Quick Service Garage, Inc.

R. W. Smith, Inc., R. W. Smith Milling & Baking Co., The, Radio News Features, Inc., Railroad Timetable Distributors, Inc., Ralph Fuhrmann Company, Inc., Rancho San Carlos, Inc., Rayn-O-Shyne Products Corporation, Razek Development Laboratories, Inc., Re-Seal-It Metal Cap Corporation, Real Estate Tax Investment Corporation, Realty Building Corporation, Realty Construction Company, Realty Holdings, Inc., Rearwin Airplanes, Inc., Rector Collateral Corporation, Red Hill Mining Company, Inc., Reinhold Von Rosen Company, Inc., Reliance Management Corporation, Reliance Realty Corporation, Relvin Co., The, Renewal Investment Corporation, Renna Method Incorporated, Rep Products Corporation, Repard Inc., Repertoire Actors' Guild, Inc., Republic Radio Manufacturing Corporation, Research Club, Inc., Research Products Corporation, Resilite Corporation of America, Resolute Lateral Drilling Corporation, Retrieve Oil Corporation, Revelation, Inc., Rex Gold Mining and Milling Company, Rex Poster Printing Co., Inc., Rextex, Inc., Rhine Wrecking Co., Rhoads Feed Mfg. Co., Rice & Bergerson Mfg. Co. Inc., Ridge Line Oil Company, Ristig, Incorporated, Ritz Carlton Hotel Company of Hollywood, Ltd., The, Ritz Foot Appliance Company, River-Lake Chemical Company, Inc., Ritz Oil & Gas Company, Robert W. Savage Investing Corporation, Roberts-Randall Corporation, The, Roberts Resort Hotel Company, Robspahr Metallic Ink Co., Rockwood Brewery Corporation, Rocky Mountain Mining and Smelting Corporation, Rogers & Young, Inc., Romano Submarine Engineering & Salvage Corporation, Romona Restaurant, Inc., Rose Mines, Incorporated, Rosen and Rice Motor Company, Inc., Rosenbaum Grain Corporation, Rotary Electric Company, Rotor Ice Machine Corporation, Roy Beer Taverns, Inc., Roy H. Bjorkman, Inc., Royalty Investment Corporation of New York, Royalty Properties, Inc., Ruler and Company, Rush Equipment Corporation, Russell H. Davis-Howard Hayes, Inc., Read Realty Co., Reliable Life Association, Retail Meat Trade Code Authority, Inc., Retail Kosher Meat Trade Code Authority, Inc., R-B Oil Company, R. & H. Simon Corporation, Radio Club America-France, Radio

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Club, America-Poland, Rapoport Ostrovsky Corporation, The, Realty Acceptance Corporation, Reciprocal Feed Distributors, Inc., Reeves Coal & Dock Company, Inc., Renaud Parfumeurs, Inc., Republic Oil and Sulphur Company, Resilient Rayons, Incorporated, Reunited Corporation, Robert E. Hopkins & Company, Rolind Oil Company, Rosser Company, Inc., Rex Sales Corporation.

S. E. Ola Beverage Company, S. M. Chemical Company, Inc., S. M. Sanzetti Inc., S. R. Weaver Inc., S. S. Lard & Co., Sa-Lax Corporation of America, The, Safety Devices Corporation, Safety Mining Machine Co., of Meyersdale, Pa., Safety Sling Products Corporation, Sager Vacuum Pen Company, Sales, Incorporated, Samoa Gold Mines Corporation, Samuel Edelman Company, San Antonio Gold Mines, Inc., San Jose Cement Corporation, San Juan Gold Incorporated, San Mateo Gold Mines, Inc., Sandboe Mining Company, The, Sanitary Fowl Plucking Machine, Inc., Sao Paulo Coffee Growers Sales Corporation, Saunders Motor Co., Inc., Savage Battery Corporation, Scharf & Brenner Inc., Schenley Apartment Corporation, Schussler's Sea Food Inn, Inc., Schwartz Company, Inc., Scientific Research Laboratory, Inc., Scott Manufacturing Company, Screen Radio-Shorts, Inc., Sea-Maid, Inc., Seaboard Packing Corporation, Searcy Petroleum Company, Inc., Second Hand Buyers' and Sellers' Listing Bureaus of America, Inc., Second Utilities Syndicate, Incorporated, Secured Finance Company, Security Depositary Corporation, Security Owners' Protective Bureau, Inc., Seneca Realty Company, Senger Transportation Company, Servicised Laboratories, Inc., Sexton-Rhodes Wine and Liquor Company, Shanghai Stevedoring Co., Shapiro Construction Corporation, Shapiro Management Corporation, Sharing, Inc., Sharpe Manufacturing Co., The, Sharpless Motors Corporation, Shed Mountain Production Company, Sheridan Gold Mining & Development Company, Shinn Devices Corporation, The, Shur-Gro Fertilizer Company, Sierra Corporation, The, Signals Oil Corporation, Ltd., Sigua Manganese Corporation, Simpson Power Units, Inc., Siskiyou Gold Mining Co., Slater's Gas Trove Distributing Corporation, Slatington-Bangor Slate Syndicate, Inc., Slip-On Mfg. Co. Inc., Small Loan Investment Company, Smart Corset Shoppe, Inc., The, Smyrna Transportation Co., Snelham Corporation, The, Soocana Mining Corporation, South Coast Company, The, South Coast Managers, Inc., Southeastern Land Co., Inc., The, South-

PROCLAMATION

ern Menhaden Corporation, Southern States Manufacturing Co., Inc., Southern States Vending Co., Inc., Southland Gravel Company, Southwest Gas Company, Southwestern Minerals, Inc., Southwestern Sales Corporation, Southwestern Smelting Company, Sovereign Oil Corporation, Spectrocolor Corporation, Spic & Span, Inc., Spinach Products Company, Sportland Incorporated, Spray-Dried Sugars, Inc., Staklor Laboratories, Inc., Standard American Glass Corporation, Standard Automatic Signal Corporation of Delaware, Standard Portland Cement Co. Inc., Standard Tank Car Company, Stape's Delicatessen, Inc., Star Aluminum Company, Star State Oil Corporation, Starrett Corporation, The, State Founders, Inc., Statzell, Inc., Stauffer Petroleum Corporation, Steel Products, Inc., Steel-Rok Products, Inc., Steelman Poultry Farms, Inc., Steen Dredging Corporation, Sterling Mines, Inc., Stevens Bros. & Shafer, Inc., Stockholders Protective Committee Inc., Stokes Stores Company, Stone Cabin Consolidated Mines, Inc., Stratosphere Rocket Corporation of America, Stuart Briton & Co., Inc., Suburban Land Developing Company, Sunset Stores, Inc., Super Diesel Corporation, Super Service Station, Inc., Superior Explosives Co., Inc., Superior Gas Saving Co., Inc., Superior Grating Corporation, Surbrug Chocolate Corporation, Susquehanna Oil & Gas Company, Sussex Amusement Company, Swift Land Company, Swing Ice Corporation, Sigmund's Beauty Supply Co., Southern Benefit Association, Southern Hospital Benefit Company, Sunset Security Life Association, S. W. Forrester Oil Corporation, St. Louis Properties Corporation, St. Marks Club, The, Savannah Breweries, Inc., Save Sales Company, Schober Company, Inc., The, Serbo-American Institute, Inc., Sheet Piling Corporation, Ltd., Skillrafters Corporation, The, Smirock, Incorporated, Societe D'Archives, Incorporated, Societe D'Etude Pour L'Encouragement Du Tourisme Americain En France, Inc., Sorensen Company, South & Central American Metal Export Corporation, South River Factory Corporation, Southmere Farms and Fruit Company of Indian River, Florida, Spanish Amusement Club, Inc., Sperry Realty Service, Inc., Spider Engine Corporation, Standard Construction Company, Standard Products Company, Standard Telephone Company, Stapper & Co., Inc., Suburban Properties Corporation, Sun Petroleum Incorporated, Sweets Company of America, Incorporated, Sylvania Corporation, The, Sierra Oil Corporation.

PROCLAMATION

T. A. Maxwell Salvage Company, T. K. Jones and Brother Hardware Company, T. K. Simmons, Inc., Tacoma Amusement Company, Talbot Non-Corrosive Linings Company, Tamaulipas Coal and Coke Co., Inc., The, Tampa Phosphate Company, Inc., Tech Corporation, Telephoto & Television Corporation, Temple Salatorium Company, Inc., The, Terminal Oil Products Corporation, Tex Style Corporation, Texapenn Commissary Company, Texas Oil Mills, Limited, Texas Variety Store, Inc., Texzona Oil Company, Theodore Mitchael Co., Thermal Control Corporation, Thermo Humid Appliances, Inc., Thomascolor Corporation, Ticket Forecasts Company, Inc., Tidalwave Oil Corporation, Tim Kee Gold and Silver Mines, Inc., Titan Gold Development Co., Titus County Oil Company, Todd Publishing Corporation, Tourist-Camp Owners' National Association, Inc., Towers Enterprises, Inc., Town Talk Dining Room, Inc., Town Talk Sandwich Shops, Inc., Traffic Regulator Signal Company, Trans-Americas Petroleum, Ltd., Transatlantic Trading Company, The, Transcontinental Broadcasting Company, Inc., Trebreh & Company, Tri-State Casket & Coffin Company, Tri-State Mining Company, Inc., The, Triangle Corporation, Triangle Realty Co., Trio Specialty Company, Trutone Negative Corporation, Turner Brothers Inc., Tuscarawas Oil & Gas Company, Twin City Theatre Company, Temple Anthracite Coal Company, Temple Financial Corporation, Terminal Research and Development Company, Timberlake Corporation, The, Tobacco Stemming Corporation, Tom Moore and Associates, Inc., Torchlight Oil Corporation, Triangle Poster & Printing Company of Chicago.

U. S. Canadian Coal Development Co., Ltd., U. S. Crockery & Glass Exchange, Inc., U. S. Motor Lines, Inc., Uncle Bill's Book Shelf Company, U-Needa Lunch, Inc., Union Guaranty Company, The, Union Investors Corporation, Union Seaboard Investment Corporation, Union Simplex Train Control Co., Inc., Union Sulphur and Oil Corporation, United Acceptance Corporation, United Amusement Company, United Automatic Rifles Corporation, United Aviation Corporation, United Barber Shoppes, Inc., United Chain Theatres, Inc., United Commercial Acceptance Corporation, United Film Libraries, Inc., United Fish Company, Inc., United Food Market, Inc., United Holdings, Inc., United Industrial Company, United Land Company Incorporated, United Leaf Tobacco Company, United

PROCLAMATION

Liquor Stores Corporation of America, United Mother Lode-Gold Mines, Inc., United Moving Picture Exhibitors, Inc., United National Advertisers Sample Service, Inc., The, United New Mexico Industries Incorporated, United Savings Investment Fund Inc., United States Gum Corporation, United States Land and Lumber Company, United States Mining and Development Company, Universal Bronze and Metal Corporation, Universal Card Accounting Machine Corporation, The, Universal Highway Flare Company, Inc., Universal Machine Corporation, Universal Memorial Marker Company, Utilities Gas Company, Utility Coal Company, United Trust-shares, Inc., Union of Russian Societies of St. Michael and St. George, Inc., United Aid Society, United Benefit Association, United States of America Citizens Law League, Inc., The, Universal Protective Society of Delaware.

Valdez Gold Consolidated Inc., Vamps Distributing Corporation, Van-Dee Canning Company, Vanadium Mining Corporation, Velvetine Oil Corporation, Vescon Corporation, The, Vibrodent Corporation of America, The, Vibrolithic Pavements, Incorporated, The, Vicine Products Company, The, Victor Royalty Company, Victory Chemical Products, Inc., Vimm Products Corporation, Virgin Copper Company, Virginia Dairies, Inc., Virginia-Pennsylvania Steamship Company, Visual Display, Inc., Vita-Lux Products, Inc., Vitamines D Products Corporation, Van Der Stucken Texas Estate Company, Venetian Enterprises, Inc., Villard Foundation, Inc., The, Virginia Products Corporation, Valley Motor Parts, Inc., Vaniva Products Company, Inc., Vienna Pine Laboratories, Inc.

W. C. Pool, Inc., W. E. Stewart & Co., Incorporated, W. H. Y. Nu Products Corporation, W. L. Stewart & Co., Inc., W. M. P. Taylor, Inc., W. Virden Marshall, Incorporated, Wade Hall Company, Wade Oil & Gas Company, Incorporated, Wagner Church Goods Co. Inc., Wagners-Publishers, Inc., The, Wake Development Company, Walbrisner Corporation, The, Walcott & Campbell Spinning Company, Waldensian Weavers, Incorporated, Wallpaper Research Corporation, Ward, Rhodes and Company, Incorporated, Warren Mill and Lumber Company, Washington Cab Sales Corporation, Washington Construction Company, Incorporated, Wash-

PROCLAMATION

ington Fuel Oil Engine Company, Inc., Washington Stations of Service, Inc., Watkins-Whitney Corporation, Watson Rubber Stem Tube Company, Wave Hotel Corporation, Waverley-Keeling, Inc., Wayne Farm Foods, Inc., Weir's Amusements, Inc., Wells & Dutcher Inc., West American Gold Mines, Inc., Western Car Advertising Company, Western Management Corporation, Western Mines Corporation, Western Process Pigment Company, Western Scientific Co., Ltd., White, Hentz & Co., White Springs Distillery, Inc., Whoopee Manufacturing Corporation, The, Wichita Mining Company, Wilco Engineering Company, Wilderness Outfitters, Inc., The, Wilke-Groetsch Company, William Jaffe Co., Inc., Williams Brothers, Palmer & Company, Incorporated, Wilmington Cape Fear, Inc., Wilmington Maytag Co., Wilmington Public Market, Inc., Wilro Corporation, Wilson Park, Inc., Winhyde Corporation, Wilvea Corporation, The, Winthrop Brokerage Company, Wirz and Waidman, Inc., Wisseman Gold Mines Inc., The, Wm. H. Wise & Co., Wm. L. Hill, Inc., Wolverine Sales Company, The, Wonder Cap Company, Inc., The, Wood Office Furniture Associates, Incorporated, Wood Trucking Co., Wright Hosiery Mills Co., The, Wyoming-Montana Mines Corporation, Wyoming Star Fox and Fur Company, West Electric Hair Curler Corporation, Western Life Association, Western Mutual Benefit Association, Wilf Brothers, Inc., Wilmington High School Athletic Association, Wm. M. Mayew, Inc., Won-Way Pen Corporation, Washington Radium & X-Ray Laboratory, Incorporated, Watseca Gold Mining Corporation, White Arrow Coffee Pot Corporation, The, Whitman Sound Systems, Ltd., William Muir Oil Company, Wilson & Weaver, Inc., Wood-Rodgers Development Corporation, Wood Sound-Visual Systems Inc., Woodwork Sales Company.

X Retail Stores Inc.

Y. T. S. Corporation, Yadgi Sponge & Chamois Co., Inc., Yangtze Gorge Line, Inc., Ybry, Inc., Yellowstone Holding Corporation, Yerger & Harvey, Ltd., Yor-Pen Incorporated, Yorkville Gold Mines, Incorporated, Yoquivo Mining and Reduction Corporation, Young Motor Company, Youngs Advertising Agency Incorporated, Yount-Rothwell Oil Company, Youth-O-Matic Co., Inc., The, Yukon Gold Mining Corporation, Yuba Oil Company, Inc.

PROCLAMATION

Zem-Zem Corporation, Zenker Notion Company, Zlot Mines, Inc., Zonolite Corporation of America.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto affixed this eighteenth day of January, in the
(Great Seal) year of our Lord one thousand nine hundred and thirty-nine and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 243

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the security of our families, our homes, and our way of life is the first consideration of all of us, and

WHEREAS, the frailties of human nature, the developments of world conditions beyond our control, make it incumbent upon us, now as in the past, to provide for our security, and

WHEREAS, our history is replete with evidence of the substantial contributions the citizens of Delaware have made to the security of our Nation, and

WHEREAS, the Reserve Officers Association of the United States, an organization composed of private citizens who are also officers in the Reserve components of the United States Army, Navy, and Marine Corps, has as its object, "support and assistance in the development and execution of a military policy for the United States which will provide adequate National Defense," and

WHEREAS, the Reserve Officers Association has for many years sponsored National Defense Week, during which period a concerted effort is made to demonstrate to our citizens the necessity of National Defense and the means provided for their security;

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim the week of February 12 as

NATIONAL DEFENSE WEEK

in order that the people of this State in every community shall individually and through various organizations be informed of and witness the means provided for their security, the better to understand the need for National Defense, and further, I do direct that

PROCLAMATION

during that week the flags of the United States and of the State of Delaware be displayed at their homes and suitable public places.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this eighth day of February, (Great Seal) in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 244

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, February 11th marks the ninety-second anniversary of the birth of Thomas Alva Edison in the town of Milan, Ohio, and for more than half of his long and useful life, his home and workshop were located in our sister State of New Jersey, and

WHEREAS, the continual succession of inventions that flowed from his fertile mind brought forth a new era in comfort, convenience, and enjoyment, gave birth to industries now valued in billions of dollars, created jobs for millions of our country's citizens, and established new methods of organized research whose value is beyond the realm of ordinary conjecture, and

WHEREAS, although his own times accorded him a depth and length of popularity seldom given the living, the entire world is slowly coming to recognize him as one of the great men of all times;

NOW THEREFORE, I proclaim February 11th as

"THOMAS EDISON DAY"

and urge all residents of this community to bestow on this day the very special significance that it deserves and pause in the day's activities for a moment in reverent homage to Thomas Alva Edison and his gifts to the world and its people.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this ninth day of February,
(Great Seal) in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the

PROCLAMATION

United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., *Secretary of State.*

CHAPTER 245

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, in November, 1637, an expedition of the New Sweden Company, consisting of two ships, "Kalmar Nyckel" and the "Fogel Grip," left Gothenburg, Sweden, to establish a colony in the Delaware River Valley, and during the latter part of March, 1638, the two ships anchored off the so-called "Rocks" on the Christina River, approximately two miles from the mouth of said river, and

WHEREAS, on March 29, 1638, the New Sweden Company, represented by Peter Minuit, Director of the expedition, purchased from five Indian chiefs the land on the west side of the Delaware River extending from Bombay Hook northward to the Schuylkill River, which purchase included land now known as New Castle County in the State of Delaware, and following the sale of the land, and on the same day, Peter Minuit, his officers, and men landed at "The Rocks" and with solemn ceremonies raised the Swedish coat-of-arms on a post, called the country New Sweden, and subsequently built a fort there, which they named Fort Christina in honor of the Queen of Sweden, and

WHEREAS, Fort Christina was the first settlement of the Colony of New Sweden and the first permanent settlement in the Delaware River Valley, and was also the first permanent settlement in the State of Delaware, and this first settlement and successive settlements of the Colony of New Sweden marked the beginnings of government, religion, education, agriculture, commerce, and industry in our State, and

WHEREAS, March 29, 1939, will mark the three hundred and first anniversary of the founding of the State of Delaware.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, by authority of the General Assembly proclaim Wednesday, March 29, 1939, as

PROCLAMATION

DELAWARE SWEDISH COLONIAL DAY

and request the citizens of our State in schools, churches, patriotic and historical Societies and other organizations to join in appropriate ceremonies of this historic day and to display the national and state flags on our public buildings.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this twenty-fourth day of March, (Great Seal) in the year of our Lord one thousand, nine hundred and thirty-nine, and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 246

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, realizing the necessity of the preservation of our wild flowers, forests and other natural landscape values, and the importance and worth of our trees and birds requiring the utmost conservation, and

WHEREAS, the interest which has been displayed in the past should be retained in regard to creating beauty along our State Highways, in the future development and beautification of our parks, and knowing the best possible way to accomplish this is by educating our young people in the public schools,

NOW, THEREFORE, In compliance with Section 2895 of the 1935 Revised Code of Delaware, I, Richard C. McMullen, Governor of the State of Delaware, do hereby designate

FRIDAY, APRIL 14th

AS

ARBOR AND BIRD DAY

and urge its observance by all public and private schools and institutions of learning by the planting of trees with appropriate exercises, and I ask that the study of Arbor culture and the desire to protect birds and trees be given serious consideration.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be affixed this Fifth day of April, in the year of
(Great Seal) our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 247

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, cancer takes a tragic toll of our citizens, as over 300 deaths from this dread disease occur in the State of Delaware alone, and

WHEREAS, conservative authorities agree that between one-third and one-half of those who die each year could be saved by early treatment when the cancer danger signals first appear, and

WHEREAS, to continue the long and difficult campaign of education against cancer, many public-spirited women and distinguished physicians representing the State Medical Society have formed a division of the Women's Field Army against cancer in our State,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do set aside

APRIL 1st to APRIL 30th

AS

CANCER CONTROL MONTH

and I call upon all our citizens to support the Women's Field Army in its humane and noble work.

IN WITNESS WHEREOF, I, Richard C. McMullen, have hereunto set my hand and caused the Great Seal of the State to be hereunto affixed at Dover, this (Great Seal) seventh day of April, nineteen hundred and thirty-nine, and of the Independence of the United States of America, the One Hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 248

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, in recent years the President of these United States and Governors of many states have, by proclamation, designated May Day as Child Health Day; and

WHEREAS, the future strength of our state and country will depend upon the children of today; and health is of vital importance for the fullest development of youth into manhood; and

WHEREAS, concerted effort to promote health must continually be made by the citizens, physicians, dentists, hospitals, State Boards of Health and of Education, and other organizations of Delaware.

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, designate and have set aside

MONDAY, MAY FIRST

AS

DELAWARE CHILD HEALTH DAY

and ask our citizens to observe this day in our schools, churches, various civic and community organizations, so that we may have a continuation of this splendid work, and to give thanks for the health gains that have been made.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this twenty-fourth day of
(Great Seal) April, in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America, the One Hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 249

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State Tax Department of the State of Delaware reported to me on the fourth day of May, A. D. 1939, a list of corporations 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 eighteenth day of January, A. D. 1939, proclaiming the "Maryland Mortgage & Guaranty Company," as having failed, refused or neglected to pay the taxes aforesaid.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim that, "Maryland Mortgage & Guaranty Company," a corporation incorporated under the laws of the State of Delaware, April 16, 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 corporation was inadvertently reported to me by the 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 76 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, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this fifth day of May, in the
(Great Seal) year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America, the one hundred and sixty-third.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 250

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we are reminded, as in childhood, that the most blessed of all ties is inspired by our Mothers, and

WHEREAS, all reverence and homage should be paid to the living and departed mothers of the universe, and tribute bestowed in recognition of their untiring devotion and sacrifice.

In keeping with the tradition of motherhood, therefore, I, Richard C. McMullen, Governor of Delaware, do hereby proclaim

SUNDAY, MAY 14th

AS

MOTHERS' DAY

and urge the appropriate observance of this day in our churches, homes, and schools by proper services and by the display of the American Flag as the symbol of our good-will, peace, religious freedom and humanity toward our fellowmen, and to honor our mothers and other patriotic women who have the courage of peace.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed this eighth day of May, in the year of our Lord one thousand, nine hundred and thirty-nine, and of the Independence of the United States of America, the one hundred and sixty-third.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 251

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the entire world is in a state of turmoil and uncertainty, while in our own country certain forces are striving to destroy the ideals and institutions symbolized by the American Flag, and

THEREFORE, never has there been greater need among our people for the unity and tolerance for which our Country's flag stands, and

WHEREAS, Let us resolve more than ever before to uphold and preserve our country's ideals and long-established institutions, and try in every way to promote national unity, patriotic cooperation, racial and religious tolerance, and

THEREFORE, in accordance with the provisions of House Concurrent Resolution No. 5, passed by the 107th General Assembly, I, Richard C. McMullen, Governor of Delaware, request that we heartily endorse the plan for a great National Patriotic Revival, and urge the observance of

FLAG WEEK

JUNE 8th to JUNE 14th

by displaying the American Flag on our State and public buildings, and in homes, and by proper exercises in our churches, schools and various civic organizations.

IN TESTIMONY WHEREOF, I, Richard C. McMullen, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be affixed this First day of June, in the year of our
(Great Seal) Lord One Thousand Nine Hundred and Thirty-nine,

PROCLAMATION

and of the Independence of the United States of
America, the One Hundred and Sixty-Third.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

SECRETARY OF STATE'S OFFICE

Dover, Delaware

October 25, 1939

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 third day of January, A. D. 1939, and ended on Monday, the twenty-eighth day of August, A. D. 1939, and approved by the Governor.

JOSIAH MARVEL, JR.,

Secretary of State

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