

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

**On Tuesday, January 7, A. D.**  
**1941**

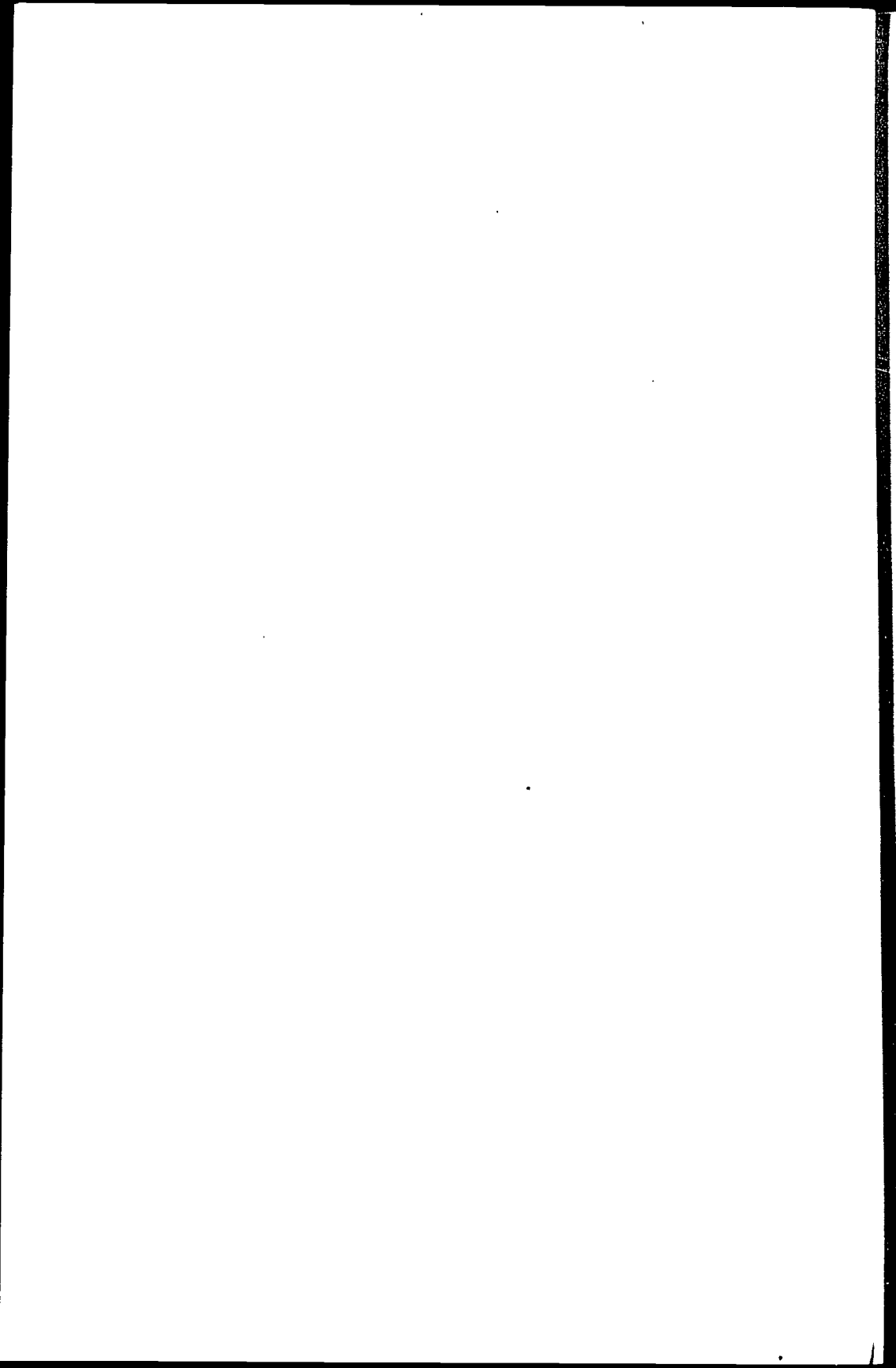
**AND**  
**IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES**  
**OF AMERICA, THE ONE HUNDRED AND SIXTY-FIFTH**

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**VOLUME XLIII**

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# LAWS OF DELAWARE

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## Constitution of the State of Delaware

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### CHAPTER 1

#### AMENDMENT TO CONSTITUTION

#### AN ACT PROPOSING A CERTAIN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO ELECTIONS.

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

Section 1. That Article V of the Constitution of the State of Delaware be amended by adding immediately after Section 4 thereof, a new Section to be styled Section 4A as follows:

Section 4A. The General Assembly shall enact general laws providing that any qualified elector of this State, duly registered, who shall be unable to appear to cast his or her ballot at any general election at the regular polling place of the election district in which he or she is registered, either because of being in the public service of the United States or of this State, or because of the nature of his or her business or occupation, or because of his or her sickness or physical disability, may cast a ballot at such general election to be counted in such election district.

Approved May 9, 1941.



## CHAPTER 2

## AMENDMENT TO CONSTITUTION

AN ACT PROPOSING AN AMENDMENT TO SECTION 15 OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE COMPENSATION OF THE MEMBERS AND PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, AND FIXING THE MAXIMUM NUMBER OF EMPLOYEES THEREOF.

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

Section 1. That Section 15 of Article 2 of the Constitution of the State of Delaware, as amended by Chapter 15, Volume 30, Laws of Delaware, be amended by striking out all of the first paragraph of the said Section 15 of Article 2, and inserting in lieu thereof the following:

The members of the General Assembly, except the presiding officers of the respective Houses, shall receive as compensation for their services a per diem allowance of Fifteen Dollars (\$15.00), and the presiding officers a per diem allowance of Seventeen Dollars (\$17.00), for each day of the Session, not exceeding sixty days; and should they remain longer in Session they shall serve without compensation. In case a special or extra session of the General Assembly be called, the members and presiding officers shall receive like compensation for a period not exceeding thirty days.

In addition to the per diem compensation next hereinabove provided for, each Member living within a radius of twenty miles of the corporate limits of the City of Dover shall receive One Hundred Dollars (\$100.00) to cover such Member's traveling expenses in full, and each Member living more than twenty miles from the corporate limits of the City of Dover, but not more than forty miles therefrom, shall receive Two Hundred Dollars (\$200.00) to cover such Member's traveling expenses in full, and each Member living at a greater distance than forty

AMENDMENT TO CONSTITUTION

miles from the corporate limits of the said City of Dover, shall receive Three Hundred Dollars (\$300.00) to cover such Member's traveling expenses in full.

Except as in this Section 15 expressly provided, the members of the General Assembly shall receive no allowance or payment for services, traveling expenses, supplies or other expenses while attending or in connection with Sessions of the General Assembly.

The maximum number of employees of the General Assembly shall be forty-eight (48), to be equally divided between the two Houses. Such maximum number of employees shall not be altered, except by a vote of three-fourths of all the members elected to each House of the General Assembly.

Approved May 9, 1941.

## CHAPTER 3

## AMENDMENT TO CONSTITUTION

AN ACT PROPOSING AN AMENDMENT TO SECTION 5 OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO PLACE WHERE THE GENERAL ASSEMBLY SHALL MEET AND SIT.

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

Section 1. That Section 5 of Article 2 of the Constitution of the State of Delaware be and the same is hereby amended, by adding to the end thereof the following:

Provided further, however, the Governor shall call a special or extra session of the General Assembly, to meet each year in the Old State House in the City of New Castle, for the purpose of commemorating the Colonial Assemblies that met there in former years; and any such session shall be limited to one day, and no legislation of any kind shall be enacted other than such as pertains to such meeting.

Approved May 15, 1941.

# Jurisdiction and Property of the State

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## CHAPTER 4

### CESSION OF LANDS TO THE UNITED STATES OF AMERICA

#### AN ACT TO CEDE CERTAIN LANDS TO THE UNITED STATES OF AMERICA.

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, by Chapter 1, Volume 42, Laws of Delaware, fee simple title of the State of Delaware to the said land was re-asserted due to abandonment thereof by the United States of America by failure to maintain a quarantine station thereon, and with the consent of the United States of America; and

WHEREAS, the United States of America now desires title to the said above described land for purposes of National Defense, and the State of Delaware being willing to cede said land for such purpose; 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 of Delaware does hereby cede to and vest in the United States of America in perpetuity all its claim, title and right of soil and jurisdiction into or over all

## CESSION OF LANDS TO THE UNITED STATES OF AMERICA

that quantity of land belonging to the said 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, at or near Lewes, Sussex County, Delaware, between the United States Government Iron Pier and the Point of Cape Henlopen;

Provided, that the sovereignty and jurisdiction of this State shall extend over the land hereby ceded to the United States so far as that all civil and criminal process issued under any laws of this State may be executed in any part of said lands and the buildings or structures thereon erected.

Section 2. That the above session\* of land and jurisdiction is made upon the express condition that said land shall be used for National Defense purposes or for quarantine station or other governmental purposes by the United States.

Approved May 5, 1941.

\*So enrolled

# State Revenue and Supplies

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## CHAPTER 5

### DOMICILIARY DEATH TAXES

AN ACT TO PROVIDE FOR THE SETTLEMENT OF DISPUTES  
AMONG STATES WITH RESPECT TO DOMICILIARY DEATH  
TAXES.

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

Section 1. Definitions:—As used in this act:

(a) The term “executor” means any executor of the will or administrator of the estate of a decedent, except an ancillary administrator;

(b) The term “Taxing official” means the State Tax Commissioner in this state and the officer or body in any other reciprocal state designated in the statute of such state substantially similar to this act;

(c) The term “death tax” means any tax levied by a state on account of the transfer of or shifting of economic benefits in property at death, or in contemplation thereof, or intended to take effect in possession or enjoyment at or after death, whether denominated an “inheritance tax”, “transfer tax”, “succession tax”, “estate tax”, “death duty”, “death dues”, or otherwise;

(d) The term “interested person” means any person who may be entitled to receive or who has received any property or interest which may be required to be considered in computing the death tax of any state involved;

## DOMICILIARY DEATH TAXES

(e) The term "state" means any state, territory, or possession of the United States, and the District of Columbia.

Section 2. Election:—Where this state and one or more other states each claims that it was the domicile of a decedent at the time of his death, and no judicial determination of domicile for death tax purposes has been made in any of such states, any executor, or the taxing official of any such state, may elect to invoke the provisions of this act. Such election shall be evidenced by the sending of a notice by registered mail, receipt requested, to the taxing officials of each such state and to each executor, ancillary administrator and interested person. Any executor may reject such election by sending a notice by registered mail, receipt requested, to the taxing officials involved and to all other executors within forty days after the receipt of such notice of election. If such election be rejected, no further proceedings shall be had under this act. If such election be not rejected, the dispute as to the death taxes shall be determined solely as hereinafter provided, and any proceedings that may have been theretofore taken in this state to determine or assess such death taxes in the courts or otherwise shall be annulled and of no effect.

Section 3. Compromise:—In any case in which an election is made as provided in section two hereof and not rejected, the State Tax Commissioner may enter into a written agreement with the other taxing officials involved and with the executors, to accept a certain sum in full payment of any death tax, together with interest and penalties, that may be due this state. Such agreement shall not be effective unless approved by the State Tax Board. If an agreement cannot be reached and the arbitration proceeding specified in section four is commenced, and thereafter an agreement is arrived at, a written agreement may be entered into at any time before such proceeding is concluded, notwithstanding the commencement of such proceeding. Upon the filing of such agreement or duplicate thereof with the authority which would have jurisdiction or assess the death tax of this state if the decedent died domiciled in this state, an assessment shall be made as therein provided and such assess-

## DOMICILIARY DEATH TAXES

ment shall finally and conclusively fix and determine the amount of death tax due this state.

Section 4. Board of Arbitration:—If in any such case it shall appear that an agreement cannot be reached as provided in the foregoing section, or if one year shall have elapsed from the date of the election, the domicile of the decedent at the time of his death solely for death tax purposes shall be determined as follows:

(a) Where only this State and one other state are involved, the State Tax Commissioner with the approval of the State Tax Board and the taxing official of such other state shall each appoint a member of a board of arbitration, and the members so appointed shall select the third member of the board. If this state and more than one other state are involved, the taxing officials thereof shall agree upon the authorities charged with the duty of administering death tax laws in three states not involved, each of which shall appoint a member of the board. The members of the board shall elect a chairman.

(b) Such board shall hold hearings at such places as are deemed necessary, upon reasonable notice to the executors, ancillary administrators, all interested persons, and the taxing officials of the states involved, all of whom shall be entitled to be heard.

(c) Such board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of books, papers and documents and issue commissions to take testimony. Subpoenas may be issued by any member of the board. Failure to obey a subpoena may be punished by a judge or justice of any court of record in the same manner as if the subpoena had been issued by such judge or justice or by the court in which such judge or justice functions.

(d) Such board shall apply, whenever practicable, the rules of evidence which prevail in federal courts under the federal rules of civil procedure at the time of the hearing.



## DOMICILIARY DEATH TAXES

(e) Such board shall, by majority vote, determine the domicile of the decedent at the time of his death. Such determination shall be final and conclusive, and shall bind this state and all of its judicial and administrative officials on all questions concerning the domicile of the decedent for death tax purposes.

(f) The reasonable compensation and expenses of the members of the board and employees thereof shall be agreed upon among such members, the taxing officials of the states involved, and the executors. In the event an agreement cannot be reached, such compensation and expenses shall be determined by such taxing officials, and if they cannot agree, by the appropriate probate court of the state determined to be the domicile. Such amount shall be borne by the estate and shall be deemed an administration expense.

(g) The determination of such board and the record of its proceeding shall be filed with the authority having jurisdiction to assess the death tax in the state determined to be the domicile of the decedent and with the authorities which would have had jurisdiction to assess the death tax in each of the other states involved if the decedent had been found to be domiciled therein.

Section 5. In any case where it is determined by the board of arbitration that decedent died domiciled in this state, penalties and interest for non-payment of the tax, between the date of the election and the final determination of the board shall not exceed four per centum per annum.

Section 6. The provisions of this act shall apply only to cases in which each of the states involved has a law substantially similar to this act.

Section 7. If the provisions of this act conflict with any other law of this state, this act shall control.

Section 8. This act shall take effect immediately, and

DOMICILIARY DEATH TAXES

shall apply to the settlement of disputes among states with respect to death taxes without regard to whether the decedent died before or after the enactment of this act.

Approved May 6, 1941.

CHAPTER 6  
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 122, of Chapter 6 of the Revised Code of the State of Delaware, being Code Section 156 of said Code, as amended, be and the same is hereby amended by striking out the word "dividends" in the seventh line of paragraph (e) of said Section 122, and by striking out the sign and numerals "\$100.00" in the tenth line of paragraph (e) of said Section 122, and substituting in lieu of the sign and numerals "\$100.00" the following sign and numerals:

\$800.00

Section 2. That Section 122, of said Chapter 6 of the Revised Code of the State of Delaware, being Code Section 156 of said Code, as amended, be and the same is hereby amended by adding at the end of paragraph (e) of said Section 122 the following:

All corporations making payments to a Delaware taxable of dividends amounting to \$100.00 or more in any taxable year shall render a true and accurate return to the Tax Department, under such regulations and in such form and manner and to such extent as may be prescribed by the Tax Department, setting forth the amount of any and all such payments made and the names and addresses of the recipients of such payments.

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

Approved February 20, 1941.

## CHAPTER 7

## INCOME TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, IN RELATION TO INCOME TAX.

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

Section 1. That Section 116 (c) (1) of said Chapter 6 of the Revised Code of Delaware, 1935, being Code Section 150 of said Code, as amended by Chapter 11, Volume 41, Laws of Delaware, and as further amended by Chapter 63, Volume 42, Laws of Delaware, be and the same is hereby further amended by adding after the last sentence thereof, the following provision:

PROVIDED, FURTHER, that where the gain or loss is sustained from the sale, exchange or other disposition after five years from the date the taxable first became a taxable of the State of Delaware, the fair market value of such property, as of the date such taxable first became a taxable of the State of Delaware, shall not be a factor in determining the gain or loss sustained.

Approved May 14, 1941.

## CHAPTER 8

## HUCKSTERS AND PEDDLERS

## AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO HUCKSTERS AND PEDDLERS.

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

Section 1. That Article 15 of said Chapter 6 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Sections 146 to 153, inclusive, being Code Sections 180 to 187, inclusive, and substituting in lieu thereof the following:

180. Sec. 146. Hucksters and Peddlers Defined:—Any person who shall carry a pack, basket or other receptacle, or use any sort of vehicle drawn by horses or propelled in any other manner, from which grains, fruits, garden vegetables and country produce in general shall be sold or offered for sale, or who shall in any way carry upon or with him or her grains, fruits, garden vegetables and country produce in general, for sale, except as provided in Section 151 of this Article, within the limits of the State of Delaware, shall be a huckster. Any person who shall carry a pack, basket or other receptacle or use any sort of vehicle drawn by horses or propelled in any other manner from which personal property, other than that above mentioned in this Section, shall be sold or offered for sale, or who shall in any way carry upon or with him or her personal property, other than that above mentioned in this section, for sale within the limits of the State of Delaware, shall be a peddler.

181. Sec. 147. Hucksters' License; Term; How Issued:—Any person desiring to engage in the business of a huckster, as defined in Section 146 of this Article, within the limits of this State, shall take out a license in his or her name, authorizing him or her to engage in the said business, and, if a huckster with horses and wagons or other vehicles, said license shall also authorize the servants and employees of said huckster to use said horses and wagons or other vehicles in said business.

## HUCKSTERS AND PEDDLERS

All licenses to hucksters shall be issued by the State Tax Department and shall expire annually upon the first day of June, next succeeding the date of issue.

Applicants for hucksters' license or licenses shall pay to the State Tax Department, for the use of the State, before the issuance of any license, the following license fees:

(a) To carry on the business of huckster on foot, the sum of ten dollars.

(b) To carry on the business of huckster with vehicles, whether horse-drawn or propelled by other means, the sum of twenty-five dollars for each vehicle. Separate licenses shall be issued for each vehicle.

182. Sec. 148. Peddlers' License; Terms; How Issued:— Any person desiring to engage in the business of a peddler, as defined in Section 146 of this Article, within the limits of this State, shall take out a license in his or her name, authorizing him or her to engage in the said business, and if a peddler with horses and wagons or other vehicles, said license shall also authorize the servants and employees of said peddler to use said horses and wagons or other vehicles in said business.

All licenses to peddlers shall be issued by the State Tax Department and shall expire annually upon the first day of June, next succeeding the date of issue.

Applicants for peddler's license or licenses shall pay to the State Tax Department, for the use of the State, before the issuance of any license, the following license fees:

(a) To carry on the business of peddler on foot, the sum of twenty-five dollars.

(b) To carry on the business of peddler with vehicles, whether horse-drawn or propelled by other means, the sum of fifty dollars for each vehicle. Separate licenses shall be issued for each vehicle.

## HUCKSTERS AND PEDDLERS

183. Sec. 149. Hucksters' and Peddlers' Tags and Badges:—It shall be the duty of the said Tax Department, to provide badges for each foot huckster and peddler so as aforesaid licensed, and tags for each vehicle used in the business of huckstering and peddling. Said badges and tags shall have displayed thereon the number of the license, the word "huckster" or "peddler", and figures indicating the year during which said license shall be in force. Said tags for any one year shall all be of the same color, and said color of the tags for one year shall be different and clearly distinguishable from the color of the tags of the preceding year. Each foot huckster and peddler, during the period in which he is engaged in his business of huckstering or peddling, shall wear a badge with the number of the license thereon, in a conspicuous place and where the same may be easily seen and shall carry said license on his person. Each vehicle so licensed shall, while the same is used in the business of huckstering or peddling, have one of said tags with the number of the license thereon attached to the front part of the body of said vehicle, in such a position that the same may be readily and plainly seen. The license issued and assigned to each vehicle shall be kept on or in said vehicle during the time said vehicle is being used in said business.

All tags, badges and licenses issued under this Article shall be subject to inspection by any police officer and any authorized employee of the State Tax Department and shall be exhibited to any police officer or authorized employee of the State Tax Department upon request.

184. Sec. 150. Duplicate Tags and Badges; How Procured; License Not Transferable:—In the event that any tag or badge issued under the provisions of Section 149 of this Article shall become lost or destroyed, the holder of said tag or badge may apply to said Tax Department for a duplicate tag or badge. Such application shall be in writing, setting forth briefly the circumstances under which said tag or badge was lost or destroyed, and said applicant shall make oath before the said Tax Department, that the facts contained in said application are true. The said Tax Department may issue a dupli-

## HUCKSTERS AND PEDDLERS

cate tag or badge to the person making said application for the same, provided that it shall be shown to its satisfaction that said tag or badge has been lost or destroyed.

Licenses and badges issued under the provisions of Sections 146 to 153, inclusive, of this Article, shall not be transferable. Tags issued under said provisions of said Sections shall not be transferred to another person or to any other vehicle.

185. Sec. 151. Sections 146, 147, 148, 149, 150, 152 and 153 Not Applicable to Local Manufacturers or Venders of Farm Products Raised by Vender, or to Venders of Milk, Cream, Meat, Fuels, or Petroleum Products:—The provisions of Sections 146, 147, 148, 149, 150, 152 and 153 of this Article shall not apply to any manufacturer selling or peddling anything manufactured by him in this State, or to any person selling or peddling grain, provisions, provender or fruit grown, prepared or raised upon the land of the person offering the same for sale, or to any person selling or peddling milk or cream, or to butchers regularly engaged in the peddling of meat, or to those engaged in the peddling of fuels or petroleum products.

186. Sec. 152. Violations of Sections 146 to 153; Penalties:—Any person who shall, within the limits of the State of Delaware, carry on the business of a huckster or peddler without having a license in accordance with the provisions of Sections 146 to 153, inclusive, of this Article, shall, upon conviction, be punished by a fine; for the first offense of not less than five dollars, or more than ten dollars; for the second offense, not less than ten dollars, or more than twenty dollars; and for the third and all subsequent offenses, not less than twenty-five dollars, or more than one hundred dollars.

187. Sec. 153. Violations; Jurisdiction of the Municipal Court of Wilmington, the Courts of Common Pleas and Justices of the Peace:—All violations of Sections 146 to 152, inclusive, of this Article, and offenses against the same, are hereby constituted misdemeanors, and the Municipal Court of the City of Wilmington, the Courts of Common Pleas and Justices of the



### HUCKSTERS AND PEDDLERS

Peace in the County where the offenses are committed shall have jurisdiction to hear, try and determine said misdemeanors or any of them, upon information filed by the Attorney General, or any one of his Deputies, or the prosecuting officer of the said Municipal Court, or any other person under oath.

Approved May 16, 1941.

## CHAPTER 9

OCCUPATIONAL LICENSES  
RELATING TO LICENSES FOR RESIDENT AND  
NON-RESIDENT CONTRACTORS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, RELATING TO OCCUPATIONAL LICENSES", BEING CHAPTER 14, VOLUME 41, LAWS OF DELAWARE, 1937, AS AMENDED BY CHAPTER 68, VOLUME 42, LAWS OF DELAWARE, 1939, 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, as amended by Chapter 68, Volume 42, Laws of Delaware, 1939, be and the same is hereby amended by adding at the end thereof, a new paragraph, designated and reading as follows:

Every architect and/or mechanical engineer and/or general contractor, engaging in the practice of such profession, before the payment of any award or amount payable to any contractor or sub-contractor not a resident of this State, shall ascertain from said non-resident contractor or sub-contractor and/or the State Tax Department, whether he has obtained a license and satisfied his liability to the State under this Section, and if said license has not been obtained and the license liability paid by said non-resident contractor or sub-contractor, the architect and/or mechanical engineer and/or general contractor shall deduct from the award or amount payable to said non-resident contractor or sub-contractor, the amount of said license liability and shall pay same to the State Tax Department within ten days after final payment and settlement with the non-resident contractor or sub-contractor. Failure to ascertain the payment of license liability of any contractor or sub-contractor not a resident of this State, by any architect and/or mechanical engineer and/or general contractor, in accordance with this Section, shall

**OCCUPATIONAL LICENSES  
RELATING TO LICENSES FOR RESIDENT AND  
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render the architect and/or mechanical engineer and/or general contractor personally liable for the license liability of the non-resident contractor or sub-contractor.

Approved May 16, 1941.

## CHAPTER 10

### OCCUPATIONAL LICENSES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, RELATING TO OCCUPATIONAL LICENSES", BEING CHAPTER 14, 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 Chapter 14, Volume 41, Laws of Delaware, be and the same is hereby amended by adding a new Section after Section 9. 198. Sec. 164, designated and reading as follows:

Section 10. 198A Sec. 164A. It shall be unlawful for any person to agree or contract directly or indirectly to pay or assume or bear the burden of any license payable by any person, firm or corporation under the provisions of this Chapter. Any such agreement shall be null and void and shall not be enforced or given effect by any court.

Approved May 16, 1941.

## CHAPTER 11

## MOTOR FUEL TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO THE EXEMPTIONS FROM THE TAX ON MOTOR FUEL AND REFUNDS OF THE TAX PAID ON SUCH MOTOR FUEL.

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

Section 1. That Section 188 of Chapter 6, Revised Code of Delaware, 1935, being Code Section 222 is hereby amended by striking out all of paragraph one of said Section 188, including subparagraph (a) and (b) thereof and inserting in lieu thereof the following:

222. Sec. 188. Refunds:—The State Treasurer shall refund out of the General Fund of this State the tax paid on motor fuels upon receipt of written authorization from the State Highway Department so to do, which written authorization shall be given under the following conditions:

(a) Motor fuel sold and delivered to and used by the State of Delaware and every political subdivision thereof;

(b) Motor fuel used by any person for the purpose of operating stationary gas engines, tractors, motor boats, airplanes or air-crafts, or any other purpose except in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the State.

Section 2. The effective date of this Act shall be July 1, 1941.

Section 3. That Sec. 188 of Chapter 6, Revised Code of Delaware, 1935, being code section 222, is hereby further amended by striking out the third paragraph of sub-section (b) of said 222. Sec. 188 and inserting in lieu thereof the following:

## MOTOR FUEL TAX

All applications for refunds must be filed with the State Highway Department within one hundred and eighty days from the date of purchase or invoice of the motor fuel with the respect to which refund is claimed.

Approved May 15, 1941.

## CHAPTER 12

## RECEIPTS AND DISBURSEMENTS—GENERAL FUND

AN ACT TO AMEND CHAPTER 77, VOLUME 42, LAWS OF DELAWARE, ENTITLED "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 Section 1 of an Act entitled "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", being Section 1 of Chapter 77, Volume 42, Laws of Delaware, be and the same is hereby amended by striking out the last paragraph of said Section 1 and substituting in lieu thereof the following:

"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; and this Act shall have no application to any money or other property received by the University of Delaware from any source except money appropriated to it, or for its use, by the General Assembly of the State of Delaware."

Approved February 26, 1941.

## CHAPTER 13

TRANSFER OF CERTAIN BALANCES TO  
GENERAL FUND

AN ACT AUTHORIZING THE STATE TREASURER TO TRANSFER CERTAIN BALANCES IN FORMER STATE TREASURERS' ACCOUNTS TO THE GENERAL FUND 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 State Treasurer be and is hereby authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Fifteen thousand, one hundred, twenty-nine Dollars and twenty-five Cents (\$15,129.25)\* made up of certain balances for which the date for honoring any check or order drawn thereupon has expired by statute, such amount being the total of balances on deposit to the credit of the State of Delaware in the Farmers Bank in the accounts and in the names as follows:

Treasurer of the State of Delaware—Ernest C.	
Blackstone .....	\$6,974.70
Payroll Account .....	364.54
Treasurer of the State of Delaware—Warren T. Moore	452.59
Payroll Account .....	853.00
Treasurer of the State of Delaware—Howard M. Ward	898.21
Payroll Account .....	546.19
Treasurer of the State of Delaware—G. S. Williams..	3,127.79
Payroll Account .....	546.96
Treasurer of the State of Delaware—Howard M. Ward	
Called Bond Account—Loan of 1923 .....	22.50
Treasurer of the State of Delaware—Thomas D. Hubbard	
Payroll Account .....	16.50
Payroll Account .....	6.82
Treasurer of the State of Delaware—George M. Fisher	316.72
Payroll Account .....	67.53

\*So enrolled



TRANSFER OF CERTAIN BALANCES TO  
GENERAL FUND

Treasurer of the State of Delaware—Thomas S. Four-	
acre .....	486.05
Payroll Account .....	365.24
Treasurer of the State of Delaware—William J. Swain	84.61
	<hr/>
Total .....	\$15,129.95

Approved February 17, 1941.

## CHAPTER 14

TRANSFER OF CERTAIN BALANCES TO  
GENERAL FUND

AN ACT AUTHORIZING THE STATE TREASURER TO TRANSFER CERTAIN FUNDS TO THE CREDIT OF THE GENERAL FUND OF THE STATE OF DELAWARE PROVIDING FOR THE PAYMENT OF CHECKS DRAWN AGAINST SAID ACCOUNT.

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

Section 1. That no check or order issued by Pierre S. du Pont as State Tax Commissioner shall be paid or honored by the depository upon which such check or order was drawn after the expiration of two years of the date of such check or order.

Section 2. That the State Treasurer be and is hereby authorized to transfer to the credit of the General Fund of the State of Delaware the amount of One hundred, eleven Dollars and nineteen Cents (\$111.19) representing deposits for repayment of State income tax which sum is now on deposit at the Farmers Bank at Wilmington to the credit of an account known as P. S. du Pont, Special in the amount of One hundred, five Dollars and seventy-seven Cents (\$105.77), and representing deposits for the repayment of County income tax on deposit at the said bank to the credit of an account known as P. S. du Pont, Special No. 7 in the amount of Five Dollars and forty-two Cents (\$5.42).

Approved April 3, 1941.

CHAPTER 15  
APPROPRIATION

AN ACT TO APPROPRIATE MONEY TO FLOYD SHULTIE, ADMINISTRATOR OF FRANCES E. SHULTIE, DECEASED, AS COMPENSATION FOR DAMAGES SUFFERED THROUGH THE DEATH OF THE SAID, FRANCES E. SHULTIE THROUGH AND BY REASON OF THE NEGLIGENCE OF AN EMPLOYEE OF THE STATE BOARD OF EDUCATION.

WHEREAS, Floyd Shultie was duly appointed administrator of the Estate of Frances E. Shultie, deceased on the third day of February, A. D. 1941 by the Register of Wills in and for Kent County, and in accordance with said appointment, Floyd Shultie has duly qualified as such Administrator in full accordance with the Statutes of the State of Delaware; and

WHEREAS, on the twenty-second day of April, A. D. 1938, the Kenton Public School, being designated as #9, Kent County, Delaware, was under the supervision and jurisdiction of the State Board of Education of the State of Delaware by reason of the Statutes of the State of Delaware, at which time a student at the request of the Professor of said school, the employee of the State Board of Education, used an inflammable liquid to start a fire in a stove in said school, said inflammable liquid caused an explosion and fire and as a result, the clothing and body of Frances E. Shultie, a minor of the age of eleven (11) years, caught fire causing the death of her, the said Frances E. Shultie, thereby causing great loss and damage.

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

That the sum of Twenty-two hundred and fifty dollars (\$2250.00) be and the same is hereby appropriated out of the State Board of Education funds to Floyd Shultie, Administrator of the Estate of Frances E. Shultie, deceased, as compensation for loss and damage caused by the death of the said Frances E. Shultie.

Approved February 20, 1941.

## CHAPTER 16

## APPROPRIATION

AUTHORIZING THE PAYMENT FOR TWO TYPEWRITERS LOST  
DURING THE SESSION OF THE ONE HUNDRED AND SEV-  
ENTH GENERAL ASSEMBLY.

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

That the State Treasurer be and he is hereby authorized  
to pay to Remington Rand, Inc., the sum of One Hundred and  
Thirty Nine Dollars (\$139.00) in full payment of two Reming-  
ton typewriters which were lost during the Session of the One  
Hundred and Seventh General Assembly.

Approved March 17, 1941.

## CHAPTER 17

APPROPRIATION TO PAY EXPENSES OF THE  
COURT OF CHANCERY

AN ACT APPROPRIATING CERTAIN MONEYS OUT OF THE  
STATE TREASURY TO PAY CERTAIN CLAIM AGAINST THE  
STATE, RELATING TO EXPENSES INCURRED BY 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 Six Hundred Fifty-eight Dollars and Fifteen Cents (\$658.15) be and it is hereby appropriated out of the State Treasury to pay a certain claim for supplies and equipment purchased for the Court of Chancery, and the State Treasurer is hereby authorized and directed to pay to the claimant hereinafter named the said amount set opposite his name to-wit:

Albert L. Massey,  
212 Public Building,  
Wilmington, Delaware, .....\$658.15

Section 2. That this Act shall be taken and deemed to be a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State.

Approved April 14, 1941.

## CHAPTER 18

APPROPRIATION TO PAY EXPENSES OF THE  
SUPREME COURT

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

Section 1. That the following amounts be and the same  
are hereby appropriated for the payment of claims against the  
State of Delaware for stationery and supplies furnished to the  
Supreme Court of Delaware, and the State Treasurer is hereby  
directed to pay to the claimants hereinafter named the amounts  
set opposite their respective names, to-wit:

Hugh A. George Co.  
905 Shipley Street,  
Wilmington, Delaware, .....\$219.75

Butler's Inc.  
415 Market Street,  
Wilmington, Delaware, ..... 84.18

Section 2. That this Act shall be taken and deemed to be  
a Supplementary Appropriation Bill and the money hereby ap-  
propriated shall be paid out of the general fund of the State.

Approved April 14, 1941.

## CHAPTER 19

### APPROPRIATION

#### AN ACT APPROPRIATING CERTAIN MONEYS TO HARRY V. LYONS TO PAY CLAIM AGAINST THE STATE OF DELAWARE.

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

Section 1. That the sum of Three Hundred and Thirty-eight Dollars and Ninety-six Cents (\$338.96) be and the same is hereby appropriated out of the State Treasury to Harry V. Lyons to reimburse the said Harry V. Lyons for lawful traveling expenses incurred while serving as a de facto member of the Industrial Accident Board of the State of Delaware for the period from June 22, 1937, to October 26, 1938, inclusive.

Approved May 2, 1941.

## CHAPTER 20

## APPROPRIATION

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE ESTATE  
OF ROBERT K. JONES TO PAY CLAIM AGAINST THE STATE  
OF DELAWARE.**

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

Section 1. That the sum of Four Hundred and Thirty-six Dollars (\$436.00) be and the same is hereby appropriated out of the State Treasury to the Estate of Robert K. Jones, deceased, for the payment of claim against the State of Delaware for lawful traveling expenses incurred by the said Robert K. Jones while serving as a de facto member of the Industrial Accident Board of the State of Delaware for the period from July 1, 1937, to October 26, 1938, inclusive.

Approved May 2, 1941.



## CHAPTER 21

## APPROPRIATION

AN ACT APPROPRIATING MONEYS TO CERTAIN CITIZENS OF THE STATE TO PAY CLAIMS AGAINST THE STATE GROWING OUT OF THE DEATH OF CATTLE ARISING FROM THE ADMINISTRATION OF ANTHRAX SERUM BY AGENTS OF THE STATE BOARD OF AGRICULTURE.

WHEREAS, the State Board of Agriculture through its regularly employed veterinarians have administered anthrax serum to herds of cattle in the State of Delaware; and

WHEREAS, as the result thereof certain of said cattle did die from the administration of said serum; and

WHEREAS, it is felt that the owners of said cattle should be indemnified for the loss which they have sustained through no fault of their own; THEREFORE

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

Section 1. That the following stated sums be and they are hereby appropriated to the following named persons to indemnify said persons for the loss sustained by the death of their respective cows: Joseph A. Frear One Hundred Dollars (\$100.00); Harvey E. Wilson Seventy-Five Dollars (\$75.00); William G. Warren Three Hundred Twenty-five Dollars (\$325.00); Joseph Quigley Six Hundred Dollars (\$600.00); William S. Daniels Two Hundred Dollars (\$200.00); Howard Gruwell Seventy-five Dollars (\$75.00).

Section 2. The funds hereby appropriated shall be paid out of the general funds of the State of Delaware, from funds not otherwise appropriated, upon vouchers signed by the proper officers of the State Board of Agriculture.

Section 3. This act shall be known as a supplementary appropriation act.

Approved May 13, 1941.

## CHAPTER 22

## APPROPRIATION

**PROVIDING FOR PAYMENT OF A CLAIM TO R. K. TORBERT  
FOR SCRAPING AND PAINTING THE ARMORY AT LAU-  
REL, DELAWARE.**

*Be it resolved 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 R. K. Torbert the sum of Fifty Dollars (\$50.00), in payment for services rendered by him in scraping and painting the Armory at Laurel, Delaware; the said sum to be paid by the State Treasurer upon proper warrant or voucher signed by the said R. K. Torbert.

Section 2. That this Act shall be taken to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved May 13, 1941.

## CHAPTER 23

## APPROPRIATION

APPROPRIATING CERTAIN MONEYS OUT OF THE STATE  
TREASURY TO PAY CERTAIN CLAIMS AGAINST THE STATE  
RELATIVE 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:

Delaware State News—Printing .....	\$120.00
Oliver C. Hayes—Court Crier .....	170.00
Joseph H. George—Court Bailiff .....	170.00
John H. Teat—Court Bailiff .....	170.00
Anthony Hammond—Court Page .....	38.50
E. F. Thawley—Janitor .....	54.00
James Reed—Janitor .....	10.00
Grier H. Minner—Sheriff .....	140.00
Norris C. Adams—Sheriff .....	26.00

Approved May 19, 1941.

## CHAPTER 24

## APPROPRIATION

AN ACT TO APPROPRIATE THE SUM OF SIX HUNDRED AND TWENTY-SIX DOLLARS AND TWENTY-EIGHT CENTS (\$626.28) TO PETROL CORPORATION TO REIMBURSE IT FOR PENALTY PAID TO THE STATE OF DELAWARE ON MOTOR FUEL TAXES.

WHEREAS, Petrol Corporation owed to the State of Delaware the sum of Two Thousand Five Hundred and Five Dollars and Twelve Cents (\$2,505.12) for motor fuel taxes for the month of November, A. D., 1937, and the sum became due and payable during the month of December, A. D., 1937;

AND WHEREAS, the said Petrol Corporation did at the City of Philadelphia and State of Pennsylvania on the Twelfth day of January, A. D., 1938, send its remittance by mail for the said sum of Two Thousand Five Hundred and Five Dollars and Twelve Cents (\$2,505.12) in payment of said tax, but said remittance did not reach the office of the Delaware State Highway Department within the time required by law, and the said Delaware State Highway Department did impose a penalty on said Petrol Corporation of Six Hundred and Twenty-six Dollars and Twenty-eight Cents (\$626.28) and on the Twenty-first day of March, A. D., 1938, the said Petrol Corporation did remit to the Delaware State Highway Department the sum of Six Hundred and Twenty-six Dollars and Twenty-eight Cents (\$626.28) in payment of said penalty, and which said payment was made under protest;

AND WHEREAS, the said Petrol Corporation 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 Petrol Corporation out of any

### APPROPRIATION

money in the Treasury of the State of Delaware to the credit of the said State Highway Department the sum of Six Hundred and Twenty-six Dollars and Twenty-eight Cents (\$626.28) to reimburse said Petrol Corporation for the said penalty as mentioned in the Second Preamble of this Act.

Approved May 9, 1941.

## CHAPTER 25

## APPROPRIATION

## PROVIDING FOR A GAS TAX REFUND TO CLAUDE N. LESTER.

WHEREAS, Claude N. Lester was lawfully entitled to a refund of One Hundred and Twenty-five Dollars (\$125.00) on gas used in Tractor for Agricultural Purposes; and

WHEREAS, the said Claude N. Lester, by an oversight failed to make claim for the said amount within the ninety (90) days as required by law; Now Therefore

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

Section 1. That the State Treasurer be and he is hereby authorized and directed to pay to the said Claude N. Lester, the aforesaid sum of One Hundred and Twenty-five Dollars (\$125.00) in payment of the said gas refund, upon proper warrant or voucher signed by the said Claude N. Lester.

Section 2. That this Act shall be taken to be a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved May 13, 1941.

## CHAPTER 26

## APPROPRIATION

**AUTHORIZING THE STATE TREASURER TO REDEEM AN OUTDATED CHECK AND ISSUE A NEW CHECK IN PAYMENT THEREOF.**

WHEREAS, Ernest C. Blackstone, on October 28, 1937, as State Treasurer, issued a payroll account check, No. 032082, for the sum of One Hundred and Ninety Five Dollars (\$195.00), payable to the order of Theodore J. Kraemer, payable at the Farmers Bank of the State of Delaware, Dover, Delaware, and delivered the said check to the said Theodore J. Kraemer on the date aforesaid; and

WHEREAS, the said Theodore J. Kraemer mislaid the said check and never presented it for payment; and

WHEREAS, the fund set up in the biennial budget out of which the said check would have been paid if it had been presented within two years of its said date, has long since reverted to the general fund of the State Treasury, according to law; Now Therefore

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

Section 1. That the present State Treasurer, on presentation of the said outdated check for cancellation, be and he is hereby authorized and directed to pay to the said Theodore J. Kraemer the sum of One Hundred and Ninety Five Dollars (\$195.00), the amount of the said check.

Section 2. That this Joint Resolution shall be taken and deemed to be in the nature of a Supplementary Appropriation Act, and the money hereby authorized to be paid shall be paid out of the general fund of the State Treasury.

Approved April 8, 1941.

## CHAPTER 27

APPROPRIATION FOR EXPENSES OF  
STATE GOVERNMENTAN ACT MAKING APPROPRIATION FOR THE EXPENSES OF  
THE STATE GOVERNMENT FOR EACH OF THE TWO FIS-  
CAL YEARS ENDING JUNE 30, 1942 AND JUNE 30, 1943.

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

Section 1. That the several amounts named in this Act, or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers of the respective departments and divisions of Government, and other specified spending agencies, subject to the provisions of Chapter 204, Volume 42, Laws of Delaware 1939, 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 amounts hereby appropriated are as follows:

	Year Ending June 30,	
	1942	1943

GENERAL GOVERNMENT  
LEGISLATIVE

## A-1a COMMITTEE ON UNIFORM LAWS

Office Expense .....	\$ 50.00	\$ 50.00
Travel .....	175.00	175.00
Total Committee on Uniform Laws.	\$ 225.00	\$ 225.00



## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### A-1½ DELAWARE COMMISSION ON INTERSTATE COOPERATION

Fees .....	\$ 2,250.00	\$ 2,250.00
Printing and Stationery .....	10.00	10.00
Travel .....	240.00	240.00
<hr/>		
Total Delaware Commission on In- terstate Cooperation .....	\$ 2,500.00	\$ 2,500.00
General Assembly .....		
<hr/>		
Total Legislative .....	\$ 2,725.00	\$ 2,725.00

## JUDICIAL

### B-1-5½ COURT OF CHANCERY

Salaries and Wages .....	\$ 29,300.00	\$ 29,300.00
Office Expense .....	800.00	800.00
Repairs and Replacements .....	150.00	150.00
Chancellor's Report .....	1,600.00	1,600.00
<hr/>		
Total Court of Chancery .....	\$ 31,850.00	\$ 31,850.00

### B-6-12 DEPARTMENT OF JUSTICE

Salaries and Wages .....	\$ 57,250.00	\$ 57,250.00
Office Expense .....	500.00	500.00
Reports .....	2,000.00	2,000.00
Repairs and Replacements .....	65.00	65.00
<hr/>		
Total Department of Justice .....	\$ 59,815.00	\$ 59,815.00

### B-13 COMMON PLEAS COURT OF KENT COUNTY

Salary of Judge .....	\$ 3,600.00	\$ 3,600.00
<hr/>		
Total Common Pleas Court of Kent County .....	\$ 3,600.00	\$ 3,600.00

# APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

## B-15-17½ STATE LIBRARIAN

Salaries and Wages .....	\$ 2,200.00	\$ 2,200.00
Office Expense .....	150.00	150.00
Repairs and Replacements .....	200.00	200.00
Equipment .....	1,500.00	1,500.00
Supplies (Legislative) .....	None	4,000.00
		<hr/>
Total State Librarian .....	\$ 4,050.00	\$ 8,050.00
		<hr/>
Total Judicial .....	\$ 99,315.00	\$103,315.00

## EXECUTIVE

### C-1-4 GOVERNOR

Salaries and Wages .....	\$ 10,500.00	\$ 10,500.00
Office Expense .....	550.00	550.00
Repairs and Replacements .....	50.00	50.00
Contingent Expenses .....	2,500.00	2,500.00
Governor's Conference .....	200.00	100.00
		<hr/>
Total Executive .....	\$ 13,800.00	\$ 13,700.00

## ELECTIONS

### D-2-3 REGISTRARS AND ASSISTANTS

Salaries and Wages .....	None	\$ 35,000.00
		<hr/>
Total Elections .....	None	\$ 35,000.00

## LEGAL

### E-1-7½ ATTORNEY GENERAL

#### GENERAL ADMINISTRATION

Salaries and Wages .....	\$ 27,010.00	\$ 27,010.00
Office Expense .....	1,500.00	1,500.00
Travel .....	1,000.00	1,000.00
Operation .....	2,100.00	2,100.00
Repairs and Replacements .....	1,000.00	1,000.00
Equipment .....	200.00	200.00
		<hr/>
Total Attorney General, General Ad- ministration .....	\$ 32,810.00	\$ 32,810.00

## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

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

Salaries and Wages .....	\$ 180.00	\$ 180.00
Travel .....	720.00	720.00

Total Attorney General, Requisition Expenses .....	\$ 900.00	\$ 900.00
Total Legal .....	\$ 33,710.00	\$ 33,710.00

### FINANCIAL

#### F-1-3c SECRETARY OF STATE

Salaries and Wages .....	\$ 42,500.00	\$ 42,500.00
Office Expense .....	3,200.00	3,650.00
Travel .....	500.00	500.00
Repairs and Replacements .....	750.00	750.00
Equipment .....	200.00	200.00

Total Secretary of State .....	\$ 47,150.00	\$ 47,600.00
Secretary of State, Magistrates' Bonds .....	\$ 440.00	\$ 440.00

Secretary of State, Dissolution Account .....	\$ 6,000.00	\$ 6,000.00
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Secretary of State, Certificate of Origin Account .....	\$ 300.00	\$ 300.00
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#### F-4a-4b STATE BOARD OF ACCOUNTANCY

Salaries and Wages .....	\$ 100.00	\$ 100.00
Office Expense .....	150.00	150.00

Total State Board of Accountancy .....	\$ 250.00	\$ 250.00
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#### F-6-8c STATE TREASURER

Salaries and Wages .....	\$ 11,000.00	\$ 11,000.00
Office Expense .....	2,575.00	4,000.00
Travel .....	200.00	200.00
Repairs and Replacements .....	200.00	200.00
Equipment .....	200.00	200.00

Total State Treasurer .....	\$ 14,175.00	\$ 15,600.00
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## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### F-9a-9c PERMANENT BUDGET COMMISSION

Salaries and Wages .....	\$ 16,700.00	\$ 17,050.00
Office Expense .....	750.00	1,750.00
Travel-Expenses of Commission .....	500.00	500.00
Travel .....	1,150.00	1,150.00
Equipment .....	100.00	None
<hr/>		
Total Permanent Budget Commis- sion .....	\$ 19,200.00	\$ 20,450.00

### F-10-12e STATE AUDITOR

Salaries and Wages .....	\$ 17,540.00	\$ 17,540.00
Office Expense .....	400.00	400.00
Travel .....	200.00	200.00
Repairs and Replacements .....	250.00	250.00
Equipment .....	100.00	None
<hr/>		
Total State Auditor .....	\$ 18,490.00	\$ 18,390.00

### F-13 STATE AUDITOR

Special Audit of University of Dela- ware and State College for Colored Students .....	\$ 800.00	\$ 800.00
<hr/>		

### F-14-15b STATE REVENUE COLLECTOR

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

### F-16-17d STATE INSURANCE COMMISSIONER

Salaries and Wages .....	\$ 7,300.00	\$ 7,300.00
Office Expense .....	650.00	650.00
Travel .....	250.00	250.00
Repairs and Replacements .....	100.00	100.00

### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

Premiums of Commissioner's Bond for		
4 years .....	None	555.00
Equipment .....	100.00	None

	8,400.00	\$ 8,855.00
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#### F-19-21d OYSTER REVENUE COLLECTOR

Salaries and Wages .....	\$ 7,160.00	\$ 7,160.00
Office Expense .....	50.00	50.00
Travel .....	75.00	75.00
Operation .....	200.00	200.00
Repairs and Replacements .....	200.00	200.00

	7,685.00	\$ 7,685.00
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#### F-22-23e STATE TAX DEPARTMENT

Salaries and Wages .....	\$ 97,000.00	\$ 97,000.00
Office Expense .....	22,980.00	22,980.00
Travel .....	1,000.00	1,000.00
Operation .....	500.00	500.00
Repairs and Replacements .....	1,500.00	2,500.00
Equipment .....	1,025.00	300.00

	\$124,005.00	\$124,280.00
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#### F-23½ STATE TAX DEPARTMENT

Annual Audit .....	\$ 2,300.00	\$ 2,300.00
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#### F-24-25e STATE BANK COMMISSIONER

Salaries and Wages .....	\$ 25,000.00	\$ 25,000.00
Office Expense .....	1,350.00	1,350.00
Travel .....	3,500.00	3,500.00
Repairs and Replacements .....	100.00	100.00
Equipment .....	250.00	250.00

	\$ 30,200.00	\$ 30,200.00
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## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### F-26a-26f DELAWARE LIQUOR COMMISSION

Salaries and Wages .....	\$ 60,000.00	\$ 60,000.00
Office Expense .....	11,000.00	11,000.00
Travel .....	9,000.00	9,000.00
Operation .....	500.00	500.00
Repairs and Replacements .....	100.00	100.00
Equipment .....	200.00	200.00
<hr/>		<hr/>
Total Delaware Liquor Commission.	\$ 80,800.00	\$ 80,800.00

### DELAWARE RACING COMMISSION

Salaries and Wages .....	\$ 750.00	\$ 750.00
Office Expense .....	2,600.00	2,600.00
Travel .....	300.00	300.00
<hr/>		<hr/>
Total Delaware Racing Commission.	\$ 3,650.00	\$ 3,650.00
<hr/>		<hr/>
Total Financial .....	\$362,185.00	\$ 369,940.00

## GENERAL GOVERNMENT BUILDINGS

### G-1a-1g CUSTODIAN

Salaries and Wages .....	\$ 14,740.00	\$ 14,740.00
Office Expense .....	125.00	125.00
Operation .....	12,000.00	12,000.00
Repairs and Replacements .....	5,000.00	5,000.00
Equipment .....	750.00	750.00
<hr/>		<hr/>
Total Custodian .....	\$ 32,615.00	\$ 32,615.00
State Insurance Commissioner, Pre- miums .....	\$ 30,000.00	\$ 30,000.00
Fire Companies .....	34,793.00	34,900.00
<hr/>		<hr/>
Total General Government Buildings	\$ 97,408.00	\$ 97,515.00
<hr/>		<hr/>
TOTAL GENERAL GOVERN- MENT .....	\$611,143.00	\$653,905.00

## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### CONSERVATION OF HEALTH AND SANITATION

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

Salaries and Wages .....	\$ 63,300.00	\$ 63,300.00
Office Expense .....	7,000.00	7,000.00
Travel .....	800.00	800.00
Operation .....	9,000.00	9,000.00
Repairs and Replacements .....	2,800.00	2,800.00
Equipment .....	400.00	400.00

Total Administration .....	\$ 83,300.00	\$ 83,300.00
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#### H-1½a-1½f STATE BOARD OF HEALTH, CORPS OF ORAL HYGIENISTS

Salaries and Wages .....	\$ 9,960.00	\$ 9,960.00
Office Expense .....	200.00	200.00
Travel .....	150.00	150.00
Operation .....	1,100.00	1,100.00
Repairs and Replacements .....	500.00	500.00
Equipment .....	90.00	90.00

Total Corps of Oral Hygienists ...	\$ 12,000.00	\$ 12,000.00
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#### H-2a-2f STATE BOARD OF HEALTH PATHOLOGICAL AND BACTERIOLOGICAL LABORATORY

Salaries and Wages .....	\$ 9,420.00	\$ 9,420.00
Office Expense .....	300.00	300.00
Travel .....	25.00	25.00
Operation .....	2,500.00	2,500.00
Repairs and Replacements .....	550.00	550.00
Equipment .....	75.00	75.00

Total Pathological and Bacteriologi- cal Laboratory .....	\$ 12,870.00	\$ 12,870.00
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#### H-3a-3f STATE BOARD OF HEALTH, EDGEWOOD SANATORIUM

Salaries and Wages .....	\$ 18,500.00	\$ 18,500.00
Office Expense .....	400.00	400.00

### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

Travel .....	100.00	100.00
Operation .....	20,500.00	20,500.00
Repairs and Replacements .....	1,000.00	1,000.00
Equipment .....	300.00	300.00
		<hr/>
Total Edgewood Sanatorium .....	\$ 40,800.00	\$ 40,800.00

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

Salaries and Wages .....	\$ 60,000.00	\$ 60,000.00
Office Expense .....	2,300.00	2,300.00
Travel .....	200.00	200.00
Operation .....	68,000.00	68,000.00
Repairs and Replacements .....	6,000.00	6,000.00
Equipment .....	300.00	300.00
		<hr/>
Total Brandywine Sanatorium ....	\$136,800.00	\$136,800.00

#### H-5a-5c MEDICAL COUNCIL OF DELAWARE

Salaries and Wages .....	\$ 345.00	\$ 345.00
Office Expense .....	395.00	395.00
Travel .....	10.00	10.00
		<hr/>
Total Medical Council of Delaware..	\$ 750.00	\$ 750.00

#### H-6a-6c STATE BOARD OF PHARMACY

Salaries and Wages .....	\$ 920.00	\$ 920.00
Office Expense .....	225.00	225.00
Travel .....	200.00	200.00
		<hr/>
Total State Board of Pharmacy...	\$ 1,345.00	\$ 1,345.00

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

Salaries and Wages .....	\$ 420.00	\$ 420.00
Office Expense .....	75.00	75.00
Travel .....	150.00	150.00
		<hr/>
Total State Board of Dental Examiners .....	\$ 645.00	\$ 645.00



# APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

## H-8a-8c BOARD OF EXAMINERS OF BARBERS

Total Salaries and Wages .....	\$ 500.00	\$ 500.00
Office Expense .....	30.00	30.00
Travel .....	30.00	30.00
<hr/>		
Total Board of Examiners of Barbers \$	560.00	\$ 560.00

## H-9a-9b BOARD OF VETERINARY EXAMINERS

Salaries and Wages .....	\$ 50.00	\$ 50.00
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Total Board of Veterinary Exam- iners .....	\$ 50.00	\$ 50.00

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

Salaries and Wages .....	\$ 50.00	\$ 50.00
Office Expense .....	95.00	95.00
Travel .....	25.00	25.00
<hr/>		
Total Board of Examiners in Op- tometry .....	\$ 170.00	\$ 170.00

## H-11a-11c BOARD OF EXAMINERS OF REGISTERED NURSES

Salaries and Wages .....	\$ 1,000.00	\$ 1,000.00
Office Expense .....	350.00	250.00
Travel .....	150.00	150.00
<hr/>		
Total Board of Examiners of Regis- tered Nurses .....	\$ 1,500.00	\$ 1,400.00

## H-12a-12c STATE BOARD OF UNDERTAKERS

Salaries and Wages .....	\$ 295.00	\$ 295.00
Office Expense .....	100.00	100.00
Travel .....	55.00	55.00
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Total State Board of Undertakers \$	450.00	\$ 450.00

TOTAL CONSERVATION OF HEALTH AND SANITATION..	\$291,240.00	\$291,140.00
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# APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

## CHARITIES, HOSPITALS AND CORRECTIONS

### I-1 GOVERNOR

Board and Tuition, Deaf, Dumb and Idiotic Children .....	\$ 19,000.00	\$ 19,000.00
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### I-3a-3k STATE BOARD OF CHARITIES

Salaries and Wages .....	\$ 18,000.00	\$ 18,000.00
Office Expense .....	3,000.00	3,000.00
Travel .....	500.00	500.00
Operation .....	2,000.00	2,000.00
Repairs and Replacements .....	1,500.00	1,000.00
Equipment .....	750.00	115.00
Direct Care .....	52,500.00	52,500.00

Total State Board of Charities ....	\$ 78,250.00	\$ 77,115.00
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### I-4a-4e DELAWARE STATE HOSPITAL

Salaries and Wages .....	\$190,000.00	\$190,000.00
Office Expense .....	5,460.00	5,444.00
Travel .....	1,320.00	1,313.00
Operation .....	165,304.00	164,536.60
Repairs and Replacements .....	12,816.00	12,586.40
Equipment .....	3,000.00	None

Total Delaware State Hospital ....	\$377,900.00	\$373,880.00
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### I-7a-7c MOTHERS' PENSION COMMISSION

Salaries and Wages .....	\$ 8,100.00	\$ 8,100.00
Office Expense .....	500.00	500.00
Travel .....	2,400.00	2,400.00
Operation—Pension Grants .....	59,000.00	59,000.00

Total Mothers' Pension Commission.	\$ 70,000.00	\$ 70,000.00
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## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### I-12a-12g INDUSTRIAL SCHOOL FOR COLORED GIRLS

Salaries and Wages .....	\$ 19,804.00	\$ 19,804.00
Office Expense .....	1,550.00	1,550.00
Travel .....	450.00	450.00
Operation .....	18,920.00	18,920.00
Repairs and Replacements .....	2,450.00	2,325.00
Equipment .....	855.00	855.00

Total Industrial School for Colored Girls .....	\$ 44,029.00	\$ 43,904.00
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### I-16a-16g DELAWARE COMMISSION FOR THE FEEBLE-MINDED

Salaries and Wages .....	\$ 47,000.00	\$ 47,000.00
Office Expense .....	1,600.00	1,600.00
Travel .....	1,350.00	1,350.00
Operation .....	95,000.00	96,000.00
Repairs and Replacements .....	16,000.00	16,000.00
Equipment .....	1,000.00	1,000.00

Total Delaware Commission for the Feeble-Minded .....	\$161,950.00	\$162,950.00
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### I-17a-17g FERRIS INDUSTRIAL SCHOOL

Salaries and Wages .....	\$ 36,500.00	\$ 36,500.00
Office Expense .....	2,000.00	2,000.00
Travel .....	1,200.00	1,200.00
Operation .....	55,000.00	55,000.00
Repairs and Replacements .....	18,000.00	10,000.00
Equipment .....	4,500.00	1,000.00

Total Ferris Industrial School ....	\$117,200.00	\$105,700.00
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### I-18a-18c OLD AGE WELFARE COMMISSION PENSION ACCOUNT

Salaries and Wages .....	\$ 24,000.00	\$ 24,000.00
Office Expense .....	4,700.00	4,700.00
Travel .....	3,700.00	3,700.00

### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

Operation—Pensions .....	177,300.00	177,300.00
Equipment .....	300.00	300.00

Total Old Age Welfare Commission, Pension Account .....	\$210,000.00	\$210,000.00
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#### I-20 OLD AGE WELFARE COMMISSION, STATE WELFARE HOME

Operation .....	\$ 65,000.00	\$ 65,000.00
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Total State Welfare Home .....	\$ 65,000.00	\$ 65,000.00
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TOTAL CHARITIES, HOSPITALS AND CORRECTIONS .....	\$1,143,329.00	\$1,127,549.00
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### EDUCATION

#### J-1a-1c UNIVERSITY OF DELAWARE, GENERAL ADMINISTRATION

Salaries and Wages .....	\$187,430.00	\$187,430.00
Office Expense .....	3,500.00	3,500.00
Operation .....	41,792.50	41,792.50
Repairs and Replacements .....	7,500.00	7,500.00
Equipment .....	600.00	600.00

Total General Administration .....	\$240,822.50	\$240,822.50
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#### J-2 UNIVERSITY OF DELAWARE, CHAIR OF HISTORY

Salaries and Wages .....	\$ 2,500.00	\$ 2,500.00
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Total Chair of History .....	\$ 2,500.00	\$ 2,500.00
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#### J-2½a-2½b UNIVERSITY OF DELAWARE CHAIR OF PHYSICAL EDUCATION

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

Total Chair of Physical Education .....	\$ 4,500.00	\$ 4,500.00
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### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

J-3 UNIVERSITY OF DELAWARE, SUMMER SCHOOL FOR TEACHERS		
Salaries and Wages .....	\$ 7,500.00	\$ 7,500.00
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Total Summer School for Teachers.	\$ 7,500.00	\$ 7,500.00
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
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Total Smith-Lever Agriculture Ex- tension .....	\$ 12,800.00	\$ 12,800.00
J-4½ UNIVERSITY OF DELAWARE		
Scholarships .....	\$ 5,000.00	\$ 5,000.00
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UNIVERSITY OF DELAWARE		
School of Agriculture, Extension Serv- ice .....	1,050.00	1,050.00
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J-6 UNIVERSITY OF DELAWARE U. S. GOVERNMENT APPROPRIATION		
Salaries and Wages .....	\$ 58,332.07	\$ 58,332.07
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Total U. S. Government Appropria- tion .....	\$ 58,332.07	\$ 58,332.07
J-7a-7e UNIVERSITY OF DELAWARE AGRICULTURE AND FARM EXPERIMENTAL STATION		
Salaries and Wages .....	\$ 12,600.00	\$ 12,600.00
Office Expense .....	400.00	400.00
Travel .....	200.00	200.00
Operation .....	7,000.00	7,000.00
Repairs and Replacements .....	1,800.00	1,800.00
Equipment .....	2,000.00	None
<hr/>		
Total Agriculture and Farm Experi- ment Station .....	\$ 24,000.00	\$ 22,000.00

## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### 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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Total Poultry and Entomology ....	\$ 6,000.00	\$ 6,000.00

### J-9a-9g STATE COLLEGE FOR COLORED STUDENTS

#### GENERAL ADMINISTRATION

Salaries and Wages .....	\$ 26,000.00	\$ 26,000.00
Office Expense .....	1,400.00	1,400.00
Travel .....	300.00	300.00
Operation .....	19,830.00	19,830.00
Repairs and Replacements .....	7,000.00	7,000.00
Equipment .....	2,000.00	2,000.00
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Total State College for Colored Stu- dents .....	\$ 56,530.00	\$ 56,530.00

### J-10 STATE COLLEGE FOR COLORED STUDENTS

#### U. S. GOVERNMENT APPROPRIATION

Salaries and Wages .....	\$ 10,000.00	\$ 10,000.00
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Total U. S. Government Appropria- tion .....	\$ 10,000.00	\$ 10,000.00

### J-11 STATE BOARD OF EDUCATION

Service Bureau .....	\$ 4,500.00	\$ 4,500.00
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Total State Board of Education, Service Bureau .....	\$ 4,500.00	\$ 4,500.00

## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### J-12a-12b STATE BOARD OF VOCATIONAL EDUCATION WORLD WAR ORPHANS' EDUCATION

Operation .....	\$ 3,250.00	None
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Total State Board of Vocational Education .....	\$ 3,250.00	None
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TOTAL EDUCATION .....	\$436,784.57	\$431,534.57

## DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES

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

Salaries and Wages .....	\$ 6,660.00	\$ 6,660.00
Office Expense .....	800.00	800.00
Travel .....	1,100.00	1,100.00
Operation .....	75.00	75.00
Repairs and Replacements .....	100.00	100.00
Equipment .....	50.00	50.00
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Total General Administration .....	\$ 8,785.00	\$ 8,785.00

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

Office Expense .....	\$ 600.00	\$ 600.00
Travel .....	25.00	25.00
Operation .....	25.00	25.00
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Total Peninsula Horticultural Society .....	\$ 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 .....	650.00	650.00
Travel .....	200.00	200.00

### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

Operation .....	900.00	900.00
Repairs and Replacements .....	650.00	650.00
Equipment .....	175.00	175.00

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Total Analyzing Fertilizers and Feeds .....	\$ 15,475.00	\$ 15,475.00
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#### K-4a-4c STATE BOARD OF AGRICULTURE CONTROLLING DISEASES OF LIVE STOCK AND POULTRY

Salaries and Wages .....	\$ 9,000.00	\$ 9,000.00
Travel .....	1,700.00	1,700.00
Operation .....	1,100.00	1,100.00

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Total Controlling Diseases of Live Stock and Poultry .....	\$ 11,800.00	\$ 11,800.00
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#### K-5a-5d STATE BOARD OF AGRICULTURE FARM PRODUCTS INSPECTION

Salaries and Wages .....	\$ 6,400.00	\$ 6,400.00
Office Expense .....	75.00	75.00
Travel .....	600.00	600.00
Operation .....	200.00	200.00

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Total Farm Products Inspection ...	\$ 7,275.00	\$ 7,275.00
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#### K-6b-6f STATE BOARD OF AGRICULTURE BUREAU OF MARKETS

Salaries and Wages .....	\$ 5,200.00	\$ 5,200.00
Office Expense .....	1,000.00	1,000.00
Travel .....	250.00	250.00
Operation .....	150.00	150.00
Repairs and Replacements .....	200.00	200.00
Equipment .....	25.00	25.00

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Total Bureau of Markets .....	\$ 6,825.00	\$ 6,825.00
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## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### K-7a-7f STATE BOARD OF AGRICULTURE POULTRY PATHOLOGY

Salaries and Wages .....	\$ 14,780.00	\$ 14,780.00
Office Expense .....	750.00	750.00
Travel .....	2,725.00	2,725.00
Operation .....	2,100.00	2,100.00
Repairs and Replacements .....	500.00	500.00
Equipment .....	100.00	100.00
<hr/>		
Total Poultry Pathology .....	\$ 20,955.00	\$ 20,955.00

### K-8a-8f STATE BOARD OF AGRICULTURE CATTLE TUBERCULOSIS ERADICATION

Salaries and Wages .....	\$20,250.00	\$ 20,250.00
Office Expense .....	600.00	600.00
Travel .....	400.00	400.00
Operation .....	42,000.00	42,000.00
Repairs and Replacements .....	300.00	300.00
Equipment .....	50.00	50.00
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Total Cattle Tuberculosis Eradication .....	\$ 63,600.00	\$ 63,600.00

### K-9a-9c STATE BOARD OF AGRICULTURE CORN GROWERS' ASSOCIATION

Salaries and Wages .....	\$ 45.00	\$ 45.00
Office Expense .....	55.00	55.00
Operation .....	350.00	350.00
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Total Corn Growers' Association ..	\$ 450.00	\$ 450.00

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

Salaries and Wages .....	\$ 4,000.00	\$ 4,000.00
Office Expense .....	450.00	450.00
Travel .....	1,600.00	1,600.00
Operation .....	750.00	750.00

### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

Repairs and Replacements .....	150.00	150.00
Equipment .....	400.00	400.00
		<hr/>
Total Plant Pathologist .....	\$ 7,350.00	\$ 7,350.00

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

Salaries and Wages .....	\$ 6,500.00	\$ 6,500.00
Office Expense .....	50.00	50.00
Travel .....	100.00	100.00
Operation .....	900.00	900.00
Repairs and Replacements .....	300.00	300.00
Equipment .....	25.00	25.00
		<hr/>
Total Japanese Beetle Eradication .	\$ 7,875.00	\$ 7,875.00

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

Salaries and Wages .....	\$ 2,375.00	\$ 2,375.00
Office Expense .....	25.00	25.00
Travel .....	500.00	500.00
Operation .....	100.00	100.00
		<hr/>
Total Apple Grading and Inspection .	\$ 3,000.00	\$ 3,000.00

#### K-13½a-13½c STATE BOARD OF AGRICULTURE CANTALOUPE INSPECTION

Salaries and Wages .....	\$ 430.00	\$ 430.00
Travel .....	70.00	70.00
		<hr/>
Total Cantaloupe Inspection .....	\$ 500.00	\$ 500.00

#### K-15a-15f STATE FORESTRY DEPARTMENT GENERAL ADMINISTRATION

Salaries and Wages .....	\$ 9,000.00	\$ 9,000.00
Office Expense .....	1,475.00	1,475.00
Travel .....	650.00	650.00

### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

Operation .....	3,800.00	3,300.00
Repairs and Replacements .....	700.00	525.00
Equipment .....	1,500.00	None
Total State Forestry Department, .....		
General Administration .....	\$ 17,125.00	\$ 14,950.00

#### GAME AND FISH COMMISSION

Salaries and Wages .....	\$ 33,167.66	\$ 33,167.66
Office Expense .....	1,905.00	1,905.00
Travel .....	2,024.33	2,024.33
Operation .....	16,354.46	16,354.46
Repairs and Replacements .....	144.08	144.08
Equipment .....	600.00	600.00

Total Game and Fish Commission..	\$ 54,195.53	\$ 54,195.33*
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TOTAL DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES .....	\$225,860.53	\$223,685.53
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### PROTECTION TO PERSON AND PROPERTY

#### L-1a-4c LABOR COMMISSION OF DELAWARE

Salaries and Wages .....	\$ 5,565.00	\$ 5,565.00
Office Expense .....	1,085.00	1,085.00
Travel .....	500.00	500.00
Operation .....	400.00	400.00
Repairs and Replacements .....	450.00	450.00

Total Labor Commission of Dela- ware .....	\$ 8,000.00	\$ 8,000.00
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#### L-5-7d PAROLE BOARD

Salaries and Wages .....	\$ 2,965.00	\$ 2,965.00
Office Expense .....	440.00	440.00
Travel .....	950.00	950.00
Equipment .....	65.00	65.00

Total Parole Board .....	\$ 4,420.00	\$ 4,420.00
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\*So enrolled

## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### L-7½ OUT-OF-STATE PAROLE SUPERVISION

Expenses of Administration .....	\$ 200.00	\$ 200.00
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Total Out-of-State Parole Supervi- sion .....	\$ 200.00	\$ 200.00
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### L-9a-9b BOARD OF PARDONS

Salary of Lieutenant-Governor .....	\$ 144.00	\$ 144.00
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Travel .....	50.00	50.00
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Total Board of Pardons .....	\$ 194.00	\$ 194.00
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### L-13a-13c BOARD OF BOILER RULES

Salaries and Wages .....	\$ 4,500.00	\$ 4,500.00
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Office Expense .....	535.00	535.00
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Travel .....	500.00	500.00
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Total Board of Boiler Rules .....	\$ 5,535.00	\$ 5,535.00
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### L-15a-15f STATE FORESTRY DEPARTMENT SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages .....	\$ 2,500.00	\$ 2,500.00
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Office Expense .....	700.00	700.00
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Travel .....	600.00	600.00
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Operation .....	1,600.00	1,600.00
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Repairs and Replacements .....	300.00	300.00
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Equipment .....	1,050.00	25.00
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Total State Forestry Department, Special Fire Protection and Ex- tinction .....	\$ 6,750.00	\$ 5,725.00
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### L-16a-16c REGULATORS OF WEIGHTS AND MEASURES

Salaries and Wages .....	\$ 4,200.00	\$ 4,200.00
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Travel .....	1,800.00	1,800.00
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Operation .....	100.00	100.00
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Total Regulators of Weights and Measures .....	\$ 6,100.00	\$ 6,100.00
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# APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

## L-17a-17c DELAWARE REAL ESTATE COMMISSION

Salaries and Wages .....	\$ 700.00	\$ 700.00
Office Expense .....	192.00	192.00
Travel .....	108.00	108.00
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Total Delaware Real Estate Com- mission .....	\$ 1,000.00	\$ 1,000.00

## L-18-18d INDUSTRIAL ACCIDENT BOARD

Salaries and Wages .....	\$ 15,000.00	\$ 15,000.00
Office Expense .....	2,000.00	2,000.00
Travel .....	1,100.00	1,100.00
Repairs and Replacements .....	350.00	50.00
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Total Industrial Accident Board ...	\$ 18,450.00	\$ 18,150.00

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

Salaries and Wages .....	\$ 15,565.00	\$ 15,565.00
Office Expense .....	1,600.00	1,600.00
Travel .....	1,100.00	1,100.00
Operation .....	4,900.00	4,900.00
Repairs and Replacements .....	3,000.00	3,000.00
Equipment .....	50.00	50.00
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Total General Administration .....	\$ 26,215.00	\$ 26,215.00

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

Salaries and Wages .....	\$ 2,015.00	\$ 2,015.00
Operation .....	700.00	700.00
Repairs and Replacements .....	500.00	500.00
Equipment .....	60.00	65.00
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Total State Rifle Range .....	\$ 3,275.00	\$ 3,280.00

## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### L-25 NATIONAL GUARD—ADJUTANT GENERAL

Clothing Allowance to Officers .....	\$ 3,825.00	\$ 2,850.00
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### L-26 NATIONAL GUARD—ADJUTANT GENERAL ADJUSTMENT OF VETERANS' GOVERNMENT CLAIMS

Salaries of Service Officer and Assistant Service Officer .....	\$ 500.00	\$ 500.00
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Total Adjustment of Veterans' Government Claims .....	\$ 500.00	\$ 500.00
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### L-12 DELAWARE STATE EMPLOYMENT BUREAU

Operation .....	\$ 12,850.00	\$ 12,850.00
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Total Delaware State Employment Bureau .....	\$ 12,850.00	\$ 12,850.00
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### STATE BOARD OF ARCHITECTS

Salaries and Wages .....	\$ 200.00	\$ 200.00
Office Expense .....	203.00	203.00
Travel .....	275.00	275.00
Office Equipment .....	50.00	50.00

Total State Board of Architects ...	\$ 728.00	\$ 728.00
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### STATE ATHLETIC COMMISSION

Salaries and Wages .....	\$ 900.00	\$ 900.00
Office Expense .....	606.62	606.62
Travel .....	125.00	125.00
Repairs and Replacements .....	7.50	7.50

Total State Athletic Commission ..	\$ 1,639.12	\$ 1,639.12
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TOTAL PROTECTION TO PERSON AND PROPERTY .....	\$ 99,681.12	\$ 97,386.12
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## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### HIGHWAYS AND WATERWAYS

#### STATE HIGHWAY DEPARTMENT, GENERAL ADMINISTRATION

Salaries and Wages .....	\$335,967.50	\$336,300.00
Office Expense .....	81,415.00	81,462.50
Travel .....	10,830.00	10,925.00
Operation .....	57,000.00	57,000.00
Repairs .....	853,622.50	853,622.50
Equipment .....	109,440.00	109,440.00
Miscellaneous .....	24,225.00	24,225.00
Mosquito Control .....	33,250.00	33,250.00

Total Highways and Waterways ..	\$1,505,750.00	\$1,506,225.00
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### LIBRARIES

#### N-1a-1b STATE LIBRARY COMMISSION

Salaries and Wages .....	\$ 5,700.00	\$ 5,700.00
Office Expense .....	400.00	400.00
Travel .....	350.00	350.00
Operation .....	600.00	600.00
Repairs and Replacements .....	650.00	650.00
Equipment .....	3,000.00	3,000.00

Total State Library Commission ..	\$ 10,700.00	\$ 10,700.00
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### HISTORICAL RECORDS

#### HISTORICAL SOCIETY OF DELAWARE

Operation .....	\$ 300.00	\$ 300.00
Total Historical Society of Delaware ..	\$ 300.00	\$ 300.00

#### O-1a-1f PUBLIC ARCHIVES COMMISSION

Salaries and Wages .....	\$ 7,000.00	\$ 7,000.00
Office Expense .....	800.00	800.00
Travel .....	100.00	100.00
Operation .....	200.00	200.00

### APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

Repairs and Replacements .....	75.00	75.00
Equipment .....	500.00	500.00

Total Public Archives Commission.	\$ 8,675.00	\$ 8,675.00
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#### O-3a-3b PORTRAIT COMMISSION OF DELAWARE

Repairs and Replacements .....\$	250.00	\$ 250.00
Equipment .....	450.00	450.00

Total Portrait Commission of Delaware .....	\$ 700.00	\$ 700.00
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#### 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

Total Lewes Tercentenary Commission .....	\$ 500.00	\$ 500.00
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TOTAL HISTORICAL RECORDS.	\$ 10,175.00	\$ 10,175.00
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### DEBT SERVICE

#### STATE TREASURER

##### Q-1-6 INTEREST

Women's College Bonds .....\$	200.00	\$ 200.00
Women's College Bonds .....	6,587.50	6,375.00
State Improvement Bonds .....	4,770.62	4,451.88
State Building Bonds .....	5,050.00	4,750.00
Indian River Inlet Bonds .....	1,462.50	1,237.50
State Highway Bonds .....	75,428.13	72,674.38
W. W. Laird Estate .....	4,487.10	4,487.10
County Highway Bonds .....	196,855.00	186,380.00

Total Interest .....	\$294,840.85	\$280,555.86
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## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

### Q-7-12 REDEMPTION

Women's College Bonds .....	\$ 5,000.00	\$ None
Women's College Bonds .....	5,000.00	5,000.00
State Improvement Bonds .....	15,000.00	15,000.00
State Building Bonds .....	15,000.00	15,000.00
Indian River Inlet Bonds .....	15,000.00	15,000.00
State Highway Bonds .....	131,000.00	131,000.00
		<hr/>
Total Redemption .....	\$186,000.00	\$181,000.00
		<hr/>
TOTAL DEBT SERVICE .....	\$480,840.85	\$461,555.86

### GENERAL

#### R-1 STATE DEPARTMENTAL SUPPLIES

Office Expense .....	\$ 18,050.00	\$ 18,050.00
		<hr/>
Total State Departmental Supplies ..	\$ 18,050.00	\$ 18,050.00
		<hr/>
GRAND TOTAL .....	\$4,835,554.57	\$4,833,906.08

Section 2. That if the estimated revenues of the State of Delaware shall prove to be insufficient for the payment of the several appropriations provided for herein, to provide for casual deficiencies of revenue for either of the fiscal years aforesaid, and in order that the appropriations hereinabove enumerated may be promptly paid, the State Treasurer is hereby authorized to issue notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Governor and the Secretary of State, deem necessary to meet and to pay any of said appropriations, or any part of any of said appropriations, as to which the revenues of the State of Delaware for either of the fiscal years aforesaid may prove to be insufficient. The said notes or certificates of indebtedness shall be in such denominations and have such form as the Budget Commission may determine, and shall be payable at any period not exceeding one year from the date of the issuance

## APPROPRIATION FOR EXPENSES OF STATE GOVERNMENT

thereof out of any moneys in the treasury of the State not otherwise appropriated. The said notes or certificates of indebtedness shall be numbered consecutively. The principal of said notes or certificates of indebtedness shall be payable at the Farmers' Bank at Dover, on the date of their maturity upon presentation thereat and surrender thereof.

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

Section 3. That the Governor, the Secretary of State 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.

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 in-

APPROPRIATION FOR EXPENSES OF  
STATE GOVERNMENT

debtedness authorized by this Act, and said notes or certificates of indebtedness shall be, and the same are exempted from taxation for any purposes by this State.

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

Approved February 21, 1941.

## CHAPTER 28

## APPROPRIATION

APPROPRIATING THE SUM OF SIXTEEN HUNDRED AND FIFTY DOLLARS OUT OF THE STATE TREASURY TO PAY THE EXPENSES OF THE COMMITTEE REPRESENTING THE GOVERNOR, AND A JOINT COMMITTEE REPRESENTING BOTH HOUSES OF THE GENERAL ASSEMBLY, IN ATTENDING THE INAUGURATION OF THE HONORABLE FRANKLIN D. ROOSEVELT, AS PRESIDENT OF THE UNITED STATES.

*Be it resolved, by the Senate, the House of Representatives concurring therein:*

That the sum of Sixteen Hundred and Fifty Dollars be and the same is hereby appropriated out of the General Fund of the State Treasury, to pay the expenses of a Committee representing the Governor of this State, and a Joint Committee representing both Houses of the General Assembly, in attending the inauguration of the Honorable Franklin D. Roosevelt, as President of the United States; and

Be It Further Resolved, that the State Treasurer be and he is hereby fully authorized and directed to pay the said sum to such person or persons as the said committees shall direct, immediately upon the approval of this Resolution by the Governor; and

Be It Further Resolved, that the Committee representing the Governor shall consist of four persons to be named by the Governor, and the Committee representing the two Houses shall consist of nine members of each house appointed by the presiding officer of the respective Houses.

Approved January 9, 1941.

## CHAPTER 29

## APPROPRIATION

APPROPRIATING MONEY TO PAY THE EXPENSES OF THE INAUGURATION OF THE HONORABLE WALTER W. BACON AS GOVERNOR OF DELAWARE.

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

That the sum of One Thousand Nine Hundred Eighty-Two Dollars and Eighty-eight Cents (\$1,982.88) be and the same is hereby appropriated out of the General Fund of the Treasury of the State of Delaware, for the purpose of defraying the expenses of the Inaugural Committee of the General Assembly in arranging for the inaugural ceremonies of the Honorable Walter W. Bacon as Governor of the State of Delaware, and the State Treasurer is hereby authorized and fully empowered to pay said expenses upon warrants signed by the Chairman and Secretary of the said Inaugural Committee as shall not exceed in the aggregate the said sum of One Thousand Nine Hundred Eighty-Two Dollars and Eighty-eight Cents (\$1,982.88), an itemized statement of the said expenses, and the names of the parties claimant and the amount due to each, being as follows:

Clarke & McDaniel .....	\$ 3.00
Burton S. Heal .....	10.28
Duval Tea House .....	100.00
Dover Floral Company .....	20.00
W. Deane Johnston .....	1.30
M. A. Hartnett, Inc. ....	34.48
Hollis Dodd .....	10.00
Vane Greenhouses and Floral Shop .....	21.50
The Dover Tea House .....	12.75
Cook and Smith .....	15.00
Harry Blackson .....	16.00
Fruitland Grange .....	2.52
W. Henry .....	200.00
Dover School .....	2.00
Edward Morris .....	15.00

## APPROPRIATION

L. P. Simmons .....	7.50
The Star Publishing Co. ....	292.50
Dover Special School District .....	75.00
WDEL .....	19.25
Hotel Richardson .....	25.30
Pleasant Inn .....	457.50
John Lepore .....	15.00
Harry Blackson .....	57.00
George Madden .....	550.00
James A. Downes .....	20.00

Approved February 6, 1941.

## CHAPTER 30

## APPROPRIATION

APPROPRIATING MONEY TO PAY THE EXPENSES OF THE  
COMMISSION TO STUDY SUNDAY LAWS.

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

That the sum of Three Hundred and Fifty-eight Dollars and Eighty-one Cents (\$358.81) be and the same is hereby appropriated out of the General Fund of the Treasury of the State of Delaware, for the purpose of defraying the expenses of the Commission to Study Sunday Laws, and the State Treasurer is hereby authorized and fully empowered to pay said expenses upon warrants signed by the Chairman and Secretary of the said Commission to Study Sunday Laws, an itemized statement of the said expenses, and the names of the parties claimant and the amount due to each, being as follows:

William E. Taylor, Inc., Printing .....	\$ 10.00
Butler's, Inc., Mimeograph Supplies .....	13.07
Ralph L. Minker, Travel and Postage .....	158.60
Henry M. Canby, Travel .....	41.10
Harold W. T. Purnell, Travel .....	16.80
George W. Rhoades, Travel .....	30.24
Edward S. Knight, Travel .....	5.76
George Clark, Travel .....	18.24
Paul R. Rinard, Travel .....	13.20
John L. Barr, Travel .....	16.80
Ruth E. Minker, Stenographic Service .....	25.00
Francis J. Brittingham, Stenographic Service.	10.00

Approved May 13, 1941.

## CHAPTER 31

## APPROPRIATION

## APPROPRIATING MONEY TO PAY CERTAIN EXPENSES CONNECTED WITH THE PRESENT SESSION OF THE 108th GENERAL ASSEMBLY.

*Be it resolved by the House of Representatives of the 108th General Assembly, the Senate concurring therein:*

That the following amounts be and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated on account of expenses connected with the present Session, viz:

Wilmington Country Club	41 luncheons....	\$76.50
Hotel Richardson, Dover	43 dinners.....	32.25

Approved May 19, 1941.



CHAPTER 32  
APPROPRIATION

AN ACT MAKING APPROPRIATION FOR A STATE EMERGENCY FUND FOR CERTAIN EMERGENCIES FOR THE RESPECTIVE YEARS OF THE BIENNIUM JULY 1, 1941 TO JUNE 30, 1943 AND PRESCRIBING LIMITATIONS UPON USE THEREOF AND THE POWERS AND DUTIES OF THE PERMANENT BUDGET COMMISSION IN RELATION THERETO.

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

Section 1. Creation of Fund:—A fund is hereby created to be known as "The State Emergency Fund" which shall consist of any moneys in the General Fund of the State of Delaware not otherwise appropriated, and shall in no case exceed the cash balance to the credit of the State Treasury for a total of Seven Hundred Thousand Dollars (\$700,000.00) not including receipts from the sale of any bonds or from other evidences of debt.

Section 2. Availability of Fund:—The State Emergency Fund shall be disbursed by the State Treasurer only upon order of the Permanent Budget Commission and only for the purposes of paying expenses authorized to be incurred by any agency named in this Act after such agency shall have certified to the existence of an actual emergency as hereinafter defined, provided that in no case shall an order be issued by the Permanent Budget Commission in excess of the amount hereinafter specified for any one emergency or for a total of emergencies of like kind in any one fiscal year authorizing a particular agency to expend such amount as is necessary to meet a specific emergency as hereinafter defined.

Section 3. Proof of Emergency:—An emergency shall be deemed to exist only when declared by the Governor to have been determined by him by and with consent of the majority of the members of the Permanent Budget Commission. Such determination may be made after proof of emergency which shall

## APPROPRIATION

be satisfactory to said Commission has been submitted, and such proof shall include any evidence and testimony as said Commission may require and in every case an affidavit setting forth all facts in support of a claim that an emergency exists, sworn to by a duly authorized representative of the agency making application for use of all or any portion of the State Emergency Fund as herein provided.

Section 4. Emergencies Defined:—It is further provided that an emergency shall exist only when an expenditure, not otherwise authorized by the general appropriation act or any supplementary appropriation act and for which funds have not otherwise been provided in the budget of any department or agency of this state, has become necessary directly as a result of an act of God or for other cause beyond the control of said department or agency for any of the following purposes:

(a) To replace any bridge, road or highway which shall have been destroyed, washed out or otherwise demolished, the State Highway Department, may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00).

(b) To remove snow from the roads and highways when the amount expended for snow removal shall have exceeded in any one fiscal year the amount expended in the fiscal year ended June 30, 1940 by the State Highway Department, but in no case shall the amount exceed the actual additional cost of such removal not otherwise provided for, the State Highway Department may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Fifty Thousand Dollars (\$50,000.00).

(c) To replace any boiler which shall have been destroyed or condemned but in an amount not to exceed the actual cost of such replacement, any department or agency of this state may, upon submission of satisfactory proof of emergency, be author-

## APPROPRIATION

ized to expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00).

(d) To replace any building or other structure which shall have been destroyed by fire, the replacement value of which is not fully covered by insurance, but in no case to exceed the difference between such replacement value and such insurance received as result of such fire, any department or agency of this state may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Fifty Thousand Dollars (\$50,000.00).

(e) To provide troops necessary for defense and protection within this state during the absence of the National Guard and as may be otherwise provided by statute, the Adjutant General of this state may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Fifty Thousand Dollars (\$50,000.00).

(f) To provide the National Guard with an appropriation for batteries, supplies, headquarters and band when it shall have been discharged from the Federal service and returned to its regular duty in the state, the Adjutant General may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Twenty-three Thousand Nine Hundred and Fifty Dollars (\$23,950.00).

(g) To provide for additional relief for the unemployed and unemployable when sums provided by any appropriation act shall have proved insufficient for the purposes of such relief, the State Old Age Welfare Commission may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Seventy-five Thousand Dollars (\$75,000.00).

(h) To provide for transportation of school pupils when the appropriation provided for such transportation shall have been insufficient to meet the cost of such transportation, the State Board of Education may, upon submission of satisfactory

## APPROPRIATION

proof of emergency, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00).

(i) To provide for the care and treatment of additional inmates at the Delaware State Hospital in excess of 1,275, the Board of Trustees of the Delaware State Hospital may upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00).

(j) To replace any bookkeeping machine in the office of the Auditor of Accounts when it shall have become unfit for further use, the Auditor of Accounts may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Three Thousand, Two Hundred and Fifty Dollars (\$3,250.00).

(k) To replace postage meter machine in the office of the Secretary of State when it shall have become unfit for further use, the Secretary of State may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Five Hundred Dollars (\$500.00).

(l) To provide additional appropriation for examinations for qualifications as certified public accountant when funds otherwise appropriated have been exhausted, the State Board of Accountancy may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Two Hundred and Fifty Dollars (\$250.00).

(m) To provide for repairs of an extraordinary nature resulting from damage by fire, storm or other casualty for which insurance received is insufficient to cover the replacement of such building and equipment, the State Board of Education, if the building or equipment is located in a school district outside of the City of Wilmington or the Board of Public Education in Wilmington, if the building or equipment is located in the consolidated school district in the City of Wilmington, may,

## APPROPRIATION

upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00).

(n) To supplement and provide funds in any case where any dispute may arise to the extent that no act of withholding thereof by an officer may be permitted to impair the expressed purpose for which any appropriation has been made in any general or supplementary appropriation bill for vocational education, mothers pensions, health or construction purposes, any agency so affected by such withholding may upon submission of satisfactory proof of emergency be authorized to expend an amount not to exceed Fifty Thousand Dollars (\$50,000.00).

Section 5. The Auditor of Accounts shall keep actual detailed accounts of the cost or expenditure of any and all portions of the said State Emergency Fund to reflect outlays approved in the manner hereinbefore provided by the Permanent Budget Commission and expended by an individual agency out of the appropriations set forth in this Act, and the Permanent Budget Commission shall submit to the next General Assembly a full and detailed statement of the nature of the emergency or emergencies for which expenditures are authorized, the cause thereof, and a copy of the account maintained therefor by the said Auditor of Accounts.

Section 6. This Act shall be taken and deemed to be a Supplementary Appropriation Act and the sums hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated in accordance with the items and conditions of this Act.

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

Approved April 9, 1941.

CHAPTER 33  
APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE INSURANCE COM-  
MISSIONER 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 Twenty-five Thousand, Seven Hundred and Twenty-Five Dollars (\$25,725.00), or so much thereof as shall be necessary, 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 30, 1941, for the purpose of paying premiums for the remainder of the present fiscal year ending June 30, 1941; provided, however, that any balance of the said sum hereby appropriated, that is not used for the purpose hereinabove stated, at the end of the said fiscal year ending June 30, 1941, shall revert to the State Treasury.

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 April 2, 1941.

## CHAPTER 34

RELATING TO SPECIAL EMERGENCY FUND OF THE  
DELAWARE STATE HOSPITAL

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF  
THE STATE OF DELAWARE RELATING TO THE "SPECIAL  
EMERGENCY FUND OF THE DELAWARE STATE HOSPITAL  
AT FARNHURST".

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

Section 1. That Chapter 6 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by striking out the period at the end of the second paragraph of Section 196, being Code Section 230 and adding thereafter a comma and the following words:

Except that the said Board of Trustees are hereby authorized to draw upon said fund for an amount not to exceed Thirty-two Thousand Dollars (\$32,000.00) to be used for the addition of a 500-H. P. boiler and such new pumps and miscellaneous pipe work and extension of building necessary for the proper installation and housing thereof for heating purposes, and further that the State Treasurer is authorized and directed immediately upon the filing with him by the said Board of Trustees of a certificate that all or any part of said amount of Thirty-two Thousand Dollars (\$32,000.00) has been expended for the purposes named herein to honor and pay orders of said Board of Trustees of the Delaware State Hospital at Farnhurst out of said fund, charging the said orders against the said fund.

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 2, 1941.

## CHAPTER 35

## APPROPRIATION

## AN ACT APPROPRIATING MONEY TO MOTHERS' PENSION COMMISSION.

*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 any other moneys appropriated to the Mothers' Pension Commission of Delaware for the fiscal years ending June 30, 1942 and June 30, 1943, there is hereby appropriated to the said Mothers' Pension Commission of Delaware the further sum of Ten Thousand Dollars (\$10,000.00) for the general use of the said Commission in carrying out the work and duties thereof.

The said sum shall be paid to the said Commission in two annual payments of Five Thousand Dollars (\$5,000.00) each, the first of which shall be paid on or before June 30, 1942, and the second of which shall be paid on or before June 30, 1943.

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 May 9, 1941.



## CHAPTER 36

## APPROPRIATION

AN ACT PROVIDING A DEFICIENCY APPROPRIATION TO THE  
FERRIS INDUSTRIAL SCHOOL OF DELAWARE FOR THE  
FISCAL YEAR ENDING JUNE 30, 1941.

WHEREAS, in September 1939, the Board of Trustees of Ferris Industrial School of Delaware was informed by the Boiler Inspector that the Main Boiler of the Power Plant was in such a serious condition that a complete and thorough examination would have to be made at once to determine its fitness for further use; and

WHEREAS a careful examination showed it would be unwise, unsafe, and uneconomical to continue its use; and

WHEREAS remedying this condition without correcting permanently a hazardous and inefficient condition resulting from the auxiliary boiler's location under the main school building would have been uneconomical and short-sighted, involving a continuing hazard and expense and a much greater outlay if corrected as a separate job; and

WHEREAS the Board of Trustees of said School, after consultation with the Permanent Budget Commission and the Governor of this State, installed a proper, safe and modern equipment paying therefor from the current appropriation to the School, and thereby causing a deficiency in its appropriation for the operating of the School for the present fiscal year; 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 to the Ferris Industrial School of Delaware Twenty-five Thousand Dollars (\$25,000.00), the same to be added to the appropriation heretofore made to said School for the fiscal year ending June 30, 1941.

APPROPRIATION

Section 2. This Act is 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 March 14, 1941.

## CHAPTER 37

## 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 One Thousand Dollars (\$1,000.00) annually for each of the fiscal years beginning July 1, 1941 and beginning July 1, 1942, 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 One Thousand Dollars (\$1,000.00) 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 February 24, 1941.

## CHAPTER 38

## APPROPRIATION

AN ACT APPROPRIATING MONEYS TO CERTAIN HOSPITALS  
IN THE STATE OF DELAWARE.

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

Section 1. There is hereby appropriated for the maintenance, equipment and operation of the hospitals hereinafter mentioned for each of the fiscal years beginning July 1, 1941 and July 1, 1942 the sums of money set after the names of such hospitals, respectively, viz:

To Kent General Hospital at Dover, .....	\$12,825.00
To Milford Memorial Hospital, Inc., at Milford, ...	\$22,500.00
To Beebe Hospital of Sussex County, Inc., at Lewes, ..	\$22,500.00
To Homeopathic Hospital Association of Delaware, at Wilmington, .....	\$47,250.00
To St. Francis Hospital, Incorporated, at Wilmington, .....	\$23,400.00
To The Delaware Hospital, Inc., at Wilmington, ....	\$77,175.00
To Wilmington General Hospital Association, at Wilmington, .....	\$38,250.00

Each of said appropriations shall be paid to said respective hospitals in equal quarterly installments on the first days of July, October, January and April in each of the fiscal years 1941 and 1942.

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 March 6, 1941.

## CHAPTER 39

## 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, 1941, and ending June 30, 1942, and beginning July 1, 1942, and ending June 30, 1943, the sum of Fifty-three Hundred Dollars (\$5300.00) 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.

DISTRICT LIBRARY COMMISSION:	Year Ending June 30,	
	1942	1943
Dover Free Library .....	\$500.00	\$500.00
Seaford Free Library .....	500.00	500.00
Milford Free Library .....	500.00	500.00
Milton Free Library .....	200.00	200.00
Claymont Free Library .....	500.00	500.00
Frankford Free Library .....	150.00	150.00
Lewes Free Library .....	150.00	150.00
Newark Free Library .....	500.00	500.00
Laurel Free Library .....	150.00	150.00
Selbyville Free Library .....	100.00	100.00
Smyrna Free Library .....	300.00	300.00
Bridgeville Free Library .....	150.00	150.00
Odessa Free Library .....	300.00	300.00
Delmar Free Library .....	200.00	200.00
Rehoboth Free Library .....	200.00	200.00
New Castle Free Library .....	250.00	250.00
Georgetown Free Library .....	150.00	150.00
Middletown Free Library .....	500.00	500.00
Total District Library Commissions .....	\$5,300.00	\$5,300.00

## APPROPRIATION

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

Approved April 8, 1941.

## CHAPTER 40

## 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-two Thousand Four Hundred Seventy-two and no/100 Dollars (\$82,472.00), 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 operations.

The said sum shall be paid to said School in two equal annual payments of Forty-one Thousand Two Hundred Thirty-six and no/100 Dollars (\$41,236.00), for the years ending June 30, 1942, and June 30, 1943.

	Year Ending June 30	
	1942	1943
Salaries and Wages .....	\$18,236.00	\$18,236.00
Office Expense .....	800.00	800.00
Travel .....	750.00	750.00
Operation .....	18,550.00	18,550.00
Repairs and Replacements .....	2,500.00	2,500.00
Equipment .....	400.00	400.00
Total .....	\$41,236.00	\$41,236.00

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

Approved April 14, 1941.

## CHAPTER 41

## APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE BLIND FOR EXPENSES FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1942, AND JUNE 30, 1943.

*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 Eight Hundred Fifty and no/100 Dollars for the fiscal year beginning July 1, 1941 and ending June 30, 1942, and a like sum of Fifteen Thousand Eight Hundred Fifty and no/100 Dollars for the fiscal year beginning July 1, 1942 and ending June 30, 1943, 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 Funds of the State Treasury not otherwise appropriated.

Approved April 2, 1941.



## CHAPTER 42

## 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 House 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, 1941 and ending June 30, 1943.

Twenty-nine Hundred Dollars (\$2,900.00) of said sum shall be paid within three months after July 1, 1941 and a like sum of Twenty-nine Hundred Dollars (\$2,900.00) shall be paid within three months after July 1, 1942.

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 February 24, 1941.

## CHAPTER 43

## 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, 1941 and ending June 30, 1943.

Two Thousand Dollars of said sum shall be paid within three months after July 1, 1941 and a like sum of Two Thousand Dollars shall be paid within three months after July 1, 1942.

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.

Approved March 14, 1941.

## CHAPTER 44

## 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 concurring therein) :*

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, 1941 and ending June 30, 1943. One Thousand Dollars (\$1,000.00) of said sum shall be paid within three months after July 1, 1941 and a like sum of One Thousand Dollars (\$1,000.00) shall be paid within three months after July 1, 1942 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 February 24, 1941.

## CHAPTER 45

## 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 concurring therein):*

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, 1941 and ending June 30, 1943. Fifteen Hundred Dollars (\$1,500.00) of said sum shall be paid within three months after July 1, 1941 and a like sum of Fifteen Hundred Dollars (\$1,500.00) shall be paid within three months after July 1, 1942, 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 February 24, 1941.

## CHAPTER 46

## 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 concurring therein):*

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, 1941 and ending June 30, 1943 for operation expenses. Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1941 and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1942, 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 February 24, 1941.

## CHAPTER 47

## 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 concurring therein):*

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, 1941 and ending June 30, 1943. Two Thousand Dollars (\$2,000.00) of said sum shall be paid within three months after July 1, 1941 and a like sum of Two Thousand Dollars (\$2,000.00) shall be paid within three months after July 1, 1942, 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 February 24, 1941.

## CHAPTER 48

## 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 House 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, 1941 and ending June 30, 1943, for salaries, wages and for operation.

Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1941, and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1942.

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 February 24, 1941.

## CHAPTER 49

## 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, 1941 and ending June 30, 1942, and a like sum of Seven Thousand Dollars (\$7,000.00) for the fiscal year beginning July 1, 1942 and ending June 30, 1943. 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



### APPROPRIATION

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

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

Approved May 14, 1941.

## CHAPTER 50

## APPROPRIATION

**AN ACT APPROPRIATING MONEY TO THE "BOARD OF MANAGERS OF THE DETENTION HOME" FOR SALARIES AND WAGES.**

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

Section 1. The sum of Three Thousand Dollars (\$3,000.00) be and the same is hereby appropriated to the "Board of Managers of the Detention Home" for juvenile delinquents, for salaries and wages.

The said sum of Three Thousand Dollars (\$3,000.00) shall be paid to the said "Board of Managers of the Detention Home", in two equal, annual installments of Fifteen Hundred Dollars (\$1500.00), for the years ending June 30, 1942 and June 30, 1943.

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 March 12, 1941.

## CHAPTER 51

## APPROPRIATION

## AN ACT APPROPRIATING MONEY FOR THE BURIAL OF INDIGENT SOLDIERS, SAILORS AND MARINES.

*Be it enacted by the Senate and the 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, 1941, and ending June 30, 1942, and beginning July 1, 1942, and ending June 30, 1943, the sum of Four Thousand Dollars (\$4,000.00) be and the same is hereby appropriated out of the General Funds of the State for the burial of indigent soldiers, sailors and marines of this State pursuant to Section 72, Chapter 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 Funds of the State Treasury not otherwise appropriated.

Approved March 12, 1941.

## CHAPTER 52

## APPROPRIATION

**AN ACT TO APPROPRIATE MONEY TO THE STATE OLD AGE WELFARE COMMISSION FOR UNEMPLOYMENT RELIEF AND RELIEF OF INDIGENT PERSONS.**

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

Section 1. That there is hereby appropriated out of the general funds in the State Treasury the sums of One Hundred Thousand Dollars (\$100,000.00) each for the fiscal years ending June 30, 1942 and June 30, 1943 for the use of indigent persons requiring public relief as provided by the latter part of Section 6 of Chapter 189, Volume 37, Laws of Delaware, being 1632. Sec. 29 of Chapter 54 of the Revised Code of Delaware, 1935.

Section 2. That the said appropriation shall be paid to the Old Age Welfare Commission upon warrants signed by proper officers of the said Commission and approved by the Auditor of Accounts, at such times and in such amounts as shall not exceed amounts appropriated by the Levy Courts of the respective counties, but in no case to exceed for each of said years the total of Eighty-seven Thousand, Five Hundred Dollars (\$87,500.00) for New Castle County; Five Thousand Dollars (\$5,000.00) for Kent County and Seven Thousand, Five Hundred Dollars (\$7,500.00) for Sussex County.

Section 3. That this appropriation shall be in lieu of all other appropriations heretofore made or expenditures authorized by law for the purposes named in this Act.

Section 4. That the State Old Age Welfare Commission, during either of the two fiscal years ending June 30, 1942, or June 30, 1943, as aforesaid, shall not incur any expense whatsoever that shall be a charge against this State, in excess of the total amount of \$175,000, as provided herein to the extent of \$100,000 per annum, and by and with the approval of the Per-

## APPROPRIATION

manent Budget Commission in the amount of any emergency otherwise provided for to the extent of \$75,000 per annum, the provisions contained in Chapter 189, Volume 41, Laws of Delaware, to the contrary notwithstanding, and the said Commission, or any member of the said Commission, or any other person or persons, acting for or with the consent of the said Commission, who shall incur or attempt to incur any expense whatever with the intent of creating a debt or charge of any kind upon this State, contrary to the provisions or any of the provisions of this Act, shall be jointly and severally liable to the State in an action of debt for the full amount of such debt or charge, and such conduct on the part of any member of the said Commission shall of itself work a forfeiture of all rights of membership on the said Commission.

Section 5. That any of the provisions of Chapter 189, Volume 41, Laws of Delaware, in any manner in conflict with the provisions or any of the provisions of this Act, are hereby suspended during the said two fiscal years ending June 30, 1942 and June 30, 1943, respectively, as aforesaid, and any other acts or parts of acts inconsistent with the provisions or any of the provisions of this Act, are hereby repealed to the extent of such inconsistency.

Approved April 22, 1941.

## CHAPTER 53

## APPROPRIATION

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO APPROPRIATE MONEY TO THE STATE OLD AGE WELFARE COMMISSION FOR UNEMPLOYMENT RELIEF AND RELIEF OF INDIGENT PERSONS," APPROVED APRIL 22nd, 1941.

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

Section 1. That an Act entitled, "An Act to appropriate Money to the State Old Age Welfare Commission for Unemployment Relief and Relief of Indigent Persons," approved April 22, 1941, be and the same is hereby amended by striking out and repealing the figures 41 where they appear after the word "Volume" in Section 4 of said Act and inserting in lieu thereof the figures 37.

Section 2. That an Act entitled "An Act to Appropriate Money to the State Old Age Welfare Commission for Unemployment Relief and Relief of Indigent Persons," approved April 22, 1941, be and the same is hereby amended by striking out and repealing the figures 41 where they appear after the word "Volume" in Section 5 of said Act, and inserting in lieu thereof the figures 37.

Approved May 15, 1941.

CHAPTER 54

APPROPRIATION

**AN ACT APPROPRIATING CERTAIN MONIES TO PAY THE EXPENSES OF THE STATE COUNCIL FOR NATIONAL DEFENSE.**

*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. The sum of Five Hundred Dollars (\$500.00), or so much thereof as may be required for the purpose of this Act, be and the same is hereby appropriated to the Farmers' Bank of the State of Delaware located at Wilmington, Delaware, to pay the said bank for the monies advanced by said bank to the State Council for National Defense for its expenses.

Approved April 14, 1941.

## CHAPTER 55

## APPROPRIATION

AN ACT APPROPRIATING CERTAIN MONIES UNTO HOUSTON WILSON, ESQUIRE, IN PAYMENT OF HIS SERVICES TO THE STATE AS A JUDGE AD LITEM.

*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 Dollars (\$150.00) be and the same is hereby appropriated unto Houston Wilson, Esquire, in payment of those services rendered by him unto the State as a Judge Ad Litem, under an appointment of the Governor dated the fourth day of November, A. D. 1940.

That the said sum of One Hundred Fifty Dollars (\$150.00) herein appropriated, shall be paid forthwith out of the General Fund by the State Treasurer.

Approved April 18, 1941.



CHAPTER 56

APPROPRIATION

AN ACT TO APPROPRIATE ONE HUNDRED DOLLARS ANNUALLY TO "THE DELAWARE DAY COMMISSION" TO DEFRAY NECESSARY EXPENSES OF SAID COMMISSION.

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

Section 1. That the sum of One Hundred Dollars is hereby appropriated to "The Delaware Day Commission" for each of the fiscal years ending July 1, 1942, and July 1, 1943, respectively, to be used to defray the necessary expenses of said Commission. Payments under the provisions hereof shall be made by the State Treasurer on an order signed by at least two members of said Commission.

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 9, 1941.

## CHAPTER 57

APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

AN ACT MAKING APPROPRIATIONS FOR THE PUBLIC SCHOOLS OF THE STATE FOR THE FISCAL YEARS BEGINNING JULY 1, 1941 AND JULY 1, 1942 AND ENDING JUNE 30, 1942 AND JUNE 30, 1943, RESPECTIVELY.

*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, Nine Hundred Eighty-Four Thousand, Five Hundred Sixty-Seven Dollars and One Cent (\$3,984,567.01) for the school budget hereinafter described for the fiscal year beginning July 1, 1941 and ending June 30, 1942, and there is hereby further appropriated the sum of Three Million, Nine Hundred Eighty-Nine Thousand, One Hundred Ninety-Six Dollars and Forty-Five Cents (\$3,989,196.45) for the said school budget for the fiscal year beginning July 1, 1942 and ending June 30, 1943 and the amounts hereby appropriated for each of said years shall be paid by the State Treasurer for school purposes as hereinafter set forth.

Section 2. The State Treasurer is hereby directed to pay out of the amounts appropriated in Section 1 of this act on warrants of the State Board of Education the following amounts:

	Year Ended June 30, 1942	Year Ended June 30, 1943
(a) GENERAL CONTROL		
Salaries .....	\$ 52,355.00	\$ 52,355.00
Office Expense .....	7,343.00	7,343.00
Travel .....	6,154.00	6,154.00
Miscellaneous .....	15,164.00	15,164.00
	<hr/>	<hr/>
Total General Control .....	\$ 81,016.00	\$ 81,016.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## (b) INSTRUCTIONAL SERVICE

Salaries .....	\$ 58,838.67	\$ 58,838.67
Travel .....	6,465.00	6,465.00
Total Instructional Service ..	\$ 65,303.67	\$ 65,303.67

## (c) OPERATION AND MAINTENANCE

Salaries .....	\$ 1,800.00	\$ 1,800.00
Repairs, Upkeep, etc. ....	2,300.00	2,300.00
Total Operation and Main- tenance .....	\$ 4,100.00	\$ 4,100.00

## (d) INSURANCE

Fire .....	\$ 7,924.49	\$ 7,924.49
Compensation .....	1,300.00	1,300.00
Indemnity .....	200.00	200.00
Total Insurance .....	\$ 9,424.49	\$ 9,424.49

## (e) AUXILIARY AGENCIES

### For Vocational Education:

Salaries for Evening Schools ..	\$ 810.00	\$ 810.00
Teacher Training Costs: †		
University of Delaware ....	6,304.00	6,304.00
State College for Colored Stu- dents .....	688.00	688.00
Summer School and Other Costs	1,119.00	1,119.00
Total for Vocational Educa- tion .....	\$ 8,921.00	\$ 8,921.00

### For Adult Education:

Director's Salary .....	\$ 1,600.00	\$ 1,600.00
Salaries .....	2,741.00	2,741.00
Travel .....	430.00	430.00
Supplies .....	703.00	703.00
Total for Adult Education ..	\$ 5,474.00	\$ 5,474.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

For Visiting Teachers' Salaries ...	\$ 4,500.00	\$ 4,500.00
For Brandywine & Sunnybrook Sanatoriums .....	\$ 1,200.00	\$ 1,200.00
For Health Supplies .....	\$ 1,500.00	\$ 1,500.00
Total Auxiliary Agencies ...	\$ 21,595.00	\$ 21,595.00
(f) TOTAL .....	\$181,439.16	\$181,439.16

(g) For Transportation: All or so much as may be necessary to be applied to the payment for the costs of transportation of school children, the sum of Three Hundred Thousand Dollars (\$300,000), for each of the fiscal years ending June 30, 1942 and June 30, 1943, according to the rules and regulations of the State Board of Education.

(h) For transportation and maintenance of pupils desiring to avail themselves of facilities for training in vocational education at a rate not to exceed Ninety Cents (90c) per day for transportation and maintenance and not to exceed the actual cost of such transportation and maintenance provided that the total amount that may be expended for this purpose shall not exceed Ten Thousand Dollars (\$10,000) in any one fiscal year.

(i) For maintaining the principle of salary increments for satisfactory service of public school employes of this State: the sum of Ninety-five Thousand Dollars (\$95,000). The said sum shall be allotted by the State Board of Education to the Board of Public Education in Wilmington, to each of the Boards of Education of the Special School Districts, and to the State Board of Education on the basis of their respective net enrollments as hereafter defined and shall be used by said respective Boards for the sole purpose of maintaining the principle of salary increments in accordance with the provisions of the salary schedules of said respective Boards as now or hereafter in effect. In making the allotment of the said Ninety-five Thou-

APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

sand Dollars (\$95,000) 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 years; (2) multiply three dollars (\$3.00) by the net enrollment in Grades 7, 8 and 9 during the preceding school years; (3) divide the remainder among the said units or divisions in the proportion which the net enrollments 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; provided that on or before August 1 of each fiscal year notice shall be furnished the State Treasurer and Auditor of Accounts by the State Board of Education setting forth the total of allotments under this paragraph to the Board of Public Education in Wilmington to each of the Boards of Education of the several Special School Districts, and to the State Board of Education provided that said notice of allotments to the said State Treasurer and Auditor of Accounts shall also contain the names and the present salary of each of the employees of said Boards and the amount of increment which each of said employees is to receive; and further provided that the excess, if any, of said appropriation of Ninety-five Thousand Dollars (\$95,000) over the total of allotments made in accordance with the provisions of this paragraph shall be placed to the credit of and considered a part of the Salary Turnover Account as provided in Section 10 of this Act.

Net enrollment of pupils shall be calculated on the basis of the following conditions:

(1) To be counted enrolled a pupil must attend twenty or more school days in a public school in Delaware.

(2) In case a pupil transfers from one school to another in Delaware; (a) he shall be counted as enrolled in the school in which he attends the largest number of days; (b) if he attends the same number of days in each of two or more schools he shall be counted as enrolled in the school which he last attended.

## APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

(3) In case of a continuation school where pupils are required to attend fewer than five days a week the enrollment in such a school shall be multiplied by one-fifth times the number of days the pupil is required to attend school per week.

(j) For the purposes of continuing the salary increments made in accordance with paragraph (i) of this Section during the fiscal year ending June 30, 1943, the sum of Ninety-five Thousand Dollars (\$95,000).

(k) For the purposes of providing for the vocational education program during the fiscal year July 1, 1942 to June 30, 1943 on a basis similar to that of the preceding year, the sum of Five Thousand Dollars (\$5,000).

(l) Any amounts received as payment for tuition by any Board of a school under control of the State Board of Education shall be paid to the State Treasurer for the use of the State Board of Education as said State Board shall in its discretion determine.

Section 3. The State Treasurer is hereby directed to pay out of the amounts appropriated in Section 1 of this Act on warrants of the respective Boards of Education of the Special School Districts or in the case of the several Boards of School Trustees on warrants of the State Board of Education not to exceed the following amounts:

### 2. SPECIAL SCHOOL DISTRICTS

	Year Ended June 30, 1942	Year Ended June 30, 1943
<b>CLAYMONT</b>		
Administrative Control		
Salaries .....	\$ 6,691.77	\$ 6,691.77
Office Expense .....	198.00	198.00
Travel .....	70.00	70.00
Miscellaneous .....		

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Instructional Service		
Salaries .....	50,444.95	50,444.95
Text and Library Books .....	347.81	389.41
Material and Supplies .....	318.26	357.26
Miscellaneous .....		18.91
Operation and Maintenance		
Salaries—Janitors and Engineers	5,254.80	5,254.80
Janitor Supplies .....	115.25	125.89
Fuel, Water, Light and Heat ....	2,052.16	2,052.16
Miscellaneous .....		4.25
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	400.00	400.00
Auxiliary Agencies		
Libraries .....		
Promotion of Health .....	50.00	50.00
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TOTAL Claymont .....	\$ 66,643.00	\$ 66,757.40

## ALEXIS I. DU PONT

Administrative Control		
Salaries .....	\$ 5,550.00	\$ 5,550.00
Office Expense .....	482.00	482.00
Travel .....	130.00	130.00
Miscellaneous .....		
Instructional Service		
Salaries .....	33,282.93	33,282.93
Text and Library Books .....	970.26	1,003.54
Material and Supplies .....	906.23	937.44
Miscellaneous .....		15.13
Operation and Maintenance		
Salaries—Janitors and Engineers.	3,920.00	3,920.00
Janitor Supplies .....	249.70	258.21
Fuel, Water, Light and Heat ....	1,548.67	1,548.67
Miscellaneous .....		3.42
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	600.00	600.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## Auxiliary Agencies

Libraries .....		
Promotion of Health .....	50.00	50.00

TOTAL Alexis I. du Pont ...	\$ 48,389.79	\$ 48,481.34
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## NEWARK

### Administrative Control

Salaries .....	\$ 7,350.00	\$ 7,350.00
Office Expense .....	1,781.00	1,781.00
Travel .....	27.00	27.00
Miscellaneous .....		

### Instructional Service

Salaries .....	77,499.11	77,499.11
Text and Library Books .....	2,544.59	2,594.55
Material and Supplies .....	2,376.67	2,423.51
Miscellaneous .....	1,154.40	1,177.11

### Operation and Maintenance

Salaries—Janitors and Engineers .....	6,840.00	6,840.00
Janitor Supplies .....	654.86	667.64
Fuel, Water, Light and Heat ....	4,615.43	4,615.43
Miscellaneous .....		5.11
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	1,000.00	1,000.00

### Auxiliary Agencies

Libraries .....	802.00	802.00
Promotion of Health .....	50.00	50.00

TOTAL Newark .....	\$107,395.06	\$107,532.46
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## NEW CASTLE

### Administrative Control

Salaries .....	\$ 5,000.00	\$ 5,000.00
Office Expense .....	1,049.00	1,049.00
Travel .....	234.00	234.00
Miscellaneous .....		



# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Instructional Service		
Salaries .....	39,791.69	39,791.69
Text and Library Books .....	2,057.12	2,093.73
Material and Supplies .....	1,921.38	1,955.71
Miscellaneous .....	933.26	949.90
Operation and Maintenance		
Salaries—Janitors and Engineers	3,554.00	3,554.00
Janitor Supplies .....	629.41	638.77
Fuel, Water, Light and Heat ....	2,059.87	2,059.87
Miscellaneous .....	314.93	318.68
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	675.00	675.00
Auxiliary Agencies		
Libraries .....	571.00	571.00
Promotion of Health .....	50.00	50.00
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TOTAL New Castle .....	\$ 59,540.66	\$ 59,641.35

## SMYRNA

Administrative Control		
Salaries .....	\$ 4,805.00	\$ 4,805.00
Office Expense .....	824.00	824.00
Travel .....	210.00	210.00
Miscellaneous .....	21.00	21.00
Instructional Service		
Salaries .....	46,823.72	46,823.72
Text and Library Books .....	1,877.54	1,902.52
Material and Supplies .....	1,753.64	1,777.06
Miscellaneous .....	851.78	863.14
Operation and Maintenance		
Salaries—Janitors and Engineers	3,298.20	3,298.20
Janitor Supplies .....	483.19	489.58
Fuel, Water, Light and Heat ....	3,287.64	3,287.64
Miscellaneous .....	196.17	198.73
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	740.00	740.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## Auxiliary Agencies

Libraries .....	465.00	465.00
Promotion of Health .....	50.00	50.00

TOTAL Smyrna .....	\$ 66,386.88	\$ 66,455.59
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## DOVER

### Administrative Control

Salaries .....	\$ 6,450.00	\$ 6,450.00
Office Expense .....	1,782.00	1,782.00
Travel .....	71.00	71.00
Miscellaneous .....		

### Instructional Service

Salaries .....	85,015.54	85,015.54
Text and Library Books .....	2,448.96	2,515.53
Material and Supplies .....	2,287.36	2,349.78
Miscellaneous .....	1,111.02	1,141.29

### Operation and Maintenance

Salaries—Janitors and Engineers	5,800.00	5,800.00
Janitor Supplies .....	630.25	647.28
Fuel, Water, Light and Heat ....	3,953.72	3,953.72
Miscellaneous .....	255.87	262.68
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	575.00	575.00

### Auxiliary Agencies

Libraries .....	177.00	177.00
Promotion of Health .....	50.00	50.00

TOTAL Dover .....	\$111,307.72	\$111,490.82
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## CAESAR RODNEY

### Administrative Control

Salaries .....	\$ 5,600.00	\$ 5,600.00
Office Expense .....	1,245.00	1,245.00
Travel .....	120.00	120.00
Miscellaneous .....	450.00	450.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Instructional Service		
Salaries .....	42,761.38	42,761.38
Text and Library Books .....	2,159.75	2,176.48
Material and Supplies .....	2,017.23	2,032.91
Miscellaneous .....	1,979.82	1,987.43
Operation and Maintenance		
Salaries—Janitors and Engineers	2,540.00	2,540.00
Janitor Supplies .....	555.82	560.10
Fuel, Water, Light and Heat ....	3,188.12	3,188.12
Miscellaneous .....	225.65	227.35
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	530.00	530.00
Auxiliary Agencies		
Libraries .....	750.00	750.00
Promotion of Health .....	50.00	50.00
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TOTAL Caesar Rodney .....	\$ 64,872.77	\$ 64,918.77

## HARRINGTON

Administrative Control		
Salaries .....	\$ 6,352.54	\$ 6,352.54
Office Expense .....	797.00	797.00
Travel .....	211.00	211.00
Miscellaneous .....	31.00	31.00
Instructional Service		
Salaries .....	42,527.89	42,527.89
Text and Library Books .....	981.92	981.92
Material and Supplies .....	917.12	917.12
Miscellaneous .....		
Operation and Maintenance		
Salaries—Janitors and Engineers.	3,832.50	3,832.50
Janitor Supplies .....	252.70	252.70
Fuel, Water, Light and Heat ....	2,608.85	2,608.85
Miscellaneous .....		
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	550.00	550.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Auxiliary Agencies		
Libraries .....	550.00	550.00
Promotion of Health .....	50.00	50.00
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TOTAL Harrington .....	\$ 60,362.52	\$ 60,362.52

## MILFORD

Administrative Control		
Salaries .....	\$ 11,234.38	\$ 11,234.38
Office Expense .....	409.00	409.00
Travel .....	117.00	117.00
Miscellaneous .....	325.00	325.00
Instructional Service		
Salaries .....	64,183.91	64,183.91
Text and Library Books .....	2,206.40	2,239.69
Material and Supplies .....	2,060.80	2,092.01
Miscellaneous .....	1,000.98	1,016.11
Operation and Maintenance		
Salaries—Janitors and Engineers	5,506.10	5,506.10
Janitor Supplies .....	567.83	576.34
Fuel, Water, Light and Heat ....	4,627.53	4,627.53
Miscellaneous .....	791.53	794.94
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	650.00	650.00
Auxiliary Agencies		
Libraries .....		
Promotion of Health .....	50.00	50.00
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TOTAL Milford .....	\$ 94,430.46	\$ 94,522.01

## GEORGETOWN

Administrative Control		
Salaries .....	\$ 5,655.58	\$ 5,655.58
Office Expense .....	1,147.00	1,147.00
Travel .....	85.00	85.00
Miscellaneous .....		

### APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Instructional Service		
Salaries .....	42,761.38	42,761.38
Text and Library Books .....	2,159.75	2,176.48
Material and Supplies .....	2,017.23	2,032.91
Miscellaneous .....	1,979.82	1,987.43
Operation and Maintenance		
Salaries—Janitors and Engineers	2,540.00	2,540.00
Janitor Supplies .....	555.82	560.10
Fuel, Water, Light and Heat ....	3,188.12	3,188.12
Miscellaneous .....	225.65	227.35
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	530.00	530.00
Auxiliary Agencies		
Libraries .....	750.00	750.00
Promotion of Health .....	50.00	50.00
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TOTAL Caesar Rodney .....	\$ 64,872.77	\$ 64,918.77

### HARRINGTON

Administrative Control		
Salaries .....	\$ 6,352.54	\$ 6,352.54
Office Expense .....	797.00	797.00
Travel .....	211.00	211.00
Miscellaneous .....	31.00	31.00
Instructional Service		
Salaries .....	42,527.89	42,527.89
Text and Library Books .....	981.92	981.92
Material and Supplies .....	917.12	917.12
Miscellaneous .....		
Operation and Maintenance		
Salaries—Janitors and Engineers.	3,832.50	3,832.50
Janitor Supplies .....	252.70	252.70
Fuel, Water, Light and Heat ....	2,608.85	2,608.85
Miscellaneous .....		
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	550.00	550.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Auxiliary Agencies		
Libraries .....	550.00	550.00
Promotion of Health .....	50.00	50.00
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TOTAL Harrington .....	\$ 60,362.52	\$ 60,362.52

## MILFORD

Administrative Control		
Salaries .....	\$ 11,234.38	\$ 11,234.38
Office Expense .....	409.00	409.00
Travel .....	117.00	117.00
Miscellaneous .....	325.00	325.00
Instructional Service		
Salaries .....	64,183.91	64,183.91
Text and Library Books .....	2,206.40	2,239.69
Material and Supplies .....	2,060.80	2,092.01
Miscellaneous .....	1,000.98	1,016.11
Operation and Maintenance		
Salaries—Janitors and Engineers	5,506.10	5,506.10
Janitor Supplies .....	567.83	576.34
Fuel, Water, Light and Heat ....	4,627.53	4,627.53
Miscellaneous .....	791.53	794.94
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	650.00	650.00
Auxiliary Agencies		
Libraries .....		
Promotion of Health .....	50.00	50.00
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TOTAL Milford .....	\$ 94,430.46	\$ 94,522.01

## GEORGETOWN

Administrative Control		
Salaries .....	\$ 5,655.58	\$ 5,655.58
Office Expense .....	1,147.00	1,147.00
Travel .....	85.00	85.00
Miscellaneous .....		

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Instructional Service		
Salaries .....	50,295.37	50,295.37
Text and Library Books .....	1,541.68	1,549.99
Material and Supplies .....	1,439.96	1,447.75
Miscellaneous .....	699.41	703.19
Operation and Maintenance		
Salaries—Janitors and Engineers.	3,640.00	3,640.00
Janitor Supplies .....	396.76	398.90
Fuel, Water, Light and Heat ...	2,557.21	2,557.21
Miscellaneous .....	161.08	161.92
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	525.00	525.00
Auxiliary Agencies		
Libraries .....	476.00	476.00
Promotion of Health .....	50.00	50.00
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TOTAL Georgetown .....	\$ 69,370.05	\$ 69,392.91

## LEWES

Administrative Control		
Salaries .....	\$ 4,460.00	\$ 4,460.00
Office Expense .....	493.00	493.00
Travel .....	172.00	172.00
Miscellaneous .....	223.00	223.00
Instructional Service		
Salaries .....	36,472.44	36,472.44
Text and Library Books .....	1,434.39	1,467.68
Material and Supplies .....	1,339.74	1,370.95
Miscellaneous .....	1,650.74	1,665.87
Operation and Maintenance		
Salaries—Janitors and Engineers	2,870.00	2,870.00
Janitor Supplies .....	369.15	377.66
Fuel, Water, Light and Heat ....	1,492.07	1,492.07
Miscellaneous .....	149.87	153.28
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	750.00	750.00

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## Auxiliary Agencies

Libraries .....	599.00	599.00
Promotion of Health .....	50.00	50.00

	\$ 53,225.40	\$ 53,316.95
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## SEAFORD

### Administrative Control

Salaries .....	\$ 8,450.00	\$ 8,450.00
Office Expense .....	1,611.00	1,611.00
Travel .....	265.00	265.00
Miscellaneous .....	282.00	282.00

### Instructional Service

Salaries .....	60,883.30	60,883.30
Text and Library Books .....	2,469.95	2,561.50
Material and Supplies .....	2,506.96	2,592.80
Miscellaneous .....	1,520.54	1,562.16

### Operation and Maintenance

Salaries—Janitors and Engineers	4,575.00	4,575.00
Janitor Supplies .....	835.66	859.08
Fuel, Water, Light and Heat ...	4,468.12	4,468.12
Miscellaneous .....	1,208.06	1,217.43
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	950.00	950.00

### Auxiliary Agencies

Libraries .....		
Promotion of Health .....	50.00	50.00

	\$ 90,775.59	\$ 91,027.39
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## LAUREL

### Administrative Control

Salaries .....	\$ 6,130.00	\$ 6,130.00
Office Expense .....	1,661.00	1,661.00
Travel .....		
Miscellaneous .....	27.00	27.00



### APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Instructional Service		
Salaries .....	75,371.11	75,371.11
Text and Library Books .....	2,267.04	2,325.31
Material and Supplies .....	2,117.44	2,172.07
Miscellaneous .....	1,528.49	1,554.98
Operation and Maintenance		
Salaries—Janitors and Engineers	4,684.03	4,684.03
Janitor Supplies .....	583.43	598.33
Fuel, Water, Light and Heat ...	2,876.84	2,876.84
Miscellaneous .....	1,283.86	1,289.82
Upkeep of Grounds .....	200.00	200.00
Repairs .....	500.00	500.00
Insurance .....	700.00	700.00
Auxiliary Agencies		
Libraries .....		
Promotion of Health .....	50.00	50.00
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TOTAL Laurel .....	\$ 99,980.24	\$100,140.49

### REHOBOTH

Administrative Control		
Salaries .....	\$ 3,315.00	\$ 3,315.00
Office Expense .....	136.00	136.00
Travel .....		
Miscellaneous .....		
Instructional Service		
Salaries .....	16,079.18	16,079.18
Text and Library .....		41.60
Material and Supplies .....		39.00
Miscellaneous .....		18.91
Operation and Maintenance		
Salaries—Janitors and Engineers	1,950.00	1,950.00
Janitor Supplies .....		10.64
Fuel, Water, Light and Heat ...	734.94	734.94
Miscellaneous .....		4.25
Upkeep of Grounds .....	200.00	200.00
Repairs .....	250.00	250.00
Insurance .....	200.00	200.00

## APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

### Auxiliary Agencies

Libraries .....		
Promotion of Health .....	50.00	50.00
<b>TOTAL Rehoboth .....</b>	<b>\$ 22,915.12</b>	<b>\$ 23,029.52</b>

### 3. REGULAR SCHOOL DISTRICTS

#### MT. PLEASANT, No. 2

##### Administrative Control

Salaries .....	\$ 700.00	\$ 700.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

##### Instructional Service

Salaries .....	38,970.05	38,970.05
Text and Library Books .....	1,454.00	1,555.00
Material and Supplies .....	1,358.00	1,452.00
Miscellaneous .....	659.00	705.00

##### Operation and Maintenance

Salaries—Janitors and Engineers .....	1,550.00	1,550.00
Janitor Supplies .....	374.00	400.00
Fuel, Water, Light and Heat ...	3,469.71	3,469.71
Miscellaneous .....	152.00	163.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

**TOTAL Mt. Pleasant No. 2 .. \$ 48,886.76    \$ 49,164.76**

#### ARDEN, No. 3

##### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

##### Instructional Service

Salaries .....	1,300.00	1,300.00
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Text and Library Books .....	80.00	78.00
Material and Supplies .....	74.00	73.00
Miscellaneous .....	36.00	35.00
Operation and Maintenance		
Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	20.00	20.00
Fuel, Water, Light and Heat ....	172.22	172.22
Miscellaneous .....	8.00	8.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00
<b>TOTAL Arden, No. 3 .....</b>	<b>\$ 1,750.22</b>	<b>\$ 1,746.22</b>
<b>ALFRED I. DU PONT, No. 7</b>		
Administrative Control		
Salaries .....	\$ 350.00	\$ 350.00
Office Expense .....		
Travel .....		
Miscellaneous .....		
Instructional Service		
Salaries .....	22,286.62	22,286.62
Text and Library Books .....	723.00	764.00
Materials and Supplies .....	676.00	714.00
Miscellaneous .....	328.00	347.00
Operation and Maintenance		
Salaries—Janitors and Engineers	1,000.00	1,000.00
Janitor Supplies .....	186.00	197.00
Fuel, Water, Light and Heat ...	2,033.07	2,033.07
Miscellaneous .....	76.00	80.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00
<b>TOTAL Alfred I. Du Pont,</b>		
<b>No. 7 .....</b>	<b>\$ 27,858.69</b>	<b>\$ 27,971.69</b>
<b>RICHARDSON PARK, No. 20</b>		
Administrative Control		
Salaries .....	\$ 700.00	\$ 700.00
Office Expense .....		

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Travel .....		
Miscellaneous .....		
Instructional Service		
Salaries .....	35,930.00	35,930.00
Text and Library Books .....	1,326.00	1,404.00
Material and Supplies .....	1,239.00	1,311.00
Miscellaneous .....	602.00	637.00
Operation and Maintenance		
Salaries—Janitors and Engineers	1,680.00	1,680.00
Janitor Supplies .....	341.00	361.00
Fuel, Water, Light and Heat ...	1,925.05	1,925.05
Miscellaneous .....	139.00	147.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00
TOTAL Richardson Park,		
No. 20 .....	\$ 44,082.05	\$ 44,295.05

## NEWPORT, No. 21

Administrative Control		
Salaries .....	\$ .....	\$ .....
Office Expense .....		
Travel .....		
Miscellaneous .....		
Instructional Service		
Salaries .....	13,775.00	13,775.00
Text and Library Books .....	495.00	406.00
Material and Supplies .....	463.00	379.00
Miscellaneous .....	225.00	184.00
Operation and Maintenance		
Salaries—Janitors and Engineers	950.00	950.00
Janitor Supplies .....	127.00	104.00
Fuel, Water, Light and Heat ...	1,244.43	1,244.43
Miscellaneous .....	52.00	42.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00
TOTAL Newport, No. 21 .....	\$ 17,531.43	\$ 17,284.43

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## WALNUT GREEN, No. 25

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,250.00	1,250.00
Text and Library Books .....	30.00	29.00
Material and Supplies .....	28.00	28.00
Miscellaneous .....	14.00	13.00

### Operation and Maintenance

Salaries—Janitors and Engineers	200.00	200.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ...	213.95	213.95
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Walnut Green, No. 25..\$	1,766.95	\$ 1,764.95
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## HOCKESSIN, No. 29

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	6,750.00	6,750.00
Text and Library Books .....	221.00	218.00
Material and Supplies .....	207.00	204.00
Miscellaneous .....	100.00	99.00

### Operation and Maintenance

Salaries—Janitors and Engineers	445.00	445.00
Janitor Supplies .....	57.00	56.00
Fuel, Water, Light and Heat ....	501.00	501.00
Miscellaneous .....	23.00	23.00
Upkeep of Grounds .....		
Repairs .....	80.00	80.00

TOTAL Hockessin, No. 29 ....\$	8,384.00	\$ 8,376.00
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## HARMONY, No. 32

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	34.00	33.00
Material and Supplies .....	31.00	31.00
Miscellaneous .....	15.00	15.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	9.00	8.00
Fuel, Water, Light and Heat ....	80.19	80.19
Miscellaneous .....	4.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Harmony, No. 32 ....	\$ 1,533.19	\$ 1,530.19
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## MT. PLEASANT, No. 34

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	39.00	38.00
Material and Supplies .....	36.00	36.00
Miscellaneous .....	18.00	17.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	10.00	10.00
Fuel, Water, Light and Heat ....	72.54	72.54
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Mt. Pleasant, No. 34 ..	\$ 1,539.54	\$ 1,537.54
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MILFORD X ROADS, No. 37

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	950.00	950.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	62.46	62.46
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

### TOTAL Milford X Roads,

No. 37 .....	\$ 1,146.46	\$ 1,144.46
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## STANTON, No. 38

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	8,425.00	8,425.00
Text and Library Books .....	301.00	302.00
Material and Supplies .....	281.00	282.00
Miscellaneous .....	136.00	137.00

### Operation and Maintenance

Salaries—Janitors and Engineers	637.50	637.50
Janitor Supplies .....	77.00	78.00
Fuel, Water, Light and Heat ...	709.16	709.16
Miscellaneous .....	31.00	32.00
Upkeep of Grounds .....	.....	.....
Repairs .....	120.00	120.00

TOTAL Stanton, No. 38 .....	\$ 10,717.66	\$ 10,722.66
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

## McCLELLANDSVILLE, No. 40

## Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

## Instructional Service

Salaries .....	1,425.00	1,425.00
Text and Library Books .....	23.00	23.00
Material and Supplies .....	21.00	21.00
Miscellaneous .....	10.00	10.00

## Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	6.00	6.00
Fuel, Water, Light and Heat ...	65.25	65.25
Miscellaneous .....	2.00	2.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

## TOTAL McClellandsville,

No. 40 .....	\$ 1,612.25	\$ 1,612.25
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## CHRISTIANA, No. 44

## Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

## Instructional Service

Salaries .....	7,350.00	7,350.00
Text and Library Books .....	221.00	217.00
Material and Supplies .....	207.00	202.00
Miscellaneous .....	100.00	98.00

## Operation and Maintenance

Salaries—Janitors and Engineers	609.50	609.50
Janitor Supplies .....	57.00	56.00
Fuel, Water, Light and Heat ....	671.81	671.81
Miscellaneous .....	23.00	23.00
Upkeep of Grounds .....		
Repairs .....	100.00	100.00

TOTAL Christiana, No. 44 ...	\$ 9,339.31	\$ 9,327.31
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## ROSE HILL-MINQUADALE, No. 47

### Administrative Control

Salaries .....	\$ 350.00	\$ 350.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	19,900.00	19,900.00
Text and Library Books .....	921.00	938.00
Material and Supplies .....	861.00	876.00
Miscellaneous .....	418.00	425.00

### Operation and Maintenance

Salaries—Janitors and Engineers	1,311.50	1,311.50
Janitor Supplies .....	237.00	241.00
Fuel, Water, Light and Heat ....	1,589.74	1,589.74
Miscellaneous .....	96.00	98.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

### TOTAL Rose Hill-Minquadale,

No. 47 .....	\$ 25,884.24	\$ 25,929.24
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## DELAWARE CITY, No. 52

### Administrative Control

Salaries .....	\$ 350.00	\$ 350.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	20,349.04	20,349.04
Text and Library Books .....	605.00	683.00
Material and Supplies .....	565.00	638.00
Miscellaneous .....	274.00	310.00

### Operation and Maintenance

Salaries—Janitors and Engineers	1,100.00	1,100.00
Janitor Supplies .....	156.00	176.00
Fuel, Water, Light and Heat ....	2,430.17	2,430.17
Miscellaneous .....	63.00	71.00
Upkeep of Grounds .....		
Repairs .....	100.00	100.00

TOTAL Delaware City, No. 52.	\$ 25,992.21	\$ 26,207.21
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## COMMODORE MacDONOUGH, No. 53

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	10,025.00	10,025.00
Text and Library Books .....	301.00	295.00
Material and Supplies .....	281.00	275.00
Miscellaneous .....	136.00	134.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	845.00	845.00
Janitor Supplies .....	77.00	76.00
Fuel, Water, Light and Heat ....	629.87	629.87
Miscellaneous .....	31.00	31.00
Upkeep of Grounds .....	.....	.....
Repairs .....	140.00	140.00

TOTAL Commodore MacDon- ough, No. 53 .....	\$ 12,465.87	\$ 12,450.87
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## GLASGOW, No. 56

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	46.00	45.00
Material and Supplies .....	43.00	42.00
Miscellaneous .....	21.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	12.00	12.00
Fuel, Water, Light and Heat ....	71.33	71.33
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Glasgow, No. 56 .....	\$ 1,558.33	\$ 1,555.33
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MIDDLETOWN, No. 60

### Administrative Control

Salaries .....	\$ 1,050.00	\$ 1,050.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	40,352.21	40,352.21
Text and Library Books .....	960.00	920.00
Material and Supplies .....	897.00	860.00
Miscellaneous .....	436.00	417.00

### Operation and Maintenance

Salaries—Janitors and Engineers	2,000.00	2,000.00
Janitor Supplies .....	247.00	237.00
Fuel, Water, Light and Heat ...	1,485.67	1,485.67
Miscellaneous .....	100.00	96.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Middletown, No. 60 ..	\$ 47,727.88	\$ 47,617.88
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## CORBIT, No. 61

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,550.00	2,550.00
Text and Library Books .....	97.00	95.00
Material and Supplies .....	91.00	89.00
Miscellaneous .....	44.00	43.00

### Operation and Maintenance

Salaries—Janitors and Engineers	268.75	268.75
Janitor Supplies .....	25.00	25.00
Fuel, Water, Light and Heat ....	337.95	337.95
Miscellaneous .....	10.00	10.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Corbit, No. 61 .....	\$ 3,463.70	\$ 3,458.70
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## PORT PENN, No. 63

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	62.00	61.00
Material and Supplies .....	58.00	57.00
Miscellaneous .....	28.00	28.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	16.00	16.00
Fuel, Water, Light and Heat ....	83.86	83.86
Miscellaneous .....	6.00	6.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Port Penn, No. 63 ..\$	1,613.86	\$ 1,611.86
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## TAYLOR'S BRIDGE, No. 66

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,050.00	1,050.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	78.97	78.97
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Taylor's Bridge, No. 66.\$	1,262.97	\$ 1,260.97
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## BLACKBIRD, No. 69

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	46.00	45.00
Material and Supplies .....	43.00	42.00
Miscellaneous .....	21.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	12.00	12.00
Fuel, Water, Light and Heat ...	63.00	63.00
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Blackbird, No. 69 .....	\$ 1,550.00	\$ 1,547.00
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## PATTERSON, No. 71½

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	800.00	800.00
Text and Library Books .....	35.00	35.00
Material and Supplies .....	33.00	32.00
Miscellaneous .....	16.00	16.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ....	64.08	64.08
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Patterson, No. 71½ ..	\$ 1,021.08	\$ 1,020.08
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MARSHALLTON, No. 77

### Administrative Control

Salaries .....	\$ 700.00	\$ 700.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	34,008.47	34,008.47
Text and Library Books .....	1,164.00	1,194.00
Material and Supplies .....	1,087.00	1,116.00
Miscellaneous .....	528.00	542.00

### Operation and Maintenance

Salaries—Janitors and Engineers	1,200.00	1,200.00
Janitor Supplies .....	299.00	307.00
Fuel, Water, Light and Heat ....	2,026.91	2,026.91
Miscellaneous .....	122.00	125.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Marshallton, No. 77	\$ 41,335.38	\$ 41,419.38
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## TOWNSEND, No. 81

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	7,700.00	7,700.00
Text and Library Books .....	320.00	314.00
Material and Supplies .....	299.00	293.00
Miscellaneous .....	145.00	142.00

### Operation and Maintenance

Salaries—Janitors and Engineers	650.00	650.00
Janitor Supplies .....	82.00	81.00
Fuel, Water, Light and Heat ....	817.85	817.85
Miscellaneous .....	33.00	33.00
Upkeep of Grounds .....		
Repairs .....	120.00	120.00

TOTAL Townsend, No. 81	\$ 10,166.85	\$ 10,150.85
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

## KIRKWOOD, No. 88

## Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

## Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	25.00	24.00
Material and Supplies .....	23.00	23.00
Miscellaneous .....	11.00	11.00

## Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	6.00	6.00
Fuel, Water, Light and Heat ....	82.62	82.62
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Kirkwood, No. 88 ...\$	1,510.62	\$ 1,509.62
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## YORKLYN, No. 91

## Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

## Instructional Service

Salaries .....	5,525.00	5,525.00
Text and Library Books .....	258.00	255.00
Materials and Supplies .....	241.00	238.00
Miscellaneous .....	117.00	116.00

## Operation and Maintenance

Salaries—Janitors and Engineers .....	445.00	445.00
Janitor Supplies .....	66.00	66.00
Fuel, Water, Light and Heat ....	404.55	404.55
Miscellaneous .....	27.00	27.00
Upkeep of Grounds .....		
Repairs .....	80.00	80.00

TOTAL Yorklyn, No. 91 ....\$	7,163.55	\$ 7,156.55
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

## PLEASANT VALLEY, No. 92

## Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

## Instructional Service

Salaries .....	1,450.00	1,450.00
Text and Library Books .....	50.00	49.00
Material and Supplies .....	46.00	45.00
Miscellaneous .....	22.00	22.00

## Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	13.00	13.00
Fuel, Water, Light and Heat ....	58.41	58.41
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Pleasant Valley, No. 92. \$ 1,704.41    \$ 1,702.41

## EDEN, No. 101

## Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

## Instructional Service

Salaries .....	2,000.00	2,000.00
Text and Library Books .....	110.00	107.00
Material and Supplies .....	102.00	100.00
Miscellaneous .....	50.00	49.00

## Operation and Maintenance

Salaries—Janitors and Engineers .....	192.50	192.50
Janitor Supplies .....	28.00	28.00
Fuel, Water, Light and Heat ...	315.93	315.93
Miscellaneous .....	11.00	11.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Eden, No. 101 ..... \$ 2,849.43    \$ 2,843.43



APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

OAK GROVE, No. 130

Administrative Control

Salaries .....	\$ 350.00	\$ 350.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	17,675.00	17,675.00
Text and Library Books .....	621.00	634.00
Material and Supplies .....	580.00	593.00
Miscellaneous .....	282.00	288.00

Operation and Maintenance

Salaries—Janitors and Engineers	1,200.00	1,200.00
Janitor Supplies .....	160.00	163.00
Fuel, Water, Light and Heat ....	1,025.33	1,025.33
Miscellaneous .....	65.00	66.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

	\$ 22,158.33	\$ 22,194.33
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HENRY C. CONRAD, No. 131

Administrative Control

Salaries .....	\$ 1,820.00	\$ 1,820.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	46,811.41	46,811.41
Text and Library Books .....	1,189.00	1,203.00
Material and Supplies .....	1,110.00	1,124.00
Miscellaneous .....	539.00	546.00

Operation and Maintenance

Salaries—Janitors and Engineers	2,760.00	2,760.00
Janitor Supplies .....	306.00	309.00
Fuel, Water, Light and Heat ....	2,932.91	2,932.91
Miscellaneous .....	124.00	126.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Henry C. Conrad,

	\$ 57,792.32	\$ 57,832.32
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## NEWPORT, No. 106-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	10,560.59	10,560.59
Text and Library Books .....	354.00	346.00
Material and Supplies .....	330.00	324.00
Miscellaneous .....	160.00	157.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	731.25	731.25
Janitor Supplies .....	91.00	89.00
Fuel, Water, Light and Heat ....	1,249.87	1,249.87
Miscellaneous .....	37.00	36.00
Upkeep of Grounds .....		
Repairs .....	100.00	100.00

### TOTAL Newport, No. 106-C

(Colored) .....\$ 13,613.71    \$ 13,593.71

## HOCKESSIN, No. 107-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,275.00	1,275.00
Text and Library Books .....	50.00	49.00
Material and Supplies .....	46.00	55.00
Miscellaneous .....	22.00	22.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	13.00	12.00
Fuel, Water, Light and Heat ....	144.17	144.17
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Hockessin, No. 107-C

(Colored) .....\$ 1,615.17    \$ 1,622.17

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MARSHALLTON, No. 108-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	39.00	38.00
Material and Supplies .....	36.00	36.00
Miscellaneous .....	18.00	17.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	10.00	10.00
Fuel, Water, Light and Heat ....	123.12	123.12
Miscellaneous .....	4.00	4.00

Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Marshallton, No. 108-C		
(Colored) .....	\$ 1,590.12	\$ 1,588.12

## CHRISTIANA, No. 111-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,400.00	1,400.00
Text and Library Books .....	32.00	31.00
Material and Supplies .....	30.00	29.00
Miscellaneous .....	14.00	14.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ....	138.78	138.78
Miscellaneous .....	3.00	3.00

Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Christiana, No. 111-C		
(Colored) .....	\$ 1,685.78	\$ 1,683.78

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## IRON HILL, No. 112-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	30.00	31.00
Material and Supplies .....	28.00	29.00
Miscellaneous .....	14.00	14.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ...	107.00	107.00
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Iron Hill, No. 112-C

(Colored) .....	\$ 1,550.00	\$ 1,552.00
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## BETHESDA, No. 113-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,200.00	1,200.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	25.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	72.72	72.72
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Bethesda, No. 113-C

(Colored) .....	\$ 1,406.72	\$ 1,405.72
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## KIRKWOOD, No. 115-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	30.00	29.00
Material and Supplies .....	28.00	28.00
Miscellaneous .....	14.00	13.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ....	88.53	88.53
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Kirkwood, No. 115-C	<u>.....</u>	<u>.....</u>
(Colored) .....	\$ 1,531.53	\$ 1,529.53

## SUMMIT BRIDGE, No. 116-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	64.45	64.45
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Summit Bridge,	<u>.....</u>	<u>.....</u>
No. 116-C (Colored) .....	\$ 1,498.45	\$ 1,496.45

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## ST. GEORGES, No. 117-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,150.00	1,150.00
Text and Library Books .....	18.00	17.00
Material and Supplies .....	17.00	16.00
Miscellaneous .....	8.00	8.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	5.00	4.00
Fuel, Water, Light and Heat ...	85.12	85.12
Miscellaneous .....	2.00	2.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL St. Georges, No. 117-C

(Colored) .....	\$ 1,345.12	\$ 1,342.12
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## DELAWARE CITY, No. 118-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,600.00	2,600.00
Text and Library Books .....	78.00	62.00
Material and Supplies .....	73.00	58.00
Miscellaneous .....	35.00	28.00

### Operation and Maintenance

Salaries—Janitors and Engineers	80.00	80.00
Janitor Supplies .....	20.00	16.00
Fuel, Water, Light and Heat ....	203.40	203.40
Miscellaneous .....	8.00	7.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Delaware City,

No. 118-C (Colored) .....	\$ 3,137.40	\$ 3,094.40
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MT. PLEASANT, No. 119-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	35.00	35.00
Material and Supplies .....	33.00	32.00
Miscellaneous .....	16.00	16.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ....	94.83	94.83
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Mt. Pleasant,

No. 119-C (Colored) .....	\$ 1,551.83	\$ 1,550.83
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## MIDDLETOWN, No. 120-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	10,607.37	10,607.37
Text and Library Books .....	442.00	416.00
Material and Supplies .....	413.00	389.00
Miscellaneous .....	201.00	189.00

### Operation and Maintenance

Salaries—Janitors and Engineers	770.00	770.00
Janitor Supplies .....	114.00	107.00
Fuel, Water, Light and Heat ....	959.05	959.05
Miscellaneous .....	46.00	43.00
Upkeep of Grounds .....		
Repairs .....	80.00	80.00

### TOTAL Middletown, No. 120-C

(Colored) .....	\$ 13,632.42	\$ 13,560.42
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## PORT PENN, No. 122-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,050.00	1,050.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	88.29	88.29
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Port Penn, No. 122-C

(Colored) .....	\$ 1,272.29	\$ 1,270.29
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## LEE'S CHAPEL, No. 124-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	53.00	52.00
Material and Supplies .....	50.00	49.00
Miscellaneous .....	24.00	24.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	14.00	14.00
Fuel, Water, Light and Heat ....	103.25	103.25
Miscellaneous .....	6.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Lee's Chapel, No. 124-C

(Colored) .....	\$ 1,610.25	\$ 1,607.25
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## TOWNSEND, No. 125-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	51.00	50.00
Material and Supplies .....	48.00	47.00
Miscellaneous .....	23.00	23.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	13.00	13.00
Fuel, Water, Light and Heat ...	85.05	85.05
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Townsend, No. 125-C

(Colored) .....	\$ 1,585.05	\$ 1,583.05
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## EBENEZER, No. 126-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,225.00	1,225.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	85.13	85.13
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Ebenezer, No. 126-C

(Colored) .....	\$ 1,444.13	\$ 1,442.13
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## KENTON, No. 9

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	4,000.00	4,000.00
Text and Library Books .....	120.00	118.00
Material and Supplies .....	112.00	110.00
Miscellaneous .....	55.00	54.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	255.00	255.00
Janitor Supplies .....	31.00	30.00
Fuel, Water, Light and Heat ...	487.06	487.06
Miscellaneous .....	13.00	12.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

TOTAL Kenton, No. 9 .....	\$ 5,133.06	\$ 5,126.06
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## LEIPSIC, No. 11

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	44.00	43.00
Material and Supplies .....	41.00	40.00
Miscellaneous .....	20.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	11.00	11.00
Fuel, Water, Light and Heat ...	141.37	141.37
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Leipsic, No. 11 .....	\$ 1,622.37	\$ 1,620.37
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MT. WILLOW, No. 16

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,050.00	1,050.00
Text and Library Books .....	32.00	29.00
Material and Supplies .....	30.00	28.00
Miscellaneous .....	14.00	13.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ...	45.59	45.59
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Mt. Willow, No. 16 ..\$	1,242.59	\$ 1,236.59
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## OAK POINT, No. 20

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,050.00	1,050.00
Text and Library Books .....	34.00	36.00
Material and Supplies .....	31.00	34.00
Miscellaneous .....	15.00	17.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ...	58.50	58.50
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Oak Point, No. 20 ...\$	1,261.50	\$ 1,268.50
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## SANDTOWN, No. 23

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	950.00	950.00
Text and Library Books .....	25.00	24.00
Material and Supplies .....	23.00	23.00
Miscellaneous .....	11.00	11.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	6.00	6.00
Fuel, Water, Light and Heat ...	42.88	42.88
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Sandtown, No. 23 ...\$	1,120.88	\$ 1,119.88
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## JUMP'S, No. 29

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,100.00	1,100.00
Text and Library Books .....	53.00	52.00
Material and Supplies .....	50.00	49.00
Miscellaneous .....	24.00	24.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	14.00	13.00
Fuel, Water, Light and Heat ...	46.75	46.75
Miscellaneous .....	6.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Jump's, No. 29 .....\$	1,353.75	\$ 1,349.75
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## FREDERICA, No. 32

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	12,275.00	12,275.00
Text and Library Books .....	373.00	360.00
Material and Supplies .....	349.00	337.00
Miscellaneous .....	169.00	164.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	860.00	860.00
Janitor Supplies .....	96.00	93.00
Fuel, Water, Light and Heat ...	1,231.41	1,231.41
Miscellaneous .....	39.00	38.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Frederica, No. 32 ...	\$ 15,592.41	\$ 15,558.41
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## THOMAS, No. 33

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	35.00	35.00
Material and Supplies .....	33.00	32.00
Miscellaneous .....	16.00	16.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ...	38.25	38.25
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Thomas, No. 33 ....	\$ 1,495.25	\$ 1,494.25
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## FARMINGTON, No. 39

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	4,100.00	4,100.00
Text and Library Books .....	126.00	128.00
Material and Supplies .....	117.00	120.00
Miscellaneous .....	57.00	58.00

### Operation and Maintenance

Salaries—Janitors and Engineers	180.00	180.00
Janitor Supplies .....	32.00	33.00
Fuel, Water, Light and Heat ....	313.50	313.50
Miscellaneous .....	13.00	13.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

TOTAL Farmington, No. 39 .. \$	4,998.50	\$ 5,005.50
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## BETHESDA, No. 46

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	950.00	950.00
Text and Library Books .....	21.00	17.00
Material and Supplies .....	20.00	16.00
Miscellaneous .....	10.00	8.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	5.00	4.00
Fuel, Water, Light and Heat ....	69.52	69.52
Miscellaneous .....	2.00	2.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Bethesda, No. 46 .....	\$ 1,137.52	\$ 1,126.52
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MAGNOLIA, No. 50

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	3,650.00	3,650.00
Text and Library Books .....	150.00	165.00
Material and Supplies .....	140.00	154.00
Miscellaneous .....	68.00	75.00

### Operation and Maintenance

Salaries—Janitors and Engineers	360.00	360.00
Janitor Supplies .....	39.00	42.00
Fuel, Water, Light and Heat ....	544.00	544.00
Miscellaneous .....	16.00	17.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

TOTAL Magnolia, No. 50 ....	\$ 5,027.00	\$ 5,067.00
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## WILLOW GROVE, No. 52

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,675.00	1,675.00
Text and Library Books .....	25.00	24.00
Material and Supplies .....	23.00	23.00
Miscellaneous .....	11.00	11.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	6.00	6.00
Fuel, Water, Light and Heat....	55.03	55.03
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Willow Grove, No. 52..	\$ 1,858.03	\$ 1,857.03
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## FELTON, No. 54

### Administrative Control

Salaries .....	\$ 350.00	\$ 350.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	24,512.82	24,512.82
Text and Library Books .....	690.00	678.00
Material and Supplies .....	644.00	633.00
Miscellaneous .....	313.00	307.00

### Operation and Maintenance

Salaries—Janitors and Engineers	1,000.00	1,000.00
Janitor Supplies .....	177.00	174.00
Fuel, Water, Light and Heat ....	1,265.25	1,265.25
Miscellaneous .....	72.00	71.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Felton, No. 54 .....	\$ 29,224.07	\$ 29,191.07
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## PRATTS, No. 59

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,500.00	1,500.00
Text and Library Books .....	55.00	54.00
Material and Supplies .....	51.00	50.00
Miscellaneous .....	25.00	24.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	14.00	14.00
Fuel, Water, Light and Heat ....	70.74	70.74
Miscellaneous .....	6.00	6.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Pratts, No. 59 .....	\$ 1,781.74	\$ 1,778.74
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## WESTVILLE, No. 69

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	900.00	900.00
Text and Library Books .....	30.00	29.00
Material and Supplies .....	28.00	28.00
Miscellaneous .....	14.00	13.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ...	38.70	38.70
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Westville, No. 69 ....	\$ 1,081.70	\$ 1,079.70
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## WOODSIDE, No. 71

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	42.00	42.00
Material and Supplies .....	40.00	39.00
Miscellaneous .....	19.00	19.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	11.00	11.00
Fuel, Water, Light and Heat ...	47.25	47.25
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Woodside, No. 71 ....	\$ 1,523.25	\$ 1,522.25
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## ROSE VALLEY, No. 79

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,050.00	1,050.00
Text and Library Books .....	44.00	43.00
Material and Supplies .....	41.00	40.00
Miscellaneous .....	20.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	11.00	11.00
Fuel, Water, Light and Heat ...	55.12	55.12
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Rose Valley, No. 79 ..\$ 1,286.12 \$ 1,284.12

## CHESWOLD, No. 83

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	4,325.00	4,325.00
Text and Library Books .....	113.00	107.00
Material and Supplies .....	106.00	100.00
Miscellaneous .....	51.00	49.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	280.00	280.00
Janitor Supplies .....	29.00	28.00
Fuel, Water, Light and Heat ....	232.34	232.34
Miscellaneous .....	12.00	11.00
Upkeep of Grounds .....	.....	.....
Repairs .....	60.00	60.00

TOTAL Cheswold, No. 83 ....\$ 5,208.34 \$ 5,192.34

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## LITTLE CREEK, No. 85

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,200.00	1,200.00
Text and Library Books .....	35.00	35.00
Material and Supplies .....	33.00	32.00
Miscellaneous .....	16.00	16.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ....	58.40	58.40
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Little Creek, No. 85	\$ 1,415.40	\$ 1,414.40
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## WILEYS, No. 93

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,200.00	1,200.00
Text and Library Books .....	46.00	45.00
Material and Supplies .....	43.00	42.00
Miscellaneous .....	21.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	12.00	12.00
Fuel, Water, Light and Heat ....	68.40	68.40
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Wileys, No. 93	\$ 1,455.40	\$ 1,452.40
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## HARTLY, No. 96

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	5,750.00	5,750.00
Text and Library Books .....	233.00	227.00
Material and Supplies .....	218.00	212.00
Miscellaneous .....	106.00	103.00

### Operation and Maintenance

Salaries—Janitors and Engineers	445.00	445.00
Janitor Supplies .....	60.00	58.00
Fuel, Water, Light and Heat ....	294.14	294.14
Miscellaneous .....	24.00	24.00
Upkeep of Grounds .....		
Repairs .....	80.00	80.00

TOTAL Hartly, No. 96 .....	\$ 7,210.14	\$ 7,193.14
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## VIOLA, No. 112

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	37.00	43.00
Material and Supplies .....	35.00	40.00
Miscellaneous .....	17.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	10.00	11.00
Fuel, Water, Light and Heat ...	65.29	65.29
Miscellaneous .....	4.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Viola, No. 112 .....	\$ 1,528.29	\$ 1,544.29
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

CLAYTON, No. 119

Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	10,575.00	10,575.00
Text and Library Books .....	442.00	442.00
Material and Supplies .....	413.00	413.00
Miscellaneous .....	201.00	200.00

Operation and Maintenance

Salaries—Janitors and Engineers .....	740.00	740.00
Janitor Supplies .....	114.00	114.00
Fuel, Water, Light and Heat ....	1,142.10	1,142.10
Miscellaneous .....	46.00	46.00
Upkeep of Grounds .....		
Repairs .....	140.00	140.00

TOTAL Clayton, No. 119 .....	\$ 13,813.10	\$ 13,812.10
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HOUSTON, No. 125

Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	4,775.00	4,775.00
Text and Library Books .....	173.00	170.00
Material and Supplies .....	162.00	159.00
Miscellaneous .....	79.00	77.00

Operation and Maintenance

Salaries—Janitors and Engineers .....	430.00	430.00
Janitor Supplies .....	45.00	44.00
Fuel, Water, Light and Heat ...	406.62	406.62
Miscellaneous .....	18.00	18.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

TOTAL Houston, No. 125 .....	\$ 6,148.62	\$ 6,139.62
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## BAY VIEW, No. 130

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,050.00	1,050.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	71.68	71.68
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Bay View, No. 130 ...\$	1,255.68	\$ 1,253.68
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## CLAYTON, No. 136-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,125.00	1,125.00
Text and Library Books .....	46.00	45.00
Material and Supplies .....	43.00	42.00
Miscellaneous .....	21.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	12.00	12.00
Fuel, Water, Light and Heat ...	123.39	123.39
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Clayton, No. 136-C		
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(Colored) .....	\$ 1,435.39	\$ 1,432.39
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## KENTON, No. 140-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,400.00	2,400.00
Text and Library Books .....	103.00	101.00
Material and Supplies .....	96.00	94.00
Miscellaneous .....	47.00	46.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	26.00	26.00
Fuel, Water, Light and Heat ...	133.20	133.20
Miscellaneous .....	11.00	11.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Kenton, No. 140-C

(Colored) .....	\$ 2,936.20	\$ 2,931.20
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## LOCKWOOD, No. 142-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	64.00	62.00
Material and Supplies .....	59.00	58.00
Miscellaneous .....	29.00	28.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	16.00	16.00
Fuel, Water, Light and Heat ...	128.65	128.65
Miscellaneous .....	7.00	7.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Lockwood, No. 142-C

(Colored) .....	\$ 1,663.65	\$ 1,659.65
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## CHESWOLD, No. 143-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,150.00	2,150.00
Text and Library Books .....	101.00	101.00
Material and Supplies .....	94.00	94.00
Miscellaneous .....	46.00	47.00

### Operation and Maintenance

Salaries—Janitors and Engineers	240.00	240.00
Janitor Supplies .....	26.00	26.00
Fuel, Water, Light and Heat ....	505.37	505.37
Miscellaneous .....	11.00	11.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Cheswold, No. 143-C

(Colored) .....	\$ 3,213.37	\$ 3,214.37
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## FORK BRANCH, No. 145-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	53.00	52.00
Material and Supplies .....	50.00	49.00
Miscellaneous .....	24.00	24.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	14.00	13.00
Fuel, Water, Light and Heat ...	104.62	104.62
Miscellaneous .....	6.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Fork Branch,

No. 145-C (Colored) .....	\$ 1,611.62	\$ 1,607.62
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

WHITE OAK, No. 146-C (Colored)

Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	1,100.00	1,100.00
Text and Library Books .....	50.00	49.00
Material and Supplies .....	46.00	45.00
Miscellaneous .....	22.00	22.00

Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	13.00	12.00
Fuel, Water, Light and Heat ...	101.70	101.70
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL White Oak, No. 146-C		
(Colored) .....	\$ 1,397.70	\$ 1,394.70

ST. JONES, No. 149-C (Colored)

Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	1,100.00	1,100.00
Text and Library Books .....	53.00	52.00
Material and Supplies .....	50.00	59.00
Miscellaneous .....	24.00	24.00

Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	14.00	13.00
Fuel, Water, Light and Heat ...	98.55	98.55
Miscellaneous .....	6.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL St. Jones, No. 149-C		
(Colored) .....	\$ 1,405.55	\$ 1,411.55

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## WILLOW GROVE, No. 152-C (Colored)

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,175.00	1,175.00
Text and Library Books .....	35.00	35.00
Material and Supplies .....	33.00	32.00
Miscellaneous .....	16.00	16.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ...	111.58	111.58
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

### TOTAL Willow Grove, No.

152-C (Colored) .....	\$ 1,443.58	\$ 1,442.58
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## PARKERS CHAPEL, No. 153-C (Marydel) (Colored)

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	44.00	43.00
Material and Supplies .....	41.00	40.00
Miscellaneous .....	20.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	11.00	11.00
Fuel, Water, Light and Heat ...	96.52	96.52
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

### TOTAL Parkers Chapel, No.

153-C (Marydel) (Colored) .	\$ 1,577.52	\$ 1,575.52
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## WOODSIDE, No. 154-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,450.00	1,450.00
Text and Library Books .....	21.00	21.00
Material and Supplies .....	20.00	19.00
Miscellaneous .....	10.00	9.00

### Operation and Maintenance

Salaries—Janitor and Engineers.	40.00	40.00
Janitor Supplies .....	5.00	5.00
Fuel, Water, Light and Heat ....	117.48	117.48
Miscellaneous .....	2.00	2.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Woodside, No. 154-C

(Colored) .....	\$ 1,685.48	\$ 1,683.48
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## MT. OLIVE, No. 155-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	51.00	50.00
Material and Supplies .....	48.00	47.00
Miscellaneous .....	23.00	23.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	13.00	13.00
Fuel, Water, Light and Heat ...	105.40	105.40
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Mt. Olive, No. 155-C

(Colored) .....	\$ 1,605.40	\$ 1,603.40
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## VIOLA, No. 156-C (Colored)

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	2,600.00	2,600.00
Text and Library Books .....	115.00	113.00
Material and Supplies .....	107.00	105.00
Miscellaneous .....	52.00	51.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	30.00	29.00
Fuel, Water, Light and Heat ...	232.06	232.06
Miscellaneous .....	12.00	12.00
Upkeep of Grounds .....	.....	.....
Repairs .....	40.00	40.00

### TOTAL Viola, No. 156-C

(Colored) .....	\$ 3,268.06	\$ 3,262.06
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## UNION, No. 158-C (Colored)

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	2,350.00	2,350.00
Text and Library Books .....	101.00	99.00
Material and Supplies .....	94.00	92.00
Miscellaneous .....	46.00	45.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	26.00	25.00
Fuel, Water, Light and Heat ....	145.86	145.86
Miscellaneous .....	11.00	10.00
Upkeep of Grounds .....	.....	.....
Repairs .....	40.00	40.00

### TOTAL Union, No. 158-C

(Colored) .....	\$ 2,893.86	\$ 2,886.86
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## REEVES CROSSING, No. 159-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,125.00	1,125.00
Text and Library Books .....	50.00	49.00
Material and Supplies .....	46.00	45.00
Miscellaneous .....	22.00	22.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	13.00	12.00
Fuel, Water, Light and Heat ...	91.93	91.93
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

### TOTAL Reeves Crossing,

No. 159-C (Colored) .....	\$ 1,412.93	\$ 1,409.93
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## JOHN WESLEY, No. 160-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,125.00	1,125.00
Text and Library Books .....	37.00	36.00
Material and Supplies .....	35.00	34.00
Miscellaneous .....	17.00	17.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	10.00	9.00
Fuel, Water, Light and Heat ...	75.73	75.73
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

### TOTAL John Wesley, No.

160-C (Colored) .....	\$ 1,363.73	\$ 1,360.73
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## RAYMOND'S NECK, No. 167-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	162.98	162.98
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Raymond's Neck,

No. 167-C (Colored) .....	\$ 1,596.98	\$ 1,594.98
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## CEDAR NECK, No. 1

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	28.00	28.00
Material and Supplies .....	26.00	26.00
Miscellaneous .....	13.00	13.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ....	71.10	71.10
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Cedar Neck, No. 1 ...	\$ 1,508.10	\$ 1,508.10
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## LINCOLN, No. 3

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	4,400.00	4,400.00
Text and Library Books .....	141.00	132.00
Material and Supplies .....	132.00	123.00
Miscellaneous .....	64.00	60.00

### Operation and Maintenance

Salaries—Janitors and Engineers	480.00	480.00
Janitor Supplies .....	36.00	34.00
Fuel, Water, Light and Heat ...	491.00	491.00
Miscellaneous .....	15.00	14.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

TOTAL Lincoln, No. 3 .....	\$ 5,819.00	\$ 5,794.00
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## BROADKILN, No. 7

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	34.00	33.00
Material and Supplies .....	31.00	31.00
Miscellaneous .....	15.00	15.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	9.00	8.00
Fuel, Water, Light and Heat ...	65.70	65.70
Miscellaneous .....	4.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Broadkilm, No. 7 ....	\$ 1,518.70	\$ 1,515.70
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MILTON, No. 8

### Administrative Control

Salaries .....	\$ 700.00	\$ 700.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	29,404.31	29,404.31
Text and Library Books .....	842.00	861.00
Material and Supplies .....	786.00	805.00
Miscellaneous .....	382.00	391.00

### Operation and Maintenance

Salaries—Janitors and Engineers	1,730.00	1,730.00
Janitor Supplies .....	217.00	222.00
Fuel, Water, Light and Heat ...	1,513.10	1,513.10
Miscellaneous .....	88.00	90.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Milton, No. 8 .....	\$ 35,862.41	\$ 35,916.41
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## MILLSBORO, No. 23

### Administrative Control

Salaries .....	\$ 700.00	\$ 700.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	26,764.30	26,764.30
Text and Library Books .....	828.00	849.00
Material and Supplies .....	773.00	793.00
Miscellaneous .....	375.00	385.00

### Operation and Maintenance

Salaries—Janitors and Engineers	1,200.00	1,200.00
Janitor Supplies .....	218.00	218.00
Fuel, Water, Light and Heat ...	2,196.01	2,196.01
Miscellaneous .....	87.00	89.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Millsboro, No. 23 ....	\$ 33,336.31	\$ 33,394.31
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

**LORD BALTIMORE, No. 28**

**Administrative Control**

Salaries .....	\$ 700.00	\$ 700.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

**Instructional Service**

Salaries .....	23,827.38	23,827.38
Text and Library Books .....	722.00	724.00
Material and Supplies .....	674.00	677.00
Miscellaneous .....	327.00	329.00

**Operation and Maintenance**

Salaries—Janitors and Engineers .....	1,759.00	1,759.00
Janitor Supplies .....	186.00	186.00
Fuel, Water, Light and Heat ...	2,013.14	2,013.14
Miscellaneous .....	75.00	76.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Lord Baltimore, No. 28. \$ 30,483.52    \$ 30,491.52

**WILLIAMSVILLE, No. 30**

**Administrative Control**

Salaries .....	\$ .....	\$ .....
Office Expense .....		
Travel .....		
Miscellaneous .....		

**Instructional Service**

Salaries .....	2,950.00	2,950.00
Text and Library Books .....	104.00	102.00
Material and Supplies .....	97.00	96.00
Miscellaneous .....	47.00	46.00

**Operation and Maintenance**

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	27.00	26.00
Fuel, Water, Light and Heat ...	80.32	80.32
Miscellaneous .....	11.00	11.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Williamsville, No. 30 . \$ 3,436.32    \$ 3,431.32

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## ROXANNA, No. 31

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	3,900.00	3,900.00
Text and Library Books .....	145.00	151.00
Material and Supplies .....	135.00	141.00
Miscellaneous .....	66.00	68.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	319.00	319.00
Janitor Supplies .....	37.00	39.00
Fuel, Water, Light and Heat ....	642.05	642.05
Miscellaneous .....	15.00	16.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

TOTAL Roxanna, No. 31 ....	\$ 5,319.05	\$ 5,336.05
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## SELBYVILLE, No. 32

### Administrative Control

Salaries .....	\$ 350.00	\$ 350.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	21,861.08	21,861.08
Text and Library Books .....	531.00	537.00
Material and Supplies .....	496.00	502.00
Miscellaneous .....	221.00	244.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	1,260.00	1,260.00
Janitor Supplies .....	137.00	138.00
Fuel, Water, Light and Heat ....	1,922.09	1,922.09
Miscellaneous .....	55.00	56.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Selbyville, No. 32 ....	\$ 27,033.17	\$ 27,070.17
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## STOCKLEY, No. 34

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,425.00	2,425.00
Text and Library Books .....	78.00	76.00
Material and Supplies .....	73.00	71.00
Miscellaneous .....	35.00	35.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	20.00	20.00
Fuel, Water, Light and Heat ....	157.90	157.90
Miscellaneous .....	8.00	8.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Stockley, No. 34 .....	\$ 2,916.90	\$ 2,912.90
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## GUMBORO, No. 37

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	5,375.00	5,375.00
Text and Library Books .....	195.00	191.00
Material and Supplies .....	182.00	178.00
Miscellaneous .....	88.00	86.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	495.00	495.00
Janitor Supplies .....	50.00	49.00
Fuel, Water, Light and Heat ....	440.05	440.05
Miscellaneous .....	20.00	20.00
Upkeep of Grounds .....		
Repairs .....	80.00	80.00

TOTAL Gumboro, No. 37 .....	\$ 6,925.05	\$ 6,914.05
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## DOROTHY, No. 43

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	34.00	33.00
Material and Supplies .....	31.00	31.00
Miscellaneous .....	15.00	15.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	9.00	8.00
Fuel, Water, Light and Heat ...	29.47	29.47
Miscellaneous .....	4.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Dorothy, No. 43 .....	\$ 1,482.47	\$ 1,479.47
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## SYCAMORE, No. 44

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	3,100.00	3,100.00
Text and Library Books .....	83.00	80.00
Material and Supplies .....	78.00	74.00
Miscellaneous .....	38.00	36.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	21.00	21.00
Fuel, Water, Light and Heat ...	151.42	151.42
Miscellaneous .....	9.00	8.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Sycamore, No. 44 ...	\$ 3,600.42	\$ 3,590.42
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## VAUGHNS, No. 45

Administrative Control		
Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		
Instructional Service		
Salaries .....	1,300.00	1,300.00
Text and Library Books .....	44.00	43.00
Material and Supplies .....	41.00	40.00
Miscellaneous .....	20.00	20.00
Operation and Maintenance		
Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	11.00	11.00
Fuel, Water, Light and Heat ....	58.50	58.50
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00
<hr/>		
TOTAL Vaughns, No. 45 ....	\$ 1,539.50	\$ 1,537.50

## ELLIS GROVE, No. 50

Administrative Control		
Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		
Instructional Service		
Salaries .....	1,300.00	1,300.00
Text and Library Books .....	41.00	40.00
Material and Supplies .....	38.00	37.00
Miscellaneous .....	18.00	18.00
Operation and Maintenance		
Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	10.00	10.00
Fuel, Water, Light and Heat ...	18.00	18.00
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00
<hr/>		
TOTAL Ellis Grove, No. 50 ..	\$ 1,489.00	\$ 1,487.00

APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

## CONCORD, No. 58

## Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

## Instructional Service

Salaries .....	950.00	950.00
Text and Library Books .....	46.00	45.00
Material and Supplies .....	43.00	42.00
Miscellaneous .....	21.00	20.00

## Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	12.00	12.00
Fuel, Water, Light and Heat ....	36.90	36.90
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Concord, No. 58 ....	\$ 1,173.90	\$ 1,170.90
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## ISAAC'S, No. 62

## Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

## Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	27.00	26.00
Material and Supplies .....	25.00	24.00
Miscellaneous .....	12.00	12.00

## Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	7.00	7.00
Fuel, Water, Light and Heat ...	4.95	4.95
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Isaac's, No. 62 .....	\$ 1,438.95	\$ 1,436.95
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

LOWES X ROADS, No. 80

Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	1,100.00	1,100.00
Text and Library Books .....	39.00	38.00
Material and Supplies .....	36.00	36.00
Miscellaneous .....	18.00	17.00

Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	10.00	10.00
Fuel, Water, Light and Heat ....	74.25	74.25
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Lowes X Roads, No. 80.	\$ 1,341.25	\$ 1,339.25
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HOLLYMOUNT, No. 82

Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

Instructional Service

Salaries .....	1,425.00	1,425.00
Text and Library Books .....	32.00	31.00
Material and Supplies .....	30.00	29.00
Miscellaneous .....	14.00	14.00

Operation and Maintenance

Salaries—Janitors and Engineers	230.00	230.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ....	81.22	81.22
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Hollymount, No. 82 ..	\$ 1,843.22	\$ 1,841.22
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APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE

## BRIDGEVILLE, No. 90

## Administrative Control

Salaries .....	\$ 700.00	\$ 700.00
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Office Expense .....		
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Travel .....		
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Miscellaneous .....		
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## Instructional Service

Salaries .....	36,467.45	36,467.45
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Text and Library Books .....	989.00	979.00
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Material and Supplies .....	924.00	915.00
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Miscellaneous .....	448.00	444.00
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## Operation and Maintenance

Salaries—Janitors and Engineers	2,240.00	2,240.00
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Janitor Supplies .....	254.00	252.00
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Fuel, Water, Light and Heat ...	1,422.08	1,422.08
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Miscellaneous .....	103.00	102.00
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Upkeep of Grounds .....		
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Repairs .....	200.00	200.00
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TOTAL Bridgeville, No. 90 ..	\$ 43,747.53	\$ 43,721.53
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## GREENWOOD, No. 91

## Administrative Control

Salaries .....	\$ 350.00	\$ 350.00
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Office Expense .....		
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Travel .....		
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Miscellaneous .....		
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## Instructional Service

Salaries .....	24,905.16	24,905.16
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Text and Library Books .....	661.00	674.00
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Material and Supplies .....	618.00	630.00
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Miscellaneous .....	300.00	306.00
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## Operation and Maintenance

Salaries—Janitors and Engineers	1,545.83	1,545.83
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Janitor Supplies .....	170.00	173.00
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Fuel, Water, Light and Heat ...	2,370.96	2,370.96
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Miscellaneous .....	69.00	70.00
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Upkeep of Grounds .....		
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Repairs .....	200.00	200.00
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TOTAL Greenwood, No. 91 ..	\$ 31,189.95	\$ 31,224.95
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## JOHN M. CLAYTON, No. 97

### Administrative Control

Salaries .....	\$ 350.00	\$ 350.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	23,264.30	23,264.30
Text and Library Books .....	711.00	716.00
Material and Supplies .....	664.00	669.00
Miscellaneous .....	323.00	325.00

### Operation and Maintenance

Salaries—Janitors and Engineers	1,430.00	1,430.00
Janitor Supplies .....	183.00	184.00
Fuel, Water, Light and Heat ....	1,892.00	1,892.00
Miscellaneous .....	74.00	75.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

### TOTAL John M. Clayton,

No. 97 .....	\$ 29,091.30	\$ 29,105.30
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## BETHEL, No. 99

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,650.00	2,650.00
Text and Library Books .....	76.00	75.00
Material and Supplies .....	71.00	70.00
Miscellaneous .....	35.00	34.00

### Operation and Maintenance

Salaries—Janitors and Engineers	80.00	80.00
Janitor Supplies .....	20.00	19.00
Fuel, Water, Light and Heat ...	112.50	112.50
Miscellaneous .....	8.00	8.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Bethel, No. 99 .....	\$ 3,092.50	\$ 3,088.50
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## ELLENDALE, No. 125

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	5,750.00	5,750.00
Text and Library Books .....	228.00	220.00
Material and Supplies .....	213.00	206.00
Miscellaneous .....	104.00	100.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	520.00	520.00
Janitor Supplies .....	59.00	57.00
Fuel, Water, Light and Heat ...	384.46	384.46
Miscellaneous .....	24.00	23.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

TOTAL Ellendale, No. 125 .. \$	7,342.46	\$ 7,320.46
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## DELMAR, No. 163

### Administrative Control

Salaries .....	\$ 700.00	\$ 700.00
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	30,411.38	30,411.38
Text and Library Books .....	663.00	650.00
Material and Supplies .....	620.00	607.00
Miscellaneous .....	301.00	295.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	1,250.00	1,250.00
Janitor Supplies .....	171.00	167.00
Fuel, Water, Light and Heat ...	2,088.48	2,088.48
Miscellaneous .....	69.00	68.00
Upkeep of Grounds .....		
Repairs .....	200.00	200.00

TOTAL Delmar, No. 163 .....	\$ 36,473.86	\$ 36,436.86
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## BLADES, No. 172

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	3,850.00	3,850.00
Text and Library Books .....	156.00	153.00
Material and Supplies .....	145.00	142.00
Miscellaneous .....	71.00	69.00

### Operation and Maintenance

Salaries—Janitors and Engineers	329.00	329.00
Janitor Supplies .....	40.00	39.00
Fuel, Water, Light and Heat ...	322.72	322.72
Miscellaneous .....	16.00	16.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Blades, No. 172 .....	\$ 4,969.72	\$ 4,960.72
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## SLAUGHTER NECK, No. 195-C \*(Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	3,825.00	3,825.00
Text and Library Books .....	182.00	185.00
Material and Supplies .....	170.00	173.00
Miscellaneous .....	83.00	84.00

### Operation and Maintenance

Salaries—Janitors and Engineers	180.00	180.00
Janitor Supplies .....	47.00	48.00
Fuel, Water, Light and Heat ...	198.11	198.11
Miscellaneous .....	19.00	19.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Slaughter Neck,

No. 193-C (Colored) .....	\$ 4,744.11	\$ 4,752.11
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\*So enrolled.

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## LINCOLN, No. 194-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,575.00	2,575.00
Text and Library Books .....	57.00	55.00
Material and Supplies .....	53.00	52.00
Miscellaneous .....	26.00	25.00

### Operation and Maintenance

Salaries—Janitors and Engineers	80.00	80.00
Janitor Supplies .....	15.00	14.00
Fuel, Water, Light and Heat ...	150.26	150.26
Miscellaneous .....	6.00	6.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Lincoln, No. 194-C

(Colored) .....	\$ 3,002.26	\$ 2,997.26
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## ELLENDALE, No. 195-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,125.00	1,125.00
Text and Library Books .....	48.00	47.00
Material and Supplies .....	45.00	44.00
Miscellaneous .....	22.00	21.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	12.00	12.00
Fuel, Water, Light and Heat ...	106.74	106.74
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Ellendale, No. 195-C

(Colored) .....	\$ 1,423.74	\$ 1,420.74
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## MILTON, No. 196-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,400.00	2,400.00
Text and Library Books .....	87.00	92.00
Material and Supplies .....	81.00	86.00
Miscellaneous .....	39.00	42.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	22.00	24.00
Fuel, Water, Light and Heat ....	171.76	171.76
Miscellaneous .....	9.00	10.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Milton, No. 196-C

(Colored) .....	\$ 2,929.76	\$ 2,945.76
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## DRAWBRIDGE, No. 197-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	48.00	43.00
Material and Supplies .....	45.00	40.00
Miscellaneous .....	22.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	12.00	11.00
Fuel, Water, Light and Heat ...	55.12	55.12
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Drawbridge, No. 197-C

(Colored) .....	\$ 1,547.12	\$ 1,534.12
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## NASSAU, No. 198-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,450.00	1,450.00
Text and Library Books .....	44.00	43.00
Material and Supplies .....	41.00	40.00
Miscellaneous .....	20.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	11.00	11.00
Fuel, Water, Light and Heat ...	164.93	164.93
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Nassau, No. 198-C

(Colored) .....\$ 1,795.93 \$ 1,793.93

## REHOBOTH, No. 200-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,250.00	1,250.00
Text and Library Books .....	41.00	40.00
Material and Supplies .....	38.00	37.00
Miscellaneous .....	18.00	18.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	10.00	10.00
Fuel, Water, Light and Heat ...	98.10	98.10
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Rehoboth, No. 200-C

(Colored) .....\$ 1,519.10 \$ 1,517.10

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## RABBIT'S FERRY, No. 201-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,425.00	1,425.00
Text and Library Books .....	35.00	35.00
Material and Supplies .....	33.00	32.00
Miscellaneous .....	16.00	16.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ...	99.00	99.00
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Rabbit's Ferry, No.

201-C (Colored) .....	\$ 1,681.00	\$ 1,680.00
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## FRIENDSHIP, No. 202-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	39.00	38.00
Material and Supplies .....	36.00	36.00
Miscellaneous .....	18.00	17.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	10.00	10.00
Fuel, Water, Light and Heat ...	105.75	105.75
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Friendship, No. 202-C

(Colored) .....	\$ 1,572.75	\$ 1,570.75
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## WARWICK, No. 203-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,400.00	1,400.00
Text and Library Books .....	60.00	59.00
Material and Supplies .....	56.00	55.00
Miscellaneous .....	27.00	27.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	15.00	15.00
Fuel, Water, Light and Heat ...	119.46	119.46
Miscellaneous .....	6.00	6.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Warwick*, No. 203-C		
(Colored) .....	\$ 1,743.46	\$ 1,741.46

## MILLSBORO, No. 204-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,550.00	2,550.00
Text and Library Books .....	101.00	99.00
Material and Supplies .....	94.00	92.00
Miscellaneous .....	46.00	45.00

### Operation and Maintenance

Salaries—Janitors and Engineers	80.00	80.00
Janitor Supplies .....	26.00	25.00
Fuel, Water, Light and Heat ...	172.37	172.37
Miscellaneous .....	11.00	10.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Millsboro, No. 204-C		
(Colored) .....	\$ 3,120.37	\$ 3,113.37

\*So enrolled



# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## FRANKFORD, No. 206-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	4,400.00	4,400.00
Text and Library Books .....	154.00	177.00
Material and Supplies .....	144.00	165.00
Miscellaneous .....	70.00	80.00

### Operation and Maintenance

Salaries—Janitors and Engineers	150.00	150.00
Janitor Supplies .....	40.00	45.00
Fuel, Water, Light and Heat ...	203.22	203.22
Miscellaneous .....	16.00	18.00
Upkeep of Grounds .....		
Repairs .....	60.00	60.00

### TOTAL Frankford, No. 206-C

(Colored) .....	\$ 5,237.22	\$ 5,298.22
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## BLACKWATER, No. 207-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,500.00	2,500.00
Text and Library Books .....	97.00	95.00
Material and Supplies .....	91.00	89.00
Miscellaneous .....	44.00	43.00

### Operation and Maintenance

Salaries—Janitors and Engineers	80.00	80.00
Janitor Supplies .....	25.00	25.00
Fuel, Water, Light and Heat ....	82.67	82.67
Miscellaneous .....	10.00	10.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Blackwater, No. 207-C

(Colored) .....	\$ 2,969.67	\$ 2,964.67
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## SELBYVILLE, No. 210-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,400.00	2,400.00
Text and Library Books .....	106.00	104.00
Material and Supplies .....	99.00	97.00
Miscellaneous .....	48.00	47.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	27.00	27.00
Fuel, Water, Light and Heat ...	163.40	163.40
Miscellaneous .....	11.00	11.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Selbyville, No. 210-C

(Colored) .....\$ 2,974.40 \$ 2,969.40

## DELMAR, No. 212½C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	46.00	45.00
Material and Supplies .....	43.00	42.00
Miscellaneous .....	21.00	20.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	12.00	12.00
Fuel, Water, Light and Heat ....	94.05	94.05
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Delmar, No. 212½C

(Colored) .....\$ 1,581.05 \$ 1,578.05

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## OWENS CORNER, No. 213-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,800.00	2,800.00
Text and Library Books .....	101.00	99.00
Material and Supplies .....	94.00	92.00
Miscellaneous .....	46.00	45.00

### Operation and Maintenance

Salaries—Janitors and Engineers	80.00	80.00
Janitor Supplies .....	26.00	25.00
Fuel, Water, Light and Heat ....	184.05	184.05
Miscellaneous .....	11.00	10.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Owens Corner, No.

213-C (Colored) .....	\$ 3,382.05	\$ 3,375.05
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## PORTSVILLE, No. 214-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,300.00	1,300.00
Text and Library Books .....	35.00	35.00
Material and Supplies .....	33.00	32.00
Miscellaneous .....	16.00	16.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	9.00	9.00
Fuel, Water, Light and Heat ...	67.50	67.50
Miscellaneous .....	4.00	4.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

### TOTAL Portsville, No. 214-C

(Colored) .....	\$ 1,524.50	\$ 1,523.50
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## ROSS POINT, No. 215-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,250.00	1,250.00
Text and Library Books .....	54.00	52.00
Material and Supplies .....	50.00	49.00
Miscellaneous .....	24.00	24.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	14.00	13.00
Fuel, Water, Light and Heat ...	102.60	102.60
Miscellaneous .....	6.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Ross Point, No. 215-C	<u>1,560.60</u>	<u>1,555.60</u>
(Colored) .....	\$	\$

## CONCORD, No. 216-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,450.00	1,450.00
Text and Library Books .....	53.00	52.00
Material and Supplies .....	50.00	49.00
Miscellaneous .....	24.00	24.00

### Operation and Maintenance

Salaries—Janitors and Engineers	40.00	40.00
Janitor Supplies .....	14.00	13.00
Fuel, Water, Light and Heat ...	78.40	78.40
Miscellaneous .....	6.00	5.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Concord, No. 216-C	<u>1,735.40</u>	<u>1,731.40</u>
(Colored) .....	\$	\$

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## BLOCKSOM'S, No. 218-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,200.00	2,200.00
Text and Library Books .....	96.00	94.00
Material and Supplies .....	89.00	87.00
Miscellaneous .....	43.00	42.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	25.00	24.00
Fuel, Water, Light and Heat ....	162.77	162.77
Miscellaneous .....	10.00	10.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Blocksom's, No. 218-C

(Colored) .....	\$ 2,745.77	\$ 2,739.77
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## MIDDLEFORD, No. 219-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,350.00	2,350.00
Text and Library Books .....	88.00	87.00
Material and Supplies .....	83.00	81.00
Miscellaneous .....	40.00	39.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	23.00	22.00
Fuel, Water, Light and Heat ....	134.41	134.41
Miscellaneous .....	9.00	9.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

### TOTAL Middleford, No. 219-C

(Colored) .....	\$ 2,847.41	\$ 2,842.41
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# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## BRIDGEVILLE, No. 220-C (Colored)

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	6,394.01	6,394.01
Text and Library Books .....	248.00	243.00
Material and Supplies .....	231.00	227.00
Miscellaneous .....	112.00	110.00

### Operation and Maintenance

Salaries—Janitors and Engineers	360.00	360.00
Janitor Supplies .....	64.00	62.00
Fuel, Water, Light and Heat ...	512.00	512.00
Miscellaneous .....	26.00	25.00
Upkeep of Grounds .....	.....	.....
Repairs .....	100.00	100.00

TOTAL Bridgeville, No. 220-C	<hr/>	<hr/>
(Colored) .....	\$ 8,047.01	\$ 8,033.01

## TRINITY, No. 221-C (Colored)

### Administrative Control

Salaries .....	\$ .....	\$ .....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	2,350.00	2,350.00
Text and Library Books .....	96.00	94.00
Material and Supplies .....	89.00	87.00
Miscellaneous .....	43.00	42.00

### Operation and Maintenance

Salaries—Janitors and Engineers	80.00	80.00
Janitor Supplies .....	25.00	24.00
Fuel, Water, Light and Heat ...	103.26	103.26
Miscellaneous .....	10.00	10.00
Upkeep of Grounds .....	.....	.....
Repairs .....	40.00	40.00

TOTAL Trinity, No. 221-C	<hr/>	<hr/>
(Colored) .....	\$ 2,836.26	\$ 2,830.26

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## GREENWOOD, No. 222-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	2,350.00	2,350.00
Text and Library Books .....	78.00	76.00
Material and Supplies .....	73.00	71.00
Miscellaneous .....	35.00	35.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	80.00	80.00
Janitor Supplies .....	20.00	20.00
Fuel, Water, Light and Heat ...	149.83	149.83
Miscellaneous .....	8.00	8.00
Upkeep of Grounds .....		
Repairs .....	40.00	40.00

TOTAL Greenwood, No. 222-C .....		
(Colored) .....	\$ 2,833.83	\$ 2,829.83

## HOLLYVILLE, No. 224-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,625.00	1,625.00
Text and Library Books .....	57.00	55.00
Material and Supplies .....	53.00	52.00
Miscellaneous .....	26.00	25.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	15.00	14.00
Fuel, Water, Light and Heat ...	72.90	72.90
Miscellaneous .....	6.00	6.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Hollyville, No. 224-C .....		
(Colored) .....	\$ 1,914.90	\$ 1,909.90

# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## WARWICK, No. 225-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	1,475.00	1,475.00
Text and Library Books .....	71.00	71.00
Material and Supplies .....	66.00	66.00
Miscellaneous .....	32.00	32.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	18.00	18.00
Fuel, Water, Light and Heat ...	113.62	113.62
Miscellaneous .....	7.00	7.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Warwick, No. 225-C	<u>1,842.62</u>	<u>1,842.62</u>
(Colored) .....	\$ 1,842.62	\$ 1,842.62

## WILLIAMSVILLE, No. 226-C (Colored)

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....	.....	.....
Travel .....	.....	.....
Miscellaneous .....	.....	.....

### Instructional Service

Salaries .....	900.00	900.00
Text and Library Books .....	44.00	43.00
Material and Supplies .....	41.00	40.00
Miscellaneous .....	20.00	20.00

### Operation and Maintenance

Salaries—Janitor and Engineers .....	40.00	40.00
Janitor Supplies .....	11.00	11.00
Fuel, Water, Light and Heat ....	119.17	119.17
Miscellaneous .....	5.00	5.00
Upkeep of Grounds .....	.....	.....
Repairs .....	20.00	20.00

TOTAL Williamsville, No.	<u>1,200.17</u>	<u>1,198.17</u>
226-C (Colored) .....	\$ 1,200.17	\$ 1,198.17



# APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

## NANTICOKE INDIAN

### Administrative Control

Salaries .....	\$.....	\$.....
Office Expense .....		
Travel .....		
Miscellaneous .....		

### Instructional Service

Salaries .....	1,050.00	1,050.00
Text and Library Books .....	30.00	29.00
Material and Supplies .....	28.00	28.00
Miscellaneous .....	14.00	13.00

### Operation and Maintenance

Salaries—Janitors and Engineers .....	40.00	40.00
Janitor Supplies .....	8.00	8.00
Fuel, Water, Light and Heat ...	21.60	21.60
Miscellaneous .....	3.00	3.00
Upkeep of Grounds .....		
Repairs .....	20.00	20.00

TOTAL Nanticoke Indian ....\$ 1,214.60    \$ 1,212.60

Section 4. Definitions:—The terms “general control,” “administrative control,” “supervisional service and instructional service,” “operation and maintenance,” and “auxiliary agencies” as used in Section 2 and 3 of this act shall include the following:

The term “general control” shall include: Salaries and expenses of the members of the State Board of Education; the expenses of the business office of said Board; the cost of administering laws relating to compulsory attendance and the school census; the salaries of the State Superintendent and assistants; the salaries of supervisors, directors, examiners and substitute teachers.

The term “administrative control” shall include: Salaries of superintendents of Special Districts; the salaries of principals; the expenses of the business offices maintained by the Spe-

## APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

cial School Districts and by the Board of School Trustees; and other expenses of "administrative control."

The term "supervisional service and instructional service" shall include: Salaries of vice-principals and teachers; textbooks and professional books for teachers; supplies and other materials of instruction; amounts authorized to be paid as tuition to another board; and other expenses of "supervisional service and instructional service."

The term "operation and maintenance" shall include: Salaries of janitors and engineers; janitors' supplies; fuel, water, light and power; care and upkeep of grounds; supplies; rent and repairs to buildings; repairs and replacement of equipment and apparatus; and other maintenance and operating expenses.

The term "auxiliary agencies" shall include: The cost of vocational education including teacher-training and other costs, 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.

Section 5. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by Congress, the State Board of Vocational Education is hereby directed and empowered to prescribe to the Board of Public Education in Wilmington, to each of the Boards of Education of Special School Districts, and to each of the several Boards of School Trustees, the amounts necessary to be allocated by said respective Boards to comply with the purposes and intent of said educational acts which required the matching of funds.

The amount of funds received from the United States Government by the State Board of Vocational Education shall be paid to the several boards and districts hereinbefore mentioned as reimbursements to such boards and/or districts for expenditures incurred in accordance with the provisions of the Delaware State Plan for vocational education.

## APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Section 6. In the case of any consolidation as defined in Section 14, Chapter 71 of the Revised Code of Delaware, 1935, being Code Section 2636, it shall be lawful for the Permanent Budget Commission to transfer the unexpended balance of any appropriation under this act for the closed district or districts to the appropriation for transportation of pupils in consolidated districts as provided in this act.

Section 7. Any amount of money derived from the income from the State School Fund shall, for the purposes of this act, be considered as received by the State Treasurer and thereupon act to reduce to that extent the total amount to be paid out of the General Fund of this State for the purposes of meeting the expenses incurred in accordance with allowances for appropriation provided in Section 1 of this act.

Section 8. (a) When authorized by the Permanent Budget Commission any allotment for the purposes herein specified to the State Board of Education, to the Board of Public Education in Wilmington, to any Board of Education of a Special School District or to any Board of School Trustees may be transferred to any other allotment to the same Board or to the same school district; provided that requests for transfers of allotments for purposes herein specified to any Board of School Trustees shall be made by the State Board of Education; and provided further that requests for transfers of allotments for purposes herein specified to the State Board of Education, to the Board of Public Education in Wilmington and to each of the several Boards of Special School Districts shall be made by the Board to which the said allotments are herein authorized to be paid.

(b) When requested by the State Board of Education and approved by the Permanent Budget Commission any allotment for purposes herein specified to any Board of School Trustees may be transferred to any allotment of any other Board of School Trustees, provided that the total of all such transfers shall in no case exceed Forty Thousand Dollars (\$40,000) in any one year; and provided further that the total of all such

**APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE**

transfers for fuel, water, light, and power shall not exceed a total of Twenty Thousand Dollars (\$20,000) in any one year.

(c) Transfers of appropriations not in excess of 20% of the total appropriation, made to the Board of Public Education in Wilmington or to the respective Boards of Special School Districts, exclusive of salary items, are hereby authorized to be made and complete record of such transfers maintained by the said Board of Public Education in Wilmington or by any of the said respective Boards of Special School Districts within the total of their respective appropriations without the approval of the Permanent Budget Commission.

(d) Transfers of appropriation not in excess of 20% of the total appropriation made to the respective Boards of School Trustees, exclusive of salaries, are hereby authorized to be made and complete record of such transfers maintained by the State Board within the same school district and within the total of their respective appropriations without the approval of the Permanent Budget Commission.

Section 9. For the purposes of this act as it relates to appropriations for text and library books and other supplies and materials of instruction, the several Boards of Trustees of School Districts are hereby authorized to requisition the State Board of Education to purchase text and library books and other supplies and materials of instruction in accordance with the powers of selection and approval of text and library books vested in the State Board of Education as provided by Section 15 of Chapter 71 of the Revised Code of Delaware, 1935, being Code Section 2637, and payment therefor shall be made by the State Treasurer on warrant as otherwise provided in this act.

Section 10. Any amount appropriated for salaries under the terms of this act in excess of the total amount expended therefor shall be placed in a separate account to be known as the Salary Turnover Account on or before July 1, 1942; provided that any such excesses occurring in a school belonging to the State Board Unit shall be credited to the State Board of

## APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

Education; those occurring in the City of Wilmington shall be credited to the Board of Public Education in Wilmington; and those occurring in any of the several Special School Districts shall be credited to the Boards of Education of the Special Districts in which said excesses occur; and provided further that no transfers shall be made for any purposes from said Salary Turnover Account except upon authorization by the Permanent Budget Commission.

Section 11. Any such amounts remaining in the said Salary Turnover Account to the credit of the State Board of Education, the Board of Public Education in Wilmington, or any of the Boards of Education of the several Special School Districts on July 1, 1942 shall be made available for the exclusive use by said respective boards for salary increments in their respective districts, and in the same manner as provided in this act; provided that such modifications of the methods shall be employed as may be necessary to preserve the uniformity within any given school district or within the several school districts belonging to the State Board Unit of the increment that shall be warranted by the said balance existing in said Salary Turnover Account to the credit of any of said Boards; and provided further that nothing in this section shall be interpreted to mean that any teacher or other school employe shall be entitled to receive a larger increment than that to which he is entitled in accordance with the provisions of the regular salary schedules of said Boards as now or hereafter in effect.

Section 12. Whenever any abnormal increase in enrollment shall occur in any school district as a result of increasing defense activities, industrial expansion, transfer of school children or any other similar reason, which requires the employment of additional teachers, there is hereby appropriated in addition to the amounts appropriated in Section 1 of this Act the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) for each year of the biennium ending June 30, 1943. The State Treasurer is hereby directed to pay out all or any part of said appropriation in the same manner as otherwise provided in this Act upon notice by the Permanent Budget Commission that ap-

### APPROPRIATION FOR EXPENSES OF THE PUBLIC SCHOOLS OF THE STATE

plication for the use of all or any part of said appropriation has been made by the State Board of Education by the Board of Public Education in Wilmington or by any of the several Boards of Education of the Special School Districts, and has been approved by said Budget Commission. Provided that the discontinuance of instruction in any high school grades as a result of action by the Board of Trustees for the State College for Colored Students shall be deemed sufficient cause for approval of any application for expenditures for salaries for teachers in said grades.

Section 13. The State Treasurer is hereby directed to pay out of the amount appropriated in Section 1 of this Act on warrants issued by the Board of Public Education in Wilmington not to exceed the following amounts:

	Year Ended June 30, 1942	Year Ended June 30, 1943
<b>ADMINISTRATIVE CONTROL</b>		
Salaries .....	\$ 18,720.00	\$ 18,720.00
Office Expense .....	1,775.00	1,775.00
Travel .....	584.00	584.00
Miscellaneous .....	2,315.00	2,315.00
<b>INSTRUCTIONAL SERVICE</b>		
Salaries .....	1,060,898.30	1,060,898.30
Text and Library Supplies .....	29,098.00	28,216.00
Material and Supplies .....	27,348.00	26,523.00
Miscellaneous .....	6,786.80	6,641.98
Office Expense—Offices of Principals, Supervisors and Directors .....	5,023.02	5,023.02
Libraries .....	2,625.00	2,625.00
<b>OPERATION</b>		
Salaries .....	107,285.00	107,285.00
Janitor Supplies .....	6,844.00	6,617.00
Fuel, Water, Light and Heat ...	43,323.61	43,323.61
Telephones .....	5,100.00	5,100.00
<b>MAINTENANCE</b>		
Miscellaneous .....	2,780.00	2,688.00
Upkeep of Grounds .....	1,500.00	1,500.00
Repairs .....	13,000.00	13,000.00

**APPROPRIATION FOR EXPENSES OF THE  
PUBLIC SCHOOLS OF THE STATE**

**FIXED CHARGES**

Insurance .....	7,500.00	7,500.00
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**AUXILIARY AND COORDINATE  
ACTIVITIES**

Adult Education .....	5,000.00	5,000.00
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Promotion of Health .....	800.00	800.00
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**TOTAL—BOARD OF PUBLIC  
EDUCATION IN WILMING-**

TON .....	\$1,348,305.73	\$1,346,134.91
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Section 14. Definitions:—The terms “administrative control,” “instructional service,” “operation,” “maintenance,” “fixed charges,” and “auxiliary and coordinate activities” as used in Section 13 of this Act shall be defined as follows:

The term “administrative control” shall include: Salaries and other expenses of the superintendent’s office; salaries and other expenses of the business office; salaries and other expenses of the research office; salaries and other administrative expenses of the director of health, supervisor of personnel and attendance, and chief building engineer; and other expenses of “administrative control”.

The term “instructional service” shall include: Supervision part of the salaries of assistant superintendents; salaries and other expense of directors and supervisors and other expenses of supervision; salaries of principals, vice-principals, principals’ clerks, teachers, librarians, and substitutes; textbooks, library books, and professional books for teachers; and other “instructional expense”.

The term “operation” shall include: Expenditures for the salaries of custodians, engineers, and telephone operators; fuel, light and power; care of grounds; rent, supplies, and other operating expenses except salaries and administrative expense of chief building engineer.

The term “maintenance” shall include: Expenditures for

APPROPRIATION FOR EXPENSES OF THE  
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upkeep of grounds; repair of buildings; repair and replacement of heat, light, and plumbing equipment; repair and replacement of apparatus used in instruction; repair and replacement of other equipment; and other maintenance expense.

The term "fixed charges" shall include: Expenditures for insurance; teacher retirement; premiums paid for workmen's compensation insurance; and other similar expenditures.

The term "auxiliary and coordinate activities" shall include: Expenditures for Health Service (except salary of Director of Health and other administrative expense), salaries of home visitors, teachers' meetings, Americanization, adult education, and other auxiliary activities.

Section 15. Any portion of this appropriation not expended on the first day of July immediately following each of the respective fiscal years for the purpose herein named shall revert to the General Fund of the State Treasury except those amounts that are specifically designated to be placed to the credit of the Salary Turnover Account as provided for in Section 2, paragraph (i), in Section 10 and in Section 11 of this Act.

Approved May 2, 1941.



## CHAPTER 58

TRANSFER OF CERTAIN MONEY TO CURRENT FUND OF  
SELBYVILLE PUBLIC SCHOOL DISTRICT

AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO TRANSFER TO THE CURRENT FUND OF THE SELBYVILLE PUBLIC SCHOOL DISTRICT A CERTAIN SUM OF MONEY APPEARING IN THE STATE TREASURY AS THE DEBT SERVICE TO THE CREDIT OF THE SAID SCHOOL DISTRICT.

WHEREAS, there is in the State Treasury, in the Debt Service Account, to the credit of the Selbyville Public School District, the sum of Two Thousand Five Hundred and Twenty Dollars and Five Cents (\$2,520.05), which said sum was raised by local taxation in the said school district for the purpose of paying expiring bonds theretofore issued by the said school district, together with accrued interest thereon; and

WHEREAS, the said fund is no longer needed for the purpose for which it was raised; and

WHEREAS, the said fund is greatly needed by the said school district for the purpose of repairs to grounds, buildings and equipment; 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 to the current fund of the Selbyville Public School District the said sum of Two Thousand Five Hundred and Twenty Dollars and Five Cents (\$2,520.05) appearing in the State Treasury as the Debt Service Account to the credit of the said school district.

Section 2. That the said sum so transferred, as provided for in Section 1 of this Act, shall be used by the said school district for improvements to school property, upon warrants drawn on the said fund by the proper officer or officers of the State

**TRANSFER OF CERTAIN MONEY TO CURRENT FUND OF  
SELBYVILLE PUBLIC SCHOOL DISTRICT**

Board of Education, and the State Treasurer is hereby authorized and directed to pay, from time to time, out of the said fund, such warrants.

**Approved April 1, 1941.**

## CHAPTER 59

TRANSFER OF CERTAIN MONEY TO CURRENT FUND  
OF GUMBORO SCHOOL DISTRICT NO. 37

AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO TRANSFER TO THE CURRENT FUND OF THE GUMBORO SCHOOL DISTRICT, NO. 37, THE SUM OF TWO THOUSAND THREE HUNDRED TWO DOLLARS AND FORTY-SIX CENTS (\$2,302.46) APPEARING IN THE STATE TREASURY AS THE DEBT SERVICE ACCOUNT TO THE CREDIT OF THE SAID SCHOOL DISTRICT, NO. 37.

WHEREAS, there is in the State Treasury in the Debt Service Account to the credit of the Gumboro School District, No. 37, the sum of Two Thousand Three Hundred Two Dollars and Forty-six Cents (\$2,302.46), which said sum was raised by local taxation in the said school district for the purpose of paying expiring bonds theretofore issued by the said School District, together with accrued interest thereon; and

WHEREAS, the said fund is no longer needed for the purpose for which it was raised; and

WHEREAS, the said fund is greatly needed by the said School District for the purpose of improvements to building and equipment; 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 to the current fund of the Gumboro School District, No. 37, the sum of Two Thousand Three Hundred Two Dollars and Forty-Six Cents (\$2,302.46) appearing in the State Treasury the Debt Service Account to the credit of the said School District.

Section 2. That the said sum so transferred, as provided for in Section 1 of this Act shall be used by the said School District for improvement to school property and/or equipment upon

**TRANSFER OF CERTAIN MONEY TO CURRENT FUND  
OF GUMBORO SCHOOL DISTRICT NO. 37**

warrants drawn on the said fund by the proper officer or officers of the State Board of Education, and the State Treasury is hereby authorized and directed to pay, from time to time, out of the said fund, such warrants.

Approved April 2, 1941.

## CHAPTER 60

TRANSFER OF CERTAIN MONEY TO CURRENT FUND  
OF NEWPORT SCHOOL DISTRICT NO. 21

AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO TRANSFER TO THE CURRENT FUND OF THE NEWPORT SCHOOL DISTRICT NO. 21, KNOWN AS THE HENRY J. KREBS SCHOOL, THE SUM OF FIVE THOUSAND AND THIRTY-FIVE DOLLARS AND FORTY CENTS (\$5,035.40) APPEARING IN THE STATE TREASURY AS THE DEBT SERVICE ACCOUNT TO THE CREDIT OF THE SAID SCHOOL DISTRICT NO. 21.

WHEREAS, there is in the state treasury, in the Debt Service Account, to the credit of the Newport School District No. 21, known as, the Henry J. Krebs School, the sum of Five Thousand and Thirty-Five Dollars and Forty Cents (\$5,035.40), which said sum was raised by local taxation in the said school district for the purpose of paying expiring bonds theretofore issued by the said School District, together with accrued interest thereon; and

WHEREAS, the said fund is no longer needed for the purpose for which it was raised; and

WHEREAS, the said fund is greatly needed by the said school district for the purpose of repairs to buildings and equipment; 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 to the current fund of the Newport School District No. 21, known as the Henry J. Krebs School, the sum of Five Thousand and Thirty-Five Dollars and Forty Cents (\$5,035.40) appearing in the state treasury as the Debt Service Account to the credit of the said School District.

TRANSFER OF CERTAIN MONEY TO CURRENT FUND  
OF NEWPORT SCHOOL DISTRICT NO. 21

Section 2. That the said sum so transferred, as provided for in Section 1. of this Act, shall be used by the said school district for improvements to school property, upon warrants drawn on the said fund by the proper officer or officers of the State Board of Education, and the State Treasury is hereby authorized and directed to pay, from time to time, out of the said fund, such warrants.

Approved April 3, 1941.

## CHAPTER 61

TRANSFER OF CERTAIN MONEY TO CURRENT FUND  
OF THE ROSE HILL AND MINQUADALE SCHOOL  
DISTRICT NO. 47

AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO TRANSFER TO THE CURRENT FUND OF THE ROSE HILL AND MINQUADALE SCHOOL DISTRICT, NO. 47, THE SUM OF FIVE HUNDRED DOLLARS APPEARING IN THE STATE TREASURY AS THE DEBT SERVICE ACCOUNT TO THE CREDIT OF THE SAID SCHOOL DISTRICT NO. 47.

WHEREAS, the sum allotted to the Rose Hill and Minquadale School District No. 47 by the State Board of Education for maintenance and upkeep has proven insufficient to meet the expense of properly maintaining the two schools in the district; and

WHEREAS, insufficient funds exist to complete alterations in the water system of the Rose Hill School to provide hot water for the shower rooms; and

WHEREAS, the Rose Hill and Minquadale School District No. 47 has over a period of years accumulated a substantial surplus in its Debt Service Account, more than sufficient to meet its needs in that account, and

WHEREAS, the Board of Trustees of the Rose Hill and Minquadale School District No. 47 hereby petitions the General Assembly to authorize transfer of Five Hundred Dollars from the Debt Service Account to the Current Maintenance Account of the said School District, 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 of the State of Delaware be and hereby is authorized to transfer the sum of Five Hundred Dollars from the Debt Service Account of Rose Hill

TRANSFER OF CERTAIN MONEY TO CURRENT FUND  
OF THE ROSE HILL AND MINQUADALE SCHOOL  
DISTRICT NO. 47

and Minquadale School No. 47 to the Current Maintenance Account of the Rose Hill and Minquadale School District No. 47 to be used to complete alterations in the water system of Rose Hill School and maintaining the two schools in the said District.

Approved April 14, 1941.



## CHAPTER 62

TRANSFER OF CERTAIN MONEY TO CURRENT FUND OF  
THE LORD BALTIMORE SCHOOL DISTRICT NO. 28

AN ACT TO AUTHORIZE AND DIRECT THE STATE TREASURER TO TRANSFER TO THE CURRENT FUND OF THE LORD BALTIMORE SCHOOL DISTRICT NO. 28 THE SUM OF FOUR THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS AND THIRTEEN CENTS APPEARING IN THE STATE TREASURY AS THE DEBT SERVICE ACCOUNT TO THE CREDIT OF SAID SCHOOL DISTRICT NO. 28.

WHEREAS, there is in the State Treasury in the Debt Service Account to the credit of the Lord Baltimore School District, No. 28, the sum of Four Thousand Eight Hundred and twenty-two dollars and thirteen cents (\$4,822.13), which said sum was raised by local taxation in the said school district for the purpose of paying expiring bonds theretofore issued by the said School District, together with accrued interest thereon; and

WHEREAS, the said fund is no longer needed for the purpose for which it was raised; and

WHEREAS, the said fund is greatly needed by the said School District for the purpose of improvements to building and equipment; 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 to the current fund of the Lord Baltimore School District, No. 28, the sum of Four Thousand eight hundred and twenty-two dollars and thirteen cents (\$4,822.13), appearing in the State Treasury the Debt Service Account to the credit of the said School District.

Section 2. That the said sum so transferred, as provided for in Section 1 of this Act shall be used by the said School Dis-

**TRANSFER OF CERTAIN MONEY TO CURRENT FUND OF  
THE LORD BALTIMORE SCHOOL DISTRICT NO. 28**

trict for improvement to school property and/or equipment upon warrants drawn on the said fund by the proper officer or officers of the State Board of Education, and the State Treasury is hereby authorized and directed to pay, from time to time, out of the said fund, such warrants.

Approved May 15, 1941.

## CHAPTER 63

APPROPRIATION FOR PAYMENT OF CERTAIN  
SCHOOL BOND MATURITIES

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF  
CERTAIN SCHOOL BONDS MATURING DURING THE FIS-  
CAL YEAR BEGINNING JULY 1, 1941, AND ENDING JUNE  
30, 1942.

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

Section 1. That there is hereby appropriated, out of the General Fund in the State Treasury not otherwise appropriated, the sum of One Hundred Eighty-three Thousand One Hundred Thirty-two Dollars (\$183,132.00), 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, 1941, and ending June 30, 1942.

Section 2. The names of said School Districts and Special School Districts and the respective amounts of the bonds maturing said fiscal year, referred to in Section 1 of this Act, for which said monies are appropriated, are as follows:

Name of School District or Special School District	Year of Issue	Amount of Principal of Bonds Maturing During Fiscal Year Beginning July 1, 1941 and Ending June 30, 1942
<b>New Castle County:</b>		
Alexis I. duPont .....	1938	\$ 10,000.00
Arden No. 3 .....	1924	500.00
Claymont .....	1922	11,000.00
Claymont .....	1928	4,000.00
Delaware City No. 52 .....	1929	1,000.00
Eden No. 101 .....	1934	500.00
Hockessin No. 29 .....	1931	1,000.00

### APPROPRIATION FOR PAYMENT OF CERTAIN SCHOOL BOND MATURITIES

Marshallton No. 77 .....	1931	1,000.00
Middletown No. 60 .....	1928	2,832.00
Middletown No. 60 .....	1939	3,000.00
Mt. Pleasant No. 2 .....	1931	3,000.00
Newark .....	1922	6,000.00
New Castle .....	1928	2,000.00
Newport No. 21 .....	1932	1,000.00
Oak Grove No. 130 .....	1927	1,800.00
Odessa No. 61 .....	1934	1,000.00
Richardson Park No. 20 .....	1924	3,400.00
Rose Hill and Minquadales No. 47 ....	1928	1,000.00
Stanton No. 38 .....	1928	600.00
Townsend No. 81 .....	1932	1,000.00
Yorklyn No. 91 .....	1931	1,000.00

Total New Castle County .....	\$ 56,632.00
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#### Kent County:

Caesar Rodney .....	1916	\$ 2,500.00
Caesar Rodney .....	1938	4,600.00
Clayton No. 118 .....	1940	1,750.00
Clayton No. 119 .....	1929	1,000.00
Dover .....	1923	8,000.00
Dover .....	1925	1,000.00
Dover .....	1938	10,000.00
Farmington No. 39 .....	1928	300.00
Felton No. 54 .....	1928	1,000.00
Frederica No. 32 .....	1930	1,000.00
Harrington .....	1933	1,000.00
Kenton No. 9 .....	1939	500.00
Leipsic No. 11 .....	1928	200.00
Magnolia No. 50 .....	1934	500.00
Smyrna .....	1929	2,500.00

Total Kent County .....	\$ 35,850.00
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### APPROPRIATION FOR PAYMENT OF CERTAIN SCHOOL BOND MATURITIES

#### Sussex County:

Bridgeville No. 90 .....	1929	\$ 2,000.00
Delmar No. 163 .....	1927	1,000.00
Ellendale No. 125 .....	1930	1,000.00
Greenwood No. 91 .....	1930	1,000.00
John M. Clayton No. 97 .....	1931	1,000.00
Laurel .....	1927	2,000.00
Laurel .....	1941	5,750.00
Lewes .....	1921	2,000.00
Lincoln No. 3 .....	1930	700.00
Lord Baltimore No. 28 .....	1931	2,000.00
Millsboro No. 23 .....	1931	1,000.00
Milton No. 8 .....	1931	2,500.00
Rehoboth .....	1938	8,000.00
Roxana No. 31 .....	1934	400.00
Seaford .....	1939	5,000.00
Seaford .....	1941	10,000.00
Sycamore No. 44 .....	1934	300.00

Total Sussex County .....	\$ 45,650.00
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Wilmington .....	1915	\$ 15,000.00
Wilmington .....	1924	30,000.00

Total Wilmington .....	\$ 45,000.00
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Total Redemption—School District Bonds...\$183,132.00

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 fiscal year 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 FOR PAYMENT OF CERTAIN  
SCHOOL BOND MATURITIES

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 during said fiscal year 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 during said fiscal year for the purpose of paying the principal of the bonds mentioned and described in said Section 2 during the fiscal year 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 18, 1941.

## CHAPTER 64

## APPROPRIATION

## AN ACT TO PROVIDE FOR THE INSTRUCTION OF THE INMATES OF THE CHILDREN'S BEACH HOUSE, AND APPROPRIATING MONEY THEREFOR.

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

Section 1. That in addition to the sums that are or may be appropriated for the general School Budget, for the school year beginning July 1, 1941 and ending June 30, 1942, and for the school year beginning July 1, 1942 and ending June 30, 1943, there is hereby further appropriated for the school year beginning July 1, 1941 and ending June 30, 1942, the sum of Six Hundred Dollars (\$600.00), and for the school year beginning July 1, 1942 and ending June 30, 1943, the sum of Six Hundred Dollars (\$600.00).

The said sums shall be allotted by the State Board of Education to the Board of Education of the Lewes Special School District, and shall be used for the purpose of instructional service for the inmates of the Children's Beach House.

Section 2. That this Act shall be taken to be a Supplementary Appropriation Act, and the money hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved April 18, 1941.

## CHAPTER 65

## APPROPRIATION

AN ACT AUTHORIZING AN ADDITIONAL APPROPRIATION  
FOR ADULT EDUCATION IN THE CITY OF WILMINGTON.

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

Section 1. That the sum of Five Thousand Dollars (\$5000.00) be and the same is hereby appropriated out of the General Fund of the State Treasury for each of the two fiscal years beginning July 1, 1941 and July 1, 1942, respectively, for Adult Education in the City of Wilmington during the said two fiscal years, the said money to be paid by the State Treasurer upon proper warrant or warrants signed by the proper officers of the State Board of Education, and to be used only for the purpose of conducting Americanization and literacy classes.

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.

Approved May 7, 1941.



CHAPTER 66

APPROPRIATION

AN ACT AUTHORIZING AN APPROPRIATION FOR THE DEPARTMENT DEALING WITH MENTALLY HANDICAPPED CHILDREN.

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

Section 1. That the sum of Fifteen Hundred Dollars (\$1500.00) be and the same is hereby appropriated out of the General Fund of the State Treasury to the State Board of Education for the purpose of equipment for the Department dealing with mentally handicapped children, the said money to be paid by the State Treasurer upon proper warrant or warrants signed by the proper officers of the State Board of Education, and to be used exclusively for the purpose hereinabove stated.

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.

Approved May 7, 1941.

## CHAPTER 67

## APPROPRIATION

AN ACT MAKING A DEFICIENCY APPROPRIATION FOR THE  
TRANSPORTATION OF SCHOOL CHILDREN TO PUBLIC  
SCHOOLS.

WHEREAS, the school budget appropriation for the year 1939-1940 was 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 for the total number of days the public schools of the State were open; 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 to the State Board of Education out of the funds of the State Treasury not otherwise appropriated the sum of Four Thousand Three Hundred Forty-one Dollars and Forty Cents (\$4,341.40) to be applied solely and exclusively in the payment of the cost of transportation of school children not heretofor paid from any source for the school year 1939-40.

That there is also hereby appropriated to the State Board of Education out of the funds of the State Treasury not otherwise appropriated the sum of Eight Thousand Dollars (\$8,000.00) to be applied solely and exclusively in the payment of the cost of transportation of school children not heretofore paid from any source for the school year 1940-41.

Section 2. This Act shall be known as a Supplementary Appropriation Act.

Approved May 15, 1941.

## CHAPTER 68

## APPROPRIATION

AN ACT APPROPRIATING MONEY FOR EDUCATION AND TRAINING OF CHILDREN OF THE WORLD WAR VETERANS WHO DIED WHILE IN THE SERVICE OF THE ARMY, NAVY OR MARINE CORPS OF THE UNITED STATES.

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

Section 1. That there is hereby appropriated the sum of Three Thousand Dollars (\$3000.00) for the fiscal year beginning July 1, 1942, and ending June 30, 1943, or so much thereof as may be necessary under this Act, for the use and benefit of the children, not under sixteen (16) nor over twenty-one (21) years of age and who have for twelve (12) months had their domicile in the State of Delaware, of those who served in the Army, Navy or Marine Corps of the United States in the World War and who were killed in action or died during said War, from April 6, 1917, to July 2, 1921, or who have died since or may hereafter die from disease or disability resulting from such War service; which said children are attending or may hereafter attend any educational or training institution in this State; for the purpose of providing and paying for said children, tuition and matriculation fees, board and room rent, and books and supplies, and other purposes incidental thereto. Provided, that any child having entered upon a course of training or education, under the provisions of this Act, consisting of a course of not more than four years, and arriving at the age of twenty-one (21) years before the completion of said course, may continue in said course and receive all the benefits of the provisions of this Act until said course is completed.

Section 2. That not more than two hundred dollars (\$200.00) shall be paid under the provisions of this Act to any one child for any one year.

Section 3. That the amounts that may be or become due to any such educational or training institution, not in excess of

## APPROPRIATION

the amount specified in Section 2 thereof shall be payable to said institution as herein mentioned from the fund hereby created on vouchers approved by the Director of the State Board for Vocational Education. And it is hereby made the duty of said Director to ascertain and pass on the eligibility of the children who may make application for the benefits provided for in this Act; to satisfy himself of the attendance of such children at any such institution as is herein specified, and of the accuracy of the charge or charges submitted to said Director by the authorities of any such institution, on account of the attendance thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon proper vouchers signed by the State Auditor, provided said expenses shall not exceed the sum of two hundred and fifty dollars (\$250.00) in any one year, and further provided that said incidental expenses so appropriated shall be in addition to the moneys appropriated in Section 1 of this Act.

Approved May 7, 1941.

## CHAPTER 69

## APPROPRIATION

AN ACT TO AMEND CHAPTER 201, VOLUME 42, LAWS OF DELAWARE, ENTITLED: "AN ACT TO PROVIDE FOR THE VOCATIONAL REHABILITATION AND PLACEMENT OF PHYSICALLY DISABLED PERSONS, AND TO MAKE APPROPRIATIONS FOR THE SAME," AND MAKING APPROPRIATIONS FOR THE FISCAL YEARS ENDING JUNE 30, 1942, AND JUNE 30, 1943.

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

Section 1. That Chapter 201, Volume 42, Laws of Delaware, be and the same is hereby amended by adding immediately after Section 6 thereof, a new Section to be styled Section 7, as follows:

"Section 7. That there is appropriated the sum of Five Thousand Dollars (\$5,000.00) for the fiscal year beginning July 1, 1941, and ending June 30, 1942; and there is hereby further appropriated the sum of Five Thousand Dollars (\$5,000.00) for the fiscal year beginning July 1, 1942, and ending June 30, 1943, for the purpose of this Act."

Section 2. This Act shall be a Supplementary Appropriation Act, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved May 13, 1941.

CHAPTER 70  
APPROPRIATION

AN ACT APPROPRIATING THIRTY-FIVE HUNDRED DOLLARS (\$3500.00) TO THE STATE BOARD OF AGRICULTURE TO MAKE UP CERTAIN DEFICIENCIES IN RESPECT TO CATTLE TUBERCULOSIS AND BANG'S DISEASE ERADICATION IN THE BIENNIUM APPROPRIATION 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 sum of Thirty-five Hundred Dollars (\$3500.00) is hereby appropriated to the State Board of Agriculture to be used to further cattle tuberculosis and Bang's Disease eradication for the period from February 1, 1941, to and including June 30, 1941.

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

Approved May 8, 1941.

## CHAPTER 71

## APPROPRIATION

**AN ACT TO APPROPRIATE CERTAIN MONEY TO THE STATE BOARD OF AGRICULTURE FOR USE IN THE CONTROL OF THE JAPANESE BEETLE.**

*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 Five Hundred Dollars (\$3,500.00) is hereby appropriated to the State Board of Agriculture for the fiscal year beginning June 30, 1941, and ending June 30, 1942, and a like sum for the fiscal year beginning June 30, 1942, and ending June 30, 1943, out of the Treasury of the State of Delaware. Said appropriation shall be used and expended by said Board only for the introduction, maintenance and advancement of the latest and most approved methods for the control and eradication of the Japanese Beetle, with special emphasis being laid upon the use of the Milky White Disease as the same is now being employed by the States of Maryland and New Jersey.

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, 1941.

CHAPTER 72  
APPROPRIATION

AN ACT APPROPRIATING FIVE THOUSAND DOLLARS (\$5,000.00) TO THE STATE BOARD OF AGRICULTURE TO MAKE UP CERTAIN DEFICIENCIES IN THE BIENNIUM APPROPRIATION 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 sum of Five Thousand Dollars (\$5,000.00) is hereby appropriated to the State Board of Agriculture to be used for salaries and administrative functions of the Bureau of Markets and State Chemists of said Board from February 1, 1941, to June 30, 1941.

Section 2. That this Act, shall be known as a supplementary appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved April 1, 1941.



## CHAPTER 73

APPROPRIATION FOR EXPENSES OF STATE  
HIGHWAY DEPARTMENT

AN ACT MAKING APPROPRIATIONS TO THE STATE HIGHWAY DEPARTMENT FOR THE CONSTRUCTION AND RECONSTRUCTION OF THE ROADS, HIGHWAYS AND BRIDGES OF THE STATE AND FOR EXPENDITURES INCIDENTAL THERETO FOR EACH OF THE FISCAL YEARS ENDING JUNE 30, 1942, AND JUNE 30, 1943.

*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 million Dollars (\$1,000,000.00) per annum for each of the respective fiscal years beginning July 1, 1941 and ending June 30, 1942, and beginning July 1, 1942 and ending June 30, 1943, be and the same is hereby appropriated out of the General Fund of the State of Delaware to the State Highway Department for the purpose of constructing and reconstructing roads, highways, bridges, dams, locks, sewers, water mains, tunnels and transmission lines and for the acquisition of land and rights of way and the surveying, grading and landscaping thereof and for the costs of labor, material, equipment, supplies and for any other purpose incidental and necessary to make effective the provisions of this Act.

Section 2. The said sums shall be paid by the State Treasurer upon warrants signed by the State Highway Department and approved by the Auditor of Accounts, as provided by law.

Section 3. 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 and/or paid out of the proceeds of any bonds issued upon the pledge of the public faith and credit of the State of Delaware to the extent provided by statute and for the purposes hereinbefore set forth.

Approved April 18, 1941.

## CHAPTER 74

APPROPRIATION TO PAY INTEREST ON CERTAIN  
HIGHWAY IMPROVEMENT BONDS AND  
STATE AID ROAD BONDS

AN ACT APPROPRIATING MONEYS FROM THE STATE TREASURY FOR THE PURPOSE OF PAYING THE INTEREST ON CERTAIN HIGHWAY IMPROVEMENT BONDS AND STATE AID BONDS ISSUED BY THE LEVY COURTS OF NEW CASTLE, KENT AND SUSSEX COUNTIES, DURING THE FISCAL BIENNIUM OF THE STATE OF DELAWARE, ENDING JUNE 30, 1943.

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

Section 1. On or before June 1, 1941, the Levy Court Commissioners of New Castle County, Kent County and Sussex County respectively shall certify to the State Treasurer the sums of money necessary to meet the requirements of paying interest falling due on the Highway Improvement Bonds and State Aid Road Bonds of each of the said Counties during the fiscal biennium of the State of Delaware beginning on July 1, 1941, and ending on June 30, 1943.

Section 2. The Highway Improvement Bonds and State Aid Road Bonds heretofore referred to in this Act are as follows:

New Castle County Bonds authorized under the following act: Chapter 51 of Volume 24, Laws of Delaware, Chapter 101 of Volume 29, 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 97 of Volume 33, Laws of Delaware, Chapter 104 of Volume 34, Laws of Delaware, and Chapter 128 of

APPROPRIATION TO PAY INTEREST ON CERTAIN  
HIGHWAY IMPROVEMENT BONDS AND  
STATE AID ROAD BONDS

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

Section 3. If, and when, any of the Bonds issued in accordance with any of the acts of the General Assembly of the State of Delaware, as hereinbefore enumerated in Section 2 of this act, shall be paid and redeemed, prior to their due date, by the issuing of Refunding Bonds for the payment and redemption thereof, then and in any such event, the interest on any such Refunding Bonds so issued, shall be paid as hereinafter provided, as the interest on the original bonds referred to in Section 2 was paid before being refunded and all of the provisions of this act shall apply to any and all such Refunding Bonds with the same force and effect as in the case of the bonds issued under the provisions of the said acts of the General Assembly of the State of Delaware as hereinbefore enumerated in Section 2.

Section 4. There is hereby appropriated and authorized to be paid out of the State Treasury to the Levy Court Commissioners of New Castle County, and to the Levy Court Commissioners of Kent County, and to the Levy Court Commissioners of Sussex County, for the use of said Counties respectively such sums of money as shall be necessary to meet the requirements of paying interest falling due on all the Bonds set forth in Section 2 of this act or on all Refunding Bonds that may be issued as set forth in Section 3 of this act, to be used by said Levy Court Commissioners for the purpose of paying the interest on said Bonds and for no other purpose. The moneys hereby appropriated and authorized are intended to embrace the sums necessary to provide for the said requirements of paying interest falling due on the said Highway Improvement Bonds and the said State Aid Bonds of each of the said Counties falling due during the period from July 1, 1941 up to June 30, 1943, both inclusive.

APPROPRIATION TO PAY INTEREST ON CERTAIN  
HIGHWAY IMPROVEMENT BONDS AND  
STATE AID ROAD BONDS

Section 5. Within ten days prior to the time for the payment of said interest on said bonds, the State Treasurer is hereby directed and required to pay to the Receiver of Taxes and County Treasurer of the respective Counties, the sums of money certified under Section 1 of this act as may be necessary for the purpose of paying the said interest charges on Bonds issued under the provisions of the said acts of the General Assembly of the State of Delaware as enumerated in Section 2 of this act.

Section 6. 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 the interest on any Bonds in this act referred to.

Section 7. The moneys hereby appropriated and authorized to be paid out of the State Treasury shall be paid out of the General Fund, not otherwise appropriated.

Approved May 2, 1941.

## CHAPTER 75

APPROPRIATION TO PURCHASE CERTAIN HIGHWAY  
IMPROVEMENT BONDS AND STATE AID ROAD BONDS

AN ACT AUTHORIZING THE STATE TREASURER 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 BIENNIUM ENDING JUNE 30, 1943.

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

Section 1. That the State Treasurer is hereby authorized, 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, 1941 and ending on June 30, 1943.

Section 2. The Highway Improvements Bonds and State Aid Road Bonds, heretofore referred to in this Act, are as follows:

New Castle County Bonds and State Aid Road Bonds, heretofore referred to in this Act, are as follows:

New Castle County Bonds authorized under the following acts: Chapter 51 of Volume 24, Laws of Delaware, Chapter 101 of Volume 29, Laws of Delaware, Chapter 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 of Volume 29, 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.

## APPROPRIATION TO PURCHASE CERTAIN HIGHWAY IMPROVEMENT BONDS AND STATE AID ROAD BONDS

Section 3. On or before June 1, 1941 the Levy Court Commissioners of the Counties of New Castle, Kent and Sussex, respectively, shall certify to the State Treasurer 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, 1941 and ending on June 30, 1943.

Section 4. Within ten days prior to the maturity date of any of the bonds set forth in Section 2 of this Act, it shall be the duty of the State Treasurer and Auditor of Accounts, and the 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 Treasurer. 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 Treasurer.

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

**APPROPRIATION TO PURCHASE CERTAIN HIGHWAY  
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on all 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, 1941 to June 30, 1943, both inclusive.

Section 7. The moneys hereby appropriated and authorized to be paid out of the State Treasury shall be paid out of moneys in the General Fund not otherwise appropriated.

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 5, 1941.

## CHAPTER 76

## APPROPRIATION

AN ACT APPROPRIATING MONEY TO THE STATE HIGHWAY DEPARTMENT TO BE USED FOR THE CARE AND MAINTENANCE AND THE RECONSTRUCTION AND RESTORATION OF McDONOUGH CEMETERY.

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

Section 1. That the sum of Fifteen Hundred Dollars (\$1500.00) or so much thereof as may be required for the purpose of this Act, be and the same is hereby appropriated to the State Highway Department for the care and maintenance and the reconstruction and restoration of McDonough Cemetery.

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

Approved May 9, 1941.



## CHAPTER 77

FARMERS BANK OF THE STATE OF DELAWARE  
AUTHORIZED TO ACCEPT FOR DEPOSIT  
CERTAIN VOUCHER CHECKS

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO PRESENT AND THE FARMERS' BANK OF THE STATE OF DELAWARE AT DOVER, DELAWARE TO ACCEPT FOR DEPOSIT CERTAIN VOUCHER CHECKS ISSUED BY THE STATE HIGHWAY DEPARTMENT OF THE STATE OF DELAWARE WHICH WERE NOT PRESENTED FOR PAYMENT WITHIN THE STATUTORY PERIOD OF TWO YEARS AS PROVIDED IN 401, SECTION 4 OF CHAPTER 15, OF THE REVISED CODE OF DELAWARE, 1935, AND AUTHORIZING AND DIRECTING THE STATE AUDITOR TO CREDIT ACCOUNT OF STATE HIGHWAY DEPARTMENT.

WHEREAS, The State Highway Department of the State of Delaware during the period from April 7, 1933 to September 21, 1937, inclusive, issued the following voucher checks to the following named individuals and in the following amounts, viz.:

April 7, 1933—Charles Milby .....	\$ 15.00
November 2, 1933—John Urash .....	2.00
January 24, 1934—Elias E. Othoson .....	450.00
January 25, 1934—Rebecca P. Cann .....	50.00
February 8, 1934—George M. Fisher, Attorney for Ollie P. Moore, Est. ....	1,750.00
February 25, 1935—Finley Geisman .....	58.00
July 13, 1935—Benjamin Bedwell .....	25.00
July 21, 1936—Evans S. Lynch .....	110.00
April 24, 1937—Paschall and Sons .....	6,000.00
September 21, 1937—Thomas Munsey Keith .....	500.00

TOTAL .....\$8,960.00

WHEREAS, said voucher checks were not presented to the said Farmers' Bank at Dover, Delaware for payment within two years after the date of each such voucher check; AND

WHEREAS, By reason of the fact that said voucher checks

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were not presented for payment within the time aforesaid, the State Highway fund because the State Highway Department was required to issue new voucher checks therefor has been penalized to the extent of the amount of said checks to-wit \$8,960.00; 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 of the State of Delaware be and he is hereby authorized and directed to present to the Farmers' Bank of the State of Delaware at Dover, Delaware, for deposit to the credit of the State of Delaware the above listed voucher checks aggregating the sum of \$8,960.00 and the said Farmers' Bank of the State of Delaware be and it is hereby authorized and directed to accept for deposit the above listed voucher checks aggregating \$8,960.00 notwithstanding the provisions of 401, Section 4, of Chapter 15, of the Revised Code of Delaware, 1935.

Section 2. The State Auditor of the State of Delaware be and he is hereby authorized and directed to credit the account of the State Highway Department with the aggregate amount of said voucher checks to-wit \$8,960.00.

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

Approved April 3, 1941.

## CHAPTER 78

STATE OF DELAWARE AUTHORIZED TO BORROW  
\$1,165,000 AND ISSUE BONDS THEREFOR

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW \$1,165,000.00 AND ISSUE BONDS THEREFOR FOR THE PURPOSE OF PURCHASING AND ERECTING NEW AND IMPROVED BUILDINGS, GROUNDS AND EQUIPMENT FOR CERTAIN STATE INSTITUTIONS AND THE UNIVERSITY OF DELAWARE AND SCHOOL DISTRICTS AND FOR THE PURPOSE OF CONSTRUCTING ROADS, BRIDGES AND HIGHWAYS.

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

Section 1. That the Governor and the State Treasurer and the Secretary of State of the State of Delaware herein sometimes referred to as the "issuing officers", are hereby authorized, fully empowered and directed, to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of One Million, One Hundred and Sixty-five Thousand Dollars (\$1,165,000.00), Two Hundred and Fifty Thousand Dollars (\$250,000.00) of which shall be used for the purposes set forth in an Act of the One Hundred and Eighth Session of the General Assembly entitled, "An Act making appropriations to the State Highway Department for the construction and reconstruction of the roads, highways and bridges of the State and for expenditures incidental thereto for each of the fiscal years ending June 30, 1942 and June 30, 1943", Twenty-five Thousand Dollars (\$25,000.00) of which shall be used for the construction and/or replacement of buildings and/or equipment at the Ferris Industrial School of Delaware, Sixty Thousand Dollars (\$60,000.00) of which shall be used for the construction and/or equipment of buildings at the Delaware State Hospital, Twenty-five Thousand Dollars (\$25,000.00) of which shall be used for the construction and/or equipment for the buildings and/or equipment for the Delaware Commission for the Feeble-Minded, Forty-five Thou-

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sand Dollars (\$45,000.00) of which shall be used for the construction and/or equipment of buildings for the State Welfare Commission of the State Welfare Home, Ten Thousand Dollars (\$10,000.00) of which shall be used for the construction of a Substation in Sussex County for agricultural research purposes by the Board of Trustees of the University of Delaware, and Seven Hundred and Fifty Thousand Dollars (\$750,000.00) of which shall be made available to the State Board of Education for use and aid in a school building program and/or the University of Delaware for the construction and equipment of an athletic Field House, provided that all of the sums authorized to be borrowed under this Act shall be appropriated under the terms and conditions of an appropriation act entitled, "An Act to provide for the purchase and construction of new and improved buildings, grounds and equipment for certain State institutions and the University of Delaware and school districts of this State and relating to the cost thereof and making appropriation therefor and providing for the means of payment."

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

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

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\$1,165,000 AND ISSUE BONDS THEREFOR

Section 4. That the said bonds shall recite that they are issued for the purpose set forth in Section 1 of this Act, and that they are issued in pursuance of this Act and the constitution of this State, and such recital shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any such bonds containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith, and shall be incontestable for any cause.

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

Section 6. That the said bonds shall bear interest payable semi-annually at a rate of interest not exceeding two and one-half per centum ( $2\frac{1}{2}\%$ ) per annum.

Section 7. That the said bonds shall mature as the "issuing officers" may determine; provided, however, that beginning after June 30, 1941, not less than Forty Thousand Dollars (\$40,000.00) of the principal debt hereby authorized shall be paid each year until the total of the said debt is fully paid.

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

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priating to such institutions of the State the money received from the sale of the said bonds authorized by this Act.

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

Approved May 7, 1941.

## CHAPTER 79

APPROPRIATION FOR PURCHASE AND CONSTRUCTION  
OF IMPROVED BUILDINGS, GROUNDS AND EQUIPMENT  
FOR CERTAIN STATE INSTITUTIONS, THE UNIVERSITY  
OF DELAWARE AND SCHOOL DISTRICTS

AN ACT TO PROVIDE FOR THE PURCHASE AND CONSTRUCTION OF NEW AND IMPROVED BUILDINGS, GROUND AND EQUIPMENT FOR CERTAIN STATE INSTITUTIONS AND THE UNIVERSITY OF DELAWARE AND SCHOOL DISTRICTS OF THIS STATE AND RELATING TO THE COST THEREOF, MAKING APPROPRIATION AND PROVIDING FOR THE MEANS OF PAYMENT.

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

Section 1. For the purposes of providing for the purchase and construction of buildings, grounds and equipment for certain state institutions and to provide aid by this state for the purchase and construction of school buildings, grounds and equipment or additions thereto, there is hereby appropriated the total amount of Nine Hundred Fifteen Thousand Dollars (\$915,000.00) to be paid out of the proceeds of the sale of bonds of this state, as otherwise provided by an act entitled "An Act Authorizing the State of Delaware to Borrow \$1,165,000.00 and Issue Bonds Therefor for the Purpose of Purchasing and Erecting New and Improved Buildings, Grounds and Equipment for certain State Institutions and the University of Delaware and School Districts and for the Purpose of Constructing Roads, Bridges and Highways," by the State Treasurer upon written certification of the Governor, the Secretary of State and the State Treasurer or a majority of them, setting forth that the terms and conditions shall not exceed such portion of said appropriation as is hereinafter provided for the several state institutions and school districts out of the said total appropriation provided in this Section.

Section 2. Of the total amount appropriated in Section 1 of this act, the sum of Twenty-five Thousand Dollars

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(\$25,000.00) is hereby appropriated to be used for the construction and/or the replacement of building and/or equipment at the Ferris Industrial School of Delaware.

Section 3. Of the total amount appropriated in Section 1 of this act, the sum of Sixty Thousand Dollars (\$60,000.00) is hereby appropriated to be used for the construction and/or equipment of buildings at the Delaware State Hospital.

Section 4. Of the total amount appropriated in Section 1 of this act, the sum of Twenty-five Thousand Dollars (\$25,000.00) is hereby appropriated to be used for the construction and/or equipment for the Delaware Commission for the Feeble-Minded.

Section 5. Of the total amount appropriated in Section 1 of this act, the sum of Forty-five Thousand Dollars (\$45,000.00) is hereby appropriated to be used for the construction and/or equipment of buildings for the State Welfare Commission of the State Welfare Home.

Section 6. Of the total amount appropriated in Section 1 of this Act, the sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated to be used for the purchase of land and construction of a Sub-station in Sussex County for agricultural research purposes by the Board of Trustees of the University of Delaware.

Section 7. Of the total amount appropriated in Section 1 of this act, the sum of Seven Hundred, Fifty Thousand Dollars (\$750,000.00) is hereby appropriated to be made available to the State Board of Education for use and aid in a school building program, provided that all of the sums appropriated under this act shall be made available only out of moneys borrowed under the terms of an act entitled "An Act Authorizing the State of Delaware to Borrow \$1,165,000.00 and Issue Bonds



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Therefor for the Purpose of Purchasing and Erecting New and Improved Buildings, Grounds and Equipment for Certain State Institutions and the University of Delaware and School Districts and for the Purpose of Constructing Roads, Bridges and Highways;" and

Provided, further, that the following amounts listed in the column headed "Requested" shall be considered as requested by the school districts hereinafter named and no appropriation to such school district shall be allocated in excess of the amount appearing opposite the name of the school district or school in the column headed "Maximum State Appropriation" and shall be granted only upon condition that the said school district shall contribute the respective amount shown in the column headed "Local Contribution" or in such proportion as said maximum state appropriation bears to the amount appearing opposite the name of the respective school district or school in the column headed "Local Contribution" and such amounts shall be allocated as the State Board of Education shall determine, but the total amount allocated shall not exceed the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00) :

School or School District	Requested	Maximum State Appropriation	Local Contribution
Mt. Pleasant .....	\$150,000.00	\$100,000.00	\$ 50,000.00
Richardson Park .....	80,000.00	34,000.00	46,000.00
Milford .....	300,000.00	200,000.00	100,000.00
Seaford .....	210,000.00	126,000.00	84,000.00
Laurel .....	120,000.00	80,000.00	40,000.00
Newark .....	150,000.00	90,000.00	60,000.00
New Castle .....	145,000.00	90,000.00	55,000.00
Dover (Colored) .....	94,000.00	94,000.00	None
Harrington .....	173,000.00	72,660.00	100,000.00
Minquadale .....	70,000.00	40,000.00	30,000.00
Alfred I. duPont .....	125,000.00	75,000.00	50,000.00
Marshallton .....	40,000.00	8,000.00	52,000.00

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Conrad .....	140,000.00	21,000.00	119,000.00
Stanton .....	25,000.00	12,500.00	12,500.00
Gumboro .....	20,000.00	15,000.00	5,000.00
Eastern Sussex (Colored) .....	150,000.00	50,000.00	None
Lord Baltimore .....	120,000.00	39,600.00	80,400.00
Lewes .....	80,000.00	54,400.00	25,600.00
Bethel .....	20,000.00	10,000.00	10,000.00
Hartly .....	500.00	500.00	None
Glasgow .....	400.00	400.00	None
Delaware City Colored			
School District No. 118 .....	4,000.00	4,000.00	None
Townsend .....	1,000.00	1,000.00	None

And further provided that if the total of requests shall be reduced by the Trustees of the Schools or School Districts hereinabove named to the extent that the total state appropriation shall not equal in amount the maximum state appropriation made available under this act of Seven Hundred, Fifty Thousand Dollars (\$750,000.00), all or any part of such unused portion of said appropriation not applied for and accepted by the School Districts hereinbefore named on or before September 1, 1941 shall be considered to be not otherwise appropriated, and such unused portion of said appropriation, but in no case to exceed One Hundred Thousand Dollars (\$100,000.00), shall be then appropriated and made available to the Board of Trustees of the University of Delaware for the construction and equipment of an Athletic Field House and all or any of said unused portion of said appropriation thereafter remaining shall revert to the General Fund of the State of Delaware.

And be it further provided as terms and conditions of any appropriation made for the purpose of any school building program that on and after January 1, 1943 where the local cost of school building in any district and the state cost of school building in such district bear the appropriate relationship to the other as shown in the Basic Table, hereinafter set

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forth, under column one and two of said table, any appropriation by this state to any district building program shall be deemed to be and shall be such percentage of any request as the ratio set forth in the appropriate column (of those opposite said columns one and two) under the heading "Contributions Permissible", and said appropriation shall be in accordance with the ratios of column three where the amount of requested improvements equal or exceed 75 per cent of the cost of improvements existing and in use immediately preceding the submission of a building program, and in like manner shall the ratios in column four determine the amount of the state contribution where the total amount of any requested building program is 25 per cent or more but not more than 75 per cent of the cost of improvements existing and in use immediately preceding the submission of said requested building program, and in like manner shall the ratio in column five govern the state distribution where the total amount of any requested building program is less than 25 per cent of the cost of improvements existing and in use immediately preceding submission of any said requested building program, as follows:

**BASIC TABLE**

Costs Incurred on or before January 1, 1943		Contributions Permissible After January 1, 1941 up to and including January 1, 1951					
Column 1	Column 2	Column 3 Maximum		Column 4 Mean		Column 5 Minimum	
State Cost	Local Costs	State	Local	State	Local	State	Local
100	0	30	70	15	85	0	100
95	5	34	66	19.5	81.5	5	95
90	10	38	62	24	76	10	90
85	15	42	58	28.5	71.5	15	85
80	20	46	54	33	67	20	80
75	25	50	50	37.5	62.5	25	75
70	30	54	46	42	58	30	70
65	35	58	42	51	49	45	55
60	40	62.5	37.5	60	40	60	40

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55	45	68	32	60	40	60	40
50	50	73.5	26.5	60	40	60	40
45	55	78.5	21.5	60	40	60	40
40	60	83.5	16.5	60	40	60	40
35	65	91	9	60	40	60	40
30	70	98.5	1.5	60	40	60	40

For the purposes of this act, where the exact percentages of costs incurred by the state and by the district do not appear in the said Basic Table, the percentage figure appearing in column one which the state cost most nearly approximates shall govern for purposes of determining the appropriate opposite columns for ascertaining the amount of Contributions Permissible for any requested building program.

The term "local cost" shall be and include the amount paid since January 1, 1900 for land and buildings, in use in said district for school purposes at the time a requested school program is submitted, provided that amounts paid were derived from the proceeds of sale of bonds which have been paid since January 1, 1919, or provision made for payment on or before June 30, 1942 by the state shall not be included as local costs.

The term "state cost" shall be and include all amounts paid out of moneys appropriated to a school district for building purposes on and after January 1, 1919 up to and including June 30, 1942, and shall include all amounts appropriated or otherwise provided for a school district for the purposes of redeeming, or of causing to be redeemed between January 1, 1919 and June 30, 1942 all bonds issued as an obligation of a school district.

Whenever costs not allocable to either state or local costs have been otherwise provided by private contributions or Federal aid or in like manner, said costs shall be allocated for purposes of this act evenly between state and local costs.

"Permissible Contributions" shall refer specially to those

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amounts resulting from the application of appropriate percentages included in said Basic Table which shall be payable by the State Board of Education in accordance with this act, provided that no state contribution shall be permissible unless the appropriate or complementary percentage for local contributions to make a total of 100 per cent of amounts requested by any district shall be made available to pay for any requested building program.

The term "state contribution" shall mean all money properly payable to any school district for proposed school building purposes as provided in this act.

The term "local contribution" shall mean all moneys contributed in amounts and/or by percentages specified to render permissible any state contribution under this act by the State Board of Education from whatever source said money may be received by any Board of Trustees of a school district or any Board of Trustees of a special school district or of the Board of Education of the City of Wilmington.

Where used in this act, the term "improvement" shall for local cost, state cost and other cost purposes and for state contribution and local contribution purposes to be deemed and construed to embrace costs of or contributions to school buildings, and/or school grounds, and/or additions to, alterations or remodeling changes of old school buildings, or additional grounds, and the furnishing and equipping of school buildings.

Section 8. For the purpose of making effective the provisions of Section 7 of this act as it relates to the administering of school building programs, and insofar as the provisions of Chapter 206 of Volume 36, Laws of Delaware, 1929, are not in conflict with this act, said provisions of said Chapter 206 shall be given full force and effect; provided that any conflict which may arise shall be submitted to and resolved by the decision of the Governor; and further provided that membership upon any school building commission which is provided for by election in

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said Chapter 206, Volume 36, shall be deemed amended to authorize the Governor to appoint three members and to authorize the designation of two members from among and by the members of the State Board of Education.

Section 9. Any school district, including special school districts and consolidated school districts, to which any appropriation is made under the terms of Sections 7 and 8 of this act shall provide therefrom an amount not more than 10 per cent for the employment of engineers and architects for services in connection with any school building program and not less than 1 per cent for use to employ a state inspector whose duties shall be prescribed by the Governor to ascertain, determine and report the failure of any contractor or subcontractor or employee of any school district to perform in accordance with the terms of any building contract or upon the failure of any material, supplies or labor to meet with standards and specifications of any contract for any school building program or any part thereof.

Section 10. Wherever in this act the term "school" or "school district" is used, it shall be construed to include all and any of the Boards of Trustees of the several School Districts, the Boards of Trustees of the several Special School Districts and the Board of Education of the City of Wilmington.

Section 11. If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. No caption of any Article, Section or set of Sections shall in any way effect the interpretation of this Act or any part thereof.

Approved May 24, 1941.

# Public Arms and Defense

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## CHAPTER 80

### TERM OF OFFICE OF THE ADJUTANT GENERAL

AN ACT TO AMEND 260, SEC. 5., OF CHAPTER 8, OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO PUBLIC ARMS AND DEFENSE, BY FIXING THE TERM OF OFFICE OF THE ADJUTANT GENERAL.

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

Section 1. That 260, Sec. 5., of Chapter 8, of the Revised Code of Delaware, 1935, be and the same is hereby amended, by striking out and repealing the following words, to-wit: "He shall qualify and hold office in accordance with the provisions of the National Defense Act or any amendment thereto," as they appear in the third, fourth, fifth, and sixth lines, of the said 260. Sec. 5., of the said Chapter 8, of the said Code, and by inserting in lieu thereof, the following words, to-wit:

"He shall qualify and hold office for a term of nine years from the date of his appointment."

Approved April 15, 1941.

## CHAPTER 81

## DELAWARE STATE GUARD

## AN ACT TO PROVIDE FOR THE CREATION, MAINTENANCE, DISCIPLINE, LEGISLATION AND USE OF THE DELAWARE STATE GUARD.

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

Section 1. **AUTHORITY AND NAME.** Whenever any part of the National Guard of this state is in active Federal service, the governor is hereby authorized to organize and maintain within this state during such period, under such regulations as the Secretary of War of the United States may prescribe for discipline in training, such military forces as the governor may deem necessary to defend this state. Such forces shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the state as shall volunteer for service therein. Such forces shall be additional to and distinct from the National Guard and shall be known as the Delaware State Guard. Such forces shall be uniformed.

Section 2. **ORGANIZATION, RULES AND REGULATION.** The governor is hereby authorized to prescribe rules and regulations not inconsistent with the provisions of this act governing the enlistment, organization, administration, equipment, maintenance, training and discipline of such forces; Provided, such rules and regulations, insofar as he deems practicable and desirable, shall conform to existing law governing and pertaining to the National Guard and the rules and regulations promulgated thereunder and shall prohibit the acceptance of gifts, donations, gratuities or anything of value by such forces or by any member of such forces from any individual, firm, association, or corporation by reason of such membership.

Section 3. **PAY AND ALLOWANCES.** When it may be necessary to use the Delaware State Guard for public defense against foreign or domestic violence, or to preserve the public peace, the Governor, as Commander-in-Chief, shall have power



## DELAWARE STATE GUARD

according to the emergency, to call out the Delaware State Guard or any part thereof, for that purpose. For each day's service while on such duty, enlisted men of such force shall be paid as follows: Enlisted men of the first grade, \$4; enlisted men of the second grade, \$2.80; enlisted men of the third grade, \$2.40; enlisted men of the fourth grade, \$2; enlisted men of the fifth grade, \$1.80; enlisted men of both the sixth and seventh grades, \$1.20; besides necessary subsistence; and each commissioned officer shall be paid the minimum base pay of officers of like grade in the United States Army and necessary expenses for rations and quarters incurred in the performance of duty.

Such pay and any expenses incidental to said mobilization shall be paid by the State Treasurer from any moneys not otherwise appropriated, upon warrants issued therefor by The Adjutant General, and countersigned by the Governor.

Section 4. REQUISITIONS: ARMORIES: OTHER BUILDINGS. For the use of such forces, the governor is hereby authorized to requisition from the Secretary of War such arms and equipment as may be in possession of and can be spared by the War Department; and to make available to such forces the facilities of state armories and their equipment and such other state premises and property as may be available, and the State Treasurer is hereby directed to make payment therefor as the governor may order by check drawn on the General Funds of the State of Delaware in favor of the United States of America.

Section 5. USE WITHOUT THIS STATE. Such forces shall not be required to serve outside the boundaries of this state except:

(a) Upon the request of the governor of another state the governor of this state may, in his discretion, order any portion or all of such forces to assist the military or police forces of such other state who are actually engaged in defending such other state. Such forces may be recalled by the governor at his discretion.

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(b) Any organization, unit or detachment of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons; Provided, such other state shall have given authority by law for such pursuit by such forces of this state. Any such person who shall be apprehended or captured in such other state by an organization, unit or detachment of the forces of this state shall without unnecessary delay be surrendered to the military or police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this state of its right to extradite or prosecute such person for any crime committed in this state.

Section 6. PERMISSION TO FORCES OF OTHER STATES. Any military forces or organization, unit or detachment thereof, of another state who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this state until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons and such military forces or organization, unit or detachment thereof are hereby authorized to arrest or capture such persons within this state while in fresh pursuit. Any such person who shall be captured or arrested by the military forces of such other state while in this state shall without unnecessary delay be surrendered to the military or police forces of this state to be dealt with according to law. This section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful and nothing contained in this section shall be deemed to repeal any of the provisions of the Uniform Act on the Fresh Pursuit of Criminals.

Section 7. FEDERAL SERVICE. Nothing in this act shall be construed as authorizing such forces, or any part thereof to be

## DELAWARE STATE GUARD

called, ordered or in any manner drafted, as such into the military service of the United States, but no person shall by reason of his enlistment or commission in any such forces be exempted from military service under any law of the United States\*.

Section 8. CIVIL GROUPS. No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league, or other combination of persons or civil group shall be enlisted in such forces as an organization or unit.

Section 9. DISQUALIFICATIONS. No person shall be commissioned or enlisted in such forces who is not a citizen of the United States or who has been expelled or dishonorably discharged from any military or naval organization of this state, or of another state, or of the United States.

Section 10. OATH OF OFFICERS. The oath to be taken by officers commissioned in such forces shall be substantially in the form prescribed for officers of the National Guard, substituting the words Delaware State Guard where necessary.

Section 11. ENLISTED MEN. No person shall be enlisted for more than one year, but such enlistment may be renewed. The oath to be taken upon enlistment in such forces shall be substantially in the form prescribed for enlisted men of the National Guard, substituting the words Delaware State Guard where necessary.

Section 12. ARTICLES OF WAR: FREEDOM FROM ARREST: JURY DUTY.

(a) Whenever such forces or any part thereof shall be ordered out for active service the Articles of War of the United States applicable to members of the National Guard of this state in relation to courts martial, their jurisdiction and the limits of punishment and the rules and regulations prescribed thereunder shall be in full force and effect with respect to the Delaware State Guard.

\*So enrolled.

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(b) No officer or enlisted man of such forces shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where he is ordered to attend for military duty. Every officer and enlisted man of such forces shall, during his service therein, be exempt from service upon any posse cimitatus\* and from jury duty.

Section 13. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 14. REPEAL. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency only.

Section 15. SHORT TITLE. This act may be cited as the State Guard Act.

Approved April 14, 1941.

\*So enrolled.

# Legislation

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## CHAPTER 82

### REVIVAL AND EXTENSION OF TIME FOR RECORDING PRIVATE ACTS

#### AN ACT TO REVIVE AND EXTEND THE TIME FOR RECORDING PRIVATE ACTS.

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

Section 1. That all unpublished Acts heretofore passed that have become void on account of not being duly recorded in compliance with the provision of 343. Sec. 7. of Chapter 10, of the Revised Code of Delaware, 1935, and that have not been repealed by special Act or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, together with the provisions therein contained, and the same are respectively declared to be in full force for the period mentioned in the original Acts and to have the same force and effect as if the said Acts had been severally recorded according to law, and all acts and transactions done and performed under the provisions of said Acts, and all property and other rights accrued thereunder, shall have the same force and effect and be as valid to all intents and purposes as if said Acts had been severally recorded according to law, provided, that this enactment shall not take effect in the case of any Act that has become void as aforesaid, until a certified copy thereof shall be duly recorded in the Recorder's Office of one of the Counties of this State; and provided further, that no such copy of a void Act shall be received for record after the expiration of one year from the passage of this Act.

Section 2. That this Act shall be deemed and taken to be a public Act and shall be published as such.

Approved April 17, 1941.

# State Officers and Commissions

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## CHAPTER 83

### CONFIDENTIAL CHARACTER OF PUBLIC ASSISTANCE RECORDS

#### AN ACT IN RELATION TO THE CONFIDENTIAL CHARACTER OF PUBLIC ASSISTANCE RECORDS.

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

Section 1. The several departments, bureaus, commissions, and agencies of the State of Delaware shall have the power to establish and enforce reasonable rules and regulations governing the custody, use, and preservation of the records, papers, files, and communications of such departments, bureaus, commissions, and agencies. Wherever, under provisions of law, names and addresses of recipients of public assistance are furnished to or held by any other agency or department of government, such agency or department of government shall be required to adopt regulations necessary to prevent the publication of lists thereof or their use for purposes not directly connected with the administration of public assistance.

Section 2. It shall be unlawful, except for purposes directly connected with the administration of general assistance, old age assistance, aid to the blind, or aid to dependent children, and in accordance with the rules and regulations of the department, bureau, commission, or agency administering such assistance or aid, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of such department, bureau, com-

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mission or agency or acquired in the course of the performance of official duties. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding Five Hundred Dollars or by imprisonment not exceeding six (6) months or by both fine and imprisonment in the discretion of the court.

Approved April 7, 1941.

## CHAPTER 84

LEAVE OF ABSENCE TO STATE EMPLOYEES  
IN CERTAIN CASESAN ACT GRANTING LEAVE OF ABSENCE TO EMPLOYEES OF  
THE STATE AND PRESERVING THEIR RIGHT TO PRIORITY  
AND ADVANCEMENT IN CERTAIN CASES.

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

Section 1. That in the case of any employee of this State, who is called to the service of, or voluntarily enters the Armed Forces of, the United States of America, or the National Guard of the State of Delaware when in continuous active service, the State Agency, Board, Department or other employing officer or agency of this State, employing such employee, is hereby authorized and directed to grant to such employee a leave of absence which shall cover the entire period of said service, not exceeding three years, or until the term of service, to which such employee has been called or volunteered, has been terminated, and, upon the completion of such leave of absence and service, to reinstate such employee in the position which such employee held at the time that such leave of absence was granted; and thereafter such employee shall be continued in such employment under the same terms and conditions as if such employee had been in the continuous service of such employing agency during the period of the said leave of absence. Any person who may be appointed to replace any such employee as above referred to, shall be appointed only for the period covered by such leave of absence.

Approved April 9, 1941.



CHAPTER 85

DISPOSITION OF PROPERTY AND RECORDS OF  
STATE TAX DEPARTMENT

AN ACT TO PROVIDE FOR THE DISPOSITION OF PROPERTY  
AND RECORDS OF THE STATE TAX DEPARTMENT WHICH  
HAVE LOST ANY FURTHER USEFUL VALUE.

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

Section 1. That the State Tax Commissioner is hereby authorized by and with the consent of the State Tax Board to destroy by burning in the presence of two witnesses who shall certify to the State Tax Board of such destruction, all income tax returns and related correspondence and forms, exclusive of all accounting and cash accountability records, for the income year 1936 and all preceding years which may in his discretion be destroyed without impairing the list of taxables and delinquent taxables recorded or to be recorded by the State Tax Department.

Approved March 19, 1941.

## CHAPTER 86

## ADDITIONAL DEPUTY ATTORNEY GENERAL

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO STATE REVENUE, BY AUTHORIZING THE ATTORNEY GENERAL TO APPOINT A SEPARATE AND ADDITIONAL DEPUTY ATTORNEY GENERAL TO GIVE COUNSEL, ADVICE, AND LEGAL ASSISTANCE TO THE STATE TAX DEPARTMENT IN MATTERS RELATING TO INHERITANCE TAXES.

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

Section 1. That Article 10 of Chapter 6 of the Revised Code of Delaware, 1935, be amended by striking out all of the last or tenth grammatical paragraph of 138 Sec. 104 of said Chapter and by inserting in lieu thereof the following:

It shall be the duty of the Attorney General to give counsel, advice, and legal assistance to the Tax Department and to assist in the prosecution of violations of this Article, when such counsel, advice, or assistance is requested by the Tax Department. The Attorney General is hereby authorized to appoint an additional Deputy Attorney General who shall give such counsel, advice, and legal assistance, and shall assist in such prosecutions when called on by the Tax Department, and shall perform such other duties as may be from time to time assigned to him by the Attorney General. Such Deputy Attorney General shall be in addition to the Deputy Attorney General provided by 165 Section 131 of Article 12 of this chapter. Such Deputy Attorney General shall hold office at the pleasure of the Attorney General and shall receive a salary of Two Thousand Dollars (\$2,000.00) per annum, payable in the same manner as other state officers, from the appropriations to the Tax Department or otherwise from the funds of said Department available for such purpose.

Approved May 6, 1941.

CHAPTER 87

STATE BOARD OF AGRICULTURE  
CLOSED PACKAGES OF APPLES

AN ACT TO FURTHER AMEND CHAPTER 21 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE BOARD OF AGRICULTURE, AS AMENDED BY CHAPTER 81, VOLUME 41, LAWS OF DELAWARE, IN REFERENCE TO SHIPMENT OF CLOSED PACKAGES OF APPLES.

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

Section 1. That Chapter 21 of the Revised Code of Delaware, 1935, as amended by Chapter 81, Volume 41, Laws of Delaware, be and the same is hereby further amended, by adding at the end of 591. Sec. 24. of the said Chapter 21, as amended as aforesaid, a new and additional paragraph, as follows:

"Provided, however, that it shall be lawful to ship closed packages of apples without grade marks, if the owner desires so to do, if such packages are marked with the owner's name and address, variety and size; but if marked as to grade, such packages must conform with the grade as marked and such grade specifications must be the same as the grade promulgated by the U. S. Department of Agriculture.

Approved April 1, 1941.

## CHAPTER 88

STATE BOARD OF AGRICULTURE  
MARKETING OF EGGS

## AN ACT RELATING TO THE MARKETING OF EGGS.

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

Section 1. It shall be unlawful for any person by himself or for another person, or his agents or servants, firm, association or corporation to sell, ship, or transport, or consign, or expose, or offer for sale, to have in his possession with intent to sell to the consumer, retail or wholesale trade, any egg that is unfit for human consumption. Eggs described by the United States Department of Agriculture, as black rots, white rots (addled eggs), sour eggs, eggs with green white, stack yolks, blood rings, large embryo, bloody whites, crusted yolks, and eggs with abnormal odors, and any other eggs which contain wholly or impart a tainted, diseased, filthy, decomposed or putrid substance shall be deemed to be unfit for human food.

Section 2. It shall be unlawful for any person by himself or for another person or his agents or servants, firm, association, or corporation to advertise or in any other manner represent for sale as FRESH, hennery, new laid, best, direct from the farm, grade A, No. 1, fancy, special, extra selected, or under any words, figures, symbols, or description of similar import eggs which are not fresh.

Section 3. Incubated Eggs:—It shall be unlawful for any person to transport, or sell or offer for sale, incubated eggs in the shell unless they have been properly identified in a manner set forth by the State Board of Agriculture.

Section 4. Tolerance:—In lots of eggs sold, as herein provided, a tolerance of two (2) eggs having no serious defects shall be allowed in each dozen. In lots, sold as large, medium, or small, a tolerance of two (2) eggs of the next lower weight classification shall be allowed in each dozen. If any lot of eggs

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is sold as fresh and at the same time is sold as large, medium or small, the sum of the tolerance allowed above shall not exceed two (2) eggs in any dozen. Eggs below the designated size shall meet the requirements of the next lower size and eggs so included shall be those other than eggs included in the tolerance of the lower size.

Section 5. For the purpose of this Act:—

(a) The term "Person" includes individual, partnership, corporations, associations, and any other business unit, or receiver, trustee or assignee of such business units.

(b) The term "Incubated Eggs" shall be applied to eggs which have been subjected to incubation practices, either artificial or natural.

Section 6. The State Board of Agriculture, through its Bureau of Markets, is hereby authorized, directed and empowered to promulgate and enforce such rules and regulations as shall be deemed necessary to put into effect the intent and provisions of this act and to make such revisions of egg standards as shall be deemed necessary in order to promote the best interests of the industry. All revisions shall become the official State standards.

Section 7. In order to carry out the provisions of this act, the State Board of Agriculture or its agents and employees, are authorized to enter, during the usual hours of business, any warehouse, store, building, market, or any other place, carrier, conveyance or vehicle at, in, on, or from which eggs are sold, offered, or exposed for sale and to examine any or all such eggs for the purpose of determining whether the provisions of this act shall have been violated. The sum of Five Hundred Dollars (\$500.00) is hereby appropriated annually from the general fund not otherwise appropriated for the purpose of enabling the State Board of Agriculture to enforce the provisions of this act.

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Section 8. Any person, firm, corporation, partnership or other association which violates any of the provisions of this act, or willfully 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.

Section 9. If any of the provisions of this Act or the application thereof to any person or circumstances is held invalid, or is in 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 hereby.

Section 10. This Act shall take effect May 1, 1941.

Approved May 22, 1941.

## CHAPTER 89

STATE BOARD OF AGRICULTURE  
STATE INSTITUTIONS TO COMPLY WITH CERTAIN  
REQUIREMENTS IN TESTING MILK OR CREAM  
BASED ON BUTTER FAT CONTENTS

AN ACT TO AMEND CHAPTER 21, REVISED CODE OF DELAWARE, 1935, RELATING TO STATE BOARD OF AGRICULTURE, BY REQUIRING STATE INSTITUTIONS TO COMPLY WITH CERTAIN REQUIREMENTS IN TESTING MILK OR CREAM BASED ON BUTTER FAT CONTENTS

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

Section 1. That whenever a state institution purchases milk or cream pursuant to competitive bids based on the butter fat contents of the milk or cream supplied or to be supplied pursuant to such bid or bids, the tests to determine the butter fat contents thereof shall be made pursuant to and in compliance with the testing requirements provided under Article 8 of Chapter 21, Revised Code of Delaware, 1935. Whenever any bid has been accepted by any state institution to supply milk or cream or both of a required percentage of butter fat, the successful bidder shall be deemed to be in compliance with the requirements of said bid whenever any tests of the milk or cream shall be made, and such tests to determine the amount of the butter fat in such milk or cream or both shall be made pursuant to and in compliance with the provisions of said Article 8 of Chapter 21, Revised Code of Delaware, 1935. The successful bidder shall not be required to satisfy any other tests made by any other sources than those prescribed under said Article 8 of Chapter 21 as aforesaid.

Approved February 14, 1941.

## CHAPTER 90

## STATE BOARD OF VETERINARY EXAMINERS

## AN ACT TO AMEND CHAPTER 24 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE STATE BOARD OF VETERINARY EXAMINERS.

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

Section 1. That Chapter 24, of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 739. Sec. 4. thereof, a new paragraph, as follows:

No application will be accepted, either for examination, for permanent or temporary license, or reciprocity, from a graduate of a foreign veterinary college, unless said applicant has acquired full American citizenship; has obtained a degree from an American veterinary college acceptable to the State Board of Veterinary Examiners; and has resided in the State of Delaware for at least one year.

Approved February 28, 1941.



## CHAPTER 91

## STATE BOARD OF HEALTH

## AN ACT TO AMEND ARTICLE 1, CHAPTER 25 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, RELATING TO THE STATE BOARD OF HEALTH.

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

Section 1. That 744 Sec. 1, 745 Sec. 2, 747 Sec. 4, 749 Sec. 6, 750 Sec. 7, 752 Sec. 9, Par. (a), 754 Sec. 11, Par. (c), and 777 Sec. 34 of Article 1 of Chapter 25 of the Revised Code of the State of Delaware, 1935, be and the same are hereby amended to read as follows:

744. Sec. 1. State Board Established; Appointment; Qualifications; Terms of Office; Vacancies:—(a) The Governor shall appoint eight persons who shall constitute the State Board of Health. Four of the persons so appointed shall be physicians who shall be selected from a complete list of all the doctors licensed to practice in this State; one of such physicians shall reside in the City of Wilmington, one in New Castle County outside of the City of Wilmington, one in Kent County, and one in Sussex County. One of the persons so appointed shall be a Doctor of Dental Surgery or Medicine in good standing of the Delaware State Dental Society. Three of the persons so appointed shall be women; and of the three women so appointed, one shall be a woman especially interested in Child Welfare Activities; one shall be a woman especially interested in the care and treatment of Tuberculosis Patients; and one shall be a woman who has had business experience. Provided, nevertheless, that not more than five members of the said State Board of Health shall at any time be of the same political faith and opinion.

The persons so appointed shall be so designated by the Governor that the term of office of two of them shall expire in

## STATE BOARD OF HEALTH

one year, the term of two shall expire in two years, the term of two shall expire in three years, and the term of the remaining two shall expire in four years, and their successors shall be appointed by the Governor for a term of four years, or until their successors shall be duly appointed and qualified. Any vacancies occurring shall be filled by the Governor for the unexpired term.

(b) The Regular Annual Meeting of the State Board of Health shall be held on the first Thursday of April of each and every year at which meeting they shall elect a President and such other officers as the said Board may deem necessary. The said Board shall also elect and appoint an Executive Secretary who shall be a licensed physician who shall have had at least one year's post graduate training in public health, or in lieu thereof at least five years' experience as a full-time health official and he shall devote his full time to the duties of his office. The Board shall fix the salary of the Executive Secretary at a sum not exceeding Five Thousand Dollars (\$5,000.00) per annum. The Executive Secretary shall hold office until his successor shall be duly chosen by the said Board.

The Executive Secretary shall be State Health Officer and State Registrar of Vital Statistics. Subject to the approval of the State Board of Health, he shall appoint for each county in the State of Delaware a Deputy State Health Officer, who shall be a person trained and experienced in public health. Each such Deputy State Health Officer shall be appointed for a term of four years and shall devote full time to his duties. He shall receive such compensation as is fixed by the State Board of Health, and necessary expenses, which shall be paid monthly out of State moneys. The State Board of Health shall have the power to remove such Deputy State Health Officers for cause, upon charges, and after a hearing, and to appoint a suitable person to fill any unexpired term.

The duties of the said Deputy State Health Officers shall be to act as representatives of, and under the direction of, the State Board of Health and of the Executive Secretary, in se-

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curing the enforcement of the provisions of the laws of the State of Delaware pertaining to the public health. They shall also enforce all rules, regulations, and orders adopted or promulgated by the State Board of Health in accordance with law, and they shall undertake such other duties as may be assigned to them by the said Board or the Executive Secretary. Such Deputy State Health Officers shall supervise all public health matters within their respective counties, except in incorporated cities and towns having duly constituted boards of health; provided that the governing authorities of any incorporated city or town may by resolution duly adopted by said governing authority, and with the approval of the State Board of Health, designate the Deputy State Health Officer to act as health officer of such incorporated city or town, and when so designated he shall exercise the powers and perform the duties of the board of health.

The members of the Board shall receive their actual traveling expenses when attending meetings of the Board; but shall receive no other compensation; provided, however, the said Board may employ any of its members or any other person or persons for special services at a reasonable compensation. The said Board shall hold meetings monthly or oftener if deemed necessary. Four members shall constitute a quorum for the transaction of business. The said Board shall have power to adopt By-Laws and rules for their government, subject to the provisions of the Laws of this State.

(c) The State Board of Health shall establish headquarters in the City of Dover, and if no suitable place shall be provided in the State House or in other State property, the Board shall have authority to select some suitable place for the establishment of such headquarters.

(d) The State Board of Health shall have and is hereby vested with all the rights, powers, duties, obligations and authority of the present or heretofore existing "Child Welfare Commission", "The Tuberculosis Commission" and the "State Board of Health".

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(e) The Executive Secretary of the State Board of Health shall with the approval of the Board, make a biennial report to each session of the General Assembly of the State of Delaware, which report shall also contain a budget for the ensuing two years.

(f) That all appropriations of State money for the Child Welfare Commission, the Tuberculosis Commission or the State Board of Health shall become and be available for maintaining and carrying forward the work contemplated by the provisions of this Chapter and the said Board of Health shall employ and use such moneys as they shall deem best in the promotion of such work.

(g) The Executive Secretary of the State Board of Health shall annually in the month of June, present to the Auditor of Accounts all the books of the financial doings of the Board, together with all vouchers of settlement.

(h) The salary of the Executive Secretary shall be paid monthly which, and all other necessary expenses of the State Board of Health incurred in accordance with the provisions of the Laws of the State of Delaware, shall be paid by the Treasurer of the State out of moneys not otherwise appropriated upon the order of the President, countersigned by the Executive Secretary.

(i) As soon as the State Board of Health shall organize under this Article, the Child Welfare Commission, the Tuberculosis Commission and the State Health and Welfare Commission shall, respectively, transfer and turn over to the State Board of Health, all papers, files, documents, books, records, and other property whatsoever belonging or pertaining to the respective Commissions and thereupon the said Child Welfare Commission, the said Tuberculosis Commission and the said State Health and Welfare Commission shall be abolished and the term of office of the various officers of said Commissions shall terminate.

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All the power and authority heretofore belonging to or vesting in the Child Welfare Commission, the Tuberculosis Commission and in the State Health and Welfare Commission shall be transferred to and vest in the said State Board of Health which is hereby clothed with all the power and authority necessary for the competent discharge of the duties imposed upon said Board.

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

745. Sec. 2. Duties; Powers; Reports to; Advice to Local Officers and Boards; Making and Enforcing Regulations and Orders; Expenses of Enforcement, How Paid; Neglect to Enforce Orders; Misdemeanor; Penalty:—The State Board of Health shall have supervision of all matters relating to the preservation of the life and health of the people of the State. The said Board of Health shall have supreme authority in matters of quarantine, and may declare and enforce such quarantine, when necessary, and where no quarantine exists: may modify, relax or abolish it, where it has been established. The said Board of Health shall have the power by affirmative vote of a majority of the Board to adopt, promulgate, amend, and repeal regulations consistent with law, which shall be enforced by all State and local public health officials, for the following purposes: (a) to prevent and control the spread of all diseases that are dangerous to the public health; (b) to prevent and control nuisances which are or may be detrimental to the public health; (c) to provide for the sanitary protection of all water supplies which are furnished to and used by the public; (d) to provide for the proper collection, storage, and disposal of sewage, household wastes, and garbage by public authorities and

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individuals; (e) to provide for the sanitary control of public swimming and bathing places; (f) to regulate plumbing in the interests of the public health; (g) to provide for the sanitary production, distribution, and sale of market milk and dairy products and other foods; (h) to provide for sanitary control of public eating places, tourist camps, trailer camps, other public camps, and service stations; (i) to control the practice of midwifery; (j) to provide for proper sanitation, ventilation, and hygiene in schools; (k) to protect and promote the public health generally in this State, and to carry out all other purposes of the laws pertaining to the public health. When deemed necessary by the State Board of Health, such regulations may provide for the issuance of permits to persons engaged in the occupations or businesses so regulated, and the revocation for cause of such permits. Such regulations of the State Board of Health shall have the force and effect of law and shall supersede all local ordinances and regulations heretofore or hereinafter enacted or adopted which are inconsistent therewith. A copy of every such regulation, giving the date that it takes effect, shall be filed with the Secretary of State, and copies of such regulations shall be issued by the State Board of Health in pamphlet form for general distribution. The said Board of Health may also make and enforce orders in local sanitary matters, when in the judgment of the said State Board of Health, or its Executive Secretary such action is necessary for the protection of the public health, and the local Boards of Health have neglected or refused to act with sufficient promptness or efficiency, or when or where such local board has not been established; and all expenses so incurred shall be paid by the city, town or County for which services are rendered upon bill presented to the Treasurer of such city, county or town by the Executive Secretary of the State Board of Health and approved by the President thereof.

It shall be the duty of all local Boards of Health, health authorities and officials, officers of the State and County institutions, police officers, sheriffs, constables and all other officers and employees of the State, or of any county, city, or town thereof, to enforce such quarantine and sanitary rules and reg-

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ulations and orders as may be adopted by the State Board of Health and in the event of failure or refusal on the part of any member of said local boards or other officials, or persons mentioned in this Section so to act, he or they shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than fifty dollars for the first offense and not more than one hundred dollars for the second and each succeeding offense.

The said State Board of Health shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic, and take prompt action to control or suppress it. The reports of births and deaths, the sanitary condition and effects of localities, employments, the personal and business habits of the people, the relation of the diseases of animals and man shall be subjects of careful study by the said Board of Health; and it may make and execute orders necessary to protect the people against diseases of the lower animals. It shall collect and preserve such information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people.

Said State Board of Health is authorized to require reports and information from all public dispensaries, asylums, prisons and schools and from the managers, principals and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State; and if any proprietor, manager, principal, superintendent, officer or physician in charge shall refuse and neglect to make a report when requested to do so by the said Board of Health, he, she or they shall upon conviction thereof by the Court of Common Pleas or any Justice of the Peace of the County in which he, she or they shall reside, be fined not less than five dollars nor more than twenty-five dollars, together with costs. The said Court of Common Pleas and any such Justice of the Peace shall have full cognizance thereof, but such reports and information shall only be required concerning matters and particulars in respect of

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which they may need information for the proper discharge of the duties of the State Board of Health. Said Board of Health shall, when requested by public authorities, or when it deems best, advise officers of the State, County, or local governments in regard to drainage, and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place.

747. Sec. 4. Salaries and Expenses; How Paid; Epidemic and Pestilential Diseases; Proceedings Upon; Appropriation; How Drawn Upon:—All the necessary expenses of the State Board of Health, incurred in accordance with the provisions of law, shall be paid by the Treasurer of the State, out of moneys not otherwise appropriated, upon the order of the President of the Board, countersigned by the Secretary and as provided by law. Provided, that in the event of an epidemic or pestilential disease occurring in the State, or threatened from without the State, the Board of Health of the State of Delaware shall forthwith cause all needful sanitary measures and precautions to be taken, which the emergency may call for, and which may be consistent with law, and which shall be approved by the Governor; said approval to be expressed in writing; and the said Board, with the approval of the Governor, is authorized to draw upon the State Treasurer, in favor of the Board, for such an additional amount as may be found, by the Governor and the State Board of Health, to be necessary to control and stamp out the epidemic or pestilential disease; said money to be paid out of any unappropriated money in the State Treasury, and to be applied and expended under the direction of the Governor and the State Board of Health, in carrying out such needful sanitary measures and precautions. Said emergency appropriation shall only be used in case, in the opinion of the Governor and the State Board of Health, the provisions of Section 2 of this Article are not sufficient to combat the emergency concerning the public health, or said provisions would be too great a burden for any local part of the State to bear.

749. Sec. 6. Neglect of Duty; Penalty:—Any person refusing, failing, or neglecting to perform the duties required un-



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der the provisions of Section 1 to 5 inclusive of this Chapter, or who violates or neglects or fails to comply with any provision of the duly adopted regulations or orders of the State Board of Health, shall upon conviction thereof by the Court of Common Pleas or any Justice of the Peace in the County in which he shall reside, be fined not less than ten nor more than fifty dollars, together with costs, unless otherwise provided by law.

750. Sec. 7. Prosecutions for Violations of Law or Regulations; by Secretary; What Laws Applicable; Fines; How Disposed of:—All prosecutions and proceedings instituted by the State Board of Health for the violation of the provisions of any law or laws to be enforced by the said Board of Health, or for the violation of any order or regulation of the said Board of Health shall be instituted by the Executive Secretary thereof and all laws prescribing the modes of procedure and penalties or judgments applicable to local Boards of Health shall apply to the State Board of Health and the violation of its laws and orders; and all fines or judgments collected or received shall be paid over to the State Treasurer, and applied to the General Fund of the State.

752. Sec. 9. Quarantine Notice on House; Regulations; Quarantine Guards; Powers; Care of Persons Quarantined; Expense of:—(a) From the list of Notifiable Diseases, the State Board of Health may at any time declare certain diseases to be communicable, and may by regulation lay down the procedure which is to be followed by the patient or person suffering therefrom, the parents of the patient, the householder, by the physician attending on the patient, or any individual brought into contact with or responsible for the care or maintenance of the patient, in order that the transference of the disease to other individual or individuals may be prevented. Such regulation respecting the Communicable Diseases shall provide for the quarantine or isolation of the patient, of any person or persons who have been exposed to the patient and therefore liable to have contracted the disease, or of any carrier of the disease; for placarding by a suitable sign intended to be recognizable by the public, the premises, house, tenement or room in which the per-

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son ill of, or exposed to the disease, may be; and for any other matter relating to the care of and due to the illness of the patient from such a communicable disease while the patient is living and ill from the disease, or to the disposal of his body when dead; for the removal of the patient from, and his return to school; or for any other matter or procedure of interest in the protection of the public.

754. Sec. 11. Nuisances; How Abated; Violations of Law or Orders; Penalty:—(c) The Board of Health of any town or city within the State shall upon request of any citizen in such town or city inspect or cause to be inspected any public laundry or public wash-house, and if the same is found in an unsanitary condition shall direct such owner thereof to make the same in a sanitary condition, and upon failure to do so, the said Board of Health shall cause the place to be closed and shall post a notice upon the front door thereof, and shall not be reopened until the owner or manager thereof receives a certificate from said Board of Health certifying that the same has been put in a sanitary condition.

777. Sec. 34. Epidemic; Closing of Schools and Public Places, When:—Whenever there shall be an epidemic existing in any of the incorporated towns of the State and no order has been made by the Board of Health closing the schools and other public places in the said Town, the State Board of Health may issue an order closing the public schools and other public places or any of them for such time as may be deemed necessary by said Board for the public protection and while such order shall be in force it shall have all the effect given by law to the orders of the Board of Health under the provision of this Article.

Section 2. That 778, Section 35, of Chapter 25 of the Revised Code of the State of Delaware 1935, as amended by Chapter 84, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking out paragraph (g) thereof and by substituting in lieu thereof the following:

(g) The Municipal Court of the City of Wilmington, the

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Court of Common Pleas for New Castle County, the Court of Common Pleas for Kent County, and Justices of the Peace shall have concurrent jurisdiction with the Court of General Sessions of the State of Delaware to hear, try, and finally determine all violations of any of the provisions of this Act committed within the territorial jurisdiction of any of said Courts and to punish all persons convicted of any such violations in the manner provided 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.

Approved May 21, 1941.

## CHAPTER 92

STATE BOARD OF HEALTH  
AUTHORIZED TO SELL CERTAIN LANDS IN MILL CREEK  
HUNDRED, NEW CASTLE COUNTY

AN ACT AUTHORIZING THE STATE BOARD OF HEALTH TO SELL CERTAIN LANDS AND PREMISES SITUATE IN MILL CREEK HUNDRED, NEW CASTLE COUNTY AND STATE OF DELAWARE, ON WHICH EDGEWOOD SANITORIUM WAS FORMERLY LOCATED; AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED FOR THE LANDS SO SOLD; AND AUTHORIZING THE STATE BOARD OF HEALTH TO EXPEND THE PROCEEDS OF THE SALE THEREOF FOR THE IMPROVEMENT AND MAINTENANCE OF AND EQUIPMENT FOR THE NEW EDGEWOOD SANITORIUM.

WHEREAS, the State of Delaware owns title to the hereinafter described lands and premises on which Edgewood Sanitorium was formerly located; and

WHEREAS, a new sanitorium, also known as Edgewood Sanitorium, has been constructed on a new site; and

WHEREAS, the State Board of Health now has no further use for the said lands and premises; and

WHEREAS, it is deemed advisable to sell the said lands and premises and expend the proceeds from the sale thereof for the improvement and maintenance of and equipment for the new Edgewood Sanitorium; therefore

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

Section 1. That the State Board of Health be and it is hereby authorized, empowered and directed to sell at public vendue the aforesaid lands and premises on which Edgewood Sanitorium was formerly located, said lands and premises being described as follows, to wit:

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ALL that messuage and lot of land and appurtenances lying and being in Mill Creek Hundred, New Castle County and State of Delaware, bounded and described as follows, to wit:

BEGINNING at a stake in a line of land of Robert Smith-hurst and in the middle of a public road leading from Lancaster Turnpike to McKennon's Meeting House; thence along the middle of said road South sixty-nine degrees and ten minutes West six chains and twenty-four links to a corner in the same; thence by land of John Mitchell these next three courses, namely; North fourteen degrees and fifty-five minutes West, five chains and fifty-seven links to a stake; North seventy-two degrees East five chains and forty links to a stone; and North twenty-one degrees and ten minutes West, nine chains and eighty-three links to a corner of land of Samuel Graves; thence by said Graves' land North eighty-five and three quarters degrees East four chains and fifty-four links to a post in said line of Robert Smith-hurst's land; thence by the same South four degrees and twenty minutes East fourteen chains and forty links to the place of Beginning, containing six acres and ninety-six square perches of land, be the same more or less, and being the same lands and premises which were conveyed to the State of Delaware by deed of Levi Scott Townsend and Nellie D. Townsend, his wife, bearing date the fifth day of November, A. D. 1914, of record in the Office of the Recorder of Deeds, in and for New Castle County, in Deed Record G, Volume 25, Page 356, etc.

Section 2. 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, and to affix the Great Seal of the State of Delaware to, a deed of conveyance, in the name of THE STATE OF DELAWARE, conveying the said lands and premises, in fee simple, to the purchaser thereof at said public vendue; and the President of the State Board of Health is hereby authorized to deliver such deed to said purchaser upon completion of the payment of the full purchase price therefor; and the proceeds from such sale shall

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be forthwith deposited by the State Treasurer in the State Treasury in an account to be known as "Edgewood Sanitorium Account", subject to the order of the State Board of Health.

Section 3. The State Board of Health is hereby authorized to expend the money deposited in the "Edgewood Sanitorium Account" aforesaid for the improvement and maintenance of and equipment for the new Edgewood Sanitorium.

Section 4. No order shall be paid by the State Treasurer unless approved by the President of the State Board of Health or unless an itemized bill or statement, showing in detail the items to be paid under such order, shall be attached and the contents thereof duly sworn to or affirmed before an officer authorized by law to administer oaths and affirmations.

Section 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

Approved April 9, 1941.

## CHAPTER 93

STATE BOARD OF HEALTH  
AUTHORIZED TO COOPERATE WITH INTERSTATE  
COMMISSION ON THE DELAWARE RIVER BASINAN ACT TO PROMOTE INTERSTATE COOPERATION FOR THE  
CONSERVATION AND SAFEGUARD OF WATER RESOURCES  
IN THE DELAWARE RIVER BASIN.

(1) WHEREAS, the States of New York, New Jersey, Pennsylvania and Delaware have each created, and now maintain, a Commission (or Committees) on Interstate Cooperation for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding and cooperation between said states, respectively, and other states of the Union, both regionally and nationally, with power to establish such committees, sub-committees and advisory boards as are deemed advisable to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation, to study the laws of the several states, hold public or private hearings, make findings and recommendations, and to submit drafts of legislation to promote uniform laws for the elimination of the confusion and conflict between the several states of the Union and the Federal government in the matter of laws and administrative practices concerning conservation, water supply, public welfare, flood control and other subjects; and,

(2) WHEREAS, said Commissions (or Committees) on Interstate Cooperation of said states have organized and established, and are now maintaining, as an instrument of governmental machinery, a joint committee, subcommittee or advisory board known as "The Interstate Commission on the Delaware River Basin", as a regional commission composed of standing subcommittees of said Commissions (or Committees) on Interstate Cooperation, respectively, for the purposes of entering upon a program to study the conservation, water supply, pollution and other potential uses and benefits of, and to develop integrated plans to conserve and safeguard, the waters and

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resources of the Delaware River Basin, in the following specified particulars:

A. To serve as a fact-coordinating body and to develop the means and procedure by which the general plans and policies proposed for the development of the region may be carried out;

B. To sponsor the carrying out of properly developed plans which result from surveys and research concerning population, land and water resources and uses, and other related subjects;

C. To coordinate the activities of the Commission and Committees on Interstate Cooperation and their joint agency, the Council of State Governments, with the work of the appropriate state and federal agencies for the prevention and abatement of pollution, for flood control, and for the proper general use and control of the waters of the Delaware River;

D. To encourage interstate compacts and the enactment of uniform state laws for the abatement of water pollution, for flood control and for the proper general use and control of the waters of the Delaware River;

E. To advance, perpetuate and outline the work recommended by its conferences and to develop and propose new objectives; and,

(3) WHEREAS, it is the purpose of the Commissions (or Committees) on Interstate Cooperation of said four states, acting through said Interstate Commission on the Delaware River Basin, to eliminate confusion and conflict among said states by the promotion and enactment of uniform laws in said states to preserve in a safe and sanitary condition the waters and watershed of said Delaware River Basin and to provide uniform concurrent regulations for the control and elimination of pollution in the waters thereof in said states, respectively; and,



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(4) WHEREAS, said Interstate Commission on the Delaware River Basin, in cooperation with the health officers of said states, respectively, has made a study for the purposes above recited of said Delaware River and its tributaries in said Delaware River Basin and has formulated proposals for the intergovernmental cooperation of said states in the correction and control of pollution of the waters thereof, which have been formally approved, ratified and accepted by the health departments of said states, respectively, in the following form:

A RECIPROCAL AGREEMENT

as drafted and negotiated by the Interstate Commission on the Delaware River Basin, with subsequent formal ratification by the State Department of Health of:

Delaware — New Jersey — New York — Pennsylvania

For The Correction and Control of Pollution Of The Waters  
Of The Interstate Delaware River.

WHEREAS, a substantial part of the territory of the States of New York, New Jersey, Pennsylvania and Delaware is situated within the Delaware River drainage basin; and,

WHEREAS, the increase in the population of the various municipal areas situated within the Delaware River Basin, and the growth of industrial activity within the Basin, have resulted in increasingly serious pollution of the waters of the interstate Delaware River and its tributaries; and,

WHEREAS, such pollution constitutes a grave menace to the health, welfare and recreational facilities of the people living in the Delaware River Basin and occasions great economic loss; and,

WHEREAS, the control of future pollution and the correction of existing pollution of the waters of the interstate Dela-

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ware River and its tributaries is of prime importance to the people living in the Delaware River Basin and can best be accomplished through the cooperation of the representatives of the people in the Basin, in the States of New York, New Jersey, Pennsylvania and Delaware;

NOW, THEREFORE, the State of New York and the State of New Jersey and the Commonwealth of Pennsylvania and the State of Delaware agree and are bound as follows:

ARTICLE I  
INTERSTATE COOPERATION

Each of the signatory states pledges to each of the other signatory states faithful cooperation in the control of future pollution and in the correction of existing pollution of the waters of the interstate Delaware River and its West Branch from the New York-Pennsylvania boundary line down to the Atlantic Ocean. In order to effect such objects, each of the states agrees to enact adequate legislation, if necessary, to enable each such state so to require the treatment of sewage, industrial waste or other artificial polluting matter as to place and maintain the waters of the aforesaid interstate Delaware River, and of the tributaries thereof just above the confluence with the Delaware River, in the clean and sanitary condition required by the provisions of this agreement. Furthermore, each such state agrees so to enforce the provisions of these requirements, and other supplementary applicable legislation, if any, as to bring about the attainment of the objectives of pollution control and correction in accordance with such reasonable and effective programs as may be determined from time to time by the states in the manner prescribed herein.

ARTICLE II  
CLASSIFICATION OF ZONES

It is recognized by the signatory states that due to such variable factors as location, size, character and flow, and of the

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many varied uses of the waters of the interstate Delaware River and its aforesaid West Branch, such as water supply, recreation, navigation, industrial developments, maintenance of fish life, shellfish culture, agriculture and other purposes, that no single standard of sewage and waste treatment and of quality of receiving waters is practical for all parts of the river. Therefore, in order to apply minimum requirements for the attainment of correction and control of pollution which will be appropriate to the varied factors including the existing and potential quality and uses of the waters, the interstate Delaware River is hereby divided into four zones, to-wit:

**ZONE 1:** Zone 1 is that part of the Delaware River and its West Branch extending from the New York-Pennsylvania boundary line to the head of tidewater at Trenton, New Jersey and Morrisville, Pennsylvania.

The drainage basin contributory to this zone, excepting part of the Lehigh River Basin, is relatively sparsely inhabited and contains few sewered communities and relatively few industrial establishments producing waste water. The streams draining this area being, in general, relatively clean and of high elevation, are well adapted as sources of public water supplies, after treatment or purification.

The principal uses of the waters of the Delaware River in Zone 1 are expected to be for water supply after such treatment or purification as may be necessary, and for recreation, bathing, maintenance of fish and aquatic life, agriculture, and for other related purposes.

**ZONE 2:** Zone 2 is that part of the Delaware River extending from the head of tidewater at Trenton, New Jersey and Morrisville, Pennsylvania, to a line drawn perpendicular to the channel of the Delaware River from the mouth of Pennypack Creek in Philadelphia, Pennsylvania, to the corresponding point on the New Jersey shore.

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The drainage basin contributory to this zone is somewhat more densely populated than that of Zone 1, and it contains more sewered communities and industrial establishments.

The principal uses of the waters of the Delaware River in Zone 2 are expected to be for water supply, after treatment or purification, and for recreation, navigation, maintenance of fish and aquatic life, agricultural industrial and other purposes.

**ZONE 3:** Zone 3 is that part of the Delaware River extending from the aforesaid line connecting the mouth of Pennypack Creek in Philadelphia and the corresponding point in New Jersey to the Pennsylvania-New Jersey and Delaware boundary line.

The drainage basin contributory to this zone contains populous metropolitan areas including Philadelphia, Pennsylvania and Camden, New Jersey.

The principal uses of the waters of the Delaware River in Zone 3 are expected to be for navigation, industrial water supply, and other purposes.

The water in this zone, however, should be of such sanitary quality that it will not be unfit for use as sources of water supply, will not be harmful to fish life, and will not adversely affect the quality of the waters of the tidal tributaries.

**ZONE 4:** Zone 4 is that part of the Delaware River extending from the Pennsylvania-New Jersey and Delaware boundary line to the Atlantic Ocean.

The principal uses of the waters of the Delaware River in Zone 4 are expected to be for navigation, industrial water supplies, commercial and pleasure fishing, shell fish culture, recreation and other purposes.

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In order to attain conditions of cleanliness and sanitation of the waters of the Delaware River which will be consistent with the appropriate existing and future quality and uses of such waters, the following minimum requirements shall apply to the several zones herein provided. It is the purpose and intent of such requirements to apply to artificial (not natural) causes of pollution.

ARTICLE III  
MINIMUM REQUIREMENTS

The Interstate Delaware River:

In order to put and maintain the waters of the interstate Delaware River and its West Branch, as aforesaid, in a clean and sanitary condition, no sewage, industrial wastes or other polluting matter shall be discharged into, or be permitted to flow or fall into, or be placed in any respective zone of the interstate Delaware River as herein established, unless such sewage, industrial waste or other artificial polluting matter shall first have been so treated as to produce an effluent which will meet the following minimum requirements:

ZONE 1: 1. Such effluent shall be free of noticeable floating solids, color, oil, grease or sleek, and practically free of suspended solids.

2. Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware River.

3. Such effluent shall show a reduction of organic substances of at least eighty-five (85) per cent as measured by the bio-chemical oxygen demand, and furthermore, such effluent in no case shall exceed a bio-chemical oxygen demand of fifty (50) parts per million, and furthermore, the discharge of such effluent, after dispersion in the water of the river, shall not cause a

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reduction of the dissolved oxygen content of such water of more than five (5) per cent. The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained from dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge.

4. Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than ten (10) per cent of the samples of sewage effluent tested by the confirmed test, and provided further that no single sample shall contain more than one hundred (100) organisms of the Coli Aerogenes group in one (1) milliliter.

5. Such effluent shall be sufficiently free of acids, alkalis, and other toxic or deleterious substances, that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies, for recreation, bathing, agriculture and other purposes; nor be inimical to fish, animal or aquatic life.

6. Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River at any place below the discharge of such effluent.

ZONE 2: 1. Such effluent shall be free of noticeable floating solids, color, oil or grease, and practically free of both suspended solids and sleek.

2. Such effluent shall be sufficiently free of turbidity that it will not cause noticeable turbidity in the water of the Delaware River.

3. Such effluent shall show a reduction of organic substances of at least eighty-five (85) per cent as measured by

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the bio-chemical oxygen demand, and furthermore, such effluent in no case shall exceed a bio-chemical oxygen demand of one hundred (100) parts per million, and furthermore, the discharge of such effluent, after dispersion in the water of the river, shall not cause a reduction of the dissolved oxygen content of such water of more than ten (10) per cent. The aforesaid reduction in dissolved oxygen content shall be determined by the average results obtained by dissolved oxygen tests made upon samples collected on not less than six (6) consecutive days from points in the river above and below the point or points of effluent discharge.

4. Such effluent shall be of such quality that the most probable number of organisms of the Coli Aerogenes group shall not exceed one (1) per milliliter in more than twenty-five (25) per cent of the samples of sewage effluent tested by the confirmed test, and provided further that no single sample shall contain more than one hundred (100) organisms of the Cpli Aerogenes group in one (1) milliliter.

5. Such effluent shall be sufficiently free of acids, alkalis and other toxic or deleterious substances, that it will not create a menace to the public health through the use of the water of the Delaware River for public water supplies, for recreation, industrial and other purposes; nor be inimical to fish, animal or aquatic life.

6. Such effluent shall be free of offensive odors and also be free of substances capable of producing offensive tastes and odors in public water supplies derived from the Delaware River at any place above or below the discharge of such effluent.

ZONE 3. 1. Such effluent shall be free of noticeable floating solids, oil or grease and substantially free of both settleable solids and sleek.

2. Such effluent shall be sufficiently free of turbidity that

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it will not cause substantial turbidity in the water of the Delaware River after dispersion in the water of the river.

3. Such effluent shall show a reduction of at least fifty-five (55) per cent of the total suspended solids and a reduction of not less than thirty-five (35) per cent of the bio-chemical oxygen demand. (It is the intent of this requirement to restore the dissolved oxygen content of the river water in this zone to at least fifty (50) per cent saturation. To accomplish this, it may be necessary in the case of certain wastes, to obtain reductions greater than those required under this item).

4. Such effluent, if it be discharged within two miles of a public water works intake or within prejudicial influence thereof, shall at all times be effectively treated with a germicide.

5. Such effluent shall be sufficiently free of acids, alkalis and other toxic or deleterious substances, that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies, or render such waters unfit for industrial and other purposes; or cause the water of the Delaware River to be harmful to fish life.

6. Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River.

ZONE 4. 1. Such effluent shall be free of noticeable floating solids, oil or grease and substantially free of both settleable solids and sleek.

2. Such effluent shall be sufficiently free of turbidity that it will not cause substantial turbidity in the waters of the Delaware River after dispersion in the water of the river.

3. Such effluent shall show a reduction of at least fifty-



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five (55) per cent of the total suspended solids and shall be subject to such further treatment as may be needed to prevent a nuisance.

4. Such effluent, if it be discharged within prejudicial influence of a public water works intake, or of recreational areas, or of shell fish grounds, shall at all times be effectively treated with a germicide, except that in the case of recreational area influence, such treatment need not be provided during the period from October 15th to May 15th of each year.

5. Such effluent shall be sufficiently free of acids, alkalis, and other toxic or deleterious substances that it will not create a menace to the public health through the use of the waters of the Delaware River for public water supplies, or render such waters unfit for commercial fishing, shell fish culture, recreational, industrial or other purposes.

6. Such effluent shall be practically free of substances capable of producing offensive tastes or odors in public water supplies derived from the Delaware River.

**Intrastate Tributaries :**

It is further recognized by the signatory states that the quality of the waters of the intrastate tributaries of the Delaware River and its aforesaid West Branch are of interstate concern at their points of confluence with the Delaware River and its West Branch. Therefore, it is also agreed that sewage, industrial waste or other artificial polluting matter discharged into, or permitted to flow or to fall into, or be placed in any intrastate tributary of the aforesaid Delaware River, shall be treated to that degree, if any, necessary to maintain the waters of such intrastate tributary in a condition at least equal to the quality of the water of the Delaware River as determined by measurements and tests of samples taken from the Delaware River within a distance of three miles below the confluence of

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the tributary under consideration and the interstate Delaware River.

**Standard Methods:**

Analyses and tests regarding the minimum requirements herein prescribed, shall be determined in accordance with the provisions contained in the American Public Health Associations' latest edition as "Standard Methods for the Examination of Water and Sewage".

**Future Requirements:**

The aforesaid requirements as to treatment of sewage, industrial wastes or other artificial polluting matter and as to the sanitary quality of receiving waters are minima. It is the intent and purpose of these requirements to accomplish reasonable and adequate control and correction of pollution. Due to the many variable factors involved, however, and to the impossibility of forecasting future developments with certainty, it may be necessary in the future to impose additional requirements, particularly in Zones 2 and 3.

The minima herein prescribed, therefor, shall be considered the first steps toward attaining the objectives sought, and if necessary, may be required to be supplemented in the case that the general application of such minimum requirements does not adequately improve and maintain the sanitary quality of the waters 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. That part of the area of the Delaware River Basin lying within this State is hereby established and declared to be a component part of an interstate region for intergovernmental cooperation by said states in the conservation, protection and development of the water resources thereof by means

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of integrated plans, and said Interstate Commission on the Delaware River Basin is hereby recognized as the duly established regional commission or agency of this State for intergovernmental cooperation in effectuating the purposes described in paragraph (2) of the above preamble, with full and complete authority to exercise, for the accomplishment of said purposes, powers and duties conferred by this State upon said Commission on Interstate Cooperation.

Section 2. The reciprocal agreement set forth in paragraph (4) of the above preamble is hereby ratified and applied to the waters and watershed of said Delaware River Basin within the territorial limits of this State and its terms and provisions shall supersede the terms and provisions of any existing laws and regulations applicable to that area to the extent, only, that the terms and provisions of such existing laws and regulations are inconsistent with the terms and provisions set forth in said reciprocal agreement.

Section 3. The State Board of Health is hereby empowered and directed to apply and carry into effect the proposals, terms and provisions of said reciprocal agreement, zone four therein prescribed, respectively, within the territorial limits of this State and to enforce the same by the exercise of such administrative and legal authority, and the institution and prosecution of such actions, suits or other proceedings as may be necessary or appropriate, as are now or may hereafter be provided under the laws and practice of this State.

Section 4. The State Board of Health is hereby authorized and directed to cooperate with said Interstate Commission on the Delaware River Basin in the further study of the sanitary condition of the waters of Delaware River and its tributaries in said Delaware River Basin and to approve, adopt and enforce within this State, such reasonable modifications, changes or alterations in the zone four of standards of quality of water in said river and tributaries as may from time to time be recom-

STATE BOARD OF HEALTH  
AUTHORIZED TO COOPERATE WITH INTERSTATE  
COMMISSION ON THE DELAWARE RIVER BASIN

mended by said Interstate Commission on the Delaware River Basin and approved by the departments of health of the other three states constituent to said Delaware River Basin.

Section 5. The terms and provisions of said reciprocal agreement shall become effective upon receipt by the Secretary of State of this State of a certificate from the Executive Secretary of the Interstate Commission on the Delaware River Basin that an act in substantially the same form as this act has been duly passed by the legislatures of each of the other three states constituent to said acts of said states, respectively, and thereupon the Secretary of State shall advise the State Board of Health of this State accordingly.

Section 6. Nothing herein contained shall affect the territorial limits, rights or jurisdiction of the State of Delaware of, in or over the Delaware River or Bay, or the ownership of the sub-aqueous soil thereof.

Section 7. This Act shall take effect immediately.

Approved May 8, 1941.

## CHAPTER 94

STATE BOARD OF HEALTH  
DEPOSITING OF POULTRY PLANT REFUSE ON FARM  
LAND UNLAWFULAN ACT MAKING IT UNLAWFUL TO DUMP POULTRY PLANT  
REFUSE ON FARM LAND.

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

Section 1. That on and after the approval of this Act no person whomsoever shall dump or otherwise deposit any blood, garbage, carrion, offal, filth or other refuse derived or resulting from the dressing of fowl and poultry of all kinds in an obnoxious or noisome state upon any land or in any stream or other body of water within this State.

Section 2. The State Board of Health, by rules and regulations, shall prescribe the methods and means of treating any such blood, garbage, carrion, offal, filth or other refuse so as to remove the noisome or obnoxious nature thereof. Any person who shall dump or otherwise deposit any such blood, garbage, carrion, offal, filth or other refuse upon any land or in any stream or other body of water within this State without first having treated the same in accordance with such rules and regulations prescribed by the State Board of Health pursuant to the authority herein contained, shall be guilty of a common nuisance, and upon conviction thereof before a Justice of the Peace shall be fined not less than Ten (\$10) Dollars nor more than Fifty (\$50) Dollars, with cost of suit, or stand committed to the County Jail until the same be paid or until discharged by law. Any person convicted of such offense, who shall not immediately remove such blood, garbage, carrion, offal, filth or other refuse from the place where the same shall have been by him dumped or otherwise deposited, shall be deemed guilty of a separate and distinct offense for each day thereafter that the same shall be not removed from the place where it shall have been by him so dumped or deposited.

Approved May 16, 1941.

## CHAPTER 95

## STATE BOARD OF PHARMACY

AN ACT TO AMEND CHAPTER 28 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO STATE BOARD OF PHARMACY, BY CHANGING THE FEES RELATING TO FEES FOR EXAMINATION, REGISTRATION AND LICENSES.

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

Section 1. That 948. Sec. 13 of Chapter 28, Revised Code of Delaware, 1935, relating to the State Board of Pharmacy, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

948. Sec. 13. Fees; When Payable:—The Board of Pharmacy shall charge and collect the following fees:

For examination for license as Pharmacist, \$15.00 and \$10.00 additional for certificate.

For examination for license as Assistant Pharmacist, \$10.00 and \$5.00 additional for certificate.

For reciprocal registration, \$25.00.

For renewing the license of a Pharmacist, \$2.00.

For renewing the license of an Assistant Pharmacist, \$2.00.

For annual renewal of permit to operate drug store, \$2.00 and for change of location, \$1.00.

For issuing permit for new store or change in ownership, \$25.00.

For annual renewal of permit to manufacture, \$2.00.

All fees shall be paid before any applicant may be admitted to examination or his name placed upon the register of Pharmacists or Assistant Pharmacists, or before any license, or any renewal thereof, may be issued by the Board.

Approved March 19, 1941.

## CHAPTER 96

THE LIBRARY COMMISSION OF THE STATE  
OF DELAWARE

AN ACT TO AMEND CHAPTER 34 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE LIBRARY COMMISSION OF THE STATE OF DELAWARE, BY REORGANIZING THE SAID COMMISSION.

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

Section 1. That Chapter 34 of the Revised Code of Delaware, 1935, be and the same is hereby amended, by striking out and repealing all of 1044. Sec. 1. and 1045. Sec. 2. thereof, and inserting in lieu thereof, two new Sections, to be styled 1044. Sec. 1. and 1045. Sec. 2., as follows:

1044. Sec. 1. Commission Established; Appointment; Terms Of Office; Qualifications; Vacancies, How Filled:—A Board to be known as "The Library\* Commission for the State of Delaware" is established. Said commission shall be composed of nine persons to be appointed by the Governor, who shall respectively hold office for the term of five years or until their successors are duly chosen; provided that for the first Commission three members are appointed for the term of one year, three members for the term of three years, and three members for the term of five years. All vacancies on said Commission, whether occurring by expiration of term, or otherwise, shall be filled by the Governor for the unexpired term and until a successor shall be appointed. No person shall be ineligible by reason of sex to serve on the Commission.

1045. Sec. 2. Organization; Compensation Of Members; Expenditures, How Paid:—The said Commission shall organize by the selecting from its members of a President and by the selection of a qualified librarian who shall serve as Secretary of said Commission, but shall have no vote or voice in the acts and proceedings of said Commission.

\*So enrolled.

## THE LIBRARY COMMISSION OF THE STATE OF DELAWARE

Said Commission may also employ such other assistants as shall be required for the performance of the Commission's work, who shall serve under such conditions as the Commission shall determine.

No member shall receive any salary or compensation for his services as such Commissioner.

On or before the fifteenth day of September, The Library Commission for the State of Delaware shall transmit biennially to the Governor and to the General Assembly a Library Commission budget which shall be reported on the official estimate blanks furnished for such purposes, an estimate in itemized form showing the amount needed for each fiscal year of the ensuing biennial period beginning with the first day of July next, thereafter.

Section 2. That Chapter 34 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1049. Sec. 6. and 1050. Sec. 7. and 1051. Sec. 8. thereof, and inserting in lieu thereof, three new Sections, to be styled 1049. Sec. 6., 1050. Sec. 7. and 1051. Sec. 8., as follows:

1049. Sec. 6. Classification Of School Districts:—For the purposes of this Chapter, all the School Districts in this State, are classified as follows:

Every District with a population of Four Thousand (4000) or more shall be deemed a District of the First Class; every District with a population less than Four Thousand (4000), but not less than Three Thousand (3000), shall be deemed a District of the Second Class; every District with a population less than Three Thousand, (3000), but not less than Twelve Hundred (1200), shall be deemed a District of the Third Class; every District with a population less than Twelve Hundred, (1200), shall be deemed a District of the Fourth Class.



## THE LIBRARY COMMISSION OF THE STATE OF DELAWARE

1050. Sec. 7. District Free Library; Electors To Decide Upon Establishment of; Election, When Held; Notice Of; How Petitioned For:—Every Board of Education or Board of School Trustees shall submit the question as to the establishment of a free public library in the School District under the jurisdiction of the Board to the qualified Electors of such District, at a special election to be called by said Board whenever petitioned so to do by twenty (20) or more Electors of the District. Such special election shall be called by the Board for a day not later than sixty (60) days after such petition. The said Board shall give notice of the day or place and purpose of such special election by printed or written advertisements posted in at least five (5) public places in the District at least ten (10) days prior to the day of such election. In case the Board shall neglect or refuse to give such notice, any qualified elector of the District may do so and the notice so given shall be as effectual as though given by said Board.

1051. Sec. 8. Election, Conduct Of; Voting; Qualification Of Voters; Certified Results:—The Board of Education or Board of School Trustees shall appoint the persons to conduct the election, but if the Board shall neglect or refuse to make such appointment, the Electors assembled at the polls may do so. All persons in the School District entitled to vote at a school election in the School District shall be entitled to vote at such election. The voting shall be by ballot, on which shall be written or printed the words "for a free library," or the words "against a free library". A majority of the votes cast at such election shall determine the question. The persons conducting the said election shall certify the result of said election to the Board of Education or the Board of School Trustees of the District."

Section 3. That Chapter 34 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1053. Sec. 10. thereof, and inserting in lieu thereof, a new Section, to be styled 1053. Sec. 10., as follows:

## THE LIBRARY COMMISSION OF THE STATE OF DELAWARE

1053. Sec. 10. Taxation To Establish And Maintain Library, When; By Whom; Amount In Each Class Or District; Limit Of; Taxes, How Levied And Collected:—If at any election, the qualified Electors shall, in the manner aforesaid, declare in favor of the establishment of a Free Public Library in the District, the Board of Education or Board of School Trustees of the School District in which the election was held is hereby authorized empowered and required to levy and raise by taxation, in each year, for the purpose of the establishment of such a library therein, and/or for the maintenance, increase and support of said library, such sum of money as the District Library Commission of the District shall certify to the Board of Education or Board of School Trustees as proper or necessary for the expenses of the library for the year in which such sum is to be levied and raised as aforesaid, provided that the sum so certified shall be not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) if the District be a District of the First Class, or not less than Five Hundred (\$500.00) nor more than Two Thousand Dollars (\$2,000.00), if the District be a District of the Second Class, or not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), if the District be a District of the Third Class, or not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), if the District be a District of the Fourth Class; the class to which the District belongs being determined by the classification as set forth in Section 6 of this Chapter.

All sums authorized to be levied and raised by taxation under this Chapter shall be levied, raised and collected as follows:

The Board of Education or Board of School Trustees shall cause to be made from the assessment Records of the County in which the District is located a list of all the taxables of the District showing the property assessed against such taxables and the assessment of such property. There may also be added a poll tax on all persons twenty-one (21) years of age and up-

## THE LIBRARY COMMISSION OF THE STATE OF DELAWARE

wards, residing in the District, of such amount as shall be determined by the Board.

A copy of the assessment list shall be posted in such public place of the District for inspection and the Board shall advertise such posting in at least five (5) public places of the District, giving notice that such list is posted and where, and the day, hour and place (not less than five (5) days thereafter) of their sitting to hear objections. Upon such hearing the said Board shall make such corrections and additions as shall be right and proper.

Upon the completion of the assessment, the Board shall fix the rate sufficient to raise the amount determined to be raised at the time with an addition of ten per cent added thereto for delinquencies and costs of collection. The Board shall then execute and deliver its warrant with a duplicate of the assessment list to the collector specially appointed by the Board. Such collector shall be appointed by the Board and shall be required to give such bond as shall be required by the Board. The Board may appoint as such collector the official whose duty it is to collect County taxes in the County wherein the District is situated, and in such case, it shall be a duty of such official to act as the collector for the District. In collecting the said tax, the collector shall proceed in the manner and have all the powers of the collector of county taxes. He shall pay over all moneys collected by him to the Board, as collected and shall finally account to said Board when required to do so. Said Board shall in such final accounting allow such delinquencies and errors as are right and proper to be allowed and shall pay such collector a proper compensation for his services. The moneys raised by such levy shall be paid over to the Treasurer of the District Library Commission of the District.

If a collector appointed by any Board of School Trustees or Board of Education, or any member or members of any Board of School Trustees or Board of Education shall fail, neglect or refuse to perform all or any of the duties imposed upon him or

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them by this Act, he or they shall be deemed guilty of a misdemeanor and upon conviction thereof before a Justice of the Peace shall be fined not less than ten dollars and not more than one hundred dollars.

Section 4. That Chapter 34 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1054. Sec. 11., 1055. Sec. 12. and 1056. Sec. 13, thereof, and inserting in lieu thereof new Sections to be styled 1054. Sec. 11., 1055. Sec. 12. and 1056. Sec. 13., as follows:

1054. Sec. 11. District Free Public Library; How Created; Upon Donation or Guarantee:—Whenever the Board of Education or Board of School Trustees of any School District in this State shall be guaranteed, for the maintenance and support of a free public library in such District, a sum equal to the minimum amount required to be raised by a District of its class under Section 10 of this Chapter, for one year, the Board of Education or Board of School Trustees of such District shall declare a free public library to be established therein, and shall proceed to name a district library commission as provided in Section 12 of this Chapter. Such guarantee may be by gift or devise of money or securities, or other valuable property, or by subscription lists, or by other plan approved by the State Library Commission, provided that said guarantee has the sanction of the said State Library Commission.

1055. Sec. 12. District Library Commission; How Created; When; Number of; Terms of Office of: First Commission; Eligibility to Serve on Commission:—That the general administration and supervision of each free public library established under the provisions of this Chapter shall be vested in a district Library Commission which shall be composed of five members appointed from the residents of the School District wherein such library is established by the Resident Judge of the Superior Court of the State of Delaware of the County in which the School District is located. In case a district is located partly

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in each of two Counties the appointments shall be made alternately by the Resident Judges of the two Counties, the first appointment being made by the Resident Judge of the County in which the greater number of residents of the School District live. Upon the establishment of a new library, the said Judge shall appoint one member for the term of one year, one member for the term of two years and three members for the term of three years. Annually thereafter the said Judge shall fill vacancies in District Library Commissions caused by the expiration of the term of office of its members. The term of office of a member of a District Library Commission shall be three years. A vacancy occurring from any cause other than expiration of the term of office shall be filled by the Resident Judge for the unexpired term.

1056. Sec. 13. District Library Commission; Organization; Officers; Librarian; Meetings:—A District Library Commission shall organize by electing from its members a president, secretary and treasurer. The Secretary and treasurer may be one and the same person.

The Commission shall elect a Librarian and other employees necessary for the proper conduct of the library. The Commission shall have power to fix the compensation of its employees.

The Commission shall meet at least quarterly in each year. The Commission shall have power to adopt a rule that the failure of any member to attend a specified number of meetings of the Commission shall create a vacancy in the office of such member.

Section 5. That Chapter 34 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1060. Sec. 17. thereof, and inserting in lieu thereof, a new Section to be styled 1060. Sec. 17., as follows:

1060. Sec. 17. State Funds Payable to School Districts

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for Library Purposes; When:—Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any School District in this State has established a free public library therein, and has raised by taxation, subscription, gift or otherwise, a sum not less than the minimum sum prescribed by Section 10 of this Chapter for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing such establishment, said State Treasurer shall pay to the district Library Commission of any such School District a sum equal to one-half ( $\frac{1}{2}$ ) of the sum certified by the State Library Commission as aforesaid; and each year thereafter, the said State Treasurer shall pay to said District Library Commission a sum equal to one-half ( $\frac{1}{2}$ ) of the sum certified to the said State Treasurer by the State Library Commission as having been raised by taxation, subscription, gift, or otherwise during the year, in which the State Treasurer is to make such payment for the maintenance and increase of the District Library for such year. Provided, however, that the State Treasurer shall not in any one year pay to any District Library Commission any sum in excess of \$500.00 if the District belongs to the first or second classes, nor in excess of \$300.00 for a district of the third class, nor in excess of \$150.00 for a district of the fourth class. All such sums, paid to any district Library Commission by the State Treasurer as aforesaid, shall be expended by such district library commission for books. A list of such books must be submitted before purchase to the State Library Commission for approval. If any District Library Commission shall neglect or refuse to expend all moneys received by such District Library Commission from the State Treasurer as aforesaid for books approved by the State Library Commission, then and in such event the State Library Commission is authorized and empowered to refuse to issue a certificate to the State Treasurer for any further or other payment to the District Library Commission so neglecting or refusing as aforesaid.

The payments shall be made quarterly in four equal in-

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stallments. Each payment shall be made on certification of the State Library Commission.

Section 6. That Chapter 34 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1063. Sec. 20. thereof, and inserting in lieu thereof, a new Section to be styled 1063. Sec. 20., as follows:

1063. Sec. 20. District Library Commissioners; Borrowing of money by; Method of; Election for; Resubmission of Question Form or Bonds; Limit of Amount; Bonds how Executed; Security for Loan; Taxation for Payment of Interest and Principal; Sinking Fund:—Under the circumstances and conditions hereinafter set forth, money may be borrowed in aid of any free public library in this State now or hereafter established.

(1) The district library commission or other governing board of a free public library in aid of which money is desired to be borrowed shall adopt a resolution to the effect that it deems it advisable that a specified sum of money be borrowed for some specified purpose or purposes.

(2) The said commission or board shall submit the question of the approval or rejection of said resolution to the qualified voters of said district at any annual meeting at which members of the district library commission are elected or at a special meeting called for the purpose.

(3) The said commission or board shall give notice that the said resolution will be submitted to the voters as aforesaid. Such notice shall be given by publication in two issues of a newspaper published in the library district (or if no newspaper is published in the said district, then in some newspaper published in the county) and by printed advertisements posted in at least five public places in the district at least ten days prior to the date of the annual meeting or special meeting at which the reso-

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lution will be submitted to the voters as aforesaid. The said notice shall state the substance of the resolution aforesaid, and the day, hour, and place that it will be submitted to the voters aforesaid.

(4) The said Commission or board shall appoint the persons to conduct the election. The polls shall remain open at least two hours. All persons in the School District entitled to vote at a School election in the School District shall be entitled to vote at such election. The voting shall be by ballot on which shall be written or printed the words "for the resolution in aid of the library" or "against the resolution in aid of the library."

(5) If a majority of the votes cast be for the resolution in aid of the library, authority to borrow the amount of money specified in the resolution aforesaid shall be deemed to be thereby conferred. If a majority of the votes cast be against the resolution in aid of the library, the money shall not be borrowed, and the question shall not be submitted again to the voters during that same school year.

(6) The said commission or board shall certify the result of said election to the Board of Education having the management of the public schools of the district.

(7) If the results of the said election be for the resolution in aid of the library as aforesaid, the said Board of Education is hereby authorized and required to borrow the amount specified in the resolution aforesaid, and for this purpose may issue a bond or bonds for said amount. Such bond or bonds shall be in such form and denomination and shall bear such date and be at such rate of interest, not exceeding six per centum per annum, and shall mature at such time or times as said Board of Education shall determine; provided always, however, that the amount of any sums borrowed under the provisions of this Section shall not exceed the sum of Twenty-five Thousand Dollars for any one district. Any bond issued as aforesaid shall be signed by the President of the Board of Education aforesaid



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and attested by its Secretary or Clerk, and in case said Board of Education shall have or use a common seal, shall be sealed with the same, but in the absence of such common seal, the word "SEAL" with a scroll around the same shall be deemed and taken to be the seal of the district. The faith and credit of the school district wherein the library aforesaid is situated shall be deemed to be pledged by every bond issued under the provisions of this Section.

(8) Whenever any bond or bonds shall have been issued under the provisions of this Section, the Board of Education having the management of the public schools of the district shall annually raise by levy and taxation a sum sufficient for the payment of the interest on the amount or amounts so borrowed, and shall likewise raise from time to time by levy and taxation such sum or sums as shall be necessary to establish a sinking fund for the payment of the debt secured by said bond or bonds at or before the maturity thereof. The sums authorized to be raised for interest and for a sinking fund as aforesaid shall be raised in the same manner as school taxes in said district are raised, and shall be in addition to all sums authorized to be raised by said district by any other statute.

(9) All moneys borrowed as aforesaid shall be paid by the Board of Education aforesaid to the district library commission or governing board of the said free public library. The purpose or purposes, for which the money aforesaid shall be by the said district library commission or governing board directed to be paid as aforesaid, may be for the purchase of a building for the library and for the alterations or repair thereof, or of a site for such building and for the erection of a building thereon, or for the improvement and repair of any library building owned by such district, and/or for the purchase of library furniture and equipment and/or for the purchase of books for the library. In case any corporation, club, society, organization, or association shall desire to have the use of some part or portion of the library building not required for library purposes and will agree in consideration for permission to use

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such part or portion of said building to pay a rental or to contribute a reasonable amount toward the purchase of the library building or toward cost of the erection of a library building and/or toward the cost of the maintenance of the library, the district library commission or governing board shall have the right and power to make or enter into a lease, contract, or other agreement accordingly.

Section 7. That Chapter 34 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1044. Sec. 21. thereof.

Approved May 22, 1941.

CHAPTER 97

NOTARIES PUBLIC

AN ACT TO FURTHER AMEND CHAPTER 42 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 100, VOLUME 41, LAWS OF DELAWARE, AND PROVIDING FOR ADDITIONAL NOTARIES PUBLIC.

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

Section 1. That Chapter 42 of the Revised Code of Delaware, 1935, as Amended by Chapter 100, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of the third paragraph of 1136. Sec. 1. of the said Chapter 42, as amended as aforesaid, and inserting in lieu thereof a new paragraph as follows:

"In addition to the Notaries Public hereinbefore authorized to be appointed, there may be appointed in New Castle County, Three Hundred and Fifty (350) Notaries Public; in Kent County, Seventy-five (75) Notaries Public; and in Sussex County, Seventy-five (75) Notaries Public."

Approved February 7, 1941.

# County Government

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## CHAPTER 98

### LEVY COURT OF NEW CASTLE COUNTY.

#### TO PROVIDE AMBULANCE SERVICE FOR NEW CASTLE COUNTY

AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO PROVIDE AMBULANCE SERVICE 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 Levy Court of New Castle County shall have authority to maintain and operate ambulance service for the benefit of the inhabitants of New Castle County, including towns and cities therein, and may enter into contracts for the purpose of providing said service with fire companies, incorporated or unincorporated towns and cities in New Castle County, or such other organizations as it may deem proper.

Section 2. That the said Levy Court may employ such drivers, attendants, nurses, physicians and other persons as, in its opinion, it may deem necessary and proper for carrying into effect the provisions of this act. Said employment or employments shall be for such term or terms and for such compensation as the Levy Court may provide.

Section 3. That the said Levy Court shall designate one of the personnel hereinbefore referred to as Director of the New Castle County Ambulance Service, who shall be responsible to the Levy Court for the efficient management, operation and conduct of the said ambulance service.

Approved March 14, 1941.

## CHAPTER 99

LEVY COURT OF NEW CASTLE COUNTY.  
TO APPOINT COLLECTOR OF DELINQUENT  
COUNTY TAXESAN ACT TO PROVIDE FOR THE COLLECTION OF DELINQUENT  
COUNTY TAXES 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. The Levy Court of New Castle County is hereby authorized and empowered to appoint a Collector of Delinquent County Taxes, and such assistants as the said Levy Court of New Castle County may deem necessary, who shall assist in the collection of all rates and taxes one year or more past due, according to the duplicates and warrants issued to the Receivers of Taxes subsequent to July 1, 1937, and to the Collectors of Taxes of the various Hundreds of New Castle County prior to July 1, 1937.

Section 2. The incumbent Receiver of Taxes, and his predecessor, or predecessors, in office, upon the first day of July of each year, after the approval of this Act, are hereby authorized to turn over to said Collector of Delinquent County Taxes their respective duplicates and warrants issued to them as aforesaid, and upon the request of said Receiver or Receivers of Taxes and subject to the approval of the Levy Court of New Castle County it shall be the duty of said Collector of Delinquent Taxes to proceed with the collection thereof in the form and manner now prescribed by law.

Section 3. The Collector of Delinquent County Taxes shall enter into a bond with surety, or sureties, to the Levy Court of New Castle County conditioned upon the faithful performance of his duties. The surety, or sureties, upon said bond are to be subject to the approval of the Levy Court of New Castle County, and the amount of said bond is to be determined and set by the said Levy Court of New Castle County.

**LEVY COURT OF NEW CASTLE COUNTY.  
TO APPOINT COLLECTOR OF DELINQUENT  
COUNTY TAXES**

Section 4. Nothing in this Act shall be so taken, or construed, as to relieve the incumbent, or retired, Receivers of Taxes, or his, or their, surety, or sureties, from any responsibility whatever under the bond as provided for by law for the Receiver of Taxes and County Treasurer, but the same shall remain and continue in full force and effect after the expiration of his term of office and until he shall have fully accounted for all taxes remaining outstanding and uncollected on his tax duplicates and warrants, and until released by the Levy Court after such full accounting as provided by law.

Section 5. The Collector of Delinquent County Taxes, and his assistants, shall serve during the pleasure of the Levy Court and for such compensation as the Levy Court may set for their services.

Section 6. The Public Building Commission shall, at the request of the Levy Court of New Castle County, provide suitable office space for the Collector of Delinquent County Taxes and his assistants.

Section 7. That all Acts, or parts of Acts, inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved March 14, 1941.

## CHAPTER 100

LEVY COURT OF NEW CASTLE COUNTY.  
FURTHER DEFINITION OF POWERS AND DUTIES

AN ACT TO AMEND CHAPTER 43, OF THE REVISED CODE OF DELAWARE, 1935, BY FURTHER DEFINING THE POWERS AND DUTIES, DIRECTION, MANAGEMENT AND CONTROL OF THE BUSINESS AND FINANCES OF NEW CASTLE COUNTY BY THE LEVY COURT OF NEW CASTLE COUNTY.

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

Section 1. That Chapter 43, of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 1153. Sec. 7. the following paragraph:

“The said Levy Court shall have general jurisdiction over all matters pertaining to the County, its business, finances and general welfare, including, without limiting the general powers hereby granted, the power to act upon all matters pertaining to sewers, sewerage disposal plants, trunk line sewers and sewerage systems generally, drainage, engineering, construction of public buildings, fire protection, ambulance service, general supervision of County offices, public welfare institutions, fire companies, and other matters of a public nature. In the performance of its duties as aforesaid, the Levy Court shall have power to employ such assistants, enter into contracts and generally to take such action as in its opinion it may deem necessary and proper and to the best interests of the county.’”

Approved March 14, 1941.

## CHAPTER 101

LEVY COURT OF NEW CASTLE COUNTY.  
AUTHORIZED TO BORROW NOT MORE THAN \$750,000  
AND TO ISSUE BONDS THEREFOR FOR  
NEW CASTLE COUNTY AIRPORT

AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO BORROW A SUM NOT IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) AND TO ISSUE BONDS THEREFOR TO BE EXPENDED FOR THE ACQUISITION OF LAND OR INTERESTS THEREIN FOR AIRPORT PURPOSES AND FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF AN AIRPORT AND LANDING FIELD IN NEW CASTLE COUNTY, AND TO AUTHORIZE THE SAID LEVY COURT TO EXERCISE THE RIGHT OF EMINENT DOMAIN FOR SAID PURPOSES.

WHEREAS, The General Assembly, by an Act approved April 6, 1931, being Chapter 134 of Volume 37, Laws of Delaware, authorized and empowered the Levy Court of any County in this State to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of such Counties;

AND WHEREAS, a public airport and landing field is deemed by the General Assembly to be a matter of public necessity and convenience in New Castle County and an essential part of the National Defense Program: NOW, THEREFORE,

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

Section 1. That the Levy Court of New Castle County shall be and is hereby granted full power and authority to acquire land or any interest therein, and construct an airport and landing field with all necessary appurtenances thereto, at such place within New Castle County, as the said Levy Court shall deem advisable.



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The Levy Court of New Castle County is authorized to enter into contracts and agreements with persons, firms or corporations relative to the purchase of the land and to the building, constructing, and equipping of an airport and landing field for New Castle County, and to this end may require of said persons, firms or corporations, proper security for the faithful performance of the work to be done. The said Levy Court may engage the services of competent architects who shall prepare proper plans and specifications, and the said Levy Court shall award any contract to the lowest responsible bidder, but with the right to reject any and all bids.

The Levy Court may, in its discretion, appoint three (3) persons to serve, without compensation, at the pleasure of the Levy Court, as members of a Commission to be known as, "The New Castle County Airport Commission", and may delegate to said Commission the actual conduct, management and operation of any airport acquired or constructed under this Statute. The said Commission, when appointed, shall organize and choose one of its members as Chairman and one of its members as Secretary and it shall be the duty of the said Commission to cause to be kept a clear and accurate record of its proceedings. The said Commission shall have authority to enter into contracts, leases or agreement, of any nature, pertaining to the operation of said airport, including the right to sell such portion of land acquired as may not be necessary to such use, subject to the approval of the Levy Court as hereinafter stated, and any deed or other conveyance executed by any two (2) members of the Commission shall be a valid conveyance. The acts of said Commission shall be subject to the approval of the Levy Court and any contracts, leases or agreements entered into by the said Commission shall not be binding unless first authorized or later ratified or confirmed by resolution of the said Levy Court duly adopted. The said Commission or the said Levy Court, as the case may be, shall have authority to deal with and enter into negotiations, contracts or agreements with

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any governmental agency, State, Federal or Municipal, and including the United States of America or any instrumentality thereof, the President of the United States, the Federal Emergency Administrator of Public Works, the United States Navy, the United States Army, the Civil Aeronautics Administration, the Works Progress Administration, the Treasury Department of the United States of America, or any department, division or sub-division of any of the foregoing or any other agency of the Federal Government participating in or having to do generally with any National Defense Program.

SECTION 2. The said Levy Court may acquire said land or interest therein either by purchase or by the exercise of the right of eminent domain, which is hereby expressly granted. Whenever the Levy Court cannot agree with the owner or owners of any land, building, franchise, easement, or other property necessary to be taken for the purpose thereof, the said Levy Court may apply to the Superior Court sitting in and for New Castle County or any Judge of said Court for the appointment of five (5) freeholders of said County, who shall go upon the said lands and assess the damage of such owner or owners fairly and impartially, and the said freeholders shall certify their findings and award to all known parties in interest and make a report of their findings to be filed in the said Superior Court or with the said Judge, as the case may be, appointing them. The said Levy Court, before making the said application, shall give to the owner or owners of the property involved, at least ten (10) days notice in writing of the intent of application, if such owner is within the State, and if such owner is unknown or without the State, or if under legal disability and having no legal representative in the State, then such notice shall be published in some newspaper in New Castle County at least ten days prior to the intended application and such publication shall be deemed to be sufficient notice. The said freeholders appointed as aforesaid shall be sworn or affirmed before some officer authorized to administer oaths or affirmations before entering

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upon the premises faithfully and impartially to perform the duties assigned them. They shall give five (5) days notice in writing to the owner or owners of the premises or property so proposed to be condemned, or to their guardian or guardians duly appointed if within the State, and to the said Levy Court, of the time of their meeting to view the premises or ascertain the easement or franchise; if the owner or owners be unknown, or are without the State, or if under legal disability, and having no legal representative in the State, publication of such last mentioned notice shall be made in some newspaper in New Castle County at least ten days prior to the said meeting and such publication shall be sufficient notice thereof. The said freeholders or commissioners shall keep a record of their proceedings with their findings and awards and return the same to the Superior Court or Judge, as the case may be, and shall certify their findings and awards to the owner or owners of the property and to the Levy Court; if the Levy Court or any known party in interest is dissatisfied with such findings or awards, it or he may, on application to the said Court or Judge, within fifteen (15) days after such findings and awards have been made and filed, require the appointment of a Commission of Review, which shall consist of five (5) freeholders appointed in like manner and with like instructions as were contained in the first Commission, provided that if a review be granted upon the application of a person or persons in interest the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return of the Commission of Review varies in the damages assessed from the return of the original Commission, the said Court or Judge shall, upon application of the Levy Court or any party in interest, appoint a second Commission of Review within ten (10) days after the filing of such return. If a review be not applied for in due time, the return of the original Commission shall be conclusive as to the amount of damages; if the return of any two Commissions corresponds as to the amount of damages, such amount shall be conclusive, but if there be more than

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one return and none conclusive under the foregoing provisions the said Superior Court or said Judge shall confirm such one of them as it or he shall deem most just and the return so confirmed shall be conclusive. The said Superior Court or said Judge may set aside a return for gross inequality or inequity, in which case it or he shall issue another Commission in its place, and the said Court or Judge shall have power to fill any vacancies in a Commission.

The right of eminent domain herein granted shall extend to and include the right to acquire the fee simple title to land, or an easement, or a right of way in, to, over or above such land or property as the Levy Court may deem necessary in making adequate and practical provisions for the removal of obstructions of any nature whatsoever in approaches to the said airport or landing field.

Upon the institution of condemnation proceedings by petition and notice aforesaid, the said Levy Court may, in its discretion, state in said petition that the possession, right to enter, or occupancy of said land or interest therein is necessary to the project without delay, and the title to said land in fee simple absolute, or such less estate or interest therein, as may be specified, shall immediately pass and vest to the said Levy Court, and said lands or interest therein shall be deemed to be condemned and taken for the use of said New Castle County, and the right to just compensation therefor shall vest in and to the person or persons entitled thereto. In the event of an immediate taking as herein specified, the said Court or Judge shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner, and to make such orders in respect to incumbrances, leases, taxes, rights, assessments, insurance, or other charges, if any, as shall be just and equitable. The right to take possession and title in advance of final order or judgment in condemnation proceedings as provided herein shall

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be in addition to any right, power or authority conferred by the Laws of the State of Delaware under which such proceedings may be conducted, and shall not be construed as limiting or modifying any such right, power or authority.

SECTION 3. That the Levy Court of New Castle County be and it is hereby authorized and empowered to borrow upon the faith and credit of said County, as hereinafter provided, a sum not exceeding Seven Hundred Fifty Thousand Dollars (\$750,000.00), to be expended in acquiring land and property for airport purposes, and for the construction, maintenance and operation of an airport and landing field in New Castle County, and for the purpose of securing the payment of such sum to issue bonds in such denominations and bearing such rate of interest, not exceeding three per centum per annum, and in such form as the Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year after the date of issuance thereof.

SECTION 4. The Levy Court shall decide upon and determine the class and time of maturity of said bonds and the aggregate of each class, provided that the maturity date of said bonds shall in no event be later than July 1, A. D. 1961. Said bonds may, at the option of the Levy Court, contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five (5) years from the date thereof, at a premium not exceeding five per centum.

SECTION 5. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of New Castle County, and shall be under the seal used by the Levy Court of New Castle County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be the duty of the

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County Treasurer and the Levy Court to keep a record of said bonds.

SECTION 6. Said bonds or any part thereof may be sold when and as the Levy Court shall by resolution determine and until sold shall remain in the custody of the County Treasurer. Whenever in the judgment of the Levy Court it shall be deemed advisable that any part or all of said bonds shall be sold, said Levy Court may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of the Levy Court for effecting the sale or negotiation of said bonds.

SECTION 7. Said bonds, principal and interest shall be payable at the Farmers Bank of the State of Delaware, at Wilmington, Delaware, out of the money from time to time appropriated for that purpose by the Levy Court of New Castle County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the Farmers' Bank when and as the same shall become due, and pay said bonds when and as the respective classes mature in accordance with the foregoing. The said Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest upon the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as

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may from time to time become due under the provisions of this act.

SECTION 8. All of said bonds shall bear the same date and shall be numbered serially. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the County Treasurer in the Farmers' Bank of the State of Delaware, at Wilmington, Delaware, to the credit of the Levy Court of New Castle County in a separate account and payments thereof shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this section provided, shall be used for any other purpose than those hereinbefore stated; and provided further that the purchasers or holders of said bonds shall not be bound to see to or to be affected by the application of said money realized from the sale of said bonds. Said bonds shall contain such provisions, not inconsistent with the requirements of this Act, as the Levy Court may deem expedient. Said bonds shall be exempt from all State, County and Municipal or other taxation.

SECTION 9. That all Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only, and the provisions of this Act shall be liberally construed in order to insure the co-operation of New Castle County with other governmental agencies in any National Defense Program.

Approved April 17, 1941.

## CHAPTER 102

LEVY COURT OF NEW CASTLE COUNTY.  
AUTHORIZED TO EMPLOY COUNTY ENGINEER, ETC.

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO EMPLOY A COUNTY ENGINEER, AND SUCH DRAFTSMEN, RODMEN AND ASSISTANTS, AS IT MAY DEEM NECESSARY, AND DEFINE THEIR DUTIES AND FIX THEIR COMPENSATION.

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

Section 1. That the Levy Court of New Castle County shall have authority to appoint a County Engineer for such term, and at such compensation as it may deem proper. The said County Engineer shall be responsible for and have general supervision over all public engineering work in New Castle County including, but not limiting the generality of the foregoing, the construction of sanitary sewers, trunk lines, sewerage disposal plants, sanitary sewer systems in general and maintenance thereof, drainage, construction, lighting service, and other projects of a public nature. The said Levy Court may employ, for such periods and for such compensation as it may deem proper, such draftsmen, rodmen, and assistants as, in its opinion, may be necessary to carry on such public work.

Approved March 14, 1941.



CHAPTER 103

LEVY COURT OF KENT COUNTY.  
APPROPRIATION TO ROBBINS HOSE COMPANY NO. 1  
FOR AMBULANCE

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT  
OF KENT COUNTY TO APPROPRIATE MONEY TO ROBBINS  
HOSE COMPANY NO. 1 OF DOVER FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. That the Levy Court of Kent County shall, and it is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually towards the maintenance of an ambulance furnished by Robbins Hose Company No. 1 of the City of Dover for the benefit of residents of Kent County.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the said Levy Court of Kent County to the Treasurer of the said Robbins Hose Company No. 1 on the first day of July of each year.

Section 2. The provisions of this Act shall not be applicable at any time that said Robbins Hose Company No. 1 of Dover is without an ambulance, or fails to provide an ambulance for the benefit of residents of Kent County.

Approved May 9, 1941.

## CHAPTER 104

LEVY COURT OF KENT COUNTY.  
APPROPRIATION TO DAVID C. HARRISON POST NO. 14,  
INC. AMERICAN LEGION, FOR AMBULANCE

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY  
TO APPROPRIATE COUNTY MONIES TO DAVID C. HARRI-  
SON 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 and directed to appropriate public monies toward the maintenance of the ambulance furnished by David C. Harrison Post, No. 14, Inc., American Legion, at Smyrna, for the benefit of residents of Kent County in amount of Five Hundred Dollars annually.

Approved May 15, 1941.

## CHAPTER 105

**LEVY COURT OF KENT COUNTY  
TRANSFER OF CERTAIN INACTIVE SPECIAL ACCOUNTS  
TO THE GENERAL FUND OF KENT COUNTY**

**AN ACT AUTHORIZING, EMPOWERING AND DIRECTING THE LEVY COURT OF KENT COUNTY TO TRANSFER CERTAIN INACTIVE SPECIAL ACCOUNTS NOW ON DEPOSIT IN THE FARMERS BANK OF THE STATE OF DELAWARE AND TOTALING \$23,272.80 TO THE GENERAL FUND, COUNTY TREASURER ACCOUNT OF KENT COUNTY, AND PERMITTING THE EXPENDITURE OF SAID FUNDS AS GENERAL FUNDS.**

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

Section 1. That the Levy Court of Kent County be and the same is hereby authorized, empowered and directed to transfer the following inactive accounts now on deposit in the Farmers Bank of the State of Delaware to the General Fund, County Treasurer Account of Kent County, to wit:—

Permanent Good Roads .....	1.30
Kent County State Aid Road Bond Sinking Fund..	22,699.28
Deposit on Bonds called October 1, 1935 .....	10.50
County Treasurer, "Special Account" .....	41.09
Enoch H. Johnson, Receiver of Taxes, 1932	
Tax sales .....	12.92
Enoch H. Johnson, Receiver of Taxes, 1933-34	
Tax Sales .....	196.29
Enoch H. Johnson, Receiver of Taxes, 1937-38	
Tax Sales .....	311.42
	<hr/>
	\$23,272.80

Section 2. That any and all moneys so transferred to said General Fund, County Treasurer Account of said Kent County may be expended from said general fund by the Levy Court of Kent County in the routine manner upon the execution of proper

LEVY COURT OF KENT COUNTY  
TRANSFER OF CERTAIN INACTIVE SPECIAL ACCOUNTS  
TO THE GENERAL FUND OF KENT COUNTY

vouchers by the duly authorized officer or officers of said Levy Court.

Section 3. That the passage and approval of this act shall be sufficient authority for the Farmers Bank of the State of Delaware to arrange for the proper transfer of said inactive accounts in accordance with the provisions of this act.

Approved April 3, 1941.

## CHAPTER 106

LEVY COURT OF KENT COUNTY  
AUTHORIZED TO BORROW NOT MORE THAN \$75,000.00  
AS NEED MIGHT REQUIRE

AN ACT AUTHORIZING AND EMPOWERING THE LEVY COURT  
OF KENT COUNTY TO BORROW UP TO BUT NOT EX-  
CEEDING THE TOTAL SUM OF \$75,000.00 AND TO GIVE  
SECURITY THEREFOR.

*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 Kent County is hereby authorized and empowered on various and sundry occasions as need might require to borrow up to a total of \$75,000.00 and to execute a bond of indebtedness or mortgage, or both, in favor of the obligee who shall have made the loan. Such bond of indebtedness or mortgage, or both, shall be executed in the name of the Levy Court, countersigned by the President thereof and attested to by the Clerk of the Peace and shall be at a rate of interest to be agreed upon between the Levy Court and said obligee, provided, however, that said rate shall not exceed six per cent per annum.

Section 2. It shall be lawful for and said Levy Court of Kent County is hereby authorized and empowered to execute a bond of indebtedness or mortgage, or both, in favor of the obligee or obligees to whom said Levy Court is now indebted.

Approved May 16, 1941.

## CHAPTER 107

LEVY COURT OF KENT COUNTY  
AUTHORIZED TO SELL CERTAIN LANDS KNOWN  
AS THE "COUNTY FARM"

AN ACT AUTHORIZING, EMPOWERING AND DIRECTING THE LEVY COURT OF KENT COUNTY TO SELL AND EXECUTE A PROPER DEED CONVEYING A FEE SIMPLE TITLE TO ALL OF THAT CERTAIN TRACT, PIECE AND PARCEL OF LAND SITUATED ON BOTH SIDES OF THE PUBLIC ROAD LEADING FROM WYOMING TO HAZLETTVILLE IN KENT COUNTY AND STATE OF DELAWARE, TOGETHER WITH THE IMPROVEMENTS THEREON AND KNOWN AS THE "COUNTY FARM".

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

Section 1. That the Levy Court of Kent County be and the same is hereby authorized and empowered to sell at public auction all that certain farm, tract, piece and parcel of land lying on both sides of the public road leading from Wyoming to Hazletville in Kent County and State of Delaware, together with the improvements thereon, known as the "County Farm", first in two or more tracts and then as a whole, and whichever method shall bring the greater price, is the one that shall prevail, provided, however, that the sale of said "County Farm" or any part thereof, so affected, shall be made expressly subject to the use, occupancy and operation of that portion of said farm now utilized by the United States Government for a Civil Conservation Camp, so long as said United States Government shall actively utilize said portion of land for said purpose or any allied purpose incident thereto, reserving, however, unto the said Levy Court of Kent County the right to accept or reject any and all bids made at said public sale.

Section 2. The Levy Court of Kent County shall be and the same is hereby authorized and empowered to arrange for a survey of said farm, so that same may be properly divided and advertised by said Levy Court.

LEVY COURT OF KENT COUNTY  
AUTHORIZED TO SELL CERTAIN LANDS KNOWN  
AS THE "COUNTY FARM"

Section 3. The Levy Court of Kent County shall be and the same is hereby authorized and empowered to execute and deliver unto the purchaser or purchasers of said "County Farm" or any part thereof a legal deed, conveying unto the said purchaser or purchasers a good, marketable, and fee simple title to said "County Farm" or any part thereof together with any improvements thereon, free and clear of any and all liens and encumbrances.

Section 4. The Deed or Deeds of Conveyance to be delivered in connection with the sale of said "County Farm" or any part thereof, together with any improvements thereon shall be in the name of "The Levy Court of Kent County" of the State of Delaware, party of the first part, and shall be executed for and on behalf of said "The Levy Court of Kent County" by the President thereof, attested by the Clerk of the Peace and notarized by a Notary Public of the State of Delaware.

Section 5. Any and all monies to be derived from the sale of said "County Farm" or any part thereof together with any improvements thereon shall be deposited to the General Fund of the Levy Court of Kent County, and expended therefrom by said court in the usual manner.

Approved May 8, 1941.

## CHAPTER 108

LEVY COURT OF SUSSEX COUNTY  
APPROPRIATION TO ELINOR W. KING FOR SERVICES  
TO THE CORONER OF SUSSEX COUNTY  
FOR THE YEARS 1939 AND 1940

AN ACT DIRECTING THE LEVY COURT OF SUSSEX COUNTY  
TO APPROPRIATE MONEY TO ELINOR W. KING FOR SERV-  
ICES TO THE CORONER OF SUSSEX COUNTY FOR THE  
YEARS 1939 AND 1940.

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

Section 1. That the Levy Court of Sussex County be and it is hereby ordered and directed to pay to Elinor W. King the sum of Five Hundred and Sixty (\$560.00) Dollars for services rendered by her in keeping the records of inquisitions and examinations for the Coroner of Sussex County during the years 1939 and 1940.

Approved May 13, 1941.



CHAPTER 109

LEVY COURT OF SUSSEX COUNTY  
APPROPRIATION TO SUSSEX POST NO. 8 AMERICAN  
LEGION FOR AMBULANCE

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE COUNTY MONIES TO SUSSEX POST NO. 8, AMERICAN LEGION, GEORGETOWN, DELAWARE, FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. That the Levy Court of Sussex County is hereby authorized and directed to appropriate and pay to Sussex Post No. 8, Incorporated, American Legion, the sum of One Thousand Dollars (\$1,000.00) to be used in the purchase and maintenance of a new ambulance of said Sussex Post No. 8, Incorporated, American Legion, for the benefit of the residents of Sussex County.

Section 2. The Levy Court of Sussex County is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to Sussex Post No. 8, Incorporated, American Legion to be used in the maintenance of said ambulance for the benefit of residents of Sussex County.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the said Levy Court of Sussex County to the said Sussex Post No. 8, Incorporated, American Legion, on the first day of May of each year beginning on the first day of May, A. D., 1942.

Approved May 15, 1941.

## CHAPTER 110

LEVY COURT OF SUSSEX COUNTY  
AUTHORIZED TO BORROW NOT MORE THAN \$25,000.00  
AND TO ISSUE BONDS THEREFOR FOR  
SUSSEX COUNTY AIRPORT

AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX COUNTY TO BORROW A SUM NOT IN EXCESS OF \$25,000.00 AND TO ISSUE BONDS THEREFOR TO BE EXPENDED FOR THE ACQUISITION OF LAND OR INTERESTS THEREIN FOR AIRPORT PURPOSES AND FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF AN AIRPORT AND LANDING FIELD IN SUSSEX COUNTY, AND TO AUTHORIZE THE SAID LEVY COURT TO EXERCISE THE RIGHT OF EMINENT DOMAIN FOR SAID PURPOSES.

WHEREAS, The General Assembly, by an Act approved April 6, 1931, being Chapter 134 of Volume 37, Laws of Delaware, authorized and empowered the Levy Court of any County in this State to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of such Counties;

AND WHEREAS, a public airport and landing field is deemed by the General Assembly to be a matter of public necessity and convenience in Sussex County and an essential part of the National Defense Program;

NOW, THEREFORE,

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

Section 1. That the Levy Court of Sussex County shall be and is hereby granted full power and authority to acquire land or any interest therein, and construct an airport and landing field with all necessary appurtenances thereto, at such place within Sussex County, as the said Levy Court shall deem advisable.

**LEVY COURT OF SUSSEX COUNTY  
AUTHORIZED TO BORROW NOT MORE THAN \$25,000.00  
AND TO ISSUE BONDS THEREFOR FOR  
SUSSEX COUNTY AIRPORT**

The Levy Court of Sussex County is authorized to enter into contracts and agreements with persons, firms or corporations relative to the purchase of the land and to the building, constructing, and equipping of an airport and landing field for Sussex County, and to this end may require of said persons, firms or corporations, proper security for the faithful performance of the work to be done. The said Levy Court may engage the services of competent architects who shall prepare proper plans and specifications, and the said Levy Court shall award any contract to the lowest responsible bidder, but with the right to reject any and all bids.

The Levy Court may, in its discretion, appoint three (3) persons to serve, without compensation, at the pleasure of the Levy Court, as members of a Commission to be known as, "The Sussex County Airport Commission", and may delegate to said Commission the actual conduct, management and operation of any airport acquired or constructed under this Statute. The said Commission, when appointed, shall organize and choose one of its members as Chairman and one of its members as Secretary and it shall be the duty of the said Commission to cause to be kept a clear and accurate record of its proceedings. The said Commission shall have authority to enter into contracts, leases or agreements, of any nature, pertaining to the operation of said airport, including the right to sell such portion of land acquired as may not be necessary to such use, subject to the approval of the Levy Court as hereinafter stated, and any deed or other conveyance executed by any two (2) members of the Commission shall be a valid conveyance. The acts of said Commission shall be subject to the approval of the Levy Court and any contracts, leases or agreements entered into by the said Commission shall not be binding unless first authorized or later ratified or confirmed by resolution of the said Levy Court duly adopted. The said Commission or the said Levy Court, as the case may be, shall have authority to deal with and enter into negotiations, contracts or agreements with any governmental

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agency, State, Federal or Municipal, and including the United States of America or any instrumentality thereof, the President of the United States, the Federal Emergency Administrator of Public Works, the United States Navy, the United States Army, the Civil Aeronautics Administration, the Works Progress Administration, the Treasury Department of the United States of America, or any department, division or sub-division of any of the foregoing or any other agency of the Federal Government participating in or having to do generally with any National Defense Program.

Section 2. The said Levy Court may acquire said land or interest therein either by purchase or by the exercise of the right of eminent domain, which is hereby expressly granted. Whenever the Levy Court cannot agree with the owner or owners of any land, building, franchise, easement, or other property necessary to be taken for the purpose thereof, the said Levy Court may apply to the Superior Court sitting in and for Sussex County or any Judge of said Court for the appointment of five (5) freeholders of said County, who shall go upon the said lands and assess the damage of such owner or owners fairly and impartially, and the said freeholders shall certify their findings and award to all known parties in interest and make a report of their findings to be filed in the said Superior Court or with the said Judge, as the case may be, appointing them. The said Levy Court, before making the said application, shall give to the owner or owners of the property involved, at least ten (10) days notice in writing of the intent of application, if such owner is within the State, and if such owner is unknown or without the State, or if under legal disability and having no legal representative in the State, then such notice shall be published in some newspaper in Sussex County at least ten days prior to the intended application and such publication shall be deemed to be sufficient notice. The said freeholders appointed as aforesaid shall be sworn or affirmed before some officer authorized to administer oaths or affirmations before entering upon the prem-

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AUTHORIZED TO BORROW NOT MORE THAN \$25,000.00  
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ises faithfully and impartially to perform the duties assigned them. They shall give five (5) days notice in writing to the owner or owners of the premises or property so proposed to be condemned, or to their guardian or guardians duly appointed if within the State, and to the said Levy Court, of the time of their meeting to view the premises or ascertain the easement or franchise; if the owner or owners be unknown, or are without the State, or if under legal disability, and having no legal representative in the State, publication of such last mentioned notice shall be made in some newspaper in Sussex County at least ten days prior to the said meeting and such publication shall be sufficient notice thereof. The said freeholders or commissioners shall keep a record of their proceedings with their findings and awards and return the same to the Superior Court or Judge, as the case may be, and shall certify their findings and awards to the owner or owners of the property and to the Levy Court; if the Levy Court or any known party in interest is dissatisfied with such findings or awards, it or he may, on application to the said Court or Judge, within fifteen (15) days after such findings and awards have been made and filed, require the appointment of a Commission of Review, which shall consist of five (5) freeholders appointed in like manner and with like instructions as were contained in the first Commission, provided that if a review be granted upon the application of a person or persons in interest the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return of the Commission of Review varies in the damages assessed from the return of the original Commission, the said Court or Judge shall, upon application of the Levy Court or any party in interest, appoint a second Commission of Review within ten (10) days after the filing of such return. If a review be not applied for in due time, the return of the original Commission shall be conclusive as the amount of damages; if the return of any two Commissions corresponds as to the amount of damages, such amount shall be conclusive, but if there be more than one return and

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none conclusive under the foregoing provisions the said Superior Court or said Judge shall confirm such one of them as it or he shall deem most just and the return so confirmed shall be conclusive. The said Superior Court or said Judge may set aside a return for gross inequality or inequity, in which case it or he shall issue another Commission in its place, and the said Court or Judge shall have power to fill any vacancies in a Commission.

The right of eminent domain herein granted shall extend to and include the right to acquire the fee simple title to land, or an easement, or a right of way in, to, over or above such land or property as the Levy Court may deem necessary in making adequate and practical provisions for the removal of obstructions of any nature whatsoever in approaches to the said airport or landing field.

Upon the institution of condemnation proceedings by petition and notice aforesaid, the said Levy Court may, in its discretion, state in said petition that the possession, right to enter, or occupancy of said land or interest is necessary to the project without delay, and the title to said land in fee simple absolute, or such less estate or interest therein, as may be specified, shall immediately pass and vest to the said Levy Court, and said lands or interest therein shall be deemed to be condemned and taken for the use of said Sussex County, and the right to just compensation therefor shall vest in and to the person or persons entitled thereto. In the event of an immediate taking as herein specified, the said Court or Judge shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner, and to make such orders in respect to incumbrances, leases, taxes, rights, assessments, insurance, or other charges, if any, as shall be just and equitable. The right to take possession and title in advance of final order or judgment in condemnation proceedings as provided herein shall be in addition

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to any right, power or authority conferred by the Laws of the State of Delaware under which such proceedings may be conducted, and shall not be construed as limiting or modifying any such right, power or authority.

Section 3. That the Levy Court of Sussex County be and it is hereby authorized and empowered to borrow upon the faith and credit of said County, as hereinafter provided, a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00), to be expended in acquiring land and property for airport purposes, and for the construction, maintenance and operation of an airport and landing field in Sussex County, and for the purpose of securing the payment of such sum to issue bonds in such denominations and bearing such rate of interest, not exceeding three per centum per annum, and in such form as the Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year after the date of issuance thereof.

Section 4. The Levy Court shall decide upon and determine the class and time of maturity of said bonds and the aggregate of each class, provided that the maturity date of said bonds shall in no event be later than July 1, A. D. 1961. Said bonds may, at the option of the Levy Court, contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five (5) years from the date thereof, at a premium not exceeding five per centum.

Section 5. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County, and shall be under the seal used by the Levy Court of Sussex County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be

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the duty of the Receiver of Taxes and County Treasurer to keep a record of said bonds.

Section 6. Said bonds or any part thereof may be sold when and as the Levy Court shall by resolution determine and until sold shall remain in the custody of the Receiver of Taxes and County Treasurer. Whenever in the judgment of the Levy Court it shall be deemed advisable that any part or all of said bonds shall be sold, said Levy Court may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of the Levy Court for effecting the sale or negotiation of said bonds.

Section 7. Said bonds, principal and interest shall be payable at the Farmers Bank of the State of Delaware, at Georgetown, Delaware, out of the money from time to time appropriated for that purpose by the Levy Court of Sussex County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the Farmers' Bank when and as the same shall become due, and pay said bonds when and as the respective classes mature in accordance with the foregoing. The said Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest upon the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and



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to any right, power or authority conferred by the Laws of the State of Delaware under which such proceedings may be conducted, and shall not be construed as limiting or modifying any such right, power or authority.

Section 3. That the Levy Court of Sussex County be and it is hereby authorized and empowered to borrow upon the faith and credit of said County, as hereinafter provided, a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00), to be expended in acquiring land and property for airport purposes, and for the construction, maintenance and operation of an airport and landing field in Sussex County, and for the purpose of securing the payment of such sum to issue bonds in such denominations and bearing such rate of interest, not exceeding three per centum per annum, and in such form as the Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year after the date of issuance thereof.

Section 4. The Levy Court shall decide upon and determine the class and time of maturity of said bonds and the aggregate of each class, provided that the maturity date of said bonds shall in no event be later than July 1, A. D. 1961. Said bonds may, at the option of the Levy Court, contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five (5) years from the date thereof, at a premium not exceeding five per centum.

Section 5. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County, and shall be under the seal used by the Levy Court of Sussex County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be

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the duty of the Receiver of Taxes and County Treasurer to keep a record of said bonds.

Section 6. Said bonds or any part thereof may be sold when and as the Levy Court shall by resolution determine and until sold shall remain in the custody of the Receiver of Taxes and County Treasurer. Whenever in the judgment of the Levy Court it shall be deemed advisable that any part or all of said bonds shall be sold, said Levy Court may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of the Levy Court for effecting the sale or negotiation of said bonds.

Section 7. Said bonds, principal and interest shall be payable at the Farmers Bank of the State of Delaware, at Georgetown, Delaware, out of the money from time to time appropriated for that purpose by the Levy Court of Sussex County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the Farmers' Bank when and as the same shall become due, and pay said bonds when and as the respective classes mature in accordance with the foregoing. The said Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest upon the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and

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interest thereon as may from time to time become due under the provisions of this act.

Section 8. All of said bonds shall bear the same date and shall be numbered serially. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the Receiver of Taxes and County Treasurer in the Farmers' Bank of the State of Delaware, at Georgetown, Delaware, to the credit of the Levy Court of Sussex County in a separate account and payments thereof shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this section provided, shall be used for any other purpose than those hereinbefore stated; and provided further that the purchasers or holders of said bonds shall not be bound to see to or to be affected by the application of said money realized from the sale of said bonds. Said bonds shall contain such provisions, not inconsistent with the requirements of this Act, as the Levy Court may deem expedient. Said bonds shall be exempt from all State, County and Municipal or other taxation.

Section 9. That all Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only, and the provisions of this Act shall be liberally construed in order to insure the co-operation of Sussex County with other governmental agencies in any National Defense Program.

Approved May 5, 1941.

## CHAPTER 111

LEVY COURT OF SUSSEX COUNTY  
AUTHORIZED TO REFUND CERTAIN PART OF DEBT  
KNOWN AS "SUSSEX COUNTY HIGHWAY IMPROVE-  
MENT REFUNDING BONDS SECOND SERIES"

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT  
OF SUSSEX COUNTY TO REFUND A CERTAIN PART OF  
THE DEBT OF SAID COUNTY KNOWN AS "SUSSEX COUN-  
TY HIGHWAY IMPROVEMENT REFUNDING BONDS SEC-  
OND SERIES".

WHEREAS, by Act of the General Assembly of the State of Delaware, approved March 31, 1921, being Chapter 92 of Volume 32, Laws of Delaware, the Sussex County Highway Improvement Commission was authorized and empowered to borrow, upon the faith and credit of said County, One Million Dollars (\$1,000,000.00), to be expended for the permanent improvement of highways in Sussex County, and for the purpose of securing the payment of such sum, to issue Bonds, with coupons attached thereto, in denominations of One Thousand Dollars (\$1,000.00) each, and bearing such rate of interest, not exceeding six per centum (6%) per annum, as the said Sussex County Highway Improvement Commission should deem expedient; and

WHEREAS, the said Commission, in pursuance of said Act, issued said Bonds to the amount of One Million Dollars (\$1,000,000.00), the said Bonds being known and designated as "Sussex County Highway Improvement Bond Second Series"; and

WHEREAS, by Act of the General Assembly of the State of Delaware, approved March 29, 1935, being Chapter 131 of Volume 40, Laws of Delaware, the Levy Court of Sussex County, was authorized and directed to borrow upon the faith and credit of Sussex County the sum of Eight Hundred and Seventy-five Thousand Dollars (\$875,000.00) for the purpose of paying, refunding and redeeming the remaining outstanding "Sussex County Highway Improvement Bonds Second Series", issued un-

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der authority of aforesaid Chapter 92 of Volume 32, Laws of Delaware, amounting to the sum of Eight Hundred and Seventy-five Thousand Dollars (\$875,000.00); and

WHEREAS, the Levy Court of Sussex County, in pursuance of said Act, issued said Bonds to the amount of Eight Hundred and Seventy-five Thousand Dollars, the said Bonds being known and designated as "Sussex County Highway Improvement Refunding Bonds Second Series"; and

WHEREAS, there are remaining outstanding of said Bonds known and designated as "Sussex County Highway Improvement Refunding Bonds Second Series", the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00); and

WHEREAS, it is now the intent and purpose of this Act that the said indebtedness represented by said outstanding Bonds being known and designated as "Sussex County Highway Improvement Refunding Bonds Second Series", amounting to the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00) shall be refunded, at a lower rate of interest;

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

Section 1. That the Levy Court of Sussex County, be and it is hereby authorized, fully empowered and directed to borrow upon the faith and credit of Sussex County the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00), for the purpose of paying, refunding and redeeming the remaining outstanding "Sussex County Highway Improvement Refunding Bonds Second Series", issued under authority of Chapter 131 of Volume 40, Laws of Delaware, amounting to the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00), the

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said bonds so to be issued to be known as "Sussex County Highway Improvement Refunding Bonds Second Series", 1941.

Section 2. That the said bonds shall be of the denomination of one thousand dollars (\$1,000.00) each and bear interest at such rate, not exceeding two per centum (2%) per annum, as the said Levy Court of Sussex County shall determine.

The interest upon the said bonds shall be payable semi-annually in each and every year from the date of issue appearing therein, and all of the said bonds shall bear the same date and be numbered consecutively from one to seven hundred and seventy-five (1 to 775), inclusive.

Section 3. That the said bonds shall be divided into thirty-one classes, and shall be paid at their face value, as follows:

Class	Amount	Year of Maturity
A	\$25,000.00	1943
B	25,000.00	1944
C	25,000.00	1945
D	25,000.00	1946
E	25,000.00	1947
F	25,000.00	1948
G	25,000.00	1949
H	25,000.00	1950
I	25,000.00	1951
J	25,000.00	1952
K	25,000.00	1953
L	25,000.00	1954
M	25,000.00	1955
N	25,000.00	1956
O	25,000.00	1957
P	25,000.00	1958

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Q	25,000.00	1959
R	25,000.00	1960
S	25,000.00	1961
T	25,000.00	1962
U	25,000.00	1963
V	25,000.00	1964
W	25,000.00	1965
X	25,000.00	1966
Y	25,000.00	1967
Z	25,000.00	1968
AA	25,000.00	1969
BB	25,000.00	1970
CC	25,000.00	1971
DD	25,000.00	1972
EE	25,000.00	1973

Section 4. That the said bonds shall be prepared under the supervision of the said Levy Court of Sussex County and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County.

It shall be the duty of the said Levy Court to prepare, or have prepared, the said bonds as soon as reasonably can be done after the approval of this Act; and it shall be the duty of the said officers to execute the said bonds as soon as the said bonds are prepared, as aforesaid; and it shall be the duty of the said Receiver of Taxes and County Treasurer to keep a record of the said bonds. The said bonds issued under the provisions of this Act shall be exempt from all State, County, Municipal or other Taxes.

Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this Act, and it shall be the duty of the said Receiver of Taxes and County Treasurer, the President of the Levy Court, and the Clerk of the Peace of

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Sussex County to advertise that sealed bids will be received for the purchase of the same at such place or places and under such regulations as they may designate in said advertisements. Said advertisements shall be published daily for at least one week in such newspapers in and out of the State of Delaware, as they, in their judgment may deem necessary and proper. The accrued interest between the date appearing in said bonds and the time of the sale and delivery thereof and payment therefor, shall be adjusted with the purchaser thereof under such regulations as the said, the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County may direct in said advertisements. Provided, however, that any and all over due coupons attached to said bonds shall be cancelled before the sale and delivery of the same. And provided further that said officers shall have the right to reject any and all bids for said bonds, if in their judgment they are deemed insufficient.

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

Section 6. That both the principal and interest of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Georgetown, out of monies from time to time appropriated for that purpose by the said Levy Court of Sussex County, as hereinafter provided. The said Levy Court of Sussex County is hereby authorized, directed and required to pay the interest on said bonds at the said Farmers' Bank from time to time and when and as the same shall become due and payable,



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and to pay said bonds at said bank when and as the respective classes shall mature or become due and payable in accordance with the schedule set forth in Section 3 hereof, or in accordance with any of the other provisions of this Act.

Section 7. That the said Levy Court, in fixing the rate of taxation, shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when any of said bonds shall mature and become due and payable under Section 3 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of the principal and interest of such of the bonds as may from time to time become due under the provisions of Section 3 of this Act.

Section 8. That all monies received from the sale of any or all of the said bonds, after the payment of the proper charges and expenses incident to the preparation and sale thereof, shall be deposited with the Receiver of Taxes and County Treasurer of Sussex County in a separate account, to be opened by him for that purpose, and shall be used for the payment of the said "Sussex County Highway Improvement Refunding Bonds Second Series", issued under authority of said Chapter 131, of Volume 40, Laws of Delaware, and for no other purpose whatever.

Section 9. That the said bonds, herein provided for shall be in substantially the following form; subject, however, to the provisions of Section 11 of this Act:

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United States of America  
 State of Delaware

Class.....

Number.....

"SUSSEX COUNTY HIGHWAY IMPROVEMENT  
 REFUNDING BONDS SECOND SERIES, 1941."

Sussex County, in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises to pay to the bearer of this bond the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States of America, at the Farmers' Bank of the State of Delaware, at Georgetown, with interest thereon at the rate of                      percentum per annum, payable semi-annually on the                      day of                      and                      , each year.

This bond is one of the authorized issue of Seven Hundred and Seventy-five (775) bonds, aggregating Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00), under and by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, entitled "An Act Authorizing and Directing the Levy Court of Sussex County to Refund a Certain Part of the Debt of said County Known as "Sussex County Highway Improvement Refunding Bonds Second Series'", Approved                      1941. And it is expressly understood and agreed that the said Levy Court of Sussex County reserves the right and power, at its option, to call in, pay and redeem this bond, on any semi-annual interest period, after five years from the date of issue thereof, by paying the principal, a premium of five per cent, and accrued interest, pursuant to the notice in that behalf, prescribed by the Act of the General Assembly under authority of which this bond is issued, and if this bond shall be called by the notice aforesaid, interest hereon shall cease to accrue from and after the interest period next succeeding the date of such notice. It is hereby certified that this bond is one



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SUSSEX COUNTY HIGHWAY IMPROVEMENT REFUND-  
ING BONDS SECOND SERIES, 1941.

.....  
Receiver of Taxes and County Treasurer of  
Sussex County

Section 11. The bonds, herein provided for, or any of them, may be called in, paid and redeemed at par, together with a premium of five per cent and accrued interest, out of any funds provided by the Levy Court of Sussex County, at the option of the said Levy Court of Sussex County, at any interest period, after the said bonds, or any of them, shall have been issued and sold five years, upon thirty days' notice published in one newspaper in the City of Philadelphia and State of Pennsylvania, and in one newspaper published in the City of Wilmington and State of Delaware; said notices indicating by their numbers the bonds therein called and elected to be paid and redeemed, and in case any of said bonds shall be called by the notice aforesaid, the interest thereon shall cease to accrue from and after the interest period next succeeding the date of such notice. Said bonds, may, also, contain such other provisions not inconsistent with this Act, as said Levy Court shall, by Resolution to that effect, determine.

Section 12. When and as any of the bonds herein provided for shall be paid, or redeemed under any of the provisions of this Act, they shall be cancelled by marking or stamping the word "paid" and the date of such payment, across the face thereof, and, also, by tearing the signatures and the corporate seal used by the Levy Court of Sussex County therefrom. The said bonds, so cancelled as aforesaid, shall then be pasted in a book, kept by the Receiver of Taxes and County Treasurer for that purpose.

Approved April 15, 1941.

## CHAPTER 112

LEVY COURT OF SUSSEX COUNTY  
AUTHORIZED TO REFUND CERTAIN PART OF DEBT  
KNOWN AS "SUSSEX COUNTY HIGHWAY  
IMPROVEMENT REFUNDING BONDS"

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT  
OF SUSSEX COUNTY TO REFUND A CERTAIN PART OF  
THE DEBT OF SAID COUNTY KNOWN AS "SUSSEX COUN-  
TY HIGHWAY IMPROVEMENT REFUNDING BONDS".

WHEREAS, by Act of the General Assembly of the State of Delaware, approved April 9, 1917, being Chapter 105 of Volume 29, Laws of Delaware, a joint Committee, composed of the members of the Levy Court of Sussex County, together with a Committee of three, to be composed of the Governor and two other citizens of Sussex County to be appointed by the Governor, one from each of the principal political parties to be known as an Advisory Committee, was authorized and empowered to borrow upon the faith and credit of said County, a sum not exceeding One Million Dollars (\$1,000,000.00), to be expended for the permanent improvement of highways in Sussex County, and for the purpose of securing the payment of such sum to issue Bonds, with coupons attached, and bearing such rate of interest, not exceeding four and one-half per centum ( $4\frac{1}{2}\%$ ) per annum, as said Levy Court and said Advisory Committee should deem expedient; and

WHEREAS, the said joint Committee, in pursuance of said Act, issued said Bonds to the amount of One Million Dollars (\$1,000,000.00), known and designated "Sussex County Highway Improvement Bonds"; and

WHEREAS, by Act of the General Assembly of the State of Delaware, approved March 29, 1935, being Chapter 132 of Volume 40, Laws of Delaware, the Levy Court of Sussex County, was authorized and directed to borrow upon the faith and credit of Sussex County the sum of Seven Hundred and Seventy-five Thousand Dollars (\$775,000.00) for the purpose of paying, refunding and redeeming the remaining outstanding "Sussex

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County Highway Improvement Bonds", issued under authority of aforesaid Chapter 105 of Volume 29, Laws of Delaware, amounting to the sum of Seven Hundred and Seventy five Thousand Dollars (\$775,000.00); and

WHEREAS, the Levy Court of Sussex County, in pursuance of said Act, issued said Bonds to the amount of Seven Hundred and Seventy-five Thousand Dollars, the said Bonds being known and designated as "Sussex County Highway Improvement Refunding Bonds"; and

WHEREAS, there are remaining outstanding of said Bonds known and designated as "Sussex County Highway Improvement Refunding Bonds", the sum of Six Hundred and Seventy-five Thousand Dollars (\$675,000.00); and

WHEREAS, it is now the intent and purpose of this Act that the said indebtedness represented by said outstanding Bonds being known and designated as "Sussex County Highway Improvement Refunding Bonds", amounting to the sum of Six Hundred and Seventy-five Thousand Dollars (\$675,000.00) shall be refunded, at a lower rate of interest;

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

Section 1. That the Levy Court of Sussex County be and it is hereby authorized, fully empowered and directed to borrow upon the faith and credit of Sussex County the sum of Six Hundred and Seventy-five Thousand Dollars (\$675,000.00), for the purpose of paying, refunding and redeeming the remaining outstanding "Sussex County Highway Improvement Refunding Bonds", issued under authority of Chapter 132, of Volume 40, Laws of Delaware, amounting to the sum of Six Hundred and Seventy-five Thousand Dollars (\$675,000.00), the said bonds so

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to be issued to be known as "Sussex County Highway Improvement Refunding Bonds, 1941".

Section 2. That the said bonds shall be of the denomination of one thousand dollars (\$1,000.00) each and bear interest at such rate, not exceeding two percentum (2%) per annum, as the said Levy Court of Sussex County shall determine.

The interest upon the said bonds shall be payable semi-annually in each and every year from the date of issue appearing therein, and all of the said bonds shall bear the same date and be numbered consecutively from one to six hundred and seventy-five (1 to 675), inclusive.

Section 3. That the said bonds shall be divided into thirty-one classes, and shall be paid at their face value, as follows:

Class	Amount	Year of Maturity
A	\$25,000.00	1943
B	25,000.00	1944
C	25,000.00	1945
D	25,000.00	1946
E	25,000.00	1947
F	25,000.00	1948
G	25,000.00	1949
H	25,000.00	1950
I	25,000.00	1951
J	25,000.00	1952
K	25,000.00	1953
L	25,000.00	1954
M	25,000.00	1955
N	25,000.00	1956
O	25,000.00	1957
P	25,000.00	1958
Q	25,000.00	1959

LEVY COURT OF SUSSEX COUNTY  
AUTHORIZED TO REFUND CERTAIN PART OF DEBT  
KNOWN AS "SUSSEX COUNTY HIGHWAY  
IMPROVEMENT REFUNDING BONDS"

R	25,000.00	1960
S	25,000.00	1961
T	25,000.00	1962
U	25,000.00	1963
V	25,000.00	1964
W	25,000.00	1965
X	25,000.00	1966
Y	25,000.00	1967
Z	25,000.00	1968
AA	25,000.00	1969

Section 4. That the said bonds shall be prepared under the supervision of the said Levy Court of Sussex County and shall be signed by the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County.

It shall be the duty of the said Levy Court to prepare, or have prepared, the said bonds as soon as reasonably can be done after the approval of this Act; and it shall be the duty of the said officers to execute the said bonds as soon as the said bonds are prepared, as aforesaid; and it shall be the duty of the said Receiver of Taxes and County Treasurer to keep a record of the said bonds. The said bonds issued under the provisions of this Act shall be exempt from all State, County, Municipal or other Taxes.

Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this Act, and it shall be the duty of the said Receiver of Taxes and County Treasurer, the President of the Levy Court, and the Clerk of the Peace of Sussex County to advertise that sealed bids will be received for the purchase of the same at such place or places and under such regulations as they may designate in said advertisements. Said advertisements shall be published daily for at least one week in such newspapers in and out of the State of Delaware, as they,



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in their judgment, may deem necessary and proper. The accrued interest between the date appearing in said bonds and the time of the sale and delivery thereof and payment therefor, shall be adjusted with the purchaser thereof under such regulations as the said, the Receiver of Taxes and County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex County may direct in said advertisements. Provided, however, that any and all over due coupons attached to said bonds shall be cancelled before the sale and delivery of the same. And provided further that said officers shall have the right to reject any and all bids for said bonds, if in their judgment they are deemed insufficient.

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

Section 6. That both the principal and interest of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Georgetown, out of monies from time to time appropriated for that purpose by the said Levy Court of Sussex County, as hereinafter provided. The said Levy Court of Sussex County is hereby authorized, directed and required to pay the interest on said bonds at the said Farmers' Bank from time to time and when and as the same shall become due and payable, and to pay said bonds at said bank when and as the respective classes shall mature or become due and payable in accordance with the schedule set forth in Section 3 hereof, or in accordance with any of the other provisions of this Act.

LEVY COURT OF SUSSEX COUNTY  
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KNOWN AS "SUSSEX COUNTY HIGHWAY  
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Section 7. That the said Levy Court, in fixing the rate of taxation, shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when any of said bonds shall mature and become due and payable under Section 3 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the Receiver of Taxes and County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said Receiver of Taxes and County Treasurer shall apply the said sum annually to the payment of the principal and interest of such of the bonds as may from time to time become due under the provisions of Section 3 of this Act.

Section 8. That all monies received from the sale of any or all of the said bonds, after the payment of the proper charges and expenses incident to the preparation and sale thereof, shall be deposited with the Receiver of Taxes and County Treasurer of Sussex County in a separate account, to be opened by him for that purpose, and shall be used for the payment of the said "Sussex County Highway Improvement Refunding Bonds" issued under authority of said Chapter 132 of Volume 40, Laws of Delaware, and for no other purpose whatever.

Section 9. That the said bonds, herein provided for, shall be in substantially the following form; subject, however, to the provisions of Section 11 of this Act:

United States of America  
STATE OF DELAWARE

Class.....

Number.....

Sussex County Highway Improvement Refunding Bonds, 1941



LEVY COURT OF SUSSEX COUNTY  
 AUTHORIZED TO REFUND CERTAIN PART OF DEBT  
 KNOWN AS "SUSSEX COUNTY HIGHWAY  
 IMPROVEMENT REFUNDING BONDS"

all the requirements of the Act referred to and of the Constitution and Laws of the State of Delaware have been fully complied with, and that all things necessary to the validity of this bond have **happened** and have been performed in the manner and form required by law.

IN WITNESS WHEREOF, the Receiver of Taxes and County Treasurer, the President of the Levy Court and Clerk of the Peace all of Sussex County have hereunto set their hands, and the seal used by the Levy Court of Sussex County has been hereto affixed, at the City of Georgetown, Delaware, this

day of A. D. 19

.....  
 Receiver of Taxes and County Treasurer  
 of Sussex County

.....  
 Clerk of the Peace of Sussex County

.....  
 President of the Levy Court of Sussex  
 County

Section 10. That the coupons attached to said bonds shall be in the following form:

No.....

Sussex County, Delaware, will pay to the bearer at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of A. D. 19, the sum of

Dollars for six months' interest on

Bond No.....

LEVY COURT OF SUSSEX COUNTY  
AUTHORIZED TO REFUND CERTAIN PART OF DEBT  
KNOWN AS "SUSSEX COUNTY HIGHWAY  
IMPROVEMENT REFUNDING BONDS"

SUSSEX COUNTY HIGHWAY IMPROVEMENT  
REFUNDING BONDS, 1941.

.....  
Receiver of Taxes and County  
Treasurer of Sussex County.

Section 11. The bonds, herein provided for, or any of them, may be called in, paid and redeemed at par, together with a premium of five per cent and accrued interest, out of any funds provided by the Levy Court of Sussex County, at the option of the said Levy Court of Sussex County, at any interest period, after the said bonds, or any of them, shall have been issued and sold five years, upon thirty days' notice published in one newspaper in the City of Philadelphia, and State of Pennsylvania, and in one newspaper published in the City of Wilmington and State of Delaware; said notices indicating by their numbers the bonds therein called and elected to be paid and redeemed, and in case any of said bonds shall be called by the notice aforesaid, the interest thereon shall cease to accrue from and after the interest period next succeeding the date of such notice. Said bonds may, also, contain such other provisions not inconsistent with this Act, as said Levy Court, shall, by Resolution to that effect, determine.

Section 12. When and as any of the bonds herein provided for shall be paid, or redeemed under any of the provisions of this Act, they shall be cancelled by marking or stamping the word "paid" and the date of such payment, across the face thereof, and, also, by tearing the signatures and the corporate seal used by the Levy Court of Sussex County therefrom. The said bonds, so cancelled as aforesaid, shall then be pasted in a book, kept by the Receiver of Taxes and County Treasurer for that purpose.

Approved April 15, 1941.

## CHAPTER 113

VALUATION AND ASSESSMENT OF PROPERTY.  
PROPERTY OF DELAWARE ANTI-TUBERCULOSIS  
SOCIETY EXEMPTED FROM ASSESSMENT  
AND TAXATION

AN ACT TO AMEND CHAPTER 44 OF THE REVISED CODE OF DELAWARE, 1935, BY EXEMPTING FROM ASSESSMENT AND TAXATION ALL PROPERTY OF THE DELAWARE ANTI-TUBERCULOSIS SOCIETY.

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

Section 1. That Chapter 44 of the Revised Code of Delaware, 1935, heretofore amended, be and the same is hereby further amended by adding to 1258. Section 1 thereof the following paragraph:

The lands, tenements, and property of The Delaware Anti-Tuberculosis Society, a corporation of the State of Delaware, shall be exempt from any and all state, county, and municipal taxes, assessments, burdens, and impositions during such time and to the extent that such lands, tenements, and property shall be actually used by such corporation in its work for the cure or prevention of tuberculosis in this State; provided that said exemption shall not apply to any lands, tenements, and property owned by such corporation as investments and not actually used by such corporation in its work.

Approved April 3, 1941.

## CHAPTER 114

VALUATION AND ASSESSMENT OF PROPERTY.  
PROPERTY OF THE TRUSTEES OF THE DELMAR LIONS  
CLUB, DELMAR, DEVOTED TO THE USE OF A PUBLIC  
PARK EXEMPTED FROM ASSESSMENT AND TAXATION

AN ACT TO AMEND CHAPTER 44, REVISED CODE OF DELAWARE, 1935 ENTITLED "VALUATION AND ASSESSMENT OF PROPERTY," AS AMENDED BY CHAPTER 118, VOLUME 41, LAWS OF DELAWARE, AND FURTHER AMENDED BY CHAPTER 119, VOLUME 41 LAWS OF DELAWARE; RELATING TO ASSESSABLE PROPERTY; EXCEPTIONS AND EXEMPTIONS; BY PROVIDING FOR EXEMPTION FROM ASSESSMENT AND TAXATION OF CERTAIN PROPERTY.

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

Section 1. That Chapter 44, Revised Code of Delaware, 1935, entitled "Valuation and Assessment of Property" as amended by Chapter 118, Volume 41, Laws of Delaware, as further amended by Chapter 119, Volume 41, Laws of Delaware, be and the same is hereby amended by adding a new paragraph at the end of Article 1, 1258. Sec. 1. as follows:

The lands, tenements, and property of the Trustees of the Delmar Lions Club located in the Town of Delmar and devoted to the use of a public park shall be exempt from all taxes, assessments, burdens or impositions for State, County and Municipal purposes, so long as the same continues to be devoted to a public use for the benefit of the citizens of Delmar.

Approved April 14, 1941.

## CHAPTER 115

COUNTY COMPTROLLER.  
KENT COUNTY AND SUSSEX COUNTY

AN ACT TO AMEND CHAPTER 46 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "COUNTY COMPTROLLERS" IN RELATION TO THE COMPTROLLER AND DEPUTY COMPTROLLER OF SUSSEX COUNTY.

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

Section 1. That Chapter 46 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the fifth paragraph of 1478, Section 3 thereof, and inserting in lieu thereof a new paragraph, as follows:

"The annual salary of the County Comptroller of Kent County shall be Two Thousand Dollars, payable monthly, and the annual salary of the County Comptroller of Sussex County shall be Fifteen Hundred Dollars, payable quarterly, by warrants duly drawn upon the Receiver of Taxes and County Treasurer of the County. The Comptroller of Sussex County may select and employ one deputy, at a salary of One Thousand Dollars per annum to be paid in equal semi-annually monthly installments."

Approved May 15, 1941.



## CHAPTER 116

## SHERIFFS

## SHERIFF OF KENT COUNTY AUTHORIZED TO WORK PRISONERS UNDER CERTAIN CIRCUMSTANCES

## AN ACT AUTHORIZING AND EMPOWERING THE SHERIFF IN AND FOR KENT COUNTY TO WORK PRISONERS UNDER CERTAIN CIRCUMSTANCES AND CONDITIONS AND TO RETAIN MONEY OF PRISONERS FOR FINES

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

Section 1. That the Sheriff in and for Kent County be and he is hereby authorized and empowered to engage employment for any prisoner entrusted in his care, the trustworthiness of whom he is satisfied, for such length of time as he may deem advisable during the term of the sentence of said prisoner.

Section 2. The employment referred to in Section 1 of this act shall not extend beyond the boundaries of Kent County and the said prisoner so employed shall not leave the Kent County jail before the hour of six A. M. and must return by the hour of seven P. M. during any and all days said prisoner is employed, as aforesaid.

Section 3. It shall be the duty of the Sheriff of Kent County to collect the wage or compensation for the employment of said prisoner or prisoners and payment to the said Sheriff aforesaid shall constitute a full and complete payment by any employer.

Section 4. The Sheriff shall account for any and all sums collected under this act in the following manner:

(a) The Sheriff shall pay the cost of prosecution and any fine imposed upon said prisoner under the sentence of the court for the offence for which said prisoner is incarcerated.

(b) After the payment of costs and fine, aforesaid, the

**SHERIFFS**  
**SHERIFF OF KENT COUNTY AUTHORIZED TO WORK**  
**PRISONERS UNDER CERTAIN CIRCUMSTANCES**

Sheriff shall pay to the party or parties wronged such a sum that is determined by the court to be proper restitution to said wronged party or parties. This sum to be arrived at after a hearing is held by the court imposing sentence, at which time the prisoner is present or duly represented.

(c) The balance or remainder in hand after complying with (a) and (b), aforesaid, shall at the expiration of the term of sentence of the prisoner, be paid by the Sheriff to said prisoner and at the same time, the Sheriff shall render an account or statement to said prisoner setting forth the total amount collected under this act by the Sheriff and the Sheriff's distribution thereof.

All acts or parts of acts inconsistent with this act are hereby repealed.

Approved May 7, 1941.

## CHAPTER 117

### RECORDERS.

#### RECORDER OF DEEDS FOR NEW CASTLE COUNTY TO RECORD ALL MAPS AND PLOTS OF REAL ESTATE

AN ACT AUTHORIZING THE RECORDER OF DEEDS FOR NEW CASTLE COUNTY TO RECORD ALL MAPS AND PLOTS OF REAL ESTATE, PRESENTED TO THE OFFICE FOR RECORDING, IN SEPARATE BOOKS AND TO KEEP AN ACCURATE INDEX THEREOF.

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

Section 1. That the Recorder of Deeds in and for New Castle County be and he is hereby authorized and directed to hereafter record all maps and plots of real estate, presented to his office for recording, in separate volumes, of like size and quality as used in recording other legal papers; and the said Recorder is authorized and directed to make and preserve, in proper index books, a true and accurate index of all such maps and plots.

Section 2. That the Levy Court of New Castle County is hereby authorized and directed to have prepared and to furnish all books for the purpose of this Act.

Approved March 14, 1941.

## CHAPTER 118

## PROTHONOTARIES.

## PROTHONOTARY OF NEW CASTLE COUNTY AUTHORIZED TO PROCURE A NEW SEAL OF OFFICE

## AN ACT TO AUTHORIZE THE PROTHONOTARY OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY TO PROCURE A NEW SEAL OF OFFICE.

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

Section 1. That Martin G. Hannigan, Prothonotary of the State of Delaware, in and for New Castle County, be and he is hereby authorized to procure a new seal for his office to be made of brass or steel of the dimensions and engraved with the same devices of the present seal, which said seal when completed shall be taken and deemed to be the seal of the Prothonotary of the State of Delaware, in and for New Castle County, and shall thereafter be affixed to all writings, papers and records where the seal of the said Prothonotary is required, and the present seal shall then be broken and destroyed by the said Prothonotary in the presence of the Sheriff of New Castle County.

Section 2. The Levy Court of New Castle County shall pay the necessary costs of procuring said new seal.

Approved March 17, 1941.

## CHAPTER 119

### REGISTER OF WILLS. REGISTER OF WILLS OF KENT COUNTY AUTHORIZED TO PROCURE A NEW SEAL OF OFFICE

#### AN ACT TO AUTHORIZE THE REGISTER OF WILLS OF THE STATE OF DELAWARE IN AND FOR KENT COUNTY TO PROCURE A NEW SEAL OF OFFICE.

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

Section 1. That Earnest B. Raughley, Register of Wills of the State of Delaware, in and for Kent County, be and he is hereby authorized to procure a new seal for his office to be made of brass or steel of the dimensions and engraved with the same devices of the present seal, which said seal when completed shall be taken and deemed to be the seal of the Register of Wills of the State of Delaware, in and for Kent County and shall thereafter be affixed to all writings, papers and records where the seal of the said Register of Wills is required, and the present seal shall then be broken and destroyed by the said Register of Wills in the presence of the Sheriff of Kent County.

Section 2. The Levy Court of Kent County shall pay the necessary costs of procuring said new seal.

Approved May 15, 1941.

## CHAPTER 120

SALARIES OF CERTAIN COUNTY OFFICERS.  
DEPUTIES AND CLERKS OF CERTAIN COUNTY OFFICES  
OF SUSSEX COUNTY

AN ACT TO AMEND CHAPTER 53 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "SALARIES OF CERTAIN COUNTY OFFICERS" IN RELATION TO THE DEPUTIES AND CLERKS OF CERTAIN COUNTY OFFICES OF SUSSEX COUNTY.

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

Section 1. That Chapter 53 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 1598, Section 7 thereof, and inserting in lieu thereof a new section to be known as 1598 Section 7, as follows:

1598. Section 7. The officers mentioned in the first section of this Chapter may select and employ Deputies and Clerks to assist them in the performance of the duties of their offices respectively, at the following annual salaries, namely:

In New Castle County, the Clerk of the Peace may select and employ one Chief Deputy at an annual salary of Twenty-One Hundred Dollars, and four Clerks, each at an annual salary of Eighteen Hundred Dollars; the Sheriff, one Chief Deputy at an annual salary of Twenty-One Hundred Dollars, and five other Deputies, each at an annual salary of Eighteen Hundred Dollars; the Prothonotary, one Chief Deputy, at an annual salary of Twenty-one Hundred Dollars, and four Clerks, each at an annual salary of Eighteen Hundred Dollars; the Recorder, one Chief Deputy, and two other Deputies or Index Clerks, each at an annual salary of Twenty-One Hundred Dollars and eight Clerks, each at an annual salary of Eighteen Hundred Dollars; the Register of Wills, one Chief Deputy at an annual salary of Twenty-One Hundred Dollars, and four Clerks, each at an annual salary of Eighteen Hundred Dollars; the Register in Chancery and Clerk of the Orphans Court, one Chief Deputy, at an

SALARIES OF CERTAIN COUNTY OFFICERS.  
DEPUTIES AND CLERKS OF CERTAIN COUNTY OFFICES  
OF SUSSEX COUNTY

annual salary of Twenty-one Hundred Dollars, and four Clerks, each at an annual salary of Eighteen Hundred Dollars; the Coroner, one Chief Deputy, at an annual salary of Five Hundred Dollars.

Provided, however, that the Resident Associate Judge of New Castle County, from time to time, may authorize and direct that any, either or all of the said officers may select and employ such other clerks and at such times and in such numbers, as the said Resident Associate Judge of New Castle County shall deem proper to properly perform the public work required in any office or offices of any, either or all of the said officers.

And provided, further, that any additional Clerks so authorized or employed shall receive like compensation as fixed by law for the other Clerks performing like or similar services, and payable in the manner fixed by law.

The Chief Deputy selected and employed by each of the aforesaid officers shall be possessed of all the authority of their respective offices, and in the absence or disability of the duly elected officer, the Chief Deputy of such officer shall perform all the duties of the office, until the vacancy so created shall be filled as required by the Constitution of the State of Delaware.

In Kent County, the Sheriff may select and employ a Deputy at a salary of Twelve Hundred Dollars per year; the Recorder may select and employ a Deputy at a salary of Six Hundred Dollars per year. The Levy Court may, at such times as it may deem necessary, employ in addition to the clerk above provided for, an additional clerk for the Recorder, at a salary not to exceed Fifty Dollars per month.

In Kent County, the other officers enumerated in Section 6 may each appoint a Deputy who shall have such powers and be charged with such duties as shall be enumerated in a certificate

**SALARIES OF CERTAIN COUNTY OFFICERS.  
DEPUTIES AND CLERKS OF CERTAIN COUNTY OFFICES  
OF SUSSEX COUNTY**

of appointment to be issued to him by the officer so appointing, which certificate shall be immediately recorded in the Recorder's Office of Kent County; except that in case of the Register of Wills such deputy shall have the powers and perform the duties now prescribed by law. The special deputies provided for in this paragraph shall receive no salary from the County.

In Sussex County, the Clerk of the Peace may select and employ a Deputy at a salary of One Thousand Dollars per year; the Sheriff may select and employ a Deputy at a salary of Twelve Hundred Dollars per year; the Prothonotary may select and employ a Deputy at a salary of One Thousand Dollars per year; the Recorder of Deeds may select and employ a Deputy at a salary of One Thousand Dollars per year and five Clerks, each at an annual salary of Seven Hundred Twenty Dollars per year; the Register of Wills may select and employ a Deputy at a salary of One Thousand Dollars per year; the Register in Chancery and Clerk of the Orphans' Court may select and employ a Deputy at a salary of One Thousand Dollars per year; the Coroner may employ a Clerk at a salary of Three Hundred Dollars per year.

Provided, however, that the Resident Associate Judge of Sussex County, from time to time, may authorize and direct that any, either or all of the said officers may select and employ such other clerks and at such times and in such numbers, as the said Resident Associate Judge of Sussex County shall deem proper to properly perform the public work required in any office or offices of any, either or all of the said officers.

And provided, further, that any additional clerks so authorized or employed shall receive like compensation as fixed by law for the other clerks performing like or similar services, and payable in the manner fixed by law.

Section 2. That Chapter 53 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by



SALARIES OF CERTAIN COUNTY OFFICERS.  
DEPUTIES AND CLERKS OF CERTAIN COUNTY OFFICES  
OF SUSSEX COUNTY

striking out all of 1599, Section 8 thereof, and inserting in lieu thereof a new Section to be known as 1599, Section 8, as follows:

1599. Section 8. The salaries of such deputies and clerks, where by law payable by New Castle County, shall be paid to them by warrants drawn by the Levy Court of New Castle County on the Receiver of Taxes and County Treasurer, in equal semi-monthly installments, on the Fifth and Twentieth days of each month, upon the certificate in writing of the officer employing them that they have faithfully performed their duties up to the First or Fifteenth day of such month.

The salaries of such Deputies and Clerks, where by law payable by Kent or Sussex County, shall be paid to them by warrants drawn by the Levy Courts of the respective Counties on the Receiver of Taxes and County Treasurer, in equal monthly installments, upon the certificate in writing of the officer employing them that they have faithfully performed their duties during the preceding month.

Approved May 14, 1941.

# Elections

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## CHAPTER 121

### REGISTRATION OF VOTERS PERMANENT REGISTRATION

AN ACT TO AMEND CHAPTER 56 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO "REGISTRATION OF VOTERS", AND PROVIDING FOR A PERMANENT REGISTRATION OF VOTERS.

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

Section 1. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 1706. Sec. 1. thereof, and by inserting in lieu thereof the following new Sections:

"1706. Sec. 1. For the objects and purposes hereinafter set forth, the State of Delaware is hereby divided into three separate and distinct Registration Department Districts; the first of which Registration Department Districts shall comprise all of New Castle County, including the City of Wilmington, and shall be styled and known as the First Registration Department District; the second of which Registration Department Districts shall comprise all of Kent County, and shall be styled and known as the Second Registration Department District; and the third of which Registration Department Districts shall comprise all of Sussex County, and shall be styled and known as the Third Registration Department District.

"1706 A. Sec. 1 A. Prior to the month of March, 1942, the Governor shall appoint three persons, residents of New Castle County, Delaware, who shall constitute a Board of Registration for the said First Registration Department District as defined and described in 1706. Sec. 1. of this Chapter; and also, prior

## REGISTRATION OF VOTERS PERMANENT REGISTRATION

to the said month of March, 1942, the Governor shall appoint three persons, residents of Kent County, Delaware, who shall constitute a Board of Registration for the said Second Registration Department District as defined and described in 1706. Sec. 1. of this Chapter; and also, prior to the said month of March, 1942, the Governor shall appoint three persons, residents of Sussex County, Delaware, who shall constitute a Board of Registration for the said Third Registration Department District as defined and described in 1706. Sec. 1. of this Chapter.

“With respect to each of the said three Boards of Registration, appointed as aforesaid, one member shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, and every year thereafter the Governor shall appoint one member of each of the said Boards for a full term of three years. When any vacancy occurs in any of the said Boards, for any cause except expiration of the term, the Governor shall make an appointment for the unexpired term. At no time shall all of the members of any of the said three Boards be of the same political faith and opinion, and the two leading political parties shall at all times be represented by at least one member on each of the said three Boards.

“No person shall be eligible to appointment as a member of any of the said three Boards of Registration who is not a citizen of the United States of America and a resident of the particular Registration Department District for which he is appointed and who has not resided therein for a term of five years next preceding his appointment, and is not otherwise disqualified as an elector under the laws of this State.

“No member or Secretary of any of the said three Boards of Registration shall hold or be a candidate for any elective office during his membership or employment thereof, nor until the expiration of six months after such membership or employment.

“The members of the said three Boards of Registration,

## REGISTRATION OF VOTERS PERMANENT REGISTRATION

before entering upon their duties, and within ten days from the time of their appointment, shall take and subscribe to the oath or affirmation prescribed by the Constitution.

"Commencing within ten days after their appointment in the year 1942, and biennially thereafter, the members of each of the said three Boards of Registration shall meet and organize by electing one of their number to be President. Each of the said three Boards shall also elect a Secretary who shall serve during the pleasure of the Board. The term of office of the President, in each case, shall be two years from the date of such organization, and until his successor is duly elected.

"Two members, in the case of each of the said three Boards of Registration, shall be sufficient for organization and shall constitute a quorum in all cases for the transaction of business. The said Boards shall have full power and authority to make and adopt rules for their government not inconsistent with the constitution and laws of this State.

"Each member of the said three Boards of Registration shall receive, as full compensation for his services, a salary of Five Hundred Dollars per annum. The Secretary of each of the said three Boards shall receive such compensation for his services as shall be fixed by the respective Boards, not to exceed the sum of Twenty-Five Hundred Dollars per annum. The compensation of the members of the said three Boards of Registration and of the said Secretaries shall be paid by the Levy Courts of the respective Counties, in the same manner as other county officers are paid. The expenses of the said Boards shall be paid by the Levy Courts of the respective Counties, on vouchers signed by the President and Secretary of the respective Boards of Registration.

"1706 B. Sec. 1 B. The said Boards of Registration shall each be furnished by the Levy Courts of their respective counties with some suitable and convenient place in their respective counties, properly fitted up with all necessary equipment as a

## REGISTRATION OF VOTERS PERMANENT REGISTRATION

permanent office for the use of the respective Boards of Registration in their respective counties.

"1706 C. Sec. 1 C. If any member of the said Boards of Registration, of whom any duty is required in this Chapter, shall be guilty of any wilful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the County jail for not more than two years, or by a fine of not more than Two Hundred Dollars, or both.

"1706 D. Sec. 1 D. It is hereby made the special duty of the said Boards of Registration to notify the Attorney General of the State of Delaware of all violations under this Chapter.

"1706 E. Sec. 1 E. The said Boards of Registration, in their respective Registration Department Districts as defined and described in 1706. Sec. 1., of this Chapter, shall on or before the first day of June, A. D. 1942, and biennially thereafter, divide such of the 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 conveniently vote therein. Each of said Election Districts shall be at all times wholly within the boundaries of one Representative District; and unless divided as provided, and for the reasons as stated in this section, the various election districts throughout the entire State shall remain as they were at the general election in the year 1940, and as now provided by law. Each election district shall be designated by an appropriate title that will distinguish it from each and every other election district.

"When the boundaries of any election district shall be changed, a new general registration shall be held in each election district affected by such change of boundary; and the Board of Registration, of the Registration Department District of the County in which such election districts are located, shall at least ten days prior to the first day set for the purpose of registra-

## REGISTRATION OF VOTERS PERMANENT REGISTRATION

tion, give public notice by advertisements posted in ten or more of the most public places in each election district affected by any such change in boundary, that it has become necessary to have a new general 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 at such place or places. All the provisions relating to the registration of voters in general as provided in this Chapter 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.

"1706 F. Sec. 1 F. The said Boards of Registration, in their respective Registration Department Districts as defined and described in 1706. Sec. 1., of this Chapter, shall hereafter appoint all Registration officers in each of the election districts in their respective Registration Department Districts, and shall make all necessary removals or changes of Registration officers, and shall fill all vacancies which occur from any cause whatsoever.

"1706 G. Sec. 1 G. The said Boards of Registration, in their respective Registration Department Districts as defined and described in 1706. Sec. 1., of this Chapter, shall, in the month of June in each year in which a general election is held, appoint for each Election District, in their respective Registration Department Districts, three capable persons, who shall be voters and residents in the Election District for which they shall be appointed, who shall be the local registration officers of the Election District 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, 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 said respective Boards of Registration at the time of making the appointments. And further, for each appointment accredited to any political

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party under this Section, the Executive Committee of such political party in the particular Registration Department District shall furnish the Board of Registration of said Registration Department District, on or before the first day of June of the year in which said appointment is to be made, a list of three names of properly qualified persons, from which list the said Board of Registration shall make its appointments. If the said lists of names are not furnished as aforesaid, then and in that event the said Board of Registration shall appoint some suitable person or persons, of such political party having all the qualifications provided by this Section.

"The terms of office of such local registration officers shall begin on the first day in 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, and shall be known as local registration officers, and shall constitute the local Boards of Registration in their respective Election Districts, in contradistinction to the three several Boards of Registration defined and described in 1706 A. Sec. 1 A., of this Chapter.

"1706 H. Sec. 1 H. The Boards of Registration, in their respective Registration Department Districts as defined and described in 1706. Sec. 1., of this Chapter, shall also, when appointing Registration Officers for the several election districts in their respective Registration Department Districts, at the same time, appoint in each election district 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 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 a Registrar.

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"1706 I. Sec. 1 I. The Boards of Registration, in their respective Registration Department Districts as defined and described in 1706. Sec. 1., of this Chapter, shall have power to dismiss any local Registration Officer at any time and supply his place with another person. They may also in each of their respective Registration Department Districts employ a Clerk and such other assistance as, in the judgment of the members of such Boards of Registration, in their respective Registration Department Districts, shall be deemed necessary and proper for the faithful performance by such Boards of the duties by this Chapter imposed; the expense of which shall be paid by the Levy Courts of the respective counties on presentation of vouchers signed by the President and Secretary of the particular Board of Registration in each case.

"1706 J. Sec. 1 J. Nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the election district able, willing and present to act. If any Registration officer or Alternate Registrar shall remove from the election district for which he shall be appointed or shall cease to be a voter therein, his office shall thereupon become vacant.

"1706 K. Sec. 1 K. 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 Board of Registration in whose Registration Department District such vacancy shall occur 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, 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 Board of Registration by which he is appointed the following oath or affirmation:



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"I ..... residing in  
..... Election District of .....  
Representative District in ..... County,  
do solemnly swear (or affirm) that I will support the Consti-  
tution 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 such Board of Regis-  
tration of the said Registration Department District is author-  
ized and empowered to administer such oath or affirmation; pro-  
vided that no fee be charged for administering such oaths or  
affirmations.

"1706 L. Sec. 1 L. Should the said Registrar, Assistant  
Registrar, or either of them or Alternate Registrar, after tak-  
ing said oath, and before entering upon the active duties of the  
said office, become a candidate for any office to be voted for by  
the electors of the election district for which he is appointed  
Registrar, Assistant Registrar or Alternate Registrar, the said  
office shall ipso facto become vacant and be filled by the ap-  
pointment of another person to the same. After any Registrar,  
Assistant Registrar or Alternate Registrar shall have entered  
upon the active duties of his office he shall thereby become in-  
eligible to any office to be voted for at the next ensuing gen-  
eral election.

"For appearing before the Board of Registration of the  
respective Counties to qualify according to law, each registra-  
tion officer shall be paid Five Dollars."

Section 2. That Chapter 56 of the Revised Code of Dela-  
ware, 1935, be and the same is hereby further amended, by

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striking out and repealing all of the first paragraph of 1708. Sec. 3. thereof, and by inserting in lieu thereof, a new paragraph, as follows:

"It shall be the duty of the Governor, in the year 1942, and in each year of a general election thereafter, to cause registration books to be prepared, at the expense of the State, for the use of the said Boards of Registration in the respective Registration Department Districts, and for the use of the local Registration Officers in each election district in this State, for Supplementary registrations as hereinafter provided for, for the registration of any and all facts following to-wit:

First. Two books for the registration officers in each election district, including those in the City of Wilmington, to be known by the general name of "Registers" and to be so arranged as to admit of the convenient entry of the following particulars:

1. Number to correspond with the number in the books of registered voters.

2. The name of the person applying to be registered—the surname to be written first in full followed by the Christian name in full and the initial or initials of any middle name or names.

3. His age—by the entry "over 21" when the applicant is twenty-one years of age or over at the time of his registration, or by the entry "21 on . . . . . " giving the day, month and year when the applicant will reach maturity, if under twenty-one at time of registration or has attained the age of twenty-one years after the first day of January, 1900, or after that date has become a citizen of the United States, and is challenged on the ground that he is unable to read the Constitution of this State in the English language, or to write his name, and that this is not due to physical disability.

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4. Nativity.
5. The place of his residence, street and number, if any, and his post office address.
6. The term of his residence in the State, County and Election District in which he shall apply to be registered.
7. If naturalized. Date of naturalization and before what Court.
8. If registered Voter.
9. If disqualified and why.
10. Date of application for registration.
11. If challenged.
12. Cause of Challenge.
13. Appeal.
14. Remarks, explanatory and supplementary.

Such registers shall be uniform in their general character and shall be made up of such paper and with such binding as to insure durability. They shall be ruled in parallel columns, and shall be of such size as to permit the registration of at least eighteen hundred voters.

The ruling and the heading in the above described registers shall be substantially in the form following, to wit:

Name	
Age	
Nativity	
Residence	
State	
County	Term of
Election District	Residence
Naturalized—date	
Court	
Registered Voter	
Disqualified and why	
Date of application	
If challenged	
Cause of challenge	

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Appeal  
Remarks

Second. Two books for the registration officers of each election district, to be known by the name of "Books of Registered Voters" for alphabetical lists of all persons whose names are entered on the register aforesaid as "registered voters", said books to be ruled in parallel columns and so arranged as to admit of the convenient entry of number and the name of every person entered on the Registers aforesaid as a "Registered Voter", and in the parallel columns opposite the name of such person, his residence and his age, as contained in the Registers.

The said books shall contain at least seven parallel columns for entries of the word "Voted". The person making the said entry shall mark the date of such entry at the head of the column.

The said books shall be uniform in their general character, each page shall be so ruled as to admit of the convenient entry of the name of twenty voters and shall be made up of such paper and with such binding as to insure durability, and shall be of such size as to contain the names of at least eighteen hundred voters."

Section 3. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out all of 1709. Sec. 4. thereof.

Section 4. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1711. Sec. 6. thereof.

Section 5. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 1712. Sec. 7. thereof, and by inserting in lieu thereof a new Section to be styled 1712. Sec. 7., as follows:

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"1712. Sec. 7. In those years in which a supplementary registration is had, as provided for in this Chapter, it shall be the duty of the Registrar and two Assistant Registrars appointed in each election district in this State to register the names of all qualified voters in each such election district, whose names do not appear as qualified voters on the books of registered voters, and to that end they shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector and who shall apply in person for registration, and whose names do not already appear as qualified voters on the books of registered voters, at such public and suitable places in their respective election districts as will, in their judgment, be the most convenient for the voters thereof, from eight o'clock A. M. until seven o'clock P. M., with an intermission from twelve to one o'clock, on the second Thursday in August and on the third Saturday next preceding the day of election.

"The Board of Registration of the respective Registration Department Districts in this State, as described in this Chapter, shall at least ten days prior to the first day set for the purpose of registration as aforesaid, give public notice by advertisement, posted in ten or more of the most public places in each election district, in their respective Registration Department Districts, of the places where the registration officers shall sit for registration of voters as aforesaid and the day or days when they will sit at each of said places."

Section 6. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing 1717. Sec. 12. thereof, and by inserting in lieu thereof a new Section to be styled 1717. Sec. 12, as follows:

"1717. Sec. 12. General Registration in 1940, Permanent; Electors Need Not Register Again, Unless etc.,; Supplementary Registration after 1940; New Sets of Registration Books Sup-

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plied, When; New General Registration; When and How Made:—The registration made under the provisions of this Chapter in the year 1940, in each election district of this State, shall be known as "The General Registration of Qualified Voters in ..... Election District of ..... Representative District in .....County" and the Registrar in each election district shall, immediately after the last name appearing in each alphabetical group of registered names, write the words "Close of the General Registration of 1940" and shall date and sign such entry. The two Assistant Registrars shall likewise sign the said entry. No person whose name appears in the said general registration as a registered voter shall be required to register again in 1942 or in any subsequent year unless he shall cease to be a resident of the election district in which he was thus registered, or unless his name shall be stricken from the said general registration as hereinafter provided, or unless a new general registration shall be had in the election district in which he is a resident, as hereafter in this section provided.

"The registration made in each year in which there is a general election, after the year 1940, in each election district of this State, shall be known as "The Supplementary Registration of Qualified Voters in .....Election District of .....Representative District in .....County for the year .....", stating the year in which it is made; and when the supplementary registration in any election district in any year shall have been completed, revised and corrected as in this Chapter provided, the Registrar shall, immediately after the last name appearing in each alphabetical group of registered names, write the words "Close of the Supplementary Registration for the year ..... " filling in the proper year, and shall date and sign such entry. The two Assistant Registrars shall

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likewise sign the said entry. No person whose name appears in any such supplementary registration as a registered voter shall be required to register again in any subsequent year unless he shall cease to be a resident of the election district in which he was thus registered, or unless he shall cease to possess the qualifications of a voter under the Constitution and laws of this State, or unless his name shall be stricken from the said supplementary registration as hereinafter provided, or unless a new general registration shall be had in the election district in which he is a resident as hereafter in this Section provided.

"The books known as "Registers" and the books known as "Books of Registered Voters", which were used in making the general registration for the year 1940, shall also be used in making the supplementary registrations in succeeding years, until said "Registers" and "Books of Registered Voters" shall become so filled with entries that they can no longer be conveniently used for such purposes.

"The first supplementary registration succeeding the general registration of the year 1940 shall start in the Registers immediately after the general registration as follows:

"On each page of the Register where the entry of the close of a general registration appears as hereinbefore provided, the Registrar shall write the words "The Supplementary Registration of Qualified Voters in ..... Election District of ..... Representative District in ..... County for the year .....", and shall, on the line immediately below such entry, begin with the entries concerning persons applying for registration at such supplementary registration.

"Each subsequent supplementary registration shall be headed by the entry "The Supplementary Registration of Qualified Voters in ..... Election District

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of ..... Representative District  
in ..... County for the year .....".  
Such entry shall be written by the Registrar on each page of  
the Register where the entry of the close of the preceding sup-  
plementary registration appears as hereinbefore provided. Im-  
mediately following such entry shall begin the entries concern-  
ing applicants for registration at such supplementary regis-  
tration.

"If, after the year 1940, or at the completion of the sup-  
plementary registration in any year, it shall appear that the  
Registers containing the registration in any election district,  
or the Books of Registered Voters of any District, will not be  
available for a supplementary registration, either from lack of  
space or because the Registers have become worn, or for any  
other reason whatever, it shall be the duty of the Boards of  
Registration in their respective Registration Department Dis-  
tricts to examine all the Registration Books immediately after  
their delivery as aforesaid, and to notify the Governor forth-  
with whether any and what Registration Books will be required  
for subsequent registration in any election district in this State,  
in their respective Registration Department Districts, and it  
shall be the duty of the Governor at least five days prior to the  
first day in April, in the year of holding the next succeeding  
general election, to furnish to the said Boards of Registration  
all Registration Books needed in any election district in their  
respective Registration Department Districts for subsequent reg-  
istration as aforesaid, of the form and design hereinbefore pro-  
vided, and the books so delivered shall become and be the "Reg-  
isters" or "Books of Registered Voters" for supplementary reg-  
istration in said election district, and the "Registers" shall be  
endorsed upon the back and at the head of each thereof with  
the words "Supplementary Register of ..... Election  
District of ..... Representative District  
in ..... County" together with the day,  
month and year when the same were received by the Registrar.



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The Registers so received shall be known as "Supplementary Registers" and all the provisions of this Chapter relative to Registers shall apply to them. The Books of Registered Voters supplied as aforesaid shall be known as "Supplementary Books of Registered Voters" for the district for which they were furnished and shall be so endorsed, and all the provisions of this Chapter relative to Books of Registered Voters shall apply to them.

"If any Register containing the general registration for the year 1940, or any supplementary registration in any election district, or if the Books of Registered Voters of any Election District, shall be lost or destroyed, or become mutilated or defaced, so that they are no longer available, then and in such event it shall be the duty of the Board of Registration of the Registration Department District in which any such election district is located to certify such fact to the Governor, who shall, prior to the first day in April of the year of holding the general election next succeeding, supply the said Board of Registration in which any such election district is located with the necessary books for a new general registration in such district, of the same form and design as hereinbefore described. And it shall be the duty of the Board of Registration of each Registration Department District to examine all the Registration Books immediately after the delivery to them as in this Chapter provided, and if they shall find that any of the Registration Books of any election district of their District are missing or mutilated or defaced, so that they are no longer available for registration purposes, they shall certify the fact to the Governor; or if any Registration Books shall, after their delivery as aforesaid, be lost or destroyed or become mutilated or defaced, so that they are no longer available for registration purposes, they shall certify this fact to the Governor; and the Governor shall supply all Registration Books that may be needed in any election district for any of the causes aforesaid, prior to the first day of April in the year of holding the next succeeding general election, to be used for a new general registration in such district, the said books to be of the same form and design as here-

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inbefore described. The Registrar of such election district shall endorse on the back and at the head of the first page of each of said books the same entry as in the case of the original books, except that he shall prefix the word "duplicate" at the beginning of such endorsement, and he shall add the date on which the said books were received by him and shall sign each such endorsement. The said books shall be known as the Duplicate Registers or Duplicate Books of Registered Voters for .....

..... Election District of .....  
Representative District of ..... County.

It shall be the duty of the registration officers to register in the Duplicate Registers aforesaid the names of all qualified voters in such election district, and to that end to sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector in said election district at the general election to be held in such year, and who shall apply in person for registration, at the places and on the days stated in the advertisement hereinafter provided for, from eight o'clock A. M. until seven o'clock P. M., with an intermission from twelve to one o'clock. In making such new general registration the registration officers shall, in the same manner as provided in Section 9 of this Chapter, record in the Registers the names of all persons applying in person for registration, and shall enter opposite each name the statements and facts set forth in the said Section 9, and they shall make up the Books of Registered Voters in the same manner as provided in Section 11 of this Chapter. The Board of Registration of the Registration Department District in which any such election district is located, shall, at least ten days prior to the first day set for the purpose of registration as aforesaid, give public notice, by advertisements posted in ten or more of the most public places in such election district, that the original Registers are no longer available and that it has become necessary to have another general registration in said election district, and of the places where the registration officers shall sit for the registration of voters as aforesaid and the day or days when they will sit at each of said places.

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"Provided, however, that no new general registration need be had in any election district because of the loss, destruction, mutilation or defacement of any of the Registration Books if one of the "Registers" and one of the "Books of Registered Voters" of such district be intact, but in such event it shall be the duty of the Registration Officers of said district to make or have made a full and exact transcription from the intact "Register" of all the entries appearing therein, into the new "Register" supplied by the Governor as aforesaid, and to make a full and exact transcription from the intact "Book of Registered Voters" of all the entries appearing therein, into the new "Book of Registered Voters" supplied by the Governor as aforesaid. Such transcription shall be verified by the oath or affirmation of all the members of the said Board of Registration of the said Registration Department District, and the affidavit, signed by them, shall be appended to each book in which the transcription has been made as aforesaid. Provided, however, that names struck from the list of registered voters under the provisions of this Chapter shall not be copied into the new "Register" or "Book of Registered Voters."

"Provided, further, that when a "Register" or "Book of Registered Voters" has been transcribed as hereinbefore provided for, the said "Register" or "Book of Registered Voters" shall be compared as to their correctness by a representative of each of the two leading political parties.

"The cost of transcribing and comparing and all necessary expense connected therewith (except registration books furnished by the Governor as in this Chapter provided) shall be paid by the Levy Court of the County wherein the election district is located."

Section 7. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of the first paragraph of 1718. Sec. 13. thereof.

Section 8. That Chapter 56 of the Revised Code of Dela-

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ware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1727. Sec. 22. thereof, and by inserting in lieu thereof a new section to be styled 1727. Sec. 22., as follows:

**"1727. Sec. 22.** Registrar to Deliver Books to Inspector, When; Certain Books And Papers Retained; Open for Inspection; Copies May Be Made; Delivery of All Books And Papers After General Elections;—It shall be the duty of the Registrar in the respective election districts of this State, on the morning of the day of the general election and one hour before the opening of the polls for said election, to deliver to the Inspector, or other person authorized to hold said election in his, the said Registrar's election district, one of said "Registers" and both of said "Books of Registered Voters" in his possession, certified to as hereinbefore provided. The other of said "Registers" and all other papers or documents relating to the registration of voters, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of anyone desiring to examine the same, without fee or reward; and anyone desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers.

"Within one week after the following general election, he shall deliver the said "Register" and "other papers and documents", aforesaid, in his possession to the Board of Registration of the Registration Department District in which he resides.

"Each Inspector or other officer authorized by law to hold the election, shall on the day next after the general election, deliver to the Board of Registration of the Registration Department District in which he resides, the "Register" and two "Books of Registered Voters" delivered to him, the said Inspector, by the Registrar as in this section hereinbefore provided.

"After the delivery to the Board of Registration of the Registration Department District, of the "Registers" and

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"Books of Registered Voters", of each election district of each Registration Department District as aforesaid, the said Board of Registration, in each case, shall safely keep the same, in its office, and the same shall be open to the inspection of the public at all convenient times, as other public records.

"It shall be the duty of the Board of Registration of each Registration Department District, prior to the Second Thursday in August in the year in which a general election is to be held, to deliver the two "Registers" and the two "Books of Registered Voters" of each election district in its Registration Department District, to the Registrar of said election district; provided, that in any year in which there is a special election, the registration books for the election districts in which the special election is to be held, shall be delivered by the Board of Registration of the Registration Department District in which the said special election is to be held, to the proper Registrars."

Section 9. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1729. Sec. 24. thereof, and by inserting in lieu thereof, a new section to be styled 1729. Sec. 24., as follows:

"1729. Sec. 24. Each Registrar shall receive Seven Dollars and Fifty Cents per day for each day of actual service, either when sitting for the purpose of registration or in attendance upon the hearing of appeals before the Resident Associate Judge of the County, or such Judge of the Supreme Court as may sit for hearing such appeals, or for delivering his books to the Board of Registration of the Registration Department District of his County, as provided for in this Act.

"Each Assistant Registrar shall receive Seven Dollars and Fifty Cents per day for each day of actual service, when sitting for the purpose of registration.

"Each Alternate Registrar shall receive Seven Dollars and

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Fifty Cents per day for each day of actual service, when sitting in the place of the Registrar for registration, or in attendance upon the hearing of appeals before the Resident Associate Judge of the County or such Judge of the Supreme Court as may sit for hearing such appeals, or for delivering his books to the Board of Registration of the Registration Department District of his County, as provided for in this Act.

"It shall be the duty of the Levy Court in each of the Counties in this State, in the month of November, to ascertain the amount of compensation due the Registrars, Alternate Registrars and Assistant Registrars in their respective Counties; and when so ascertained, the President of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money in the General Fund of the State Treasury.

"The cost of printing and mailing the notices required by this Chapter and the rent of the room or rooms used by the said registration officers in the performance of the duties required by this Chapter, the cost of printing any forms or blanks that may be required, and the cost of the necessary ink and stationery used by them, as provided for by this Chapter, shall be paid by the Levy Court of the respective Counties upon proper vouchers.

"The cost of registration books supplied by the Governor shall be paid for by the State."

Section 10. That Chapter 56 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by adding at the end of the said Chapter, a new and additional Section to be styled 1744 A. Sec. 39 A., as follows:

"1744 A. Sec. 39 A. Meetings of Boards of Registration Of Registration Department Districts, When; Registering Qualified Voters; Striking Names From Registration Books:—Beginning with the year 1942, and biennially thereafter, the respective

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Boards of Registration of the respective Registration Department Districts shall meet, at their respective county offices, at least once each week, during the months of April, May and June, at which meetings the said Boards shall have all the powers and authority of local registration officers in their respective election districts to register qualified voters resident in the respective election districts of their respective Registration Department Districts whose names do not appear as qualified voters on the "Books of Registered Voters" of the proper district, and to strike off names under the same conditions and restrictions, with right to appeal in all cases, as in the case of local registration officers sitting in their respective local election district during a Supplementary Registration as described in this Chapter,—giving like public notice, in all cases, of the days and hours of such meetings as is required to be given in the case of local registration officers, and using the same "Registers" and "Books of Registered Voters" as are used by the local registration officers in their respective election districts in performing the like duties."

Section 11. That from the decision of any of the said three Boards of Registration granting or refusing registration, or striking or refusing to strike a name or names from the registration lists, any person interested, or any member of such Board of Registration may appeal to the Resident Associate Judge of the County, or in case of his disability or absence from the County, to any Judge entitled to sit in the Supreme Court, whose determination shall be final; and in order to prosecute said appeal it shall be the duty of the person taking the same to notify the Board of Registration of the County from the decision of which said appeal is taken and also the person affected by the appeal, stating in said notice the time when said appeal will be presented to the Resident Associate Judge of his County or such Judge of the Supreme Court as may sit for the purpose of receiving and hearing such appeal, which time shall be one of the days hereinafter named for such Resident Associate Judge or Judge of the Supreme Court to sit for the purpose of receiving and hearing appeals.

## REGISTRATION OF VOTERS PERMANENT REGISTRATION

Section 12. That it shall be the duty of the Resident Associate Judge of New Castle County to sit in the Court House of New Castle County, and the Resident Associate Judge of Kent County to sit in the Court House of Kent County, and the Resident Associate Judge of Sussex County to sit in the Court House of Sussex County, for the purpose of hearing appeals from the decisions of the respective Boards of Registration of their respective Counties, as provided for in Section 11 of this Act, on the first Tuesday of the month of May, in the year 1942, and in each year thereafter in which a general election is held, at ten o'clock in the morning of said day, on which day he shall hear appeals from such persons, in his County, as shall have appealed from the decision of the said Board of Registration of his County, which shall be presented on said day, and he shall proceed to hear all appeals which have been filed as aforesaid on said day, and may continue the hearing of any such appeal or appeals, from day to day, until they have all been disposed of; and shall sit again on the first Tuesday of the month of June, in the year 1942, and in each year thereafter in which a general election is held, for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard, from day to day, until all appeals which shall then have been filed shall have been heard and decided; and shall sit again on the first Tuesday of July, in the year 1942, and in each year thereafter in which a general election is held, for the purpose aforesaid, to hear and determine such appeals as shall not have been acted upon, and also such as may be presented and filed on said last mentioned day, and may continue the hearing of any appeal or appeals then unheard, from day to day, until all such appeals have been heard and decided.

No such appeal shall be received and acted upon by the Resident Associate Judge, unless the appellant shall at the time of presenting his appeal, make and file therewith an affidavit that notice of his intention to present his appeal on the said day was given to the said Board of Registration of his County



### REGISTRATION OF VOTERS PERMANENT REGISTRATION

and to the person affected by the appeal, as herein provided for, and that such appeal is made in good faith and based upon facts within the knowledge of the person making and filing such affidavit.

Section 13. That it shall be the duty of the Clerk of the Peace of each County in this State, the Department of Elections for New Castle County, the Department of Elections for the City of Wilmington, having in his, its or their possession or in any manner under his, its or their care, custody or control, the registration books known as "Registers" and "Books of Registered Voters", used by the Registration Officers and/or the Election Officers in the respective election districts of the respective Counties of this State or any of them, used at the general registration and/or the general election in the year 1940, and also such of the said books as were used at the additional registration day in the month of April, 1941, in the respective election districts in the City of Wilmington, and at the municipal election in the said City in the said year 1941, or any other officer or officers, person or persons, in any of the Counties of this State, including the City of Wilmington, having in his possession or having the care, custody or control of said Books or any of the said Books as aforesaid, to deliver the same, on or before the tenth day of March, 1942, to the President of the Board of Registration of the Registration Department District of his, its or their respective Counties, or to such person or persons as the said President shall designate, to be safely kept by the said Board of Registration, subject to public inspection at all reasonable times.

Section 14. That any Clerk of the Peace of any County in this State, the Department of Elections for New Castle County, or any member thereof, the Department of Elections for the City of Wilmington, or any member thereof, and/or any officer or officers, person or persons, in any of the Counties of this State, having in his or its or their possession or having the care, custody or control of said Books as mentioned in Section 13 of this Act, or any of the said Books as aforesaid, and

REGISTRATION OF VOTERS  
PERMANENT REGISTRATION

refusing or neglecting to deliver them or any of them to the President of the Board of Registration of the Registration Department District of his, its or their County, or to such person or persons as the said President shall designate, as aforesaid, on or before the tenth day of March, 1942, as aforesaid, and within five days after demand in writing made therefor by the said President of the said Department of Registration, as aforesaid, shall be deemed guilty of a misdemeanor and, upon conviction thereof before any Justice of the Peace, shall be punished by a fine of One Hundred Dollars for each and every day of such refusal or neglect to deliver the said books or any of them, and each and every day of such refusal or neglect to deliver the said books or any of them as aforesaid, shall be deemed to be a separate offense under this Act.

Section 15. That all acts or parts of acts inconsistent with the provisions or any of the provisions of this Act, be and the same are hereby changed and modified to conform to the provisions of this Act, or repealed to the extent of, and only to the extent of, any such inconsistency.

Section 16. That on and after the effective date of this Act, the terms and powers of office of the Registration Officers of the respective election districts in the respective Counties in this State who shall then be in office shall be and the same are hereby declared to be terminated and ended.

Section 17. That this Act shall not become effective until the first day of January, 1942.

Approved May 12, 1941.

## CHAPTER 122

DEPARTMENT OF ELECTIONS FOR  
NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 57 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 115, VOLUME 42, LAWS OF DELAWARE, IN REFERENCE TO THE DEPARTMENT OF ELECTIONS FOR NEW CASTLE COUNTY, RELATING TO THE TERM OF OFFICE AND SALARY OF THE SECRETARY OF SAID DEPARTMENT.

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

Section 1. That Chapter 57 of the Revised Code of Delaware, 1935, as amended by Chapter 115, Volume 42, Laws of Delaware, be and the same is hereby further amended, by striking out the period, and inserting a comma, immediately after the word "Secretary", as it appears in the fourteenth line of the third paragraph of 1746. Sec. 2., of said Chapter 57, as amended, as aforesaid, and adding immediately after such inserted comma, in said fourteenth line of said third paragraph of 1746. Sec. 2., as aforesaid, the following:

"who shall serve during the pleasure of the said Department." The said third paragraph, when so amended as aforesaid, to read as follows:

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 the 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

## DEPARTMENT OF ELECTIONS FOR NEW CASTLE COUNTY

members of the Department of Elections for New Castle County shall meet and organize said Department by electing one of their members to be President of the Department; and they shall at the same time elect a Secretary, who shall serve during the pleasure of the said Department. 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.

Section 2. That Chapter 57 of the Revised Code of Delaware, 1935, as amended by Chapter 115, Volume 42, Laws of Delaware, be and the same is hereby further amended, by adding between the word "be" and the word "three", as they appear in the third line of the fourth paragraph of 1746. Sec. 2., of said Chapter 57, as amended, as aforesaid, the following:

"fixed by the said Department, but shall not exceed the sum of"

The said fourth paragraph, when so amended as aforesaid, to read as follows:

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 fixed by the said Department, but shall not exceed the sum of 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.

Section 3. That all acts or part of acts inconsistent with

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NEW CASTLE COUNTY

the provisions or any of the provisions of this act are hereby repealed to the extent of, and only to the extent of such inconsistency.

Approved May 8, 1941.

## CHAPTER 123

DEPARTMENT OF ELECTIONS FOR  
NEW CASTLE COUNTY

AN ACT TO FURTHER AMEND CHAPTER 57 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED: "DEPARTMENT OF ELECTIONS FOR THE CITY OF WILMINGTON", AS AMENDED BY CHAPTER 115, VOLUME 42, LAWS OF DELAWARE, IN REFERENCE TO THE MEMBERSHIP OF THE 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 Chapter 57 of the Revised Code of Delaware, 1935, entitled: "Department of Elections For The City of Wilmington", as amended by Chapter 115, Volume 42, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of the second paragraph of 1746. Sec. 2, of said Chapter 57, as amended as aforesaid, and inserting in lieu thereof a new paragraph, as follows:

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. It shall be unlawful for any member of the said Department to hold or to be a candidate for any elective office during his membership in the said Department, and until the expiration of six months after he shall have ceased to be a member of the said Department; and it shall be unlawful for the Secretary of the said Department to hold or to be a candidate for any elective office during the time he is holding the office of Secretary of the said Department, and until the expiration of six months after he shall have ceased to be Secretary of the said Department.

Approved May 12, 1941.

## CHAPTER 124

DEPARTMENT OF ELECTIONS FOR  
NEW CASTLE COUNTY

AN ACT TO FURTHER AMEND PARAGRAPH 1759. SEC. 15. CHAPTER 57, REVISED CODE OF DELAWARE, 1935, AS AMENDED BY SECTION 10, CHAPTER 115, VOLUME 42, LAWS OF DELAWARE, AND FURTHER AMENDED BY SECTION 1, CHAPTER 116, VOLUME 42, LAWS OF DELAWARE, IN REFERENCE TO PLACES OF REGISTRY AND ELECTION.

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

Section 1. That paragraph 1759. Sec. 15. Chapter 57, of the Revised Code of Delaware, 1935, as amended by Section 10, Chapter 115, Volume 42, Laws of Delaware, and further amended by Section 1, Chapter 116, Volume 42, Laws of Delaware, be and the same is hereby further amended, to read as follows:

1759. Sec. 15. Places of Registry and Election Designated, Furnished, &c.; Places Excluded:—The said Department of Elections for New Castle County shall designate and appoint a place of registry and 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; 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. 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:

DEPARTMENT OF ELECTIONS FOR  
NEW CASTLE COUNTY

Registration and Polling Place  
Election District  
Representative District

At every registry and at every election, including Primary Election, during the time the aforesaid places are to be open in accordance with the law, the said white flag hereinbefore provided for shall be displayed at or near the entrance to such place of registry and election, so as to be readily seen.

Section 2. That all acts or parts of acts inconsistent with the provisions, or any of the provisions, of this act, be and the same are hereby repealed to the extent, and only to the extent, of any such inconsistency.

Approved May 12, 1941.



## CHAPTER 125

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

## AN ACT CREATING A DEPARTMENT OF ELECTIONS FOR KENT COUNTY AND DESCRIBING ITS POWERS AND DUTIES.

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

Section 1. That there is hereby created a Department of Elections for Kent County, which shall consist of three members appointed by the Governor.

Section 2. That the Governor, at the same time when he is required to appoint members of the Board of Registration of the Registration Department District of Kent County, in accordance with the provisions of 1706 A. Sec. 1 A. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, shall select and appoint three persons who shall constitute the said Department of Elections for Kent County, which said three persons shall be the same persons who constitute the said Board of Registration of the said Registration Department District of Kent County, as aforesaid; and the members of the said Department of Elections and the members of the said Board of Registration shall, thereafter, consist of persons who shall constitute both the said Department of Elections and the said Board of Registration.

The members of the said Department, before entering upon their duties and within ten days from the time of their appointment, shall each take and subscribe the oath or affirmation prescribed by the Constitution.

Commencing within ten days after their appointment in the year 1942, and biennially thereafter, the members of the said Department shall meet and organize by electing one of their number to be President of the said Department. They shall also elect a Secretary, who shall be the same person who is, from time to time, Secretary of the said Board of Registration, as

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

provided for in 1706 A. Sec. 1 A. of Chapter 56 of the Revised Code of Delaware, 1935, as amended.

The term of office of the President shall be two years from the date of such organization and until his successor is elected.

Two members of the said Department shall be sufficient for organization and shall constitute a quorum in all cases for the transaction of business. The said Department shall have full power and authority to make and adopt rules for its government not inconsistent with the Constitution and laws of this State.

Each member of the said Department and the Secretary of the said Department shall receive no additional compensation for their services in connection with the said Department, other than the compensation that they receive as members and Secretary of the said Board of Registration, as provided for in 1706 A. Sec. 1 A. of Chapter 56 of the Revised Code of Delaware, 1935, as amended.

Section 3. That the said Department shall use and occupy one and the same office, with the said Board of Registration of the Registration Department District of Kent County, which shall be furnished by the Levy Court of Kent County and properly fitted up with all necessary equipment as a permanent office for the use of the said Department of Elections and the said Board of Registration as provided for in 1706 B. Sec. 1 B. of Chapter 56 of the Revised Code of Delaware, 1935, as amended.

Section 4. That the said Department of Elections for Kent County and the said Board of Registration shall designate and appoint a polling place and a place of registry in each election district of Kent County; 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, prefer-

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

ably 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 registration and election, excepting primary elections, during the time the aforesaid places are open in accordance with the law, the said flag shall be displayed at or near the entrance to such place of registry and election so as to be readily seen. The said Department shall also hire all such places 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 building shall be designated or used as a place of registration or polling place, 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 5. That the said Department of Elections for Kent County shall prepare and furnish all necessary maps, forms, oaths, certificates, blanks and instruments for the use of the local registration officers in the various registration and election districts of Kent County, and provide for furnishing such officers therewith and with all necessary supplies, and also a copy of the registration and election laws. The said Department of Elections and the said Board of Registration shall have and retain the custody of all books, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies of every kind or description pertaining to said Department.

Section 6. That the said Department of Elections for Kent County shall, after the appointment of local registration officers of each and all of the election districts in said Kent County, as provided in 1706 G. Sec. 1 G. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, select and appoint, for each election district in said Kent County, three persons as Election

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

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 and appointed to be such Election Officer shall, on receipt of notice thereof, appear within ten days thereafter, before the said Department of Elections of Kent County, for the purpose of examination, and if found qualified shall, unless excused by the 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 or she is appointed. The failure on the part of any such person to present himself or herself for examination within the time prescribed, or to comply with any of the requirements of this Section preliminary to receiving his or her certificate of appointment, or to attend on the day of any election during his or her 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 said 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 the said 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 or her 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 Officer is 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 Officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his or her removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he or she is appointed to

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

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.

The said Department of Elections shall have power to dismiss any such Election Officer at any time and supply his or her 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 the said Board of Registration of the Registration Department District, comprising all of said Kent County, in accordance with 1706 G. Sec. 1 G. of Chapter 56 of the Revised Code of Delaware, 1935, as amended as aforesaid, by the political party from which said appointment was made for the office so become vacant.

The 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 Election District, the Chairman shall be selected by lot. After such organization, the Election Officer so selected as Chairman of the 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 the said Election District.

From and after the appointment of the Election Officers for the respective Election Districts in said Kent County, as provided for in this Act, the terms and powers of office of the Inspectors of Election for said Kent County who shall then be in office shall be and the same are hereby declared to be terminated and ended.

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

Section 7. That the compensation of Inspectors of Election or other persons authorized by law to hold the same, Judges of Election, and Clerks of Election, as provided in 1881. Sec. 72. of Chapter 60 of the Revised Code of Delaware, 1935, and the costs and expense of all necessary notices, posters, maps, advertisements, books, blanks, warming, lighting, cleaning and safe-keeping of all places of registration and polling places, carting ballot boxes, and of all supplies of every kind and nature for elections in Kent County, shall be paid as other election expenses are paid, by the Levy Court of Kent County, on warrants signed by the President and Secretary of the said Department of Elections for Kent County.

Section 8. That the Department of Elections for Kent County shall, during the month of October, in each year in which a general election is held, appoint in each election district in Kent 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 of whom shall be a member of the other leading political party in 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 said 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 for each appointment so accredited, from which lists the said Department of Elections shall appoint the Clerks of Election as aforesaid.

Provided, however, that if the said lists of names are not furnished as aforesaid, then in that event the said Department of Elections shall appoint some suitable person or persons of such political party as aforesaid, having all the qualifications provided by this Section.

The Clerks of Election shall, during their term of office,

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

discharge and perform, at all elections held in the election district for which they are appointed (other than primary elections), all duties which are now or hereafter may be by law imposed upon Clerks of Elections. Any vacancies occurring in the office of Clerks of Election in any election district in the said County shall be filled by the said Department of Elections for the unexpired term, and when filling such vacancies the said Department of Elections shall select some person of the same political party as the Clerk who has been originally appointed.

If any Clerk of Election, 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 or she shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than Fifty Dollars nor more than One Hundred Dollars.

Section 9. That it shall be the duty of the Clerk of the Peace of Kent County, Delaware, the Sheriff of the said County, or any other officer or officers, person or persons, in the said County, having in his or their possession or custody, or in any manner under his or their care or control, any registration books, known as "Registers" or "Books of Registered Voters", or any other papers, documents, lists of qualified or unqualified voters, election notices, posters, maps, books, blanks, stationery, or any other equipment, paraphernalia or other property of any kind or description, intended for use at any registration or general or special election in the said County, to deliver the same, on or before the tenth day of March, 1942, to the President of the said Department of Elections for Kent County, or to such person or persons as the said President shall designate; provided, however, that if the said officers or persons, in this section mentioned, or any of them, has or have previously delivered the said items or property in this section mentioned, or any of them, to the President of the Board of Registration of the Registration Department District comprising said Kent County, (in accordance with Section 13 of An Act of the General Assembly of this State, passed at the One Hundred And Eighth Session thereof, being an amendment to

## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

Chapter 56 of the Revised Code of Delaware, 1935, and providing for a permanent registration of voters), or to such person or persons as the said President shall have named, as provided by the said Act, then and in such event such officer or officers, person or persons, shall deliver to the said President of the said Department of Elections for said Kent County or to such person or persons as the said President shall designate, only such of the said items or property as have not been previously delivered as aforesaid.

Section 10. That if the Clerk of the Peace for Kent County, Delaware, or the Sheriff of the said County, or any other officer or officers, person or persons, in the said County, having in his or their possession or custody, or in any manner under his or their care or control, any of the said items or property mentioned in Section 9 of this Act, and not previously delivered as stated in said Section 9 of this Act, shall refuse or neglect to deliver them or any of them to the President of the said Department of Elections for Kent County or to such person or persons as the said President shall designate, as aforesaid, within five days after demand in writing made therefor, each and every one of them, so refusing and neglecting, as aforesaid, shall be deemed guilty of a misdemeanor and, upon conviction thereof before any Justice of the Peace, shall be punished by a fine of One Hundred Dollars for each and every day of such refusal or neglect to deliver the said items or property or any of them, as aforesaid.

Section 11. That on and after the appointment of the members of the said Department of Elections for said Kent County, as in this Act provided for, the said Department of Elections for said Kent County shall, during the month of October, and before the twenty-seventh day thereof, in the year of holding the general election, deliver to the Inspector of each Election District or other officer, authorized by law to hold the election therein, in said Kent County, two suitable ballot boxes, as described in 1832. Sec. 23. of Chapter 60 of the Revised Code of Delaware, 1935, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next



## DEPARTMENT OF ELECTIONS FOR KENT COUNTY

General Election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the Inspector or other officer authorized by law to hold the election therein, and persons selected as Judges of Election, and also of the Clerks chosen to act at such election, and of the certificates of administering such oaths or affirmations, with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid, a book of blank forms of oaths (or affirmations) provided for in Section 53 of Chapter 60 of the Revised Code of Delaware, 1935, and all other election supplies of every kind and description heretofor delivered to such Inspectors or other officers authorized by law to hold such elections in said Kent County, by the Sheriff or by any other officer of said Kent County prior to a general election in said Kent County; the cost and expense of each and all of the above mentioned articles and equipment and the cost of furnishing the same, as aforesaid, shall be paid by the Levy Court of Kent County, on warrants or vouchers signed by the President and Secretary of the said Department of Elections for Kent County.

Section 12. That all acts or parts of acts, inconsistent with the provisions or any of the provisions of this Act, are hereby changed and modified to conform to the provisions of this Act, or repealed to the extent, and only to the extent, of any such inconsistency.

Section 13. That this Act shall not become effective until the first day of January, 1942.

Approved May 12, 1941.

## CHAPTER 126

## DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY

## AN ACT CREATING A DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY AND DESCRIBING ITS POWERS AND DUTIES.

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

Section 1. That there is hereby created a Department of Elections for Sussex County, which shall consist of three members appointed by the Governor.

Section 2. That the Governor, at the same time when he is required to appoint members of the Board of Registration of the Registration Department District of Sussex County, in accordance with the provisions of 1706 A. Sec. 1 A. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, shall select and appoint three persons who shall constitute the said Department of Elections for Sussex County, which said three persons shall be the same persons who constitute the said Board of Registration of the said Registration Department District of Sussex County, as aforesaid; and the members of the said Department of Elections and the members of the said Board of Registration shall, thereafter, consist of persons who shall constitute both the said Department of Elections and the said Board of Registration.

The members of the said Department, before entering upon their duties and within ten days from the time of their appointment, shall each take and subscribe the oath or affirmation prescribed by the Constitution.

Commencing within ten days after their appointment in the year 1942, and biennially thereafter, the members of the said Department shall meet and organize by electing one of their number to be President of the said Department. They shall also elect a Secretary, who shall be the same person who is, from time to time, Secretary of the said Board of Registration, as pro-

## DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY

vided for in 1706 A. Sec. 1 A. of Chapter 56 of the Revised Code of Delaware, 1935, as amended.

The term of office of the President shall be two years from the date of such organization and until his successor is elected.

Two members of the said Department shall be sufficient for organization and shall constitute a quorum in all cases for the transaction of business. The said Department shall have full power and authority to make and adopt rules for its government not inconsistent with the Constitution and laws of this State.

Each member of the said Department and the Secretary of the said Department shall receive no additional compensation for their services in connection with the said Department, other than the compensation that they receive as members and Secretary of the said Board of Registration, as provided for in 1706 A. Sec. 1 A. of Chapter 56 of the Revised Code of Delaware, 1935, as amended.

Section 3. That the said Department shall use and occupy one and the same office, with the said Board of Registration of the Registration Department District of Sussex County, which shall be furnished by the Levy Court of Sussex County and properly fitted up with all necessary equipment as a permanent office for the use of the said Department of Elections and the said Board of Registration as provided for in 1706 B. Sec. 1 B. of Chapter 56 of the Revised Code of Delaware, 1935, as amended.

Section 4. That the said Department of Elections for Sussex County and the said Board of Registration shall designate and appoint a polling place and a place of registry in each election district of Sussex County; 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

## DEPARTMENT OF ELECTIONS FOR SUSSEX COUNTY

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 registration and election, excepting primary elections, during the time the aforesaid places are open in accordance with the law, the said flag shall be displayed at or near the entrance to such place of registry and election so as to be readily seen. The said Department shall also hire all such places 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 building shall be designated or used as a place of registration or polling place, 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 5. That the said Department of Elections for Sussex County shall prepare and furnish all necessary maps, forms, oaths, certificates, blanks and instruments for the use of the local registration officers in the various registration and election districts of Sussex County, and provide for furnishing such officers therewith and with all necessary supplies, and also a copy of the registration and election laws. The said Department of Elections and the said Board of Registration shall have and retain the custody of all books, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies of every kind or description pertaining to said Department.

Section 6. That the said Department of Elections for Sussex County shall, after the appointment of local registration officers of each and all of the election districts in said Sussex County, as provided in 1706 G. Sec. 1 G. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, select and appoint, for each election district in said Sussex County, three

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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 and appointed to be such Election Officer shall, on receipt of notice thereof, appear within ten days thereafter, before the said Department of Elections of Sussex County, for the purpose of examination, and if found qualified shall, unless excused by the 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 or she is appointed. The failure on the part of any such person to present himself or herself for examination within the time prescribed, or to comply with any of the requirements of this Section preliminary to receiving his or her certificate of appointment, or to attend on the day of any election during his or her 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 said 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 the said 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 or her 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 Officer is 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 Officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his or her removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he or she is appointed to

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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.

The said Department of Elections shall have power to dismiss any such Election Officer at any time and supply his or her 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 the said Board of Registration of the Registration Department District, comprising all of said Sussex County, in accordance with 1706 G. Sec. 1 G. of Chapter 56 of the Revised Code of Delaware, 1935, as amended as aforesaid, by the political party from which said appointment was made for the office so become vacant.

The 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 Election 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 the said Election District.

From and after the appointment of the Election Officers for the respective Election Districts in said Sussex County, as provided for in this Act, the terms and powers of office of the Inspectors of Election for said Sussex County who shall then be in office shall be and the same are hereby declared to be terminated and ended.

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Section 7. That the compensation of Inspectors of Election or other persons authorized by law to hold the same, Judges of Election, and Clerks of Election, as provided in 1881. Sec. 72. of Chapter 60 of the Revised Code of Delaware, 1935, and the costs and expense of all necessary notices, posters, maps, advertisements, books, blanks, warming, lighting, cleaning and safekeeping of all places of registration and polling places, carting ballot boxes, and of all supplies of every kind and nature for elections in Sussex County, shall be paid as other election expenses are paid, by the Levy Court of Sussex County, on warrants signed by the President and Secretary of the said Department of Elections for Sussex County.

Section 8. That the Department of Elections for Sussex County shall, during the month of October, in each year in which a general election is held, appoint in each election district in Sussex 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 of whom shall be a member of the other leading political party in 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 said 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 for each appointment so accredited, from which lists the said Department of Elections shall appoint the Clerks of Election as aforesaid.

Provided, however, that if the said lists of names are not furnished as aforesaid, then in that event the said Department of Elections shall appoint some suitable person or persons of such political party as aforesaid, having all the qualifications provided by this Section.

The Clerks of Election shall, during their term of office, dis-

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charge and perform, at all elections held in the election district for which they are appointed (other than primary elections), all duties which are now or hereafter may be by law imposed upon Clerks of Elections. Any vacancies occurring in the office of Clerks of Election in any election district in the said County shall be filled by the said Department of Elections for the unexpired term, and when filling such vacancies the said Department of Elections shall select some person of the same political party as the Clerk who has been originally appointed.

If any Clerk of Election, 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 or she shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than Fifty Dollars nor more than One Hundred Dollars.

Section 9. That it shall be the duty of the Clerk of the Peace of Sussex County, Delaware, the Sheriff of the said County, or any other officer or officers, person or persons, in the said County, having in his or their possession or custody, or in any manner under his or their care and control, any registration books, known as "Registers" of "Books of Registered Voters", or any other papers, documents, lists of qualified or unqualified voters, election notices, posters, maps, books, blanks, stationery, or any other equipment, paraphernalia or other property of any kind or description, intended for use at any registration or general or special election in the said County, to deliver the same, on or before the tenth day of March, 1942, to the President of the said Department of Elections for Sussex County, or to such person or persons as the said President shall designate; provided, however, that if the said officers or persons, in this section mentioned, or any of them, has or have previously delivered the said items or property in this section mentioned, or any of them, to the President of the Board of Registration of the Registration Department District comprising said Sussex County, (in accordance with Section 13 of An Act of the General Assembly of this State, passed at the One Hundred and Eighth Session thereof, being an amendment to



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Chapter 56 of the Revised Code of Delaware, 1935, and providing for a permanent registration of voters), or to such person or persons as the said President shall have named, as provided by the said Act, then and in such event such officer or officers, person or persons, shall deliver to the said President of the said Department of Elections for said Sussex County or to such person or persons as the said President shall designate, only such of the said items or property as have not been previously delivered as aforesaid.

Section 10. That if the Clerk of the Peace for Sussex County, Delaware, or the Sheriff of the said County, or any other officer or officers, person or persons, in the said County, having in his or their possession or custody, or in any manner under his or their care or control, any of the said items or property mentioned in Section 9 of this Act, and not previously delivered as stated in said Section 9 of this Act, shall refuse or neglect to deliver them or any of them to the President of the said Department of Elections for Sussex County or to such person or persons as the said President shall designate, as aforesaid, within five days after demand in writing made therefor, each and everyone of them, so refusing and neglecting, as aforesaid, shall be deemed guilty of a misdemeanor and, upon conviction thereof before any Justice of the Peace, shall be punished by a fine of One Hundred Dollars for each and every day of such refusal or neglect to deliver the said items or property or any of them, as aforesaid.

Section 11. That on and after the appointment of the members of the said Department of Elections for said Sussex County, as in this Act provided for, the said Department of Elections for said Sussex County shall, during the month of October, and before the twenty-seventh day thereof, in the year of holding the general election, deliver to the Inspector of each Election District or other officer, authorized by law to hold the election therein, in said Sussex County, two suitable ballot boxes, as described in 1832. Sec. 23. of Chapter 60 of the Revised Code of Delaware, 1935, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then

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next General Election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the Inspector or other officer authorized by law to hold the election therein, and persons selected as Judges of Election, and also of the Clerks chosen to act at such election, and of the certificates of administering such oaths or affirmations, with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver to each Inspector or other officer authorized by law to hold the election as aforesaid, a book of blank forms of oaths (or affirmations) provided for in Section 53 of Chapter 60 of the Revised Code of Delaware, 1935, and all other election supplies of every kind and description heretofor delivered to such Inspectors or other officers authorized by law to hold such elections in said Sussex County, by the Sheriff or by any other officer of said Sussex County prior to a general election in said Sussex County; the cost and expense of each and all of the above mentioned articles and equipment and the cost of furnishing the same, as aforesaid, shall be paid by the Levy Court of Sussex County, on warrants or vouchers signed by the President and Secretary of the said Department of Elections for Sussex County.

Section 12. That all acts or parts of acts, inconsistent with the provisions or any of the provisions of this Act, are hereby changed and modified to conform to the provisions of this Act, or repealed to the extent, and only to the extent, of any such inconsistency.

Section 13. That this Act shall not become effective until the first day of January, 1942.

Approved May 12, 1941.

## CHAPTER 127

## PRIMARY ELECTIONS

## AN ACT TO AMEND CHAPTER 58 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO PRIMARY ELECTIONS.

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

Section 1. That Chapter 58 of the Revised Code of Delaware, 1935, be and the same is hereby amended, by striking out and repealing all of 1772. Sec. 4. thereof, and by inserting in lieu thereof, a new section, to be styled 1772. Sec. 4., as follows:

1772. Sec. 4. Inspectors And Judges, How Appointed:—The inspectors and judges of all primary elections held in this State, under the direction of any political party, organization or association, shall be appointed by the regularly organized and constituted County Committee or governing authority of the political party, organization or association holding such primary election.

The term of office of said inspectors and judges shall be for one year. Said Committee or governing authority shall designate which persons shall act as inspectors, and which persons shall act as judges of such primary elections. The persons so appointed shall be residents of the primary election district for which they are appointed. In cases when primary election officers are appointed as herein provided, representatives of the interests of each candidate shall be as nearly equally divided as possible upon the board of election officers.

If any person appointed to be inspector or judge of any primary election shall die, remove from his primary election district, or be for any reason physically unable to attend in his primary election district at any primary election held by his political party, organization or association, then the regularly organized and constituted County Committee or governing authority of the political party, organization or association hold-

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ing such primary election, shall appoint an inspector or judge, as the case may be, to fill the vacancy thereby created.

In case of refusal or neglect on the part of any person appointed pursuant to the provisions hereof to be an inspector or judge, as the case may be, of any primary election, to qualify according to the requirements of this Chapter, or to serve, or to act, he shall be liable to a penalty of Two Hundred Dollars, recoverable by the County Treasurer, by civil action in any court of record, in the name of the County Treasurer and for the use and benefit of the County; and the failure on the part of any such person to comply with any of the requirements of this Chapter preliminary to opening the polls, or to attend on the day of any primary 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 within the meaning of this Chapter.

The election officers, whose appointment is provided for in this Section, shall be appointed at least two weeks before such primary election is to be held.

Section 2. That Chapter 58 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1776. Sec. 8. thereof, and by inserting in lieu thereof, a new Section, to be styled 1776. Sec. 8., as follows:

1776. Sec. 8. Voting Books Of Qualified Voters For Primary Elections; How Prepared; Supplementary Or Duplicate Books:—Beginning with the year 1942, the registration officers of each election district in New Castle County shall be furnished by the Board of Registration of the Registration Department District comprising New Castle County, and the registration officers of each election district in Kent County shall be furnished by the Board of Registration of the Registration Department District comprising Kent County, and the registration officers of each election district in Sussex County shall be furnished by the Board of Registration of the Registration De-

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partment District comprising Sussex County, as described in 1706. Sec. 1. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, with two books, to be known as Voting Books of Qualified Voters for Primary Elections, before the first day of any registration of voters in such election district.

And also in each year, after the year 1941, in which a municipal election is held in the City of Wilmington, as provided for in Section 38 of Chapter 56 of the Revised Code of Delaware, 1935, as amended, and in Section 12 of this Chapter, the registration officers of each election district within the said City of Wilmington shall be furnished by the said Board of Registration of the Registration Department District comprising New Castle County, as aforesaid, with two books, to be known as Voting Books of Qualified Voters for Primary Elections, before the first day of any registration of voters in such election district.

The Voting Books of Qualified Voters for Primary Elections used in the year 1940, (and in the year 1941 in the said City of Wilmington), shall be used in making subsequent registrations for primary elections, until they shall become so filled with entries that they can no longer be conveniently used for such purpose; or until replaced by Supplementary or Duplicate Books, as hereinafter in this Chapter provided.

Said books shall be ruled in parallel columns and so arranged as to admit of the convenient entry, in alphabetical order, of the name of every person who may be entered on the Registers of said election district as a registered voter, and in the parallel column, opposite the name of said person, the following particulars, to-wit:

First:—His or her residence.

Second:—The date of registration.

Said books shall contain twelve parallel columns for the entry of the word "voted", together with the date of voting.

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It shall be the duty of the registration officers of each election district to make up the Voting Books of Qualified Voters for Primary Elections as follows:

They shall enter in the said books, in its proper alphabetical order, the name of every person whose name appears as a registered voter in the Registers and Voting Books of Registered Voters of said election district, (except the name of a person already appearing as a registered voter in the said books), and also his or her residence and the date of registration, so that the said Voting Books of Qualified Voters for Primary Elections shall contain the names of all the qualified voters of said election district who were registered during the general registration in the year 1940, and any supplementary registration up to and including the last registration day in the month of August of the year in which said books are made up. They shall, within three days after the last registration day in the month of August aforesaid, complete the making up of said books and shall compare the same with the Registers, and append to each of said books a certificate, verified by oath or affirmation, that they contain an accurate alphabetical list of the names of all persons whose names appear as registered voters in the Registers and Voting Books of Registered Voters of said election district.

And it shall be the duty of the registration officers of each election district within the City of Wilmington to make up the Voting Books of Qualified Voters for Primary Elections, on the registration day in each year in which a municipal election is held in the said City, beginning with the year 1943, which registration day shall be the third Saturday of April next before the day set for holding the election for municipal officers in the said City, as provided in Section 38, of Chapter 56 of the Revised Code of Delaware, 1935, as amended; and the said registration officers shall make up the said Voting Books of Qualified Voters for Primary Elections as follows:

They shall enter in said books, in its proper alphabetical order, the name of every person whose name appears as a reg-

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istered voter in the Registers and Voting Books of Registered Voters of said election district, (except the name of a person already appearing as a registered voter in the said books), and also his or her residence and date of registration, so that the said Voting Books of Qualified Voters for Primary Elections of said election district shall contain the names of all the qualified voters of said election district who were registered during each and all of the five general registration days, in the year 1940, and also during any supplementary registration up to and including the last registration day in the month of April of the year in which a municipal election is held in said City and in which year said books are made up. They shall within three days after the said registration day on the third Saturday in April aforesaid, complete the making up of said books and shall compare the same with the Registers and Books of Registered Voters of said election district, and shall append to each of said books a certificate, verified by oath or affirmation, that they contain an accurate alphabetical list of the names of all persons whose names appear as registered voters in the Registers and Voting Books of Registered Voters of said election district.

It shall be the duty of the Registrar of each election district in New Castle County, including the City of Wilmington, and the Registrar of each election district in Kent County, and the Registrar of each election district in Sussex County, within one secular day after the certification by the registration officers, as herein required, to deliver to the Board of Registration of the Registration Department District of their respective Counties, the two Voting Books of Qualified Voters for Primary Elections, who shall safely keep the same.

If at the completion of the registration in any year, it shall appear that the Voting Books of Qualified Voters for Primary Elections in any election district will not be available for a supplementary registration, either from lack of space or because the said Books, or either of them, have become worn, or for any other reason whatever, it shall be the duty of the registration officers to immediately certify this fact to the Board of

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Registration of the Registration Department District in which the election district is situated. It shall be the duty of the said Boards of Registration of the Registration Department Districts of the several counties to examine all such Books immediately after their delivery to them, as in this Chapter provided, in order to determine whether any and what supplementary books will be required for subsequent registration in any election district in their respective Registration Department Districts.

And in addition to the Books required to be furnished by the said Boards of Registration of the Registration Department Districts of the several counties, as in this Chapter provided, the registration officers of each election district of the several counties shall be furnished by the said Boards of Registration of the Registration Department Districts of the several counties, on or before the first day of any registration of voters in any year in such election district, with all such Books needed by any such election district for subsequent registration as aforesaid, of the form and design hereinbefore provided; and said Books so furnished and delivered shall become and be, and shall be known as, Supplementary Voting Books of Qualified Voters for Primary Elections for the district for which they were furnished and shall be so endorsed, and all the provisions of this Chapter relative to Voting Books of Qualified Voters for Primary Election shall apply to them.

And it shall be the duty of each of the said Boards of Registration of the Registration Department Districts of the several Counties to examine all such Books immediately after the delivery to them, as in this Chapter provided; and if they shall find that any Voting Books of Qualified Voters for Primary Elections or Supplementary Voting Books of Qualified Voters for Primary Elections of any election district are missing or mutilated or defaced, so that they are no longer available for the purposes for which they were intended then, and in all such cases, the Board of Registration of each Registration Department District shall furnish all such duplicate Books that may be needed for any of the causes above stated in any election district in its Registration Department District, on or before



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istered voter in the Registers and Voting Books of Registered Voters of said election district, (except the name of a person already appearing as a registered voter in the said books), and also his or her residence and date of registration, so that the said Voting Books of Qualified Voters for Primary Elections of said election district shall contain the names of all the qualified voters of said election district who were registered during each and all of the five general registration days, in the year 1940, and also during any supplementary registration up to and including the last registration day in the month of April of the year in which a municipal election is held in said City and in which year said books are made up. They shall within three days after the said registration day on the third Saturday in April aforesaid, complete the making up of said books and shall compare the same with the Registers and Books of Registered Voters of said election district, and shall append to each of said books a certificate, verified by oath or affirmation, that they contain an accurate alphabetical list of the names of all persons whose names appear as registered voters in the Registers and Voting Books of Registered Voters of said election district.

It shall be the duty of the Registrar of each election district in New Castle County, including the City of Wilmington, and the Registrar of each election district in Kent County, and the Registrar of each election district in Sussex County, within one secular day after the certification by the registration officers, as herein required, to deliver to the Board of Registration of the Registration Department District of their respective Counties, the two Voting Books of Qualified Voters for Primary Elections, who shall safely keep the same.

If at the completion of the registration in any year, it shall appear that the Voting Books of Qualified Voters for Primary Elections in any election district will not be available for a supplementary registration, either from lack of space or because the said Books, or either of them, have become worn, or for any other reason whatever, it shall be the duty of the registration officers to immediately certify this fact to the Board of

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Registration of the Registration Department District in which the election district is situated. It shall be the duty of the said Boards of Registration of the Registration Department Districts of the several counties to examine all such Books immediately after their delivery to them, as in this Chapter provided, in order to determine whether any and what supplementary books will be required for subsequent registration in any election district in their respective Registration Department Districts.

And in addition to the Books required to be furnished by the said Boards of Registration of the Registration Department Districts of the several counties, as in this Chapter provided, the registration officers of each election district of the several counties shall be furnished by the said Boards of Registration of the Registration Department Districts of the several counties, on or before the first day of any registration of voters in any year in such election district, with all such Books needed by any such election district for subsequent registration as aforesaid, of the form and design hereinbefore provided; and said Books so furnished and delivered shall become and be, and shall be known as, Supplementary Voting Books of Qualified Voters for Primary Elections for the district for which they were furnished and shall be so endorsed, and all the provisions of this Chapter relative to Voting Books of Qualified Voters for Primary Election shall apply to them.

And it shall be the duty of each of the said Boards of Registration of the Registration Department Districts of the several Counties to examine all such Books immediately after the delivery to them, as in this Chapter provided; and if they shall find that any Voting Books of Qualified Voters for Primary Elections or Supplementary Voting Books of Qualified Voters for Primary Elections of any election district are missing or mutilated or defaced, so that they are no longer available for the purposes for which they were intended then, and in all such cases, the Board of Registration of each Registration Department District shall furnish all such duplicate Books that may be needed for any of the causes above stated in any election district in its Registration Department District, on or before

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the first day of any registration of voters in any year in such election district. The said Books shall be of the same form and design as hereinbefore described. The said Books shall be known as the Duplicate Voting Books of Qualified Voters for Primary Elections or Duplicate Supplementary Voting Books of Qualified Voters for Primary Elections, as the case may be, for ..... Election District of ..... Representative District of ..... County, and the Registrar shall endorse on the back and at the head of the first page of each of said books the same entry as in the case of the original books, except that he shall prefix the word "duplicate" at the beginning of such endorsement, and he shall add the date on which the said book or books were received by him and shall sign each endorsement.

It shall be the duty of the registration officers to make up the Duplicates aforesaid from the Registers, so that the said Duplicates will contain, at any primary election, the names of all the persons who, according to the Registers and Books of Registered Voters of said District, are entitled to vote at such primary election, and all the provisions of this Chapter relative to Voting Books of Qualified Voters for Primary Elections shall apply to such Duplicate Books.

The two Assistant Registrars shall be paid Seven Dollars and Fifty Cents each for their services in connection with the said Voting Books of Qualified Voters for Primary Elections, and the Registrar shall be paid Twelve Dollars and Fifty Cents for his services in connection with and for the delivery of said books, said compensation to be paid by the State.

Provided, however, that no such compensation shall be paid to the registration officers of any election district within the City of Wilmington, until after the last registration day in the month of April in the year immediately succeeding the year of the last preceding general election, beginning with the year 1943, and not until the said registration officers have completed the making up of the said books of their election district and have compared the same and duly certified to the accuracy of the same, as in this Section provided; and provided, further,

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that no such compensation shall be paid to the registration officers of any election district outside of the City of Wilmington until after the last registration day in the month of August in the year of a general election, beginning with the year 1942, and not until the said registration officers have completed the making up of the said books of their election district and have compared the same and duly certified to the accuracy of the same, as in this Section provided.

Section 3. That Chapter 58 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1786. Sec. 18. thereof, and by inserting in lieu thereof a new Section, to be styled 1786. Sec. 18., as follows:

1786. Sec. 18. Department Of Elections, Or Sheriff, Or Clerk Of The Peace, To Deliver Primary Election Books; To Whom; Failure To Deliver, Misdemeanor; Penalty:—The Department of Elections for New Castle County, the Sheriff of each County in this State, the Clerk of the Peace of each County in this State, or any other person or persons, having in its, his or their possession or under its, his or their control, any Voting Books of Qualified Voters for Primary Elections, or any other books, papers, documents or articles or property of any description used in connection with Primary Elections in the year 1940 or in the year 1941, shall, on or before the fifteenth day of March, 1942, deliver the same to the President of the said Board of Registration of the Registration Department District of its, his or their County, or to such person or persons as the said President shall designate, to be safely kept by the said Board of Registration, subject to public inspection at all reasonable times, as other public records.

If the said Department of Elections for New Castle County, or any member thereof, or the Sheriff or the Clerk of the Peace, of any County in this State, or any other person or persons, having in its, his or their possession or under its, his or their control, any Voting Books of Qualified Voters for Primary Elections, or any other books, papers, documents or articles or

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property of any description used in connection with Primary Elections, in the year 1940 or the year 1941, as aforesaid, shall wilfully neglect, refuse or fail to deliver the same or any of them, to the President of the said Board of Registration of the Registration Department District of its, his or their County, or to such person or persons as the said President shall designate, as aforesaid, on or before the fifteenth day of March, 1942, and within five days after demand in writing made therefor, any such member of the said Department, or the said Sheriff or the said Clerk of the Peace or any other person or persons, as aforesaid, so neglecting, refusing or failing to deliver the same or any part thereof, as aforesaid, shall be guilty of a misdemeanor and, upon conviction thereof before any Justice of the Peace, shall be punished by a fine of One Hundred Dollars for each and every day of such neglect, refusal or failure to deliver the said Voting Books of Qualified Voters for Primary Elections or other books, papers, documents or articles or property of any description used in connection with said Primary Elections or any of them, as aforesaid, and such conviction shall of itself forfeit his office.

And it shall be the duty of the Board of Registration of the Registration Department District, comprising all of any County in this State, as described in 1706. Sec. 1. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, to deliver to each Inspector of any primary election to be held within such County by any political party, organization or association, in accordance with the provisions of 1781. Sec. 13. of this Chapter, the two Voting Books of Qualified Voters for Primary Elections provided for in this Chapter, for each general election district that may be contained in the primary election district to which such Voting Books of Qualified Voters for Primary Elections shall apply. And it shall be the duty of the said Inspector to have the same at the place of holding the primary election at the time of opening the polls on primary election day.

If the members of any such Board of Registration of any Registration Department District, comprising any County of this State, as aforesaid, in which such primary election is to be

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held, as referred to in 1781. Sec. 13. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, as aforesaid, shall refuse, neglect, or fail to deliver to each Inspector of any primary election to be held within such County by any political party, organization or association, as aforesaid, the two Voting Books of Qualified Voters for Primary Elections provided for in this Chapter, for each general election district that may be contained in the primary election district to which such Voting Books of Qualified Voters for Primary Elections shall apply; or if any Inspector shall refuse, neglect or fail to have the said Voting Books of Qualified Voters for Primary Elections at the place of holding the primary elections for any general or special election or any municipal election in the City of Wilmington, at the time designated in this Chapter, each member of such Board of Registration of such Registration Department District as aforesaid, so refusing, neglecting or failing as aforesaid, shall be guilty of a misdemeanor and, upon conviction thereof before any Justice of the Peace, shall be punished for each such offense by a fine of One Hundred Dollars for each and every day of such refusal, neglect or failure, and such conviction shall of itself work a forfeiture of his office; and any Inspector so refusing neglecting or failing as aforesaid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the provisions of 1781. Sec. 13. of this Chapter.

Section 4. That Chapter 58 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1788. Sec. 20. thereof, as amended, and by substituting in lieu thereof a new Section, to be styled 1788. Sec. 20., as follows:

1788. Sec. 20. Ballot Boxes; Delivery At Polling Places; Description Thereof; White Flag For Each Polling Place:— The Department of Elections for New Castle County, and the Department of Elections for Kent County, and the Department of Elections for Sussex County, shall provide and deliver, or cause to be provided and delivered, to the officers of every polling place in their respective Counties, where a primary election

## PRIMARY ELECTIONS

is to be held, (including primary elections in the City of Wilmington to nominate officers to be voted for at subsequent municipal elections), a ballot box, the same to be provided with a lock and key; the said ballot box to be not less than twelve inches long, nine and one-half inches wide, and nine inches high; both sides of said box shall be entirely of clear glass and shall have a lid so constructed that the said lid will slide with ease. The lid of said ballot box shall have an opening in the top not more than one inch long and not more than three sixteenths of an inch wide; the opening to be entirely closed with iron, steel or tin, which material shall be securely fastened to the lid. The said Departments shall also furnish to the officers holding any primary election in their respective Counties, as aforesaid, a box of sufficient size to hold the ballots cast at such primary election.

At the time of the delivery of the ballot boxes, as aforesaid, the said Departments shall furnish for each polling place in their respective Counties, as aforesaid, a white muslin flag, preferably staffed, of suitable size for the lettering thereon in four-inch letters, the following words:

Primary Polling Place  
Election District  
Representative District

Section 5. That Chapter 58 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing the word "Sheriff" as it appears in 1791. Sec. 23. of the said Chapter 58, and by inserting in lieu thereof the words: "Department of Elections".

Section 6. That Chapter 58 of the Revised Code of Delaware, 1935, be and the same is hereby further amended, by striking out and repealing all of 1793. Sec. 25. thereof.

Section 7. That all acts or parts of acts inconsistent with the provisions of, or any of the provisions of, this Act, be and

PRIMARY ELECTIONS

the same are hereby repealed to the extent, and only to the extent, of any such inconsistency.

Section 8. That this Act shall not become operative until the first day of January, 1942.

Approved May 12, 1941.



## CHAPTER 128

## INSPECTORS OF ELECTIONS

AN ACT TO AMEND CHAPTER 59 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO INSPECTORS OF ELECTION, AND PROVIDING FOR THE APPOINTMENT OF REGISTRATION OFFICERS AND ELECTION OFFICERS.

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

Section 1. That Chapter 59 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 1805. Sec. 1., 1806. Sec. 2., and 1807. Sec. 3. thereof, and by inserting in lieu thereof three new sections, to be styled 1805, Sec. 1., 1806. Sec. 2., and 1807. Sec. 3., as follows:

1805. Sec. 1. REGISTRATION OFFICERS; APPOINTMENT: After the effective date of this Act, the Registration Officers of the respective election districts in the respective Counties in this State shall be appointed by the respective Boards of Registration of the respective Registration Department Districts comprising the respective Counties in this State, as provided by 1706 G. Section 1 G. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, and the said registration officers shall have and possess all of the powers and perform all of the duties of registration officers as provided by the laws of this State, and shall have such qualifications and serve for such term, and receive such compensation for their services as provided by law.

1806. Sec. 2. ELECTION OFFICERS IN NEW CASTLE COUNTY; APPOINTMENT: The Department of Elections for New Castle County, after the appointment of the registration officers of each of the election districts in said New Castle County, as provided by 1706 G. Sec. 1 G. of Chapter 56 of the Revised Code of Delaware, 1935, as amended, as aforesaid, and as soon thereafter as practicable, shall select and appoint for each election district in said New Castle County three

## INSPECTORS OF ELECTIONS

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 elections district.

Every person so selected and appointed to be said Election Officer shall, on receipt of notice thereof, appear within ten days thereafter, before the said Department of Elections for New Castle County, for the purpose of Examination and, if found qualified shall, unless excused by the 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 or she is appointed. The failure on the part of any such person to present himself or herself for examination within the time prescribed, or to comply with any of the requirements of this Section preliminary to receiving his or her certificate of appointment, or to attend on the day of any election during his or her 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 said Department of Elections for New Castle County shall deliver a certificate of appointment to whomsoever shall be nominated, approved and sworn into office by said Department as such Election Officer, said certificate to be in such form as shall be prescribed by the said 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 or her 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 Officer is 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 Officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his or her removal. The neglect or refusal of any person so appointed Election Officer

## INSPECTORS OF ELECTIONS

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.

The said Department of Elections for New Castle County shall have power to dismiss any such Election Officer at any time and supply his or her 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 the said Board of Registration of the Registration Department District comprising all of said New Castle County, in accordance with 1706 G. Sec. 1 G. of Chapter 56 of the Revised Code of Delaware, 1935, as amended as aforesaid, by the political party from which said appointment was made for the office so become vacant.

The 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 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 Election District, the Chairman shall be selected by lot. After such organization, the Election Officer so selected as Chairman of the said Board of Election Officers shall be the Inspector of Elections of the said Election District, and the remaining two Election Officers shall respectively be the Judges of Election of the said Election District.

From and after the appointment of the Election Officers for the respective Election Districts in said New Castle County, as provided for in this Act, the terms and powers of office of the Inspectors and Judges of Election for said New Castle County, who shall have been in office up to that time, shall be and the same are hereby declared to be terminated and ended.

## INSPECTORS OF ELECTIONS

The compensation of Inspectors of Election or other officers authorized by law to hold the same, Judges of Election, and Clerks of Election, as provided in 1881. Sec. 72. of the Revised Code of Delaware, 1935, and the costs and expenses of all necessary notices, posters, maps, advertisements, books, blanks, stationery, rent and cost of fitting up, warming, lighting, cleaning and safekeeping of all places of registration and polling places, carting ballot boxes, and all supplies of every kind and nature for elections in said New Castle County, shall be paid as other election expenses are paid, by the Levy Court of said New Castle County, on warrants signed by the President and Secretary of the said Department of Elections for said New Castle County.

1807. Sec. 3. UNQUALIFIED ELECTION OFFICERS; VACANCIES HOW FILLED: That if any person who shall be appointed as an Election Officer, as provided for in this Chapter, shall not have been capable of being appointed to such office, the office shall be deemed vacant, and such vacancy shall be filled as provided for in 1806. Sec. 2. of this Chapter.

Section 2. ELECTION OFFICERS IN KENT AND SUSSEX COUNTIES, APPOINTMENT: That all Election Officers of the respective Election Districts in Kent County, shall be appointed by the Department of Elections for Kent County, as provided by an Act of the General Assembly of the State of Delaware, entitled: "An Act Creating A Department of Elections For Kent County And Describing Its Powers and Duties", passed and approved in the year 1941; and all Election Officers of the respective election districts in Sussex County, shall be appointed by the Department of Elections for Sussex County, as provided by an Act of the General Assembly of the State of Delaware, entitled: "An Act Creating A Department of Elections For Sussex County And Describing Its Powers and Duties", passed and approved in the year 1941.

Section 3. That all acts or parts of acts, inconsistent with the provisions of, or any of the provisions of, this Act, are hereby changed and modified to conform to the provisions of

## INSPECTORS OF ELECTIONS

this Act or repealed to the extent of, and only to the extent of, any such inconsistency.

Section 4. That this Act shall not become effective until the first day of January, 1942.

Approved May 12, 1941.

## CHAPTER 129

## GENERAL ELECTIONS

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO GENERAL ELECTIONS, AND PROVIDING FOR TWO SEPARATE BALLOTS,—A PRESIDENTIAL AND VICE-PRESIDENTIAL BALLOT, AND A STATE, COUNTY AND DISTRICT BALLOT.

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

Section 1. That Chapter 60, of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 1811. Sec. 2. thereof, and inserting in lieu thereof a new section to be styled 1811. Sec. 2., as follows:

"1811. Sec. 2. Certificates of Nominations and Party Devices; What Device May Be Used; Two Parties May Not Adopt Same Device; Counter Claims For, How Decided; Death, Resignation Or Removal Of Candidate; Supplemental Certificates:—The Nominations of the Candidates for electors of President and Vice-President shall be certified to the Secretary of State by the Presiding Officer and Secretary of the several Party Conventions or Committees; and the nominations of the candidates for the office of United States Senator, Representative in Congress, Governor and other state offices, shall be certified to the several Clerks of the Peace by the Presiding Officer and Secretary of the several State Party Conventions or Committees; and the nominations of the candidates for the County, Hundred, and District offices, shall be certified to the respective Clerks of the Peace of the County in and for which such nominations have been made, by the Presiding Officer and Secretary of the proper Party Convention or Committee.

The certificates shall be in writing and, in each case, shall contain the name of each person nominated, his or her residence and the office for which he or she is nominated. The persons making such certificates shall add to their signatures their re-

## GENERAL ELECTIONS

spective places of residence and shall acknowledge such certificate, before an officer duly authorized to take acknowledgments of Deeds, and a certificate of such acknowledgment shall be fixed to the instrument.

The certificates shall also designate a title for the party which such Convention or Committee represents, together with any simple figure or device by which its lists of candidates may be designated on the ballot. The figure or title or device selected and designated by the State Conventions or Committee of any party shall be used by that party throughout the State. Only one figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than one party, and the party first certifying a name, title, figure or device to the Clerks of the Peace shall have prior right to use the same. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, or of this State, shall not be used as such figure or device.

In case of death, resignation or removal of any candidate subsequent to nomination, a supplemental certificate of nomination may be filed by the proper officers of the State, County, District or Hundred Committees.

In case of a division in any Party and claim by two or more factions to the same party name or title, figure or device, if the division occurs at a State Convention, or extends throughout the State, the Clerks of the Peace of the several Counties shall, within ten days after any one of them has received the certificates of the contending factions, assemble in the office of the Clerk of the Peace at Dover and determine to which faction the name, title or figure properly belongs, giving the preference to the Convention held at the time and place designated in the call of the regularly constituted party authorities; if, within five days after, the other faction shall present no other party name, or title, figure or device, and certify the same to the Clerks of the Peace, the latter shall again immediately assemble and se-

## GENERAL ELECTIONS

lect some suitable title, figure or device for said faction, and the name shall be placed above the list of its candidates on the ballots. If the certificate of the contending factions shall not be received by the Clerks of the Peace in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case each Clerk of the Peace shall determine for himself which faction shall be entitled to the name, title, figure or device, and shall select a name, title, figure or device for the other faction. In case of division in any party extending only throughout a County, District or Hundred, the Clerk of the Peace of the County in which such division occurs, upon the receipt of certificates from the contending factions, shall determine which faction is entitled to the party name, figure or device, and to have their nominations printed in the proper party column; and should the other faction fail to do so, the Clerk of the Peace shall select for them a name or title, figure or device.

There shall be two separate ballots, to-wit: a Presidential and Vice-Presidential Ballot and a State, County and District Ballot. The Clerks of the Peace for the several Counties shall cause to be printed on the Presidential and Vice-Presidential Ballot, herein provided for, the names of the candidates nominated for President and Vice-President by the parties recognized by them as political parties within the meaning of this Chapter; and the Clerks of the Peace for the several Counties shall cause to be printed on the State, County and District Ballot, herein provided for, the names of the candidates nominated for United States Senators, Representatives in Congress, Governor, and other State Officers, and for the County, Hundred and District Offices, by the Parties recognized by them as political parties within the meaning of this Chapter."

Section 2. That Chapter 60 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1812. Sec. 3. thereof, and inserting in lieu thereof a new section to be styled 1812. Sec. 3., as follows:



## GENERAL ELECTIONS

"1812. Sec. 3. Certificates of Nominations; Time of Filing; How Long Kept:—Certificates of nominations herein directed to be filed with the Secretary of State, or the Clerks of the Peace, as the case may be, shall be filed not less than twenty days before the day fixed by law for the election of the persons in nomination.

The Secretary of State, and the Clerks of the Peace, shall cause to be preserved in their respective offices all certificates of nomination filed under the provisions of this Chapter for six months after the date of filing thereof."

Section 3. That Chapter 60, of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1813. Sec. 4. thereof, and inserting in lieu thereof a new section to be styled 1813. Sec. 4., as follows:

1813. Sec. 4. Publication of Nominations; How Arranged; What Excluded:—At least ten days before a Presidential Election, the Secretary of State shall cause to be published in at least two newspapers within each County the nominations for electors of President and Vice-President certified to him as directed in 1811. Sec. 2. of this Chapter; and the Clerk of the Peace of each County, at least ten days before an election to fill any public office, shall cause to be published in at least two newspapers within his County the nominations to office certified to him as directed in 1811. Sec. 2. of this Chapter. The Secretary of State, and the Clerk of the Peace in each County, shall make no less than two publications in each of such newspapers before such election. Such publications shall be made in two newspapers representing the two principal political parties. In all cities where a daily newspaper is published, such notice shall also be published in two daily papers representing such political parties, if such there be. The lists of nominations published by the Secretary of State and by the respective Clerks of the Peace shall be arranged, so far as practicable, in the order and form in which they will be printed upon the ballots and shall designate the devices under which the lists of

## GENERAL ELECTIONS

candidates of each party will be printed. The Clerk of the Peace shall not include, in the publication to be made according to this Section, the name of any candidate, whose certificate of nomination shall have been filed in his office, who shall have notified him in writing duly signed and acknowledged that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed on the ballot, as hereinafter provided.

Section 4. That Chapter 60, of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1814. Sec. 5. thereof, and inserting in lieu thereof a new section to be styled 1814. Sec. 5., as follows:

"1814. Sec. 5. Ballots; Presidential and Vice-Presidential Ballot; State, County and District Ballot; Size; Form; Style; Color; Arrangement:—The Clerk of the Peace in each County, for each Presidential Election, shall cause the names of all candidates for President and Vice-President to be voted for in his County and the several Hundreds or Districts in the same, to be printed in parallel columns on a Ballot to be designated 'Presidential and Vice-Presidential Ballot',—nominations of any party for President and Vice-President being placed under the title and device of such party as designated, by its authorized agent or agents, in the certificate or certificates; or if none be designated, under some suitable title and device to be selected by the Clerk of the Peace.

The Clerk of the Peace in each County, for each General Election, shall cause the names of all candidates, other than candidates for President and Vice-President, to be voted for in the County and the several Hundreds or Districts in the same, to be printed in parallel columns on a ballot to be designated "State, County and District Ballot",—all such nominations of any party being placed under the title and device of such party as designated, by its authorized agent or agents, in the certificate or certificates; or if none be designated, under some suitable title or device to be selected by the Clerk of the Peace.

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The 'Presidential and Vice-Presidential Ballots' shall be of uniform size, and the 'State, County and District Ballots' shall be of uniform size. All ballots shall be of the same quality and color of paper and sufficiently thick that the printing cannot be distinguished from the back. The arrangement of the said ballots shall in general conform, as nearly as possible, to the plans of such ballots as hereinafter given; the device named and chosen and the lists of candidates, of the Democratic Party shall be placed in the first column on the left hand side of said ballot, of the Republican Party in the second column, and of any other party in such order as the Clerk of the Peace shall decide.

The Clerk of the Peace in each County shall cause the correct Representative District Number, for which the ballots provided for in this Chapter are to be used, to be plainly printed on the margin at the top of the ballot, as nearly as possible in the following form:

'Official Ballot for Representative District

Number.....'.

The Clerk of the Peace in each County shall cause the words 'Presidential and Vice-Presidential Ballot' to be plainly printed on the margin at the top of the 'Presidential and Vice-Presidential Ballot', immediately under the words, 'Official Ballot for Representative District—Number .....', and immediately under the words, 'Presidential and Vice-Presidential Ballot', the Clerk of the Peace in each County shall cause the words, 'A Vote for the candidate for President and Vice-President shall be a vote for the electors of such party, the names of whom are on file with the Secretary of State', to be plainly printed on the said 'Presidential and Vice-Presidential Ballot.' 'The Presidential and Vice-Presidential Ballot', shall in general conform, as nearly as possible, to the following plan:

GENERAL ELECTIONS

OFFICIAL BALLOT FOR REPRESENTATIVE DISTRICT

NUMBER.....

PRESIDENTIAL AND VICE-PRESIDENTIAL BALLOT.

A vote for the candidates for President and Vice-President shall be a vote for the electors of such party, the names of whom are on file with the Secretary of State.

<div style="border: 1px solid black; width: 150px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">Device</div>		<div style="border: 1px solid black; width: 150px; height: 100px; margin: 0 auto; text-align: center; line-height: 100px;">Device</div>	
DEMOCRATIC PARTY		REPUBLICAN PARTY	
	For President JOHN DOE		For President JOHN DOE
	For Vice-President JOHN DOE		For Vice-President JOHN DOE

## GENERAL ELECTIONS

The 'State, County and District Ballot' shall in general conform, as nearly as possible, to the following form:

OFFICIAL BALLOT FOR REPRESENTATIVE DISTRICT  
NUMBER.....

STATE, COUNTY AND DISTRICT BALLOT.

<div data-bbox="299 645 504 852" data-label="Image"> </div>	<div data-bbox="698 645 904 852" data-label="Image"> </div>
DEMOCRATIC PARTY	REPUBLICAN PARTY
<p>For Governor JOHN DOE</p>	<p>For Governor JOHN DOE</p>
<p>For Lieutenant Governor JOHN DOE</p>	<p>For Lieutenant Governor JOHN DOE</p>

## GENERAL ELECTIONS

Section 5. That Chapter 60 of the Revised Code of Delaware 1935, as amended by Chapter 118, Volume 42, Laws of Delaware, be and the same is hereby further amended, by adding at the end of 1817. Sec. 8 thereof, as amended as aforesaid, two additional paragraphs, as follows:

"The ballots authorized to be printed, in accordance with this section, for each general election, shall in general conform, as nearly as possible, to the form set forth in 1814. Sec. 5. of this Chapter, as the 'State, County and District Ballot'; and for each Presidential election, in addition to the form and number of ballots to be printed for each general election, as hereinbefore provided, there shall be printed and distributed, in addition, in the same manner, an equal number of ballots for each presidential year, which shall in general conform, as nearly as possible, to the form set forth in 1814. Sec. 5. of this Chapter, as the 'Presidential and Vice-Presidential Ballot'.

At every presidential election, all laws in reference to ballots and voting at general elections shall apply with equal force and effect to 'Presidential and Vice-Presidential Ballots' and to 'State, County and District Ballots', as provided for in this Act, and the said 'Presidential and Vice-Presidential Ballots' shall be printed, distributed, marked and voted, at presidential elections, in the same manner and at the same time as the said 'State, County and District Ballots', and placed in the same envelopes; and they shall be counted in the same manner, and at the same time, by the election officers, after the closing of the election; provided, however, that if any voter at any presidential election, as aforesaid, shall mark and vote and place in the envelope, provided therefor, as aforesaid, only one of the said official ballots, that is, one of the said 'Presidential and Vice-Presidential Ballots' and not at the same time one of the 'State, County and District' Ballots', or vice versa, then and in such event, such ballot marked, voted and contained in such envelope, as aforesaid, shall be counted, in the usual manner, for the candidates voted for on such ballot actually voted as aforesaid."

## GENERAL ELECTIONS

Section 6. That all acts or parts of acts inconsistent with the provisions of, or any of the provisions of, this Act, be and the same are hereby changed and modified to conform to the provisions of this Act, or repealed to the extent of, and only to the extent of, any such inconsistency; and in all cases in which any provision of this Act shall be found to be inconsistent with the provisions of any other law or act, such provision or provisions of this Act shall always prevail and be deemed to be the law.

Section 7. That this Act shall not become effective until the first day of January, 1942.

Approved May 12, 1941.

## CHAPTER 130

## GENERAL ELECTIONS

AN ACT TO FURTHER AMEND ARTICLE I OF CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO GENERAL ELECTIONS, AS AMENDED BY CHAPTER 118, VOLUME 42, LAWS OF DELAWARE, BY PROVIDING THAT THE LEVY COURT OF KENT COUNTY SHALL CAUSE ALL GENERAL ELECTION BALLOTS FOR KENT COUNTY TO BE PRINTED IN KENT COUNTY, AFTER AWARD TO THE LOWEST RESPONSIBLE BIDDER.

*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, as amended by Chapter 118, Volume 42, Laws of Delaware, be and the same is hereby further amended by adding at the end of 1817. Sec. 8, a new paragraph to be styled 1817. Sec. 8 (a) :

1817. Sec. 8. (a) The Clerk of the Peace of Kent County shall cause to be printed, under the direction of and upon award by the Levy Court of Kent County, all ballots for every General Election in the County, upon award by the said Levy Court, after duly advertised bids, to the lowest responsible bidder. Said ballots are to be printed in Kent County.

Approved May 7, 1941.



## CHAPTER 131

## GENERAL ELECTIONS

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO GENERAL ELECTIONS; BY CHANGING THE VOTING PLACE OF THE THIRD ELECTION DISTRICT OF THE SECOND REPRESENTATIVE DISTRICT OF SUSSEX COUNTY.

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

Section 1. That Chapter 60 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out of that Section of said Chapter designated "1826 Sec. 17" all of that sub-Section of said Section designated therein as "S.6.", fixing the boundaries and voting place of the Third Election District of the Second Representative District in Sussex County, and by substituting in lieu of said sub-Section a new sub-Section, which shall be designated as "S.6." to fix the boundaries and voting place of the Third Election District of the Second Representative District of Sussex County.

S.6. The Third Election District of the Second Representative District is all that portion of Northwest Fork Hundred bounded by a line beginning at Norton's Mill Stream in the boundary line between the Hundreds of Nanticoke and Northwest Fork; thence in a Westerly direction with the center line of the public road leading to Dale's Crossing; thence by the center line of the public road to Cocked Hat; thence by the center line of the public road to the farm of Oliver A. Newton to a road leading to Bridgeville; thence by the center line of said last-mentioned Road in a Northwesterly direction to the first new public concrete road on the right leading to Scott's Store, thence by the center line of said last mentioned new concrete road to Scott's Store; thence by the center line of said Road to Wooden Hawk; thence following the center line of said Road and crossing another road at Adams' Mills; thence by the center line of the road leading to Andersontown to the Maryland State Line; thence Northerly along said Maryland State

## GENERAL ELECTIONS

Line to the boundary line between the Counties of Kent and Sussex; thence Easterly along said last-mentioned boundary line to the boundary line between Northwest Fork Hundred and Nanticoke Hundred; thence Southerly by said last mentioned boundary line to Norton's Mill Stream, the point of beginning.

All persons entitled to vote in the Third Election District shall vote at the Fire Hall in the town of Greenwood or if the same be not available for that purpose, at a place to be provided by the Inspector of the said District, within the said District as near to said Fire Hall as possible.

Approved March 19, 1941.

# Corporations

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## CHAPTER 132

### CORPORATIONS

#### AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF DELAWARE RELATING TO CORPORATIONS.

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

Section 1. That Section 2 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2034 thereof, be and the same hereby is amended by adding thereto a new paragraph to be numbered "9." and reading as follows:

2034. 9. To co-operate with other corporations and with natural persons in the creation and maintenance of community funds or of charitable, philanthropic, benevolent or patriotic instrumentalities conducive to public welfare, and its directors or trustees may appropriate and expend for those purposes such sum or sums as they deem expedient and as in their judgment will benefit or contribute to the protection of the corporate interests.

Section 2. That Section 5 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2037 of said Code, be and the same is hereby amended by striking out paragraph numbered 1 thereof and inserting in lieu thereof the following:

2037. 1. The name of the corporation which name shall contain one of the words, "association", "company", "corporation", "club", "incorporated", "institute", "society", "union", "syndicate", or "limited", or one of the abbreviations, "co.",

## CORPORATIONS

"corp.", "inc.", or "ltd.", and shall be such as to distinguish it upon the records in the office of the Secretary of State from the names of other corporations organized under the laws of this State.

Section 3. That Section 5 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2037 of said Code, be and the same is hereby amended by striking out paragraph numbered 11 thereof and inserting in lieu thereof the following:

2037. 11. The Certificate of Incorporation may also contain provisions requiring for any corporate action the vote of a larger proportion of the stock or any class thereof than is required by this Chapter.

The term "Certificate of Incorporation" as used in this Chapter, unless the context shall otherwise require, shall include all certificates filed pursuant to Sections 6, 13, 25, 26, 27, 28, 59A or 77A of this Chapter, and any agreement of consolidation or merger filed pursuant to Sections 59, 59B, 59C or 77A of this Chapter.

Section 4. That Section 10 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2042 of said Code, be and the same is hereby amended by striking out all of said Section 10 and inserting in lieu thereof the following:

2042. Sec. 10. Officers; Failure to Elect Not to Dissolve Corporation; Vacancies;—Every corporation organized under this Chapter shall have a President, Secretary and Treasurer, who shall be chosen by the directors or stockholders, as the by-laws may direct; and shall hold their offices until their successors are chosen and qualified; the President shall be chosen from among the directors; the Secretary shall record all the proceedings of the meetings of the corporation and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; the Treasurer may be required to give

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bond in such sum and with such surety or sureties as shall be provided by the by-laws, for the faithful discharge of his duty.

Any two offices (but not more than two) may be held by the same person.

The corporation may have such other officers, agents and factors as may be deemed necessary, who shall be chosen in such manner and hold their offices for such terms as may be prescribed by the by-laws, or determined by the Board of Directors or other governing body, and may secure the fidelity of any or all of such officers by bond or otherwise; and may also provide by the by-laws for the qualification of any or all of such officers before any person authorized by law to administer an oath.

A failure to elect annually a President, Secretary, Treasurer or other officers shall not dissolve a corporation.

Any vacancy occurring in any office of the corporation by death, resignation, removal or otherwise, shall be filled in the manner provided for in the by-laws; in the absence of such provision, such vacancy shall be filled by the Board of Directors or other governing body.

A corporation not for profit, without capital stock, may elect such officers as the Certificate of Incorporation or by-laws thereof may specify, who shall exercise the respective duties ordinarily exercised by the President, Secretary, Treasurer and other officers commonly elected by a stock corporation.

Section 5. That Section 26 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2058 of said Code, be and the same is hereby amended by striking out all of the paragraph numbered 2 thereof and inserting in lieu thereof the following:

2058. 2. If the corporation has no capital stock, then the board of directors, managers, trustees, or the governing body

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thereof shall pass a resolution declaring that every addition, change or alteration is advisable, and if at a subsequent meeting, held not earlier than fifteen days and not later than thirty days from the meeting at which such resolution shall have been passed, two-thirds of the whole number of the said board of directors, managers, trustees, or the governing body, shall vote in favor of such amendment, addition, change or alteration, a certificate thereof shall be signed by the President or a Vice-President and Secretary or Assistant Secretary, (or by such officers as may be duly authorized to exercise the duties, respectively, ordinarily exercised by the President or Vice-President and Secretary or Assistant Secretary of a corporation), under the corporate seal, acknowledged by said President or Vice-President, (or by such officer as may be duly authorized to exercise the duties ordinarily exercised by a President or Vice-President as aforesaid) before any officer authorized by the laws of this State to take acknowledgment of deeds to be the act and deed and certificate of such corporation, and such certificate acknowledged as aforesaid, together with the assent of two-thirds of the whole number of the members of the said Board of Directors, managers, trustees, or governing body in writing, shall be filed in the office of the Secretary of State, and a copy thereof duly certified by the Secretary of State shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded; or, if the corporation shall have been created by a special public Act of the Legislature, then said certificate shall be recorded, as above provided, in the county where said corporation has its principal place of business, and upon so filing and recording the same, the Certificate of Incorporation shall be deemed to be amended accordingly. Provided, however, that the Certificate of Incorporation of any such corporation without capital stock may contain a provision requiring any amendment thereto to be approved by a specified number or percentage of the members or of any specified class of members of such corporation; in which event only one meeting of the board of directors, managers, trustees or the governing body thereof shall be necessary, and such proposed amendment shall be submitted to the members or to any specified class of members of such corporation with-

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out capital stock in the same manner, so far as applicable, as is provided in this Section for an amendment to the Certificate of Incorporation of a stock corporation; and in the event of the adoption thereof, a certificate evidencing such amendment shall be filed and recorded in the same form and manner, so far as applicable, as is provided in this Section for an amendment to the Certificate of Incorporation of a stock corporation.

Section 6. That Section 28 of Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2060 of said Code, be and the same is hereby amended by striking out the first two paragraphs of the said section and inserting in lieu thereof the following:

2060. Sec. 28. Reduction of Capital:—Any corporation organized under this Chapter may reduce its capital at any time (a) by the written consent of the holders of record of the total number of shares of the corporation having voting powers at the time outstanding or (b) by resolution of its board of directors supplemented by a resolution adopted by the holders of record of a majority of said shares at a meeting of the stockholders called for that purpose upon at least ten days' notice given in accordance with the by-laws of the corporation to said stockholders. Any preferred or special shares which have been called for redemption and the payment of the redemption price of which has been provided for shall not be deemed to be outstanding. A certificate stating the fact of such consent or the adoption of such resolution and specifying the manner in and the extent to which the capital of the corporation is to be reduced shall be made under the seal of the corporation and the hands of its President or a Vice-President and its Secretary or an Assistant Secretary and the President or such Vice-President shall acknowledge said certificate before an officer authorized by the laws of Delaware to take acknowledgments of deeds; and the certificate, so executed and acknowledged, shall be filed in the office of the Secretary of State and a certified copy thereof shall be recorded in the office of the Recorder of the County in which the original Certificate of Incorporation is recorded. Upon the completion of such filing and recording the capital of the

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corporation shall thereby be so reduced. No such reduction, however, shall be made in the capital of the corporation unless the assets of the corporation remaining after such reduction are sufficient to pay any debts, the payment of which shall not have been otherwise provided for and said certificate shall so state.

Such reduction of the capital of the corporation may be effected by retiring or reducing the outstanding shares of any class or by drawing the necessary number of outstanding shares of any class by lot for retirement, or by the exchange by the holders of outstanding shares of any class of the shares of such class held by them for a decreased number of shares of stock of the same or by a different class of stock, or by the exchange of shares having par value for shares having no par value, or of shares without par value for shares with par value, or by the exchange of shares having par value for an increased number of shares of lesser par value, or by the exchange of par value shares for shares without par value and/or par value shares of any class, or by the exchange of shares without par value for par value shares and/or shares without par value of any class, the effect of which is to work a reduction of capital, or by reducing (in conjunction with appropriate action under Section 26 of this Chapter) the par value of the shares of any class of stock having par value, or where the amount of capital represented by shares of stock having par value exceeds such par value, by reducing the amount of capital represented by such shares by an amount not greater than such excess, or by reducing the amount of capital represented by shares of stock having no par value, or, in case the capital shall have been increased by the transfer thereto from surplus pursuant to the provisions of Section 14 of this Chapter and the transfer shall not have been made in respect of any designated class or classes of stock, by retransferring to surplus all or any part of the amount by which capital shall have been so increased, or by the purchase of shares for retirement, either pro rata from all holders of shares of that class of stock or by purchasing such shares from time to time in the open market or at private sale in both cases at not exceeding such price or prices as may be fixed or



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approved by the stockholders entitled to vote upon the reduction of capital to be effected in that manner, or by retiring shares owned by the corporation. If such reduction of capital of the corporation be effected by retiring shares, then, if the consent or resolution of stockholders above referred to shall so provide, an amount not exceeding that part of the capital of the corporation represented by such shares may be charged against or paid out of the capital of the corporation in respect of such shares.

Section 7. That Section 38 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2070 of said Code, be and the same is hereby amended by striking out all of said Section 38 and inserting in lieu thereof the following:

2070. Sec. 38. Surrender of Corporate Rights Before Payment of Capital Stock:—Before the payment of any part of the capital and before beginning business for which the corporation was created, the incorporators named in any certificate of incorporation, or a majority of them, may surrender all their corporate rights and franchises, by filing in the office of the Secretary of State a certificate, verified by the oath or affirmation of a majority of the incorporators named in the certificate of incorporation, that no part of the capital has been paid and such business has not been begun, and surrendering all rights and franchises, and thereupon the said corporation shall be dissolved. A certified copy of such certificate shall be recorded in the county where the original certificate of incorporation shall have been recorded.

Section 8. That Section 39 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2071 of said Code, be and the same is hereby amended by striking out all of said Section 39 and inserting in lieu thereof the following:

2071. Sec. 39. Dissolution; Proceedings for:—If it should be deemed advisable, in the judgment of the Board of

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Directors, and most for the benefit of any corporation organized under this Chapter, that it should be dissolved, the said board, within ten days after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause notice of the adoption of such resolution to be mailed to each stockholder of record having voting power, and also cause a like notice to be inserted in a newspaper published in the county wherein the corporation shall have its principal office in the State of Delaware, at least three weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders having voting power, to be held at the office of the corporation, to take action upon the resolution so adopted by the Board of Directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may, by consent of a majority in interest of the stockholders present in person or by proxy, having voting power, be adjourned from time to time, for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders, having voting power, shall consent that a dissolution shall take place and signify their consent in writing, such consent, together with a list of the names and residences of the directors and officers, certified by the President or a Vice-President and the Secretary or an Assistant Secretary, and verified by oath of one of said officers, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the Secretary of State shall cause such certificate to be published in one issue in a newspaper published in the county wherein was situated the principal office in the State of Delaware of the dissolved corporation. The Secretary of State shall ascertain the charge for publishing the certificate of dissolution as aforesaid, and collect the amount from the corporation before the certificate of dissolution is issued, and upon the filing in the office of the Secretary of State of an affidavit of the manager or publisher

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of the said newspaper that said certificate has been published one time, in said newspaper, the corporation shall be dissolved.

Whenever all the stockholders, having voting power, shall consent in writing to a dissolution, no meeting of stockholders shall be necessary, but on filing such consent in the office of the Secretary of State, he shall, as above provided, issue a certificate of dissolution, which shall be published as above provided.

Whenever the Secretary of State issues a certificate of dissolution it shall be recorded in the office of the Recorder of the County in which the principal office of the corporation was maintained.

Section 9. That Section 40 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2072 of said Code, be and the same is hereby amended by striking out all of said Section 40 and inserting in lieu thereof the following:

2072. Sec. 40. Dissolution; Proceedings for When No Capital Stock:—Whenever it shall be desired to dissolve any corporation not for profit and having no capital stock, organized under this Chapter, the board of managers or other governing body, however named, having in charge the administration of the business or affairs of such corporation, shall exercise, assume and fulfill all of the functions, rights, privileges and duties, looking toward, involved in or concerned with the dissolution of such corporation, which are hereinabove in like cases imposed or conferred upon the Board of Directors of a corporation having capital stock in and upon its dissolution; and the members of such corporation not for profit and having no capital stock entitled by its certificate of incorporation, its by-laws, or by its conditions of membership or otherwise, to vote for the election of members of its board of managers or other controlling or managing body, or upon any of the affairs or concerns of such corporation, shall exercise, assume and fulfill all of the functions, rights, privileges and duties looking toward, involved in or concerned with the dissolution of such

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corporation, which are hereinabove, in like case, imposed or conferred upon the stockholders of a corporation having capital stock, in and upon its dissolution. In all other respects, the method and proceedings for the dissolution of a corporation not for profit or having no capital stock shall conform, so near as may be to the method and proceedings hereinabove prescribed for the dissolution of corporations having capital stock, and in the dissolution of any corporation not for profit and having no capital stock the certificate to be filed in the office of the Secretary of State may be executed by the President or Vice-President and the Secretary or Assistant Secretary, or by such officers as are duly authorized to exercise the duties, respectively, ordinarily exercised by the President, Vice-President, Secretary or Assistant Secretary of a stock corporation.

Section 10. That Section 41 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2073 of said Code, be and the same is hereby amended by striking out all of said Section 41 and inserting in lieu thereof the following:

2073. Sec. 41. Franchise Taxes To Be Paid:—No corporation shall be dissolved under the provisions of this Chapter until all franchise taxes due to or assessable by the State have been paid by said corporation.

Section 11. That Section 42 of said Chapter 65 of the Revised Code of Delaware, 1935, being Section 2074 of said Code, be and the same is hereby amended by striking out all of said Section 42 and inserting in lieu thereof the following:

2074. Sec. 42. Continuation of Corporation After Dissolution for Purposes of Suit, Etc.:—All corporations, whether they expire by their own limitation, or are otherwise dissolved, shall nevertheless be continued for the term of three years from such expiration or dissolution bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their business, to dispose of and convey their property, and to divide their capital

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stock but not for the purpose of continuing the business for which said corporation shall have been established; provided, however, that with respect to any action, suit, or proceeding begun or commenced by or against the corporation prior to such expiration or dissolution and with respect to any action, suit or proceeding begun or commenced by or against the corporation within three years after the date of such expiration or dissolution, such corporation shall only for the purpose of such actions, suits or proceedings so begun or commenced be continued bodies corporate beyond said three-year period and until any judgments, orders, or decrees therein shall be fully executed.

Section 12. That Section 59 of Chapter 65 of the Revised Code of the State of Delaware, being Section 2091 of said Code, be and the same is hereby amended by striking out the first three paragraphs thereof and inserting in lieu thereof the following:

2091. Sec. 59. Consolidation or Merger; Proceedings for:—Any two or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, for the purpose of carrying on any kind of business, may consolidate or merge into a single corporation which may be any one of said constituent corporations or a new corporation to be formed by means of such consolidation or merger as shall be specified in the agreement hereinafter required; the directors, or a majority of them, of such corporations as desire to consolidate or merge, may enter into an agreement signed by them and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation or merger, the mode of carrying the same into effect, and stating such other facts required or permitted by the provisions of this Chapter to be set out in Certificates of Incorporation, as can be stated in the case of a consolidation or merger, stated in such altered form as the circumstances of the case require, as well as the manner of converting the shares of each of the constituent corporations into shares or other securities of the corporation resulting from or surviving such consolidation or

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merger, with such other details and provisions as are deemed necessary.

Said agreement shall be submitted, to the stockholders of each constituent corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the county wherein each such corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known postoffice address of each stockholder of each such corporation, at least twenty days prior to the date of such meeting, and at said meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if the votes of stockholders of each such corporation representing two-thirds of the total number of shares of its capital stock shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the Secretary or Assistant Secretary of each such corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the President or Vice-President and Secretary or Assistant Secretary of each of such corporations under the corporate seals thereof and acknowledged by the President or Vice-President of each such corporations before any officer authorized by the laws of this State to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and shall thence be taken and deemed to be the agreement, and act of consolidation or merger of the said corporations; and a copy of said agreement and act of consolidation or merger, duly certified by the Secretary of State under the seal of his office, shall also be recorded in the offices of the Records of the Counties of this State in which the respective corporations so consolidating or merging shall have their original Certificates of Incorporation recorded, or if any of the corporations shall have been specially created by a public Act of the Legis-

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lature, then said agreement shall be recorded in the county where such corporation shall have had its principal place of business, and such record, or a certified copy thereof, shall be evidence of the agreement and act of consolidation or merger of said corporations, and of the observance and performance of all acts and conditions necessary to have been observed and performed precedent to such consolidation or merger.

Any one or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more other corporations organized under the laws of any other State or States of the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger. The constituent corporations may merge into a single corporation, which may be any one of said constituent corporations, or they may consolidate to form a new corporation, which may be a corporation of the State of incorporation of any one of said constituent corporations as shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares or other securities of the corporation resulting from or surviving such consolidation or merger and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the Laws of the State, which are stated in said agreement to be the laws that shall govern said resulting or surviving corporation and that can be stated in the case of a consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and, in the case of a Delaware corporation, in the manner provided in the two immediately preceding paragraphs. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary

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of State and said agreement shall thence forth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this State. A copy of said agreement, duly certified by the Secretary of State under the seal of his office, shall also be recorded as provided in this Section with respect to the consolidation or merger of corporations of this State.

Section 13. That Chapter 65 of the Revised Code of the State of Delaware, as amended by Chapter 131 of Volume 41 Laws of Delaware, known as Code Section 2091B, be and the same is hereby amended by striking out Section 59B of the said chapter, as so amended, and inserting in lieu thereof the following:

2091B. Sec. 59B. Merger and Consolidation of Joint Stock and Other Associations and Corporations; Proceedings for;—The term "joint-stock association," as used herein, shall include any association of the kind commonly known as joint-stock association or joint-stock company and any unincorporated association, trust or enterprise having outstanding shares of stock or other evidences of financial or beneficial interest therein, whether formed by agreement or under statutory authority or otherwise, but does not include a corporation. The term "stockholder" includes every member of such joint-stock association or holder of a share of stock or other evidence of financial or beneficial interest therein.

Any one or more corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more joint-stock associations, except a joint-stock association formed under the laws of a State which forbids such consolidation or merger. Such corporation or corporations and such one or more joint-stock associations may merge into a single corporation which may be any one of such corporations, or they may consolidate to form a new Corporation which shall be a corporation of this State. All of such corporations and such joint-stock association or joint-stock associations shall enter into an agreement in writing which



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shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said corporations and of the stock or shares of each of said joint-stock associations or financial or beneficial interests therein into shares or other securities of the corporation resulting from or surviving such consolidation or merger and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the laws of this State and that can be stated in the case of such consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said corporations in the manner provided in the first two paragraphs of Section 59 of this Chapter, and in the case of said joint-stock associations in accordance with their Articles of Association or other instrument containing the provisions by which they are organized or regulated or in accordance with the laws of the State under which they are formed, as the case may be. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and said agreement shall henceforth be taken and deemed to be the agreement and act of consolidation or merger of said corporation or corporations and of said joint-stock association or joint-stock associations, for all purposes of the laws of this State. A copy of said agreement duly certified by the Secretary of State under the seal of his office shall also be recorded as provided in Section 59 of this Chapter with respect to the consolidation or merger of corporations of this State.

The provisions of Section 60, 61, 62, 63 and 64 of this Chapter shall, in so far as they are applicable, apply to mergers and consolidations between corporations and joint-stock associations, the word "corporation", where applicable, as used therein being deemed to include joint-stock, associations as defined herein; provided that the personal liability, if any, of any stockholder of a joint-stock association existing at the time of such merger or consolidation shall not thereby be extinguished, shall remain personal to such stockholder and shall not become the liability

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of any subsequent transferee of any share of stock in such merged or consolidated corporation or of any other stockholder of such merged or consolidated corporation.

Sec. 14. That Chapter 65 of the Revised Code of the State of Delaware of 1935, be, and the same is hereby amended by adding thereto a new Section to be known as Code Section 2091C, Section 59C, as follows:

2091C. Sec. 59C. Consolidation or Merger of Non-Stock, Non-Profit Corporations; Proceedings for:—Any two or more non-stock, non-profit corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge into a single corporation which may be any one of said constituent corporations or a new non-stock, non-profit corporation to be formed by means of such consolidation or merger as shall be specified in the agreement hereinafter required; the members of the governing body, however called, or a majority of them, of such corporations as desire to consolidate or merge, may enter into an agreement signed by them and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation or merger, the mode of carrying the same into effect, and stating such other facts required or permitted by the provisions of this Chapter to be set out in certificates of incorporation for non-stock, non-profit corporations, as can be stated in the case of a consolidation or merger, stated in such altered form as the circumstances of the case require, as well as the manner of converting the memberships of each of the constituent corporations into memberships of the corporation resulting from or surviving such consolidation or merger, with such other details and provisions as are deemed necessary.

Said agreement shall be submitted to the members of each constituent corporation who have the right to vote for the election of the members of the governing body of their corporation, at a meeting thereof, called separately for the purpose of taking the same into consideration; of the time, place and object of the meeting, due notice shall be given by publication at least once a week for four successive weeks in one or more news-

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papers published in the county wherein each such corporation either has its principal office or conducts its business, and a copy of such notice shall be mailed to the last known post office address of each member of each such corporation who has the right to vote for the election of the members of the governing body of his corporation at least twenty days prior to the date of such meeting, and at such meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each member who has the right to vote for the election of the members of the governing body of his corporation being entitled to one vote; and— if the votes of two-thirds of the total number of members of each such corporation who have the voting power above mentioned shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the officer of such corporation performing the duties ordinarily performed by the secretary or assistant secretary of a corporation, under the seal of each such corporation; and the agreement so adopted and certified shall be signed by the officers of each of such corporations performing the duties ordinarily performed by the president or vice president and secretary or assistant secretary of a corporation, under the corporate seals thereof and acknowledged by the officer of each such corporation performing the duties ordinarily performed by the president or vice-president of a corporation before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the respective act, deed, and agreement of each of said corporations, and the agreement so certified and acknowledged shall be filed in the office of the Secretary of State, and shall thence be taken and deemed to be the agreement and act of consolidation or merger of the said corporations; and a copy of said agreement and act of consolidation or merger, duly certified by the Secretary of State under the seal of his office, shall also be recorded in the offices of the Records of the counties of this State in which the respective corporations so consolidating or merging shall have their original certificates of incorporation recorded, or if any of the corporations shall have been specially created by public Act of the Legislature, then said agreement shall be recorded in the county where such corporation shall have its principal place of busi-

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ness, and such record, or a certified copy thereof, shall be evidence of the agreement and act of consolidation or merger of said corporations, and of the observance and performance of all acts and conditions necessary to have been observed and performed preceding such consolidation or merger. If, under the provisions of the Certificate of Incorporation of any one or more of the constituent corporations, there shall be no members who have the right to vote for the election of the members of the governing body of the corporation other than the members of that body themselves, the said agreement duly entered into as provided in the first paragraph of this section shall be submitted to the members of the governing body of such corporation or corporations, at a meeting thereof, called separately for that purpose; notice of said meeting shall be published and mailed to the members of said governing body in the same manner as is provided in the case of a meeting of the members of a corporation. If at said meeting two-thirds of the total number of members of said governing body shall vote by ballot, in person, for the adoption of the said agreement, that fact shall be certified on said agreement in the same manner as is provided in the case of the adoption of the agreement by the vote of the members of a corporation and thereafter the same procedure shall be followed to consummate the consolidation or merger.

Any one or more non-stock, non-profit corporations organized under the provisions of this Chapter, or existing under the laws of this State, may consolidate or merge with one or more other non-stock, non-profit corporations, organized under the laws of any other state or states in the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger. The constituent corporations may merge into a single corporation, which may be any one of said constituent corporations, or they may consolidate to form a new non-stock, non-profit corporation, which may be a corporation of the state of incorporation of any one of said constituent corporations as shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger,

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the mode of carrying the same into effect, the manner of converting the memberships of each of said constituent corporations into memberships of the corporation resulting from or surviving such consolidation or merger, and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the laws of the State, which are stated in said agreement to be the laws that shall govern said resulting or surviving corporation and that can be stated in the case of a consolidation or merger. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and, in the case of a Delaware corporation, in the manner provided in the two immediately preceding paragraphs. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and said agreement shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this State. A copy of said agreement, duly certified by the Secretary of State under the seal of his office, shall also be recorded as provided in this Section with respect to the consolidation or merger of corporations of this State.

If the corporation resulting or surviving such consolidation or merger is to be governed by the Laws of any State other than the laws of this State, it shall agree that it may be served with process in this State in any proceeding for enforcement of any obligation of any constituent corporation of this State, and shall irrevocably appoint the Secretary of State as its agent to accept service of process in an action for the enforcement of payment of any such obligation and shall specify the address to which a copy of such process shall be mailed by the Secretary of State. Service of such process shall be made by personally delivering to and leaving with the Secretary of State duplicate copies of such process. The Secretary of State shall forthwith send by registered mail one of such copies to such resulting or surviving corporation at its address so specified, unless such re-

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sulting or surviving corporation shall thereafter have designated in writing to the Secretary of State a different address for such purpose, in which case it shall be mailed to the last address so designated.

Section 15. That Section 60 of Chapter 65 of the Revised Code of the State of Delaware, being Section 2092 of said Code, be and the same is hereby amended by striking out all of said Section 60 and inserting in lieu thereof the following:

2092. Sec. 60. Consolidation or Merger; Status of Old and New Corporations:—When an agreement shall have been signed, acknowledged, filed and recorded, as in Section 59, Section 59B, or in Section 59C of this Chapter is required, for all purposes of the laws of this State the separate existence of all the constituent corporations, parties to said agreement, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated or merged, and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due to any of said constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the resulting or surviving corporation as they were of the several and respective constituent corporations, and the title to any real estate vested by deed or otherwise, under the laws of this State, in any of such constituent corporations, shall not revert or be in any way impaired by reason of this Chapter; provided, how-

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ever, that all rights of creditors and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thence forth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Section 16. That Section 61 of Chapter 65 of the Revised Code of the State of Delaware, being Section 2093 of said Code, be and the same is hereby amended by adding at the end of said Section 61 the following:

2093. Sec. 61. "The cost of any such appraisal, including a reasonable fee to each of the appraisers, may on application of any party in interest be determined by the Chancellor and taxed upon the parties to such appraisal, or either or both of them, as may appear to be equitable."

Section 17. That Section 64 of said Chapter 65 of the Revised Code of the State of Delaware, being Section 2096 of said Code, be, and the same is hereby amended by striking out all of said Section 64 and inserting in lieu thereof the following:

2096. Sec. 64. Powers of Corporation Resulting from or surviving Consolidation or Merger:—When two or more corporations are consolidated or merged, the corporation resulting from or surviving such consolidation or merger shall have power and authority to issue bonds or other obligations, negotiable or otherwise, and with or without coupons or interest certificates thereto attached, to an amount sufficient with its capital stock to provide for all the payments it will be required to make, or obligations it will be required to assume, in order to effect such consolidation or merger; to secure the payment of which bonds and obligations it shall be lawful to mortgage its corporate franchise, rights, privileges and property, real, personal or mixed; and may issue certificates of its capital stock and other securities to the stockholders of such constituent corporations

## CORPORATIONS

in exchange or payment for the original shares, in such amount as shall be necessary in accordance with the terms of agreement of consolidation or merger in order to effect such consolidation or merger in the manner and on the terms specified in such agreement.

Section 18. That Chapter 65 of the Revised Code of the State of Delaware of 1935, as amended by Chapter 131 of Volume 41 Laws of Delaware, known as Code Section 2109A, Section 77A, be and the same is hereby amended by striking out paragraph numbered 1 of Section 77A of the said Chapter 65 as amended, and inserting in lieu thereof the following:

2109A. Sec. 77A. Plan of Reorganization Under the Laws of The United States, Execution of, Filing Certificates:—(1) Any corporation now or hereafter organized under this Chapter or existing under the laws of this State, a plan of reorganization of which, pursuant to the provisions of any applicable statute of the United States, as now existing or hereafter enacted, relating to reorganizations of corporations, has been or shall be confirmed by the decree or order of a court of competent jurisdiction, shall have full power and authority to put into effect and carry out the plan and the decrees and orders of the court or judge relative thereto and may take any proceeding and do any act provided in the plan or directed by such decrees and orders, without further action by its directors or stockholders. Such power and authority may be exercised, and such proceedings and acts may be taken, as may be directed by such decrees or orders, by the trustee or trustees of such corporation appointed in the reorganization proceedings (or a majority thereof), or if none be appointed and acting, by designated officers of the corporation, or by a master or other representative appointed by the court or judge, with like effect as if exercised and taken by unanimous action of the directors and stockholders of the corporation.

Section 19. That Section 86 of said Chapter 65 of the Revised Code of the State of Delaware of 1935, being Section 2118 of said Code, be and the same is hereby amended by strik-



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ing out all of said Section 86 and inserting in lieu thereof the following:

2118. Sec. 86. Use of Word "Trust" in Advertisement or Sign, Regulated; Violation a Misdemeanor; Penalty:—No person, firm, association of persons, or corporation now existing or hereafter created under the Laws of Delaware, except only corporations reporting to and under the supervision of the State Bank Commissioner of the State, shall advertise or put forth any sign as a Trust Company, or in any way solicit or receive deposits or transact business as a Trust Company, or use the word "Trust", as a part of his, their or its name; and any violation hereof shall constitute a misdemeanor and on conviction thereof the offender shall be fined in a sum not exceeding Five Hundred Dollars for each offense; provided, that nothing herein contained shall be construed to prevent any individual, as such, from acting in any trust capacity, as now allowed by law; and provided further, that the prohibition contained in this and the two preceding sections against the use of the word "trust" in the corporate name of any corporation created by or existing under the General Corporation Law of this State shall not apply to any such corporation which has, from a date prior to January 1, 1941, been continuously and actively engaged in any business, other than the business of selling stock or other intangible property represented as securities or investments, under a name including the word "Trust" as a part of its corporate name, but nothing herein contained shall permit any such corporation to engage in any banking or trust company business, as such business is defined in the banking laws of this State.

Approved April 9, 1941.

## CHAPTER 138

## CORPORATIONS

## FEE TO BE CHARGED FOR COPIES OF THE GENERAL CORPORATION LAW CHANGED.

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO CORPORATIONS BY CHANGING THE FEE TO BE CHARGED FOR COPIES OF THE GENERAL CORPORATION LAW FROM TEN CENTS TO AN AMOUNT NOT EXCEEDING THE COSTS OF PRINTING SUCH COPY.

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

Section 1. That Chapter 65 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of 2256. Sec. 224. thereof and inserting in lieu thereof the following:

2256. Sec. 224. Authorized Publication of Corporation Law; Distribution:—The Secretary of State be and he is hereby authorized to have printed from time to time as he shall deem necessary, pamphlet copies of the General Corporation Law of the State of Delaware, and he shall dispose of said copies to persons and corporations desiring the same for a sum not exceeding the costs of printing such copy. The money received from the sale of said copies shall be disposed of as other fees of the office of the Secretary of State. Nothing in this section shall prevent the free distribution of single pamphlet copies of said Law by the Secretary of State, for the printing of which provision is made from time to time by joint resolution of the General Assembly.

Approved February 21, 1941.

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ing out all of said Section 86 and inserting in lieu thereof the following:

2118. Sec. 86. Use of Word "Trust" in Advertisement or Sign, Regulated; Violation a Misdemeanor; Penalty:—No person, firm, association of persons, or corporation now existing or hereafter created under the Laws of Delaware, except only corporations reporting to and under the supervision of the State Bank Commissioner of the State, shall advertise or put forth any sign as a Trust Company, or in any way solicit or receive deposits or transact business as a Trust Company, or use the word "Trust", as a part of his, their or its name; and any violation hereof shall constitute a misdemeanor and on conviction thereof the offender shall be fined in a sum not exceeding Five Hundred Dollars for each offense; provided, that nothing herein contained shall be construed to prevent any individual, as such, from acting in any trust capacity, as now allowed by law; and provided further, that the prohibition contained in this and the two preceding sections against the use of the word "trust" in the corporate name of any corporation created by or existing under the General Corporation Law of this State shall not apply to any such corporation which has, from a date prior to January 1, 1941, been continuously and actively engaged in any business, other than the business of selling stock or other intangible property represented as securities or investments, under a name including the word "Trust" as a part of its corporate name, but nothing herein contained shall permit any such corporation to engage in any banking or trust company business, as such business is defined in the banking laws of this State.

Approved April 9, 1941.

## CHAPTER 133

## CORPORATIONS

## FEE TO BE CHARGED FOR COPIES OF THE GENERAL CORPORATION LAW CHANGED.

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO CORPORATIONS BY CHANGING THE FEE TO BE CHARGED FOR COPIES OF THE GENERAL CORPORATION LAW FROM TEN CENTS TO AN AMOUNT NOT EXCEEDING THE COSTS OF PRINTING SUCH COPY.

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

Section 1. That Chapter 65 of the Revised Code of Delaware, 1935, be and the same is hereby amended by repealing and striking out all of 2256. Sec. 224. thereof and inserting in lieu thereof the following:

2256. Sec. 224. Authorized Publication of Corporation Law; Distribution:—The Secretary of State be and he is hereby authorized to have printed from time to time as he shall deem necessary, pamphlet copies of the General Corporation Law of the State of Delaware, and he shall dispose of said copies to persons and corporations desiring the same for a sum not exceeding the costs of printing such copy. The money received from the sale of said copies shall be disposed of as other fees of the office of the Secretary of State. Nothing in this section shall prevent the free distribution of single pamphlet copies of said Law by the Secretary of State, for the printing of which provision is made from time to time by joint resolution of the General Assembly.

Approved February 21, 1941.

CHAPTER 134

BANKS SAVINGS SOCIETIES AND TRUST COMPANIES  
SALARY OF STATE BANK COMMISSIONER

AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE OF  
DELAWARE, 1935, RELATING TO THE SALARY OF THE  
STATE BANK COMMISSIONER.

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

Section 1. That 2274. Sec. 17, Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the fourth sentence of said section, and by substituting in lieu thereof, the following, as the fourth sentence of said section:—

He shall receive in full compensation for his services, an annual salary of five thousand dollars, payable monthly.

Approved May 6, 1941.

## CHAPTER 135

## THE BANK COMMISSIONER AND HIS ASSISTANTS

## AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE OFFICE OF STATE BANK COMMISSIONER AND HIS ASSISTANTS.

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

SECTION I. That 2275. Sec. 18, Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby repealed and a new Section substituted in lieu thereof, as follows:—

2275. Sec. 18. The said State Bank Commissioner shall have power to appoint two deputies and to employ such examiners, clerks and other assistants as shall be necessary for the making of examinations of and giving adequate supervision over the corporations under his jurisdiction and lending such aid and counsel to the officers and directors of said corporations as the situation or the circumstances may require, and in general, for the proper conduct of the affairs of the office and to discharge in a proper manner the duties imposed upon him by law. The tenure, duties and compensation of the persons so appointed or employed shall be determined by the said Commissioner.

PROVIDED, however, that the Commissioner shall not increase his force beyond two deputies, three examiners, two clerks and a stenographer; and, provided further, that the salaries or compensation of the several appointees or employees under this Section shall be fixed by the said Commissioner. The Deputy Commissioners shall give bonds to the State in the sum of Twenty-five Thousand Dollars each, and each of the examiners shall give bond to the State in the sum of Ten Thousand Dollars, for the faithful performance of their respective duties, provided that the Commissioner may, in his discretion, require bonds of such other appointees as he may deem necessary for the faithful performance of their respective duties. The said bonds shall be filed in the office of the Secretary of State. In

## THE BANK COMMISSIONER AND HIS ASSISTANTS

the event of the removal, resignation, death or disability of any person so appointed or employed, the vacancy may be filled by the Commissioner.

SECTION II. That 2277. Sec. 20, Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby repealed and a new Section substituted in lieu thereof, as follows:—

2277. Sec. 20. The principal office of the said State Bank Commissioner shall be in the State House at Dover. The necessary expenses of said office, the costs of the bonds required to be given by the said Commissioner and his appointees, the salaries or compensation of the said Commissioner, his deputies and other appointees, and the necessary expenses incurred by them in the performance of their respective duties shall be paid by the State Treasurer when and as vouchers therefor are presented to him by the said Commissioner. The said Commissioner shall render an account monthly to the State Auditor of all taxes and charges received by him and shall pay the amount thereof to the State Treasurer.

Approved February 26, 1941.

## CHAPTER 136

## BUILDING AND LOAN ASSOCIATIONS

AN ACT AMENDING CHAPTER 66 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO BUILDING AND LOAN ASSOCIATIONS BY DEFINING CLASSES OF STOCK, RATES OF DIVIDENDS, DEFINING MEMBERS AND EXEMPTING FROM ATTACHMENT LAWS.

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

Sec. 1. That Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 2338, Sec. 81 of said chapter and inserting in lieu thereof the following:

"2338. Sec. 81. PREMIUMS DEFINED; FINES DEFINED; MEMBERSHIP FEES DEFINED; CLASSES OF STOCK DEFINED; RATES OF DIVIDENDS ON STOCK; MEMBERS DEFINED; EXEMPTING FROM ATTACHMENT LAWS:—Premiums, when used in this Article, shall be taken to mean a sum paid by the borrower over and above the legal rate of interest charges for any loan. Fines, when used in this Article, shall be taken to mean a penalty imposed for the non-payment of dues and interest when due. Membership fees, when used in this Article, shall be taken to mean a fee to be paid by the stockholder upon subscribing for shares of stock.

Serial Plan, when used in this Article, refers to the charter, constitution, by-laws, declaration of trust, contract, agreement or other device authorizing the issuance of serial stock in either quarterly, semi-annual or annual series and which requires members or customers to pay regular installments to a common fund or series, from which fund or series loans are made to said members, customers, or to others, and which contemplates maturity of said series by adding together the amount paid in by members and profits earned.

Full Paid Plan when used in this Article, refers to the



## BUILDING AND LOAN ASSOCIATIONS

charter, constitution, by-laws, declaration of trust, contract, agreement, or other device authorizing the issuance of Full Paid Stock in either installments or otherwise, or any other evidence of money paid to or deposited with a building and loan association, and which may or may not have a definite maturity, but may be withdrawn upon required notice served by the member, and upon which the association may declare periodical dividends.

Every building and loan association doing business in this State may provide in its by-laws a schedule of varying rates of dividends for different classes of shares of stock; and different types of shares within any class; but where serial shares are issued no other class of shares shall receive dividends at a higher rate than eighty per cent, nor less than fifty per cent of the rate distributed to serial share holders.

All shareholders of record and all borrowers from the association shall be members thereof. A borrowing member obligated upon a real estate loan shall remain a member of the association, even though he shall have transferred the real estate security subject to real estate loan so long as such borrowing member remains obligated upon the real estate loan.

Every building and loan association doing business in this State may operate under the Serial Plan, Full Paid Plan or partially under the Serial Plan and partially under the Full Paid Plan.

No building and loan association authorized to do business under the laws of this State shall be subject to the operations of the Attachment Laws of the State of Delaware, as provided in the case of individuals.

Whenever used in this Article, the term Building and Loan Association shall be construed to mean any corporation, person, firm, partnership, association, trustee or combination of persons whatsoever, within the purview of this Article."

Approved April 17, 1941.

## CHAPTER 137

## BUILDING AND LOAN ASSOCIATIONS

AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE POWER OF BUILDING AND LOAN ASSOCIATIONS TO MAKE DIRECT-REDUCTION LOANS ON REAL ESTATE.

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

SECTION 1. That 2340. Section 83, Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 2340. Section 83, a new and additional paragraph as follows:

Building and loan associations heretofore or hereafter incorporated under the Laws of this State may make direct-reduction loans upon bonds and mortgages against real estate located in this State. A direct-reduction loan shall mean a loan repayable in consecutive monthly installments, equal or unequal, beginning not later than sixty days after the date of the advance of the loan, sufficient to retire the debt, interest and principal within twenty years; PROVIDED, HOWEVER, that in the case of construction loans, the first payment shall not be later than six months after the date of the first advance.

Approved April 16, 1941.

CHAPTER 138

POWERS OF STATE BANKS AND TRUST COMPANIES TO  
LEND MONEY SECURED BY LIENS ON LAND  
OUTSIDE OF STATE OF DELAWARE.

AN ACT TO REPEAL 2386. SEC. 129. ARTICLE 9, CHAPTER 66, OF  
THE REVISED CODE OF DELAWARE, 1935, RELATING TO  
THE POWER OF STATE BANKS AND TRUST COMPANIES  
TO LEND MONEY SECURED BY LIENS ON LAND OUTSIDE  
OF THIS STATE.

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

SECTION I. That 2386. Sec. 129. Article 9, of Chapter 66  
of the Revised Code of Delaware, 1935, be and the same is here-  
by repealed.

Approved March 6, 1941.

## CHAPTER 139

BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES  
RESERVES

AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO "BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES", IN REFERENCE TO RESERVES.

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

Section 1. That Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 2298. Sec. 41. thereof, and inserting in lieu thereof a new Section, to be styled 2298. Sec. 41. as follows:

2298. Sec. 41. Reserves Must Be Maintained; Of What To Consist:—Demand deposits as used in this Section shall mean all deposits payable within thirty days; and time deposits shall comprise all deposits payable after thirty days, all savings accounts and certificates of deposit which are subject to not less than thirty days' notice before payment, and all Postal Savings deposits.

Every bank, banking association, trust company, savings bank or savings society shall maintain liquid reserves as follows:

(a) Ten per centum of the aggregate of its demand deposits. Such reserve may consist either of lawful money of the United States, gold certificates, silver certificates or notes and bills issued by any lawfully organized National banking association, Federal Reserve Bank notes or of money on deposit subject to call in any bank or trust company in this State having a capital of at least One Hundred Thousand Dollars and a surplus of at least One Hundred Thousand Dollars, and approved by the State Bank Commissioner, or in any bank or trust company, or with any individual banker or firm of bankers, approved by the said State Bank Commissioner, doing business

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either in the City of Philadelphia, the City of New York, or the City of Baltimore.

(b) Five per centum of the aggregate of its time deposits. Such reserve may consist of money on deposit subject to call in any of the depositories hereinbefore specified with regard to demand deposit reserves, or of lawful money of the United States, gold certificates, silver certificates, or notes and bills issued by a lawfully organized National banking association, or Federal Reserve Bank notes.

The State Bank Commissioner is hereby authorized and empowered in addition to all other powers, whenever in his judgment circumstances warrant it, to increase or decrease reserve requirements by general rule or regulation applicable to all banks over which he shall have jurisdiction; provided such requirements shall not at any time be reduced below the amounts above set forth; and provided further that such requirements shall not exceed the reserve requirements of the Federal Reserve Bank in this district applicable to member banks in this State.

No money received in a fiduciary capacity, whether as executor, administrator, guardian, trustee or otherwise shall be carried or counted as a part of the reserves above required.

The State Bank Commissioner may upon application by any bank, trust company, or savings bank or savings society, if he shall deem it advisable so to do give such applicant written permission to make up one-half of its reserve in bonds or other obligations of the United States owned absolutely by such applicant and unencumbered and unpledged, counting such bonds or other obligations at ninety per centum of their market value.

If the reserve of any corporation comprehended by this Section shall be less than prescribed by this Section, such corporation shall not make any new loans or discounts, other than discounting bills of exchange payable on sight, or declare or pay any dividends until the full amount of its reserve shall have been restored.

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RESERVES**

Upon failure of any such corporation to make good its reserve within thirty days after notice from the State Bank Commissioner, the said Commissioner may treat such corporation as in an unsound condition and may proceed against it accordingly.

Approved April 17, 1941.

## CHAPTER 140

## ARTISANS' SAVINGS BANK

AN ACT TO FURTHER AMEND AN ACT ENTITLED, "AN ACT TO RENEW THE ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK AND THE ACTS SUPPLEMENTARY THERETO", AND PROVIDING FOR ONE OR MORE VICE-PRESIDENTS.

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

Section 1. That Section 2 of the Act entitled, "An Act to Incorporate the Artisans' Savings Bank", passed at Dover on the 28th day of February, A. D. 1861, as heretofore amended and heretofore renewed by the Act of General Assembly, approved February 12, A. D. 1901, and heretofore amended and heretofore renewed by the Act of General Assembly, approved March 11, A. D. 1909, be and the same is hereby further amended by striking out the words "first Vice President, and one to be second Vice President", and inserting in lieu thereof the words "One or more Vice Presidents".

Section 2. That this Act shall be taken and deemed to be a Public Act.

Approved February 20, 1941.

## CHAPTER 141

## SAVINGS BANKS AND SAVINGS SOCIETIES

## AN ACT TO AUTHORIZE SAVINGS BANKS AND SAVINGS SOCIETIES TO PENSION THEIR OFFICERS, CLERKS AND OTHER EMPLOYEES.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of all the members elected thereto concurring therein:—*

Section 1. Savings Banks and Savings Societies, subject to the Laws of this State, may, in the discretion of a majority of all the Managers or Governing Board, retire any officer, clerk or other employee, who shall have served the Savings Bank or Savings Society for a period of thirty years or more, or who shall have served the Savings Bank or Savings Society for a period of ten years or more and shall have become incapacitated, or who shall have served the Savings Bank or Savings Society for a period of twenty years or more and shall have attained the age of sixty years. Any person retired from service pursuant to this Section may be paid an annual pension, in equal monthly installments. The maximum pension paid shall in no case exceed sixty per centum of the average annual salary for the three years preceding retirement. The discretion of the Managers, or Governing Board, as to the time of payments, the amount of payments, and the duration of payments, within the maximum amounts allowed under this Section, shall at all times be absolute and final.

Approved February 20, 1941.



## CHAPTER 142

THE CITY OF WILMINGTON  
RELATIVE TO THE BOARD OF WATER COMMISSIONERS

AN ACT TO AMEND CHAPTER 205, VOLUME 17, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO ESTABLISH A BOARD OF WATER COMMISSIONERS FOR THE CITY OF WILMINGTON, AND FOR OTHER PURPOSES", BY PROVIDING THAT WATER RENTS SHALL BE A LIEN ON REAL ESTATE.

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

SECTION 1. That Section 14 of Chapter 205, Volume 17, Laws of Delaware, being an Act entitled "AN ACT TO ESTABLISH A BOARD OF WATER COMMISSIONERS FOR THE CITY OF WILMINGTON, AND FOR OTHER PURPOSES", be and the same is hereby amended by adding at the end of said Section 14 the following words:

All water rents laid or imposed by the Board of Water Commissioners for the City of Wilmington remaining unpaid and in arrears for thirty days after they become due, shall be and constitute a lien upon the lands and premises of the owner to which the water was furnished, and such liens shall have preference and priority to all liens of recognizance, mortgage or judgment on such lands and premises created or suffered by said owner, although such other lien or liens shall be of a date prior to the time of the attaching of such lien for water rents.

In case of the sale under execution process of any lands and premises upon which such liens for water rents shall exist, such liens shall be transferred to the fund arising from such sale in the hands of the officer making the same and the said real estate so sold shall be discharged therefrom.

SECTION 2. That the lien for water rents shall remain a

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RELATIVE TO THE BOARD OF WATER COMMISSIONERS

lien for the period of five years and no longer, from the expiration of thirty days after said water rents became due and payable.

SECTION 3. The Board of Water Commissioners for the City of Wilmington in collecting water rents out of real estate upon which there is a lien under the provisions of this Chapter, shall proceed in the manner now by law prescribed for the collection of taxes out of real estate by The Mayor and Council of Wilmington, a municipal corporation of the State of Delaware.

Approved March 14, 1941.

## CHAPTER 143

THE CITY OF WILMINGTON  
RELATIVE TO THE OFFICE OF INSPECTOR OF OILS AND  
FLUIDS; CLERK OF MARKET, AND SEALER OF WEIGHTS  
AND MEASURES; AND PROVIDING FOR ELECTION OF  
A CITY CLERK AND BAILIFF OF COUNCIL.

AN ACT TO FURTHER AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT RELATING TO THE GOVERNMENT OF THE CITY OF WILMINGTON", BEING CHAPTER 178, VOLUME 18, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 740, VOLUME 19, LAWS OF DELAWARE, BY THE OMISSION OF ALL PROVISIONS IN RELATION TO THE OFFICES OF INSPECTOR OF OILS AND FLUIDS, CLERK OF MARKET AND SEALER OF WEIGHTS AND MEASURES; AND PROVIDING FOR THE ELECTION OF A CITY CLERK AND BAILIFF OF COUNCIL; DEFINING THEIR DUTIES, TERMS OF OFFICE AND SALARIES.

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

SECTION 1. That Section 1 of an Act entitled "An Act relating to the Government of the City of Wilmington," being Chapter 178, Volume 18, Laws of Delaware, as amended by Chapter 740, Volume 19, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of said Section 1, as amended as aforesaid, and inserting in lieu thereof the following:

"At the third stated meeting of "The Council" of The Mayor and Council of Wilmington, in the month of July, A. D. 1941, and at the stated meeting biennially thereafter, "The Council" shall proceed to elect, by ballot, a City Clerk, who shall be the Clerk of Council, and a Bailiff of Council, who shall be charged with such duties as shall be prescribed by "The Council". The terms of office of the two officials herein designated shall commence on the first day of August next after their elec-

THE CITY OF WILMINGTON  
RELATIVE TO THE OFFICE OF INSPECTOR OF OILS AND  
FLUIDS; CLERK OF MARKET, AND SEALER OF WEIGHTS  
AND MEASURES; AND PROVIDING FOR ELECTION OF  
A CITY CLERK AND BAILIFF OF COUNCIL.

tion, and shall be for the term of two years, and the terms of office of the present incumbents of the said offices are hereby extended until the first day of August, A. D. 1941. The salaries of the officials herein provided for shall be fixed by "The Council", and shall be payable in the same manner and at the same time as the salaries of other City officials are now payable."

SECTION 2. That all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed to the extent of such inconsistency.

Approved April 18, 1941.

## CHAPTER 144

THE CITY OF WILMINGTON  
RELATIVE TO THE STREETS AND SEWERS

AN ACT TO AMEND CHAPTER 188, VOLUME 18, LAWS OF DELAWARE, BEING AN ACT ENTITLED: "AN ACT IN RELATION TO THE STREETS AND SEWERS OF THE CITY OF WILMINGTON", BY PROVIDING FOR THE QUALIFICATIONS OF MEMBERS OF, AND THE FILLING OF VACANCIES IN, THE BOARD OF DIRECTORS OF THE STREET AND SEWER DEPARTMENT.

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

Section 1. That Chapter 188, Volume 18, Laws of Delaware, being An Act Entitled: "An Act in Relation to the Streets and Sewers of the City of Wilmington", be and the same is hereby amended by striking out and repealing all of the second paragraph of Section 2 of the said Chapter 188, and inserting in lieu thereof a new paragraph, as follows:

"No person shall be eligible to appointment as a member of said Board who shall not be a citizen of the United States, a qualified voter of the State, and resident of the City of Wilmington for the last five years next preceding his appointment. Any member of said Board may be removed, for malfeasance in office, by the mayor of said City, with the concurrence of two-thirds of all the members elected to city council. The reason for the removal shall be entered in the journal. The members of said Board shall hold no other municipal office during his or their membership in said Board. In the event of any vacancy occurring in the membership of said Board, in any manner other than by expiration of term of office, the Mayor shall fill said vacancy by an appointment for the unexpired term. All members of said Board shall not, at any one time, belong to the same political party. Each member of said Board shall, before entering upon his duties in addition to any oath required to be

THE CITY OF WILMINGTON  
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taken by other municipal officers, take and subscribe and file in the office of the Mayor of the said City, an oath or affirmation that he will faithfully perform his duties as a Director in the Street and Sewer Department of said City, and that he will neither be concerned nor interested pecuniarily, either directly or indirectly, in any contract for work or materials furnished for or about the erecting, construction or repairs of said streets, squares, lanes, road, alleys, gutters, drains, sewers, natural water courses, runs and rivulets, while a member of said Board; and, further, that he will not be controlled, in any vote or action, as a member of said Board, by political or partisan consideration."

Approved February 20, 1941.

CHAPTER 145

THE CITY OF WILMINGTON  
RELATIVE TO THE STREETS AND SEWERS

AN ACT TO AMEND CHAPTER 188, VOLUME 18, LAWS OF DELAWARE, ENTITLED "AN ACT IN RELATION TO THE STREETS AND SEWERS OF THE CITY OF WILMINGTON," BY REDUCING THE AMOUNT OF THE BOND TO BE ENTERED INTO BY THE DIRECTORS OF THE STREET AND SEWER DEPARTMENT.

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

SECTION 1. That Section 12 of said Chapter 188, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the word "Thirty" in the fourth line of said Section and inserting in lieu thereof the word "Ten".

Approved March 17, 1941.

## CHAPTER 146

THE CITY OF WILMINGTON  
COMPENSATION OF SUPERINTENDENT OF THE  
PUBLIC BUILDING COMMISSION

AN ACT TO AMEND CHAPTER 67, REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE COMPENSATION OF THE SUPERINTENDENT OF THE PUBLIC BUILDING COMMISSION FOR THE CITY OF WILMINGTON AND FOR NEW CASTLE COUNTY.

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

Section 1. That Chapter 67 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the last sentence of 2462. Sec. 54, and substituting in lieu thereof the following:

"The salary of the Superintendent elected by the Commission shall not exceed the sum of Three Thousand Dollars."

Approved March 7, 1941.



## CHAPTER 147

THE CITY OF WILMINGTON  
DEFINING THE BOUNDARIES OF THE NORTHERN AND  
SOUTHERN TAX DISTRICTS

AN ACT TO AMEND THE CHARTER OF THE MAYOR AND COUNCIL OF WILMINGTON BY MORE SPECIFICALLY DEFINING THE BOUNDARIES OF THE NORTHERN AND SOUTHERN TAX DISTRICTS OF THE MAYOR AND COUNCIL OF WILMINGTON.

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

SECTION 1. Whenever in the Statutes and Laws relating to the assessment and collection of taxes by The Mayor and Council of Wilmington the terms "Northern District" or "Southern District" are used, such terms shall be construed to mean those portions of the City of Wilmington specifically defined as follows:

**NORTHERN DISTRICT.** All of the City of Wilmington lying to the north of the center line of Sixth Street, as said street is now laid out on the maps of the City of Wilmington, and extending from thence easterly by a prolongation of said center line by the same course to a point where said center line so prolonged and extended shall intersect the mean low water mark of the Delaware River on the easterly side thereof, and being the easterly boundary line of The Mayor and Council of Wilmington; and extending westerly along said center line of Sixth Street to a point where said center line intersects the center line of Grove Street; thence northerly along said center line of Grove Street to the center line of Swarthmore Road; thence westerly along the center line of Swarthmore Road to the intersection of said center line, or any prolongation thereof, with the westerly boundary line of The Mayor and Council of Wilmington.

**SOUTHERN DISTRICT.** All that portion of the City of

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DEFINING THE BOUNDARIES OF THE NORTHERN AND  
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Wilmington lying to the south of the line specifically defined in the foregoing paragraph.

SECTION 2. All Acts or parts of Acts inconsistent with the foregoing are hereby repealed to the extent of such inconsistency, or, as the case may be, shall be construed as amended so that the said Northern and Southern Districts shall be bounded and described as above defined.

Approved April 14, 1941.

## CHAPTER 148

THE CITY OF WILMINGTON  
RETIREMENT FUND FOR PENSIONING TEACHERS  
OF THE PUBLIC SCHOOLS

AN ACT TO FURTHER AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A RETIREMENT FUND FOR PENSIONING TEACHERS OF THE PUBLIC SCHOOLS IN THE CITY OF WILMINGTON, AND TO REGULATE THE COLLECTION, MANAGEMENT AND DISBURSEMENT THEREOF" BEING CHAPTER 208, VOLUME 26, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 134, VOLUME 38, LAWS OF DELAWARE AND BY CHAPTER 210, VOLUME 27, LAWS OF DELAWARE, BY PROVIDING NAME FOR FUND, CHANGING MEMBERSHIP OF BOARD OF RETIREMENT, CONTRIBUTIONS BY TEACHERS TO FUND, RETIREMENT OF TEACHERS, AMOUNT OF ANNUITY, POWER TO LIQUIDATE OR CHANGE PLAN AND DEFINING TERM "TEACHER."

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

SECTION 1. That Section 1 of said Chapter 208, Volume 26, Laws of Delaware, as amended by Chapter 134, Volume 38, Laws of Delaware, be and the same is hereby further amended by striking out the first sentence of said Section 1, being the first eleven lines and first three words in the twelfth line of said section, and inserting in lieu thereof the following:

"SECTION 1. The name of the fund shall be "The Public School Teachers' Retirement Fund, Wilmington, Delaware" and the general care and management of said fund is hereby given to a Board of Retirement, which shall consist of the president of the Board of Public Education in Wilmington as now constituted, or as it shall hereafter be constituted, one other member of said board to be appointed by said president, the treasurer of the City of Wilmington, the superintendent of public schools in the City of Wilmington, and three members of the teaching staff of the public schools of the City of Wilmington,

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which last-named shall be chosen by ballot at a meeting of the teachers, called sometime during the month of May of each year by the superintendent of public schools."

SECTION 2. That Section 2 of said Chapter 208, Volume 26, Laws of Delaware, as amended by Chapter 210, Volume 27, Laws of Delaware, be and the same is hereby further amended by striking out all of paragraph 4 in said Section 2 and inserting in lieu thereof the following:

"4. Such monthly contributions from the salaries of all the teachers of the City of Wilmington as shall be necessary to pay the annuities prescribed by the Board of Retirement, provided, however, that no teacher shall be required to pay more than one hundred and twenty dollars in any one year. The Board of Public Education in Wilmington after July first, nineteen hundred and forty-one shall deduct from the monthly pay of each teacher the amount so prescribed by the Board of Retirement provided said teacher shall have taught some part of said month and said Board of Public Education shall certify monthly to the treasurer of the City of Wilmington, the amounts so deducted, and said amounts shall be turned into said retirement fund.

Each contract made by the Board of Public Education in Wilmington with teachers after the passage of this Act, shall specify that the contributions prescribed by the Board of Retirement shall be deducted from each and every teacher's salary. The Board of Retirement, by by-laws or other regulations, shall prescribe the method and amount of reimbursement of any contributor to the retirement fund who shall retire from service as teacher and shall not be in receipt of or entitled to an annuity under this Act, and also shall prescribe the conditions under which a teacher so retired, but who returns to the service, shall again become eligible to receive benefits under this Act."

SECTION 3. That Section 3 of said Chapter 208, Volume

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26, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 3 and inserting in lieu thereof the following:

"SECTION 3. The Board of Retirement shall have power to retire any of the teachers of the public schools of the City of Wilmington, under such rules and regulations as said board may prescribe."

SECTION 4. That Section 4 of said Chapter 208, Volume 26, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 4 and inserting in lieu thereof the following:

"SECTION 4. Upon such retirement, the person retired shall be entitled to an annuity out of the retirement fund. The amount of said annuity shall be determined by the Board of Retirement.

The annuities provided for in this Act shall be payable at such times and in such manner as the by-laws shall prescribe. If the moneys in the retirement fund shall be inadequate at any time to fully carry out the provisions of this Act as herein provided, the amount payable to each teacher in the form of an annuity, or refund shall be reduced in the ratio of the present value of the assets of the retirement fund to the present value of the liabilities of said fund."

SECTION 6. That Section 6 of said Chapter 208, Volume 26, Laws of Delaware, be the same is hereby amended by striking out all of said Section 6 and inserting in lieu thereof the following:

"SECTION 6. The Board of Retirement shall have power to make all necessary by-laws and regulations for the holding of meetings, the collection and disbursements of money, and the care and preservation of the same, and the proper execution

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of the provisions and purposes of this Act. And if any Federal or State law shall hereafter be passed providing for annuities, pensions, disability allowances or other benefits for the persons included under this Act the Board of Retirement shall have power to liquidate the plan of retirement created under this Act or to make any changes in said plan that said board shall deem necessary."

SECTION 7. That Section 7 of said Chapter 208, Volume 26, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 7 and inserting in lieu thereof the following:

"SECTION 7. The term "teacher," as used in this Act, shall mean and include any superintendent, assistant superintendent, principal, assistant principal, person in charge of any special department of instruction, and any teacher or instructor and such other members of the professional, clerical and custodial services as may be designated by the Board of Retirement who are regularly employed as such by the Board of Public Education in Wilmington.

The term "Board of Public Education in Wilmington," as used in this Act, shall mean the body now in control and management of the public schools of Wilmington as now created and constituted or as it may be constituted hereafter, or any board of body of officials who shall have the control and management of the public schools of the City of Wilmington."

Approved May 6, 1941.

CHAPTER 149

THE CITY OF WILMINGTON  
PENSION FUND FOR THE MEMBERS OF  
THE POLICE FORCE

AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A POLICE PENSION FUND FOR MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON", BY PROVIDING THAT COMPULSORY MILITARY SERVICE IN THE ARMED FORCES OF THE UNITED STATES BY MEMBERS OF THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT INTERRUPT CONTINUOUS SERVICE IN SAID DEPARTMENT WITHIN THE MEANING OF THE ACT PROVIDING FOR A POLICE PENSION FUND.

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

SECTION 1. That Section 1 of said Chapter 113, Volume 32, Laws of Delaware, be and the same is hereby amended by adding at the end of said Section 1 of said Chapter the following:

"Any member of the Department of Public Safety who shall be compelled to perform compulsory military service in the armed forces of the United States under the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, as it is at present provided, shall, during the period of such compulsory military service, be considered as also having been in the continuous service of the Department of Public Safety within the meaning of the Act providing for a Police Pension Fund, provided, however, that such member shall resume his active service with the Department of Public Safety upon the expiration of such compulsory military service, in accordance with the rules of the said Department."

Approved April 3, 1941.

## CHAPTER 150

THE CITY OF WILMINGTON  
PENSION FUND FOR THE MEMBERS OF THE BUREAU  
OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY

AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON," AS AMENDED BY CHAPTER 88, VOLUME 35, LAWS OF DELAWARE, BY PROVIDING THAT COMPULSORY MILITARY SERVICE IN THE ARMED FORCES OF THE UNITED STATES BY MEMBERS OF THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT INTERRUPT CONTINUOUS SERVICE IN SAID DEPARTMENT WITHIN THE MEANING OF THE ACT PROVIDING FOR A FIREMEN'S PENSION FUND.

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

SECTION 1. That Section 1 of said Chapter 118, Volume 33, Laws of Delaware, as amended by Chapter 88, Volume 35, Laws of Delaware, be and the same is hereby further amended by adding at the end of said Section 1 of said Chapter the following:

"Any member of the Department of Public Safety who shall be compelled to perform compulsory military service in the armed forces of the United States under the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, as it is at present provided, shall, during the period of such compulsory military service, be considered as also having been in the continuous service of the Department of Public Safety within the meaning of the Act providing for a Firemen's Pension Fund, provided, however, that such member shall resume his active service with the Department of Public Safety upon the expiration of such compulsory military service, in accordance with the rules of the said Department."

Approved April 3, 1941.



## CHAPTER 151

## CITIES AND TOWNS—BELLEFONTE

AN ACT TO AMEND CHAPTER 143, VOLUME 41, LAWS OF DELAWARE, ENTITLED "AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES AND ASSESSMENTS FOR 'THE COMMISSIONERS OF BELLEFONTE', BY PROVIDING FOR SERVICE BY PUBLICATION IN LIEU OF PERSONAL SERVICE AND BY REPEALING SECTION EIGHT OF SAID ACT.

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

Section 1. That Chapter 143 of Volume 41, Laws of Delaware, be and the same is hereby amended by striking out Section 1 of said Act, and substituting in lieu thereof the following:

Section 1. That in addition to all existing methods and authority for the collection of taxes or special assessments due to "The Commissioners of Bellefonte", the following method and authority is hereby established:

The Commissioners of "The Commissioners of Bellefonte" may file, or cause to be filed, a Praeipe in the office of the Prothonotary of the Superior Court in and for New Castle County, which shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessments due and the property against which the assessment was laid; and the statement of the lot number or numbers of the particular section in which said property is located shall be sufficient identification and description of the said property. The Prothonotary shall make a record of the same on the judgment records of said Superior Court against the property mentioned or described in said Praeipe. Thereafter upon a Praeipe for Monition filed in the office of said Prothonotary by "The Commissioners of Bellefonte" through any person authorized on its behalf to collect taxes or assessments due to "The Commissioners of Bellefonte", a Monition shall be issued by the Protho-

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tary aforesaid to the Sheriff of New Castle County, which Monition shall briefly state the amount of the judgment for the taxes or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien; and a description of such property by street and number or by lot number or numbers of the particular section in which said property is located shall be a sufficient description. Said Monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessment stated herein is paid within twenty days after the date hereof, or within such period of twenty days evidence of the payment of taxes herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted tax bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for New Castle County, "The Commissioners of Bellefonte" may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated.

Name of person in whose name property is assessed	Description of property	Year or Years	Amount of judgment
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Said Monition, or a copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which said judgment for the taxes or assessments is a lien, and an advertisement containing the substance of said Monition shall be inserted once a week for at least two weeks in one newspaper of general circulation in New Castle County. The Sheriff shall make due and proper return of his proceedings under said Monition to the Prothonotary within ten days after the last advertisement as aforesaid.

Alias or pluries Monition may issue upon like Praeceptum. The posting of said Monition and the advertisement of said



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you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the day of \_\_\_\_\_ A. D. 19\_\_\_\_, and that advertisement containing the substance of said Monition was inserted in \_\_\_\_\_, a newspaper of general circulation in New Castle County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and on the day of \_\_\_\_\_, 19\_\_\_\_.

We therefore now command you to expose to public sale the real estate mentioned and described in said Monition as follows:

and that you should cause to be made as well a certain debt of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) lawful money of the United States, which to the said "The Commissioners of Bellefonte", a Municipal corporation of the State of Delaware, is due and owing, as also the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) lawful money as aforesaid, for its costs, which it has sustained by the detaining of that debt, whereof the said \_\_\_\_\_ was convicted as it appears of record and against which said property it is a lien:

And have you that money before the Judges of our Superior Court at Wilmington, on Monday the \_\_\_\_\_ day of \_\_\_\_\_ next, to render to the said "The Commissioners of Bellefonte", a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ:

WITNESSETH, the Honorable \_\_\_\_\_ at  
Wilmington, the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_,

.....  
Prothonotary

Section 2. That Chapter 143 of Volume 41, Laws of Delaware, be and the same is hereby amended by striking out Section 8 of said Act.

Approved April 18, 1941.

## CHAPTER 152

## CITIES AND TOWNS—BELLEFONTE

AN ACT TO PROVIDE THAT THE COST OF SEWERS CONSTRUCTED BY "THE COMMISSIONERS OF BELLEFONTE" SHALL BE A SPECIAL ASSESSMENT AND A LIEN UPON ABUTTING OR ADJACENT PROPERTIES WITHIN "THE COMMISSIONERS OF BELLEFONTE", AND TO PROVIDE FOR PAYMENT OF SAID SPECIAL ASSESSMENT AND LIEN, AND TO PROVIDE THAT "THE COMMISSIONERS OF BELLEFONTE" MAY COMPEL THE CONNECTION OF ABUTTING OR ADJACENT PROPERTIES WITH THE SEWERS LOCATED WITHIN "THE COMMISSIONERS OF BELLEFONTE", AND TO PROVIDE FOR EXEMPTIONS FROM SAID SPECIAL ASSESSMENT AND SEWER LIEN, AND TO PROVIDE FOR A SEWER LIEN DOCKET TO BE MAINTAINED BY "THE COMMISSIONERS OF BELLEFONTE."

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

Section 1. In payment of the cost of construction of the sewer system heretofore constructed by or on behalf of "The Commissioners of Bellefonte" and of any branches or extensions of said system that may hereafter be constructed by or on behalf of "The Commissioners of Bellefonte", the Commissioners of "The Commissioners of Bellefonte" shall fix and impose a special assessment upon all properties abutting on or adjacent to that portion of any street, highway, lane or alley in which any town sewer has been constructed, said special assessment to be at the rate of Two Dollars and Fifty Cents (\$2.50) for each front foot of said properties upon such street, highway, lane or alley, plus a connection charge of Twenty-five Dollars (\$25.00) for the lateral connection to the curb line. The phrase "front foot" means the front foot of any one or more lots facing a particular street, and not the front foot or width of the building upon the lot. Where lots are situated at the intersection of two or more streets, highways, lanes or alleys, in

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which sewers have been constructed, the street, highway, lane or alley on which said lots shall be deemed to front, if they are lots on which no buildings have been erected, shall be the one on which the corner lot shall have the least frontage; but where said lots have buildings erected thereon, the street, highway, lane or alley on which the said lots shall be deemed to front shall be the street, highway, lane or alley toward which the buildings on said lots face. Where the special assessment on lots situated as aforesaid, on which lots no buildings have been erected, has been paid and subsequently buildings are erected which front on a street, highway, lane or alley other than the one on which the vacant lots were deemed to have fronted, the number of feet of the new frontage being greater than the number of feet of the old frontage, the said lots shall be subject to a special assessment based upon the difference in feet between the number of feet of the new frontage and the number of feet of the old frontage. Where the special assessment on lots situated as aforesaid, on which lots buildings have been erected, has been paid, and subsequently the said buildings are altered so as to front on a street, highway, lane or alley other than the one on which the buildings originally fronted, the number of feet of the new frontage being greater than the number of feet of the old frontage, the said property shall be subject to a special assessment based upon the difference in feet between the number of feet of the new frontage and the number of feet of the old frontage.

Section 2. The said special assessment shall be a lien upon the properties aforesaid from the time that it is fixed and imposed as aforesaid by the Commissioners of "The Commissioners of Bellefonte", and said lien shall have priority over any lien, encumbrance, or conveyance made or suffered by the owner of said property after the said special assessment has been fixed and imposed as aforesaid.

Section 3. The said special assessment shall be due and payable upon the date that it is fixed and imposed as aforesaid, provided, however, that the Commissioners of "The Commissioners of Bellefonte" may contract with the owner of any such

## CITIES AND TOWNS—BELLEFONTE

property for the payment of said special assessment in twenty quarterly payments over a period of five years, with interest at the rate of six per centum (6%) on the quarterly payments. Upon default in any of the said quarterly payments for the period of thirty days after such installment shall have become due, the Commissioners of "The Commissioners of Bellefonte" may cause to be instituted proper proceedings for the enforcement of the lien of said special assessment, in accordance with the provisions of Chapter 143, Volume 41, Laws of Delaware; or, in case of default as aforesaid for the period of thirty days after such installment shall have become due, the said Commissioners of "The Commissioners of Bellefonte" may give notice of said default, in writing, to the person designated in the aforesaid contract as owner of the property in question, which notice may be either delivered personally to said owner, or left upon the property so connected with the sewer, in the presence of an adult person, and upon default in the payment of said installment, together with interest thereon, for one month from the service of said notice as aforesaid, the said Commissioners may cause said property to be disconnected from said sewer, and the said property shall not be connected again with the said sewer unless a permit therefor is first obtained from the said Commissioners and until the entire amount then due and to become due for the use of the said sewer, together with legal interest thereon to the day of payment, and in addition thereto the cost incurred by the said Commissioners in making said disconnection, shall have been fully paid.

Section 4. It is hereby provided that in all those cases in which owners of property located within "The Commissioners of Bellefonte" have heretofore contracted with the Commissioners of "The Commissioners of Bellefonte" for connection with and use of the town sewer system in consideration of payment of the same amounts as those herein stipulated, where a balance is still due under the terms of said contract at the time of the fixing and imposition of the special assessment as aforesaid, said special assessment shall attach to the said property in the amount of such unpaid balance due under said contract, and the said special assessment shall be a lien upon said property in the

## CITIES AND TOWNS—BELLEFONTE

amount of said unpaid balance. Payment of the amount fixed in said contract, in accordance with the terms of said contract, shall satisfy and discharge the special assessment and lien herein provided for. In the event that owners of property located within "The Commissioners of Bellefonte" have paid in full, prior to the passage of this Act, the amount that would have been required from the owners of said property under this Act for the right of connection with and use of the town sewer system, said property shall be free and clear of the special assessment and lien provided for in this Act, (except the special assessment and lien resulting from change of frontage as provided for in Section 1 of this Act) and the owners aforesaid shall have the right to the continued connection with and use of the town sewer system without additional cost to said owners.

Section 5. It shall be the duty of every owner of property adjacent to or abutting on a street, highway, lane or alley within "The Commissioners of Bellefonte", in which street, highway, lane or alley a town or county sewer has been constructed, to cause each building requiring sewerage drainage and located within two hundred feet of such sewer to be separately connected therewith, provided that in every instance all connections shall be made directly to the sewer and not through any intermediate well, cesspool, septic tank or other device. If any such building shall remain unconnected with the said sewer, the Commissioners of "The Commissioners of Bellefonte" may cause to be served upon the owner of said building, in the manner hereafter provided, a written or printed notice, directing that the necessary connections be made within thirty days from the date of service of said notice. Such service shall be deemed sufficient for all purposes if the said notice shall have been left with the property owner personally, or left with the known agent or occupant of the premises, or if there be no agent or occupant known to the said Commissioners then if the said notice shall have been posted on the premises. If the necessary connections are not made within thirty days from the date of service of said notice, the Commissioners of "The Commissioners of Bellefonte" may cause to be instituted proper proceedings for the enforcement of the lien of said special assessment in



## CITIES AND TOWNS—BELLEFONTE

accordance with the provisions of Chapter 143, Volume 41, Laws of Delaware, or the said Commissioners of "The Commissioners of Bellefonte" may take such other measures to compel the making of the necessary connections as may be prescribed by ordinance of "The Commissioners of Bellefonte."

Section 6. The Commissioners of "The Commissioners of Bellefonte" are hereby authorized and empowered to pass and adopt such rules and regulations as the said Commissioners may deem proper for regulating, controlling and prescribing the manner in which any sewer within "The Commissioners of Bellefonte" shall be used, and the manner in which connections therewith shall be made, and such rules and regulations as the said Commissioners may deem proper for keeping the same in proper repair; and the said Commissioners are hereby authorized and empowered to pass and adopt such ordinances as the said Commissioners may deem proper for compelling the connection of properties within "The Commissioners of Bellefonte" with the nearest available sewer; and they are hereby authorized and empowered to prescribe fines and penalties for the non-observance of such rules and regulations, or for the violation of such ordinances, said fines to be collected in the same manner that other fines for offenses against the ordinances of the town are now or may hereafter be collected.

Section 7. The property owned by any church within "The Commissioners of Bellefonte" on which property a church is erected and maintained is hereby declared to be free and exempt from the special assessment and lien herein provided, said exemption to exist only as long as said church continues to be maintained as a church and only to the extent of the lots upon which said church is actually built. When said church ceases to be maintained as a church, the said special assessment and lien shall immediately attach to said property. As to those lots owned by a church, on which lots no church stands, the said special assessment and lien shall attach in the same manner and under the same conditions as those under which they attach to all other property located within "The Commissioners of Bellefonte".

## CITIES AND TOWNS—BELLEFONTE

The property owned by Brandywine Hundred Fire Company No. 1, within "The Commissioners of Bellefonte", on which property a fire engine house and adjoining hall now stand, is hereby declared to be free and exempt from the special assessment and lien herein provided, said exemption to exist only as long as said fire engine house and adjoining hall are used for substantially the same purposes as they are used for at present and only to the extent of the lots upon which said fire engine house and adjoining hall are actually built. When said fire engine house and said adjoining hall shall cease to be used for their present purposes, the said special assessment and lien shall immediately attach to said property. As to those lots owned by Brandywine Hundred Fire Company No. 1, on which the aforesaid fire engine house and adjoining hall do not stand, the said special assessment and lien shall attach in the same manner and under the same conditions as those under which they attach to all other property located within "The Commissioners of Bellefonte".

Section 8. The Commissioners of "The Commissioners of Bellefonte" shall designate one of the town officials to prepare and to maintain a docket to be known as the Bellefonte Sewer Lien Docket, in which shall be recorded the sewer liens herein provided for.

Approved April 21, 1941.

## CHAPTER 153

## CITIES AND TOWNS—BETHANY BEACH

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, 1909, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVE IT AUTHORITY TO ISSUE BONDS", PROVIDING FOR THE ELECTION OF TOWN COMMISSIONERS AND INCREASING THE AMOUNT TO BE RAISED BY TAXATION.

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

Section 1. That Section 4 of Chapter 212, Volume 25, Laws of Delaware, 1909, be and the same is hereby amended by striking out the word "twenty" where it occurs in the twenty-sixth line of said Section and by inserting in lieu thereof the word "thirty".

Section 2. That Section 4 of Chapter 212, Volume 25, Laws of Delaware, 1909, be and the same is hereby further amended by striking out the period where it occurs after the word "election" in the thirty-sixth line of said Section and by inserting in lieu thereof a comma and adding the following language:

"and who shall not have filed with the Secretary of the Town Commissioners at least eleven days before said election his name to be voted upon at said election for Commissioner. The said Secretary of the Town Commissioners shall not less than ten days preceding the date of election, post as hereinbefore provided for the posting of notices of election, the names of all persons filed as candidates for the office of Commissioner of said Town."

Section 3. That Section 12 of Chapter 212, Volume 25, Laws of Delaware, 1909, be and the same is hereby further amended by striking out and repealing all of Section 12 as it

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appears in said Act and by inserting in lieu thereof a new Section 12, as follows:

Section 12. For the purpose of raising money for the general purposes of said Town, the Commissioners of said Town be and they hereby are authorized and empowered to levy and collect by taxation not exceeding Four Thousand Five Hundred (\$4500.00) Dollars in any one year on all assessable real estate within the limits of said Town.

Approved March 12, 1941.

## CHAPTER 154

## CITIES AND TOWNS—BETHANY BEACH

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF BETHANY BEACH TO BORROW \$20,000.00 TO REDEEM OUTSTANDING BONDS OF THE TOWN OF BETHANY BEACH.

WHEREAS, by act of the General Assembly of the State of Delaware approved March 26, A. D. 1909, being Chapter 212 of Volume 25, Laws of Delaware, The Commissioners of the Town of Bethany Beach were authorized and empowered to borrow upon the faith and credit of said town the sum of Twenty Thousand (\$20,000.00) Dollars and for the purpose of securing the payment of said sum to issue bonds of the Town of Bethany Beach of such denomination as the Commissioners should deem best and bearing a rate of interest not exceeding five per centum; and,

WHEREAS, it is now the intent and purpose of this act that said indebtedness represented by said outstanding bonds amounting to the sum of Twenty Thousand (\$20,000.00) Dollars shall be refunded at a lower rate of interest.

NOW, THEREFORE,

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

Section 1. That The Commissioners of the Town of Bethany Beach, a municipal corporation of the State of Delaware, be and it is hereby fully authorized and empowered to borrow upon the faith and credit of the Town of Bethany Beach the sum of Twenty Thousand (\$20,000.00) Dollars or so much thereof as may be necessary to redeem the outstanding bonds issued under authority of Chapter 212 of Volume 25, Laws of Delaware, and, as security therefor, to issue bonds which shall be known as Bethany Beach Refunding Bonds.

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Section 2. That the said bonds shall be of such denomination as The Commissioners of the Town of Bethany Beach shall hereafter determine and shall bear interest at such rate not exceeding four per centum per annum, as The Commissioners of the Town of Bethany Beach shall determine. The interest upon the said bonds shall be payable semi-annually on the first day of July and January respectively in each and every year from the date of issue appearing thereon at such bank or trust company in Sussex County, State of Delaware, as The Commissioners of the Town of Bethany Beach may designate. The principal of said bonds shall be made payable at such times and in such manner as The Commissioners of the Town of Bethany Beach may hereafter designate, the said The Commissioners of the Town of Bethany Beach, however, reserving the right and authority to redeem said bonds or any part of them at such time or times from the date of issue and in such manner as said Commissioners may hereafter provide. Such election shall be effected on a day on which the semi-annual interest shall be due and in pursuance of a notice to that effect published by the said The Commissioners of the Town of Bethany Beach in at least two newspapers, one of which shall be in Sussex County, at least thirty days prior to the date on which said bond or bonds shall or are to be redeemed. In calling said bonds for redemption and payment, they shall be called by lot or by number, as the said The Commissioners of the Town of Bethany Beach may hereafter provide, and the interest on said bond or bonds so called in and redeemed shall cease from the date fixed in said notice for the redemption thereof and the said bonds, when paid, shall be cancelled. If at any time after the issue of said bonds and before they shall be payable or called in and redeemed, as herein provided, any holder or holders of any such bond or bonds shall offer the same for redemption, the said The Commissioners of the Town of Bethany Beach, if it shall deem it expedient so to do, may redeem or pay the bond or bonds so offered and cancel the same, the interest on said bond or bonds so redeemed and cancelled to cease from the date of such redemption.

Section 3. That the said bonds shall recite that they are

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issued for the purposes set forth in Section 1 of this act and that they are issued in pursuance of this act. Such recital shall be conclusive evidence of the authority of The Commissioners of the Town of Bethany Beach to issue said bonds and of their validity. Any such bonds containing such recital shall in any suit, action or proceeding, in law or equity, involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, executed and delivered in conformity herewith and shall be incontestable for any cause. The said bonds may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears on any coupons, if coupons should be issued, shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

Section 4. That the said The Commissioners of the Town of Bethany Beach shall direct and effect the preparation and printing of the bonds authorized by this act and shall also prescribe the form thereof. Said bonds shall be signed by the President of The Commissioners of the Town of Bethany Beach and counter-signed by its Secretary and shall be sealed with the corporate seal of said Commissioners. Said bonds shall be exempt from all State, county and municipal taxation. Each of said bonds may or may not, as the said The Commissioners of the Town of Bethany Beach shall hereafter determine, contain coupons providing for the payment of the interest thereon as said interest shall become due. Said bonds and any coupons which may be thereon, as the same shall be paid, shall be cancelled in such manner as the said The Commissioners of the Town of Bethany Beach shall hereafter direct.

Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this act. It shall be the duty of The Commissioners of the Town of Bethany Beach to negotiate the sale and delivery of said bonds in such manner as it shall hereafter determine for the best interests of the Town of Bethany Beach and the said The Commissioners of the Town of Bethany Beach shall have the right to reject any and all bids which may be offered for said bonds if in its judgment such bid

## CITIES AND TOWNS—BETHANY BEACH

or bids shall be deemed insufficient. The Commissioners of the Town of Bethany Beach may sell or dispose of said bonds at private sale for the best price obtainable therefor, provided said price shall not be less than par and accrued interest.

Section 6. That the said The Commissioners of the Town of Bethany Beach shall annually provide for a sum equal to the amount of interest due each year upon said bonds, and, as and when the said The Commissioners of the Town of Bethany Beach shall see fit to call any or all of said bonds under Section 2 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds, in addition to the amount necessary to pay the interest thereon. The said The Commissioners of the Town of Bethany Beach is further authorized and empowered to assess and collect annually a tax for the purpose of establishing a sinking fund adequate for the redemption at and before maturity of bonds issued under the provisions of this act. Such monies so received shall be deposited by The Commissioners of the Town of Bethany Beach in any bank or trust company in Sussex County or may be invested until such time as it may be needed for the redemption of said bonds on such security as shall be approved by the said The Commissioners of the Town of Bethany Beach.

Section 7. The faith and credit of The Commissioners of the Town of Bethany Beach are hereby expressly pledged for the payment of the bonds authorized to be issued under the provisions of this act, together with all interest thereon.

Approved April 18, 1941.



## CHAPTER 155

## CITIES AND TOWNS—BETHANY BEACH

AN ACT AUTHORIZING THE COMMISSIONERS OF THE TOWN OF BETHANY BEACH TO BORROW MONEY AND TO ISSUE BONDS FOR THE PURPOSE OF MAKING CERTAIN NECESSARY IMPROVEMENTS IN THE TOWN OF BETHANY BEACH.

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

Section 1. That The Commissioners of the Town of Bethany Beach, a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of said Town of Bethany Beach, a sum not exceeding Ten Thousand (\$10,000.00) Dollars to be used for the purpose of making necessary improvements to the Town of Bethany Beach.

Section 2. That the said The Commissioners of the Town of Bethany Beach, for the purpose of carrying into effect the provisions of this act, is hereby authorized and empowered to issue bonds of the said The Commissioners of the Town of Bethany Beach. Said bonds shall be of such denomination as The Commissioners of the Town of Bethany Beach shall hereafter determine and shall bear interest at such rate not exceeding four per centum per annum as The Commissioners of the Town of Bethany Beach shall determine. The interest upon the said bonds shall be payable semi-annually on the first day of July and January respectively in each and every year from the date of issue appearing thereon at such bank or trust company in Sussex County, State of Delaware, as The Commissioners of the Town of Bethany Beach may designate. The principal of said bonds shall be made payable at such times and in such manner as The Commissioners of the Town of Bethany Beach may hereafter designate, the said The Commissioners of the Town of Bethany Beach, however, reserving the right and

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authority to redeem said bonds or any part of them at such time or times from the date of issue and in such manner as said Commissioners may hereafter provide. Such election shall be effected on a day on which the semi-annual interest shall be due and in pursuance of a notice to that effect published by the said The Commissioners of the Town of Bethany Beach in at least two newspapers, one of which shall be in Sussex County, at least thirty days prior to the date on which said bond or bonds shall or are to be redeemed. In calling said bonds for redemption and payment, they shall be called by lot or by number, as the said The Commissioners of the Town of Bethany Beach may hereafter provide, and the interest on said bond or bonds so called in and redeemed shall cease from the date fixed in said notice for the redemption thereof and the said bonds, when paid, shall be cancelled. If at any time after the issue of said bonds and before they shall be payable or called in and redeemed, as herein provided, any holder or holders of any such bond or bonds shall offer the same for redemption, the said The Commissioners of the Town of Bethany Beach, if it shall deem it expedient so to do, may redeem or pay the bond or bonds so offered and cancel the same, the interest on said bond or bonds so redeemed and cancelled to cease from the date of such redemption.

Section 3. That the said bonds shall recite that they are issued for the purposes set forth in Section 1 of this act and that they are issued in pursuance of this act. Such recital shall be conclusive evidence of the authority of The Commissioners of the Town of Bethany Beach to issue said bonds and of their validity. Any such bonds containing such recital shall in any suit, action or proceeding, in law or equity, involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, executed and delivered in conformity herewith and shall be incontestable for any cause. The said bonds may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears on any coupons, if coupons should be issued, shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

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Section 4. That the said The Commissioners of the Town of Bethany Beach shall direct and effect the preparation and printing of the bonds authorized by this act and shall also prescribe the form thereof. Said bonds shall be signed by the President of The Commissioners of the Town of Bethany Beach and counter-signed by its Secretary and shall be sealed with the corporate seal of said Commissioners. Said bonds shall be exempt from all State, county and municipal taxation. Each of said bonds may or may not, as the said The Commissioners of the Town of Bethany Beach shall hereafter determine, contain coupons providing for the payment of the interest thereon as said interest shall become due. Said bonds and any coupons which may be thereon, as the same shall be paid, shall be cancelled in such manner as the said The Commissioners of the Town of Bethany Beach shall hereafter direct.

Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this act. It shall be the duty of The Commissioners of the Town of Bethany Beach to negotiate the sale and delivery of said bonds in such manner as it shall hereafter determine for the best interests of the Town of Bethany Beach and the said The Commissioners of the Town of Bethany Beach shall have the right to reject any and all bids which may be offered for said bonds if in its judgment such bid or bids shall be deemed insufficient. The Commissioners of the Town of Bethany Beach may sell or dispose of said bonds at private sale for the best price obtainable therefor, provided said price shall not be less than par and accrued interest.

Section 6. That the said The Commissioners of the Town of Bethany Beach shall annually provide for a sum equal to the amount of interest due each year upon said bonds and, as and when the said The Commissioners of the Town of Bethany Beach shall see fit to call any or all of said bonds under Section 2 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds, in addition to the amount necessary to pay the interest thereon. The said The Commissioners of the Town of Bethany Beach are further authorized and empowered to assess and collect annually a tax for the pur-

## CITIES AND TOWNS—BETHANY BEACH

pose of establishing a sinking fund adequate for the redemption at and before maturity of the bonds issued under the provisions of this act. Such monies so received shall be deposited by The Commissioners of the Town of Bethany Beach in any bank or trust company in Sussex County or may be invested until such time as it may be needed for the redemption of said bonds on such security as shall be approved by the said The Commissioners of the Town of Bethany Beach.

Section 7. The faith and credit of The Commissioners of the Town of Bethany Beach are hereby expressly pledged for the payment of the bonds authorized to be issued under the provisions of this act, together with all interest thereon.

Section 8. That before the provisions of this act shall go into effect and before the said The Commissioners of the Town of Bethany Beach shall have the right and authority to borrow upon the faith and credit of the said The Commissioners of the Town of Bethany Beach the said sum of Ten Thousand (\$10,000.00) Dollars and to issue bonds therefor, it shall be submitted to and approved by a majority of the votes cast at an annual election. At such election every person qualified to vote for officers of the town shall be qualified to vote one vote for or against the issuance of said bonds in the sum of Ten Thousand (\$10,000.00) Dollars. If the borrowing of said money and the issuance of said bonds as security therefor shall not be approved by a majority of the voters in said annual election, the said The Commissioners of the Town of Bethany Beach shall be and it is hereby authorized and empowered to submit the same question at any subsequent annual election from time to time to be held in like manner and for the same purpose as the above described election. At the conclusion of said election, the ballot box shall be opened and the election officers shall count the vote in public and publicly announce the result of the election. The result of the election so announced shall immediately be certified in writing to The Commissioners of the Town of Bethany Beach and shall be conclusive in the determination of the rights of The Commissioners of the Town of Bethany Beach in respect to this act.

Approved May 15, 1941.

## CHAPTER 156

## CITIES AND TOWNS—BETHEL

AN ACT TO FURTHER AMEND CHAPTER 216, VOLUME 24, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHEL", AS AMENDED BY CHAPTER 254, VOLUME 27, LAWS OF DELAWARE; AND FURTHER AMENDED BY CHAPTER 42, VOLUME 31, LAWS OF DELAWARE; AND FURTHER AMENDED BY CHAPTER 43, VOLUME 31, LAWS OF DELAWARE, BY INCREASING THE AMOUNT WHICH MAY BE RAISED BY TAXATION IN THE TOWN OF BETHEL, AND PROVIDING FOR LEVY AND COLLECTION OF TAXES ON TELEPHONE, TELEGRAPH, POWER POLES OR OTHER LIKE ERECTIONS TOGETHER WITH WIRES AND APPLIANCES.

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

Section 1. That Section 5 of Chapter 216, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out said Section and inserting in lieu thereof the following:

That the commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised in said town for that year, not exceeding One Thousand Dollars (\$1,000.00) including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number.

The collector and treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within the said town, and also an assessment

## CITIES AND TOWNS—BETHEL

of all the male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning real estate, at least one dollar per head as tax, provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of said town of Bethel, but all such lots, and pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon shall be assessed and taxed as and for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the commissioners shall give five days' public notice of the fact, and that they will sit together at a certain place, on a certain day, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment except that of poll which shall always remain at the figures above stated, one dollar per head. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commission and delinquencies, which shall be allowed by the commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law upon collectors of County taxes, provided, however, that in making said assessment for the town of Bethel all machinery in any factory now in said town, or that hereafter may be erected shall be exempt from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

The Commissioners shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the

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Town, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable at a rate not to exceed One Dollar (\$1.00) per pole, and to this end, may at any time direct the same to be included in or added to the Town Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector as in case of other taxes and the commissioners shall have authority to cause the same to be removed.

Approved February 12, 1941.

## CHAPTER 157

## CITIES AND TOWNS—BRIDGEVILLE

AN ACT AUTHORIZING THE COMMISSIONERS OF BRIDGEVILLE TO REFUND A CERTAIN PART OF THE DEBT OF THE SAID COMMISSIONERS OF BRIDGEVILLE, BEING THE BONDS ISSUED FOR THE PURPOSE OF ERECTING WATER WORKS AND FURNISHING WATER AND FOR CONSTRUCTING A SEWER SYSTEM FOR THE DRAINAGE OF SAID TOWN AND FOR PRIVATE USE.

WHEREAS, by act of the General Assembly of the State of Delaware approved March 12, A. D. 1909, being Chapter 195 of Volume 25, Laws of Delaware, the Commissioners of Bridgeville were authorized and empowered to borrow upon the faith and credit of said town the sum of Twenty-five Thousand (\$25,000.00) Dollars to be expended for the purpose of erecting a water works and supplying water and constructing a sewer system for the drainage of said town and for private use and for the purpose of securing the payment of such sum to issue bonds of the Town of Bridgeville of such denomination as the Commissioners of Bridgeville should deem best and bearing a rate of interest not exceeding five per centum; and,

WHEREAS, the said Commissioners of Bridgeville, in pursuance of said act issued said bonds in the sum of Twenty-five Thousand (\$25,000.00) Dollars; and,

WHEREAS, there is now an indebtedness represented by outstanding bonds amounting to the sum of Twenty Thousand (\$20,000.00) Dollars; and,

WHEREAS, it is now the intent and purpose of this act that the said indebtedness represented by said outstanding bonds amounting to the sum of Twenty Thousand (\$20,000.00) Dollars be refunded at a lower rate of interest. NOW, THEREFORE,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds*



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*of all the members elected to each branch thereof concurring therein):*

Section 1. That the Commissioners of Bridgeville, a municipal corporation of the State of Delaware, be and they are hereby authorized, fully empowered and directed, to borrow upon the faith and credit of the said Town of Bridgeville the sum of Twenty Thousand (\$20,000.00) Dollars for the purpose of paying, refunding and redeeming all outstanding bonds issued under authority of Chapter 195 of Volume 25, Laws of Delaware, the said bonds so to be issued to be known as "Bridgeville Water and Sewer Refunding Bonds".

Section 2. That the said bonds shall be of such denomination as the Commissioners of Bridgeville shall hereafter determine and shall bear interest at such rate not exceeding three and one-half per centum per annum, as the Commissioners of Bridgeville shall determine. The interest upon the said bonds shall be payable semi-annually on the first day of July and January respectively in each and every year from the date of issue appearing thereon at such bank or trust company in Sussex County, Delaware, as the Commissioners of Bridgeville may designate.

The principal of said bonds shall be made payable at such times and in such manner as the Commissioners of Bridgeville may hereafter designate, including the right or privilege of having serial maturities, the said Commissioners of Bridgeville, however, reserving the right and authority to redeem said bonds or any part of them at such time or times from the date of issue and in such manner as said Commissioners may hereafter provide. Such election, however, shall be effected on a day on which the semi-annual interest shall be due and in pursuance of a notice to that effect published by the said Commissioners of Bridgeville in at least two newspapers, one of which shall be in Sussex County, at least thirty days prior to the date on which said bond or bonds is or are to be redeemed. In calling said bonds for redemption and payment, they shall be called by either lot or number and the interest on said bond or bonds so called in and redeemed shall cease from the date fixed in the said

## CITIES AND TOWNS—BRIDGEVILLE

notice for the redemption thereof and the said bonds, when paid, shall be cancelled. If at any time after the issue of said bonds and before they shall be payable or called in and redeemed, as herein provided, any holder or holders of any such bond or bonds shall offer the same for redemption, the said Commissioners of Bridgeville, if they shall deem it expedient so to do, may redeem or pay the bond or bonds so offered and cancel the same, the interest on said bond or bonds so redeemed and cancelled to cease from the date of such redemption.

Section 3. That the said bonds shall recite that they are issued for the purpose set forth in Section 1 of this Act and that they are issued in pursuance of this act and such recital shall be conclusive evidence of the authority of the Commissioners of Bridgeville to issue said bonds and their validity. Any such bonds containing such recital shall, in any suit, action or proceeding, in law or equity involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, executed and delivered in conformity herewith and shall be incontestable for any cause. The said bonds may be issued notwithstanding that any of the officers signing them, or whose facsimile signature appears on any coupons, if coupons are issued, shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

Section 4. That the said Commissioners of Bridgeville shall direct and effect the preparation and printing of the bonds authorized by this Act and shall also prescribe the form thereof, which shall be signed by the President of the Commissioners of Bridgeville and counter-signed by the Secretary of said Commissioners, and shall be sealed with the corporate seal of said Commissioners. Said bonds shall be exempt from all State, county and municipal taxation. Each of said bonds may or may not, as the Commissioners of Bridgeville shall hereafter determine, contain coupons providing for the payment of the interest thereon as said interest shall become due. Said bonds and any coupons thereon, as the same shall be paid shall be cancelled in such manner as the said Commissioners of Bridgeville shall hereafter direct.

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Section 5. That the said bonds shall be sold as soon as reasonably possible after the approval of this act. It shall be the duty of the Commissioners of Bridgeville to negotiate the sale and delivery of said bonds in such manner as they shall determine for the best interests of the Town of Bridgeville and the Commissioners of Bridgeville shall have the right to reject any and all bids which may be offered for said bonds if in their judgment such bid or bids shall be deemed insufficient. The Commissioners of Bridgeville may sell or dispose of said bonds at private sale for the best price obtainable therefor, provided said price shall not be less than par and accrued interest.

Section 6. That the said Commissioners of Bridgeville shall annually provide for the sum equal to the amount of interest due each year upon said bonds and all the expenses of properly keeping up and operating the said water works and sewer system which the rents and revenues derived therefrom may be inadequate to meet, and, as and when the said Commissioners of Bridgeville shall see fit to call any or all of said bonds under Section 2 hereof, shall in like manner provide for a sum sufficient for the payment or redemption of such bonds in addition to the amount necessary to pay the interest thereon. The said Commissioners of Bridgeville are further hereby authorized and empowered to assess and collect annually a tax and/or sewer assessment for the purpose of establishing a sinking fund adequate for the redemption at and before maturity of the bonds issued under the provisions of this act. The principal and interest of said bonds shall be deposited in any bank or trust company in Sussex County, or may be invested by the Commissioners of Bridgeville until such time as it may be needed for the redemption of said bonds and on such security as shall be approved by the said Commissioners of Bridgeville.

Section 7. The faith and credit of the Town of Bridgeville are hereby expressly pledged for the payment of the bonds authorized to be issued under the provisions of this act, together with all interest thereon.

Approved April 14, 1941.

## CHAPTER 158

## CITIES AND TOWNS—BRIDGEVILLE

## AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE

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

Section 1. That the corporate limits and boundaries of the Town of Bridgeville, hereinafter designated as "Commissioners of Bridgeville", shall include all the land within the following limits: The centre of the town to be the middle of Laws and Market Streets, thence one line to run South seventy-seven and one-half degrees West one hundred and twenty rods; one line North twelve and one-half degrees West one hundred and sixty rods; one line North seventy-seven and one-half degrees East one hundred and twenty rods; one line South twelve and one-half degrees East one hundred and sixty rods, which lines hit the middle of the outside lines which bound the town, and which are: Beginning at a stone East of J. H. Myer's barn, runs North seventy-seven and one-half degrees East two hundred and forty rods; thence South twelve and one-half degrees East three hundred and twenty rods; thence South seventy-seven and one-half degrees West two hundred and forty rods; thence North twelve and one-half degrees West three hundred and twenty rods, to beginning.

Section 2. The present Commissioners of Bridgeville and their successors in office shall be and they are hereby created a body politic, corporate in fact and in law and equity. The style and name of the corporation of said Town shall be "Commissioners of Bridgeville". By that name said corporation shall be and hereby is made able and capable in law to have, take, purchase, receive, possess, enjoy and retain to it and its successors, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, in fee simple or otherwise, and the same to sell, grant, demise, alien or dispose of; to sue and be sued, implead and be impleaded, answer and

### CITIES AND TOWNS—BRIDGEVILLE

be answered, defend and be defended, in all courts of law and equity in the State of Delaware, or in any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and generally to have all the privileges and franchise incident to a Municipal Corporation or Body Politic.

Section 3. The elective Town officers shall be an Alderman, a Board of Commissioners to consist of five members and an Assessor. The appointive Town officers, except as herein provided, shall be such as said Commissioners of said Town shall, by ordinance, provide for.

Section 4. No person shall be eligible to the office of Commissioner who is not at the time of his election a citizen of the State of Delaware and resident and non-delinquent taxable of said Town above the age of twenty one years and the owner of real estate within said Town, Provided, however, that any married man, otherwise qualified, whose wife is the owner of real estate within said Town, and any married woman, otherwise qualified, whose husband is the owner of real estate within said Town, may be elected to the office of Commissioner although such person may not be the owner of real estate within said Town, and real estate in said Town owned jointly by husband and wife shall make both husband and wife eligible, if otherwise qualified.

Section 5. Every officer of said Town, before he enters upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Delaware and that he will perform the duties of the office to which he has been elected or appointed with fidelity and without favor or partiality. Such oath may be administered by any officer authorized, under the laws of this State, to administer oaths or affirmations.

Section 6. An election shall be held in said town for elective officers on the first Monday of February in each year from one to four o'clock in the afternoon, and at such place as shall be determined and fixed by the Town Commissioners. At least

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ten days previous thereto, due notice thereof shall be given by said Town Commissioners. At such election the votes shall be received by the State's Justice of the Peace residing in said Town, or by such other person as said Town Commissioners may select, and the result of the balloting for said officers shall be ascertained by him and two competent citizens, qualified as voters of said Town, selected by said Town Commissioners to assist in holding such election. At such election every citizen of the said Town of the age of twenty-one years, or upwards, who has within twelve months of said election paid a Town Tax which has been assessed within twelve months, shall have a right to vote, and persons arriving at the age of twenty-one years since the last town Assessment shall have a right to vote. The persons who shall conduct such election as in this Act provided, shall be the Judges thereof and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted and the person having the highest number of votes for Alderman or Assessor shall be declared elected. The two candidates for Commissioners for the two year term who have the highest and next highest number of votes for such office and term shall be declared elected for the two year term and the candidate for Commissioner for the one year term shall be declared elected for such term. Immediately after such election, said persons under whose superintendence the election is held shall enter in a book to be provided for that purpose, a minute of such election containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each and shall subscribe to the same and deliver said book to said Commissioners at their organization meeting. They shall also give to the persons so elected a certificate of their election. The book containing such minutes shall be preserved by the Commissioners and shall be evidence in all Courts in this State or elsewhere. No person shall be voted upon as a candidate for any of such offices unless at least one week before the date set for said election, he or she shall have filed with the Secretary or President of said Town Commissioners a letter or other certificate setting forth that he will

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be a candidate for a certain designated office for a like designated term. Immediately after the expiration of the time for filing names of candidates, said Town Commissioners shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for; for instance, "vote for one" or "vote for two", or as many as the voter shall be entitled to vote for in any particular case. The voters shall designate their choice of candidates to be voted for, for each particular office, at such elections, by drawing a line through the names of all persons who are candidates for each particular office except those candidates in each group desired to be voted for; provided, however, that no Elector at any such elections shall be allowed to vote for more candidates (but may vote for less) than the number to be elected at said election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. The form of ballot shall be substantially as follows:

OFFICIAL BALLOT  
CANDIDATES FOR ELECTION TO ELECTIVE OFFICES  
IN THE TOWN OF BRIDGEVILLE

For Alderman

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

(vote for one)

For Assessor

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

(vote for one)

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For Town Commissioner for the Term  
of One Year

.....  
.....  
.....  
(vote for                    )

For Town Commissioner for the Term  
of Two Years

.....  
.....  
.....  
(vote for two)

The method of voting shall be by striking out the names of those not voted for so that the eligible number of candidates for any particular office shall remain on the ballot.

Section 7. At the Town election to be held on the first Monday in February, A. D. 1942, and on the same day in every year thereafter, the voters of said Town of Bridgeville shall vote for an Alderman, who shall be elected by a plurality of all the votes cast. The Alderman shall hold office for the term of one year, commencing on the Monday next following the date of his election.

Section 8. The Alderman and President of the Town Commissioners are hereby constituted conservators of the peace within said Town and it shall be their duty to see that the laws and ordinances governing said Town are faithfully executed.

Section 9. In the case of the temporary absence or disability of the Alderman and the President of the Town Commissioners, the Town Commissioners shall appoint one of the members of said Town Commissioners to act during their temporary absence or inability.

Section 10. If the office of Alderman or any other elective officer of said Town shall become vacant by reason of death,



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removal from the Town or resignation of any such officer, the Town Commissioners shall make appointments to supply such vacancies and the person so appointed shall hold office for the unexpired term. In case of a tie vote, the President shall have a right to vote, and should the office of President become vacant and a tie vote result as aforesaid, the Town Treasurer shall have a right to vote. The provisions of this Section shall apply to any elective office to which a person who has been elected, shall be found ineligible or shall fail to qualify or to give bond as in this Act provided.

Section 11. The common seal now used by the Commissioners of Bridgeville shall continue to be used as such until the same shall be changed, altered or renewed by ordinance passed by the Town Commissioners.

Section 12. Insofar as concerns crimes, misdemeanors and breaches of the peace committed within the corporate limits of said Town, the said Alderman and/or President of the Town Commissioners shall have the same power, authority, jurisdiction and cognizance as a Justice of the Peace. They shall have original jurisdiction to inquire of, hear, try and determine any and all offenses which shall be committed within said Town against any of the laws, ordinances, regulations or charter of said Town and to punish the offender or offenders as by the said laws, ordinances, regulations or charter shall be prescribed. They shall have authority to punish contempt and to issue all process necessary for the exercise of their jurisdiction; and it shall be the duty of any County Constable or of the Town Constable to execute the same when placed in their hands, and any failure to properly execute the same shall be punishable as a contempt of court. The fees of said Alderman and/or President of Town Commissioners shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be their duty to keep a book of record or a docket, which shall be provided by the Town Commissioners. All official accounts shall be entered in said docket and it, together with all books, papers and documents pertaining thereto, shall be delivered to their successor or successors within twenty-four hours

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after their election and qualification. If either the Alderman or the President of Town Commissioners, who may be in possession of said docket, together with all the books, papers and documents pertaining thereto, shall default in so doing, he shall forfeit and pay a fine of Twenty-five (\$25.00) Dollars and in default thereof shall be imprisoned for a term not exceeding thirty (30) days. Any Justice of the Peace in Sussex County shall have jurisdiction to hear and determine said cause.

Section 13. At the Town election held on the first Monday of February, A. D. 1942, three Commissioners shall be elected, two of whom shall serve for a term of two years and one of whom shall serve for a term of one year. Annually thereafter, three Commissioners shall be elected, two of whom shall serve for two years and one of whom shall serve for one year. All acts and transactions heretofore done and performed by said "Commissioners of Bridgeville" in so far as the same may have been defective by reason of failure to hold elections in the manner prescribed by law, are hereby ratified, confirmed and made valid with the same force and effect as though said elections had been legally held.

Section 14. At the first meeting of said Town Commissioners after their election, and annually thereafter, they shall choose a President and a Secretary from among their own number. The President shall be the presiding officer and the Secretary shall keep a record of all the proceedings of said Town Commissioners in books to be provided for that purpose and shall carefully preserve all books, papers and documents and deliver the same to his successor in office.

Section 15. Regular meetings of the Town Commissioners shall be held on the second Monday in each and every month at eight o'clock P. M., at such place as the Town Commissioners shall, by resolution, provide. Special meetings may be called by the President upon his own motion or shall be called at the request of three members, and proceedings at such special meetings shall have the same force and effect as at regular meetings provided personal notice be given to each member and a record

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thereof entered on the journal. They shall conduct their proceedings in accordance with rules to be adopted for that purpose. Three members shall constitute a quorum for the transaction of business and the acts of a majority of the members present shall be valid except for the adoption of ordinances.

Section 16. No ordinance shall be passed, amended, or repealed except with the concurrence of a majority of all the Town Commissioners and unless it shall have had at least two readings at a previous meeting or meetings, and the votes of all members voting entered upon the Journal. All elections for officers to be appointed by the Town Commissioners shall be by ballot.

Section 17. Said Town Commissioners shall constitute the Legislative Body of said Town and shall be denominated when assembled, "Town Commissioners". The Town Commissioners shall have power to enact ordinances to preserve the health of the Town and to prevent the introduction of infectious and contagious diseases. The Town Commissioners may also pass ordinances to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and amend the same, and provide for the paving thereof, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinafter contained; to regulate and fix the ascent and descent of all streets, lanes and alleys; to direct the paving of all footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors and other inlets to buildings; to prescribe and regulate the use of the highways, streets, squares, lanes and alleys of the Town and to have and exercise control over the same subject to the provisions in that behalf hereinafter contained and to the general supervision and control of the General Assembly of the State of Delaware; to provide for the regulation of auctions and auctioneers; to license and regulate public amusements; to regulate party walls; to provide for the safety of the citizens; to prescribe the height and thickness of walls and material of buildings and the safe

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erection of the same within said Town in such way as to provide for and secure the safety of the inmates thereof, and may make provisions for the enforcement of such regulations; to provide against the adulteration of foodstuffs sold or brought to be sold in said Town and to provide for the proper inspection of the same; to license and regulate peddlers and pool rooms; to provide for the proper lighting of streets, squares, lanes and alleys of said Town and for the maintenance of the water works of said Town, and in its discretion to provide for the payment of the expenses thereof; to regulate the storage of gun powder or other dangerously combustible matter; to lay and collect fines on owners or harborers of any dog in heat in any of the streets, lanes or alleys of said Town.

The Town Commissioners shall, in like manner, have the power to direct and regulate the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues and parks in said Town and to authorize and prohibit the removal or destruction of said trees; to direct the digging down, draining, filling-up or fencing of lots, tracts, pieces or parcels of ground in said Town, which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter; to prescribe the manner in which such work shall be performed and to cause the expense thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved and to determine the time and manner in which such assessment shall be collected; for the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removing of dwelling houses or other buildings, and to establish a code for the same and to provide for the granting of permits for the same and to establish a building line for buildings to be erected; to zone or district the Town in such manner and under such conditions as the Town Commissioners may deem proper and make particular provisions for particular zones or districts with regard to buildings or building materials, and may forbid any building except for which a building permit therefor has been obtained from and as prescribed by the Commissioners: provided, that this provision shall be deemed

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to include new buildings or re-buildings or addition to or alterations of existing structures of any kind, as to which the Commissioners are hereby granted all the authorities and powers vested in the Legislative body of Cities and Incorporated Towns under and by virtue of Chapter 179 of the Revised Code of Delaware, 1935; to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erecting of stables; to regulate the construction of chimneys, to compel the sweeping thereof; to prevent the setting-up or construction of furnaces, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places and to authorize any town Officer or Constable or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition; and, if not, to direct or cause the same to be made so; to make, adopt and promulgate all rules and regulations relative to the use of any sewer in said Town and the tapping thereof, including the charge and fee therefor, as they shall deem proper and they may also adopt ordinances prescribing penalties for any injury to the said sewer system or any part thereof, or for any abuse of any privilege granted in connection therewith; to prescribe the material of private drains or sewers which shall enter into any Town sewer and shall direct the manner in which they shall be laid; upon written notice from either the Town or State Board of Health of the existence of a nuisance detrimental to the public health of the inhabitants of said Town, stating that such nuisance can be eliminated by connecting the property upon which said nuisance exists with the sewerage system of the Town, to compel the owner or owners of such property to connect such property with the sewerage system of the Town, within thirty days after written notice, directed to such owner or owners.

In the promotion of the public health or welfare, when not conflicting with any of the laws of this State or any regulations of the State Board of Health, to regulate the use of cemeteries within the limits of the town, to order the removal of bodies in any cemetery within the limits of the town where the

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cemetery is abandoned and neglected and in the judgment of the Commissioners of the Town such removal is in the interests of the public health and welfare.

The Town Commissioners shall have power to regulate and control the operation of any gasoline or other motor on the highway or on private property when said operation shall result in the discharge from said motor of any noxious smoke, gas, steam or other offensive odor or result in any unusual or offensive noise which might be detrimental to the health or comfort of any of the population of the Town, provided said regulation or control does not conflict with any existing laws of this State or of the United States.

The Town Commissioners shall, in like manner, have the power to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fire works, and the use of firearms, including air rifles, in said Town; to regulate or prohibit the use of candles and lights in barns, stables and other buildings.

The Town Commissioners shall, in like manner, have the power and authority to collect license fees annually of such various amount or amounts as the Commissioners shall from time to time fix from any individual, firm, association or corporation carrying on or practicing any business, occupation or profession within the limits of the town, provided that any resident of the State of Delaware may sell farm produce or any farm products grown on his or her farm. They shall also have the power to regulate or license the distribution of handbills within the limits of said Town.

The Town Commissioners may annually set aside a sum not exceeding ten per cent. of the total amount collected as taxes on real estate and capitation taxes to be applied for providing equipment for and the maintenance of the Bridgeville Fire Company. This fund shall be known as the "Fire Department Fund" and shall be paid out by the Treasurer of the Town

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Commissioners upon orders drawn by the President and Treasurer of said Bridgeville Fire Company after approval of the Town Commissioners.

The enumeration herein of particular powers shall not be held to be exclusive or to restrict, in any way, the general powers herein, but, in addition, the Town Commissioners shall also have all powers and functions necessary for the government of the Town, its sanitation, beauty, the health, convenience, government and well being of its population and the protection and preservation of property, public and private, not in contravention of any existing laws of this State or of the Constitution thereof.

In particular the Commissioners of Bridgeville are hereby authorized and empowered to purchase within or without the limits of the Town of Bridgeville such real estate as it may deem necessary for a place for dumping refuse or for any other purposes herein enumerated or implied and the said Commissioners of Bridgeville shall have the same authority and jurisdiction over the same as if said property were within the limits of said town, and all ordinances and resolutions adopted by the said Commissioners shall have the same force and effect over and upon said property so purchased by said Commissioners.

The Town Commissioners shall have the power to enact ordinances, rules and regulations and to fix the fines or penalties for violations thereof, provided that no fine or penalties shall be imposed in a sum exceeding one hundred (\$100.00) dollars, exclusive of costs, and no term of imprisonment shall be imposed for violation of any rules, regulations or ordinances, or for failure to pay any fine or penalty imposed, in excess of a period of thirty days.

Section 18. Said Town Commissioners shall cause a fund to be raised by way of tax upon persons authorized to vote for Town Commissioners by this Act, and upon all lands and tenements, and any interest in such lands and tenements within the lines of said Town; provided, that all lands and tenements or

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any interest therein not within the corporate limits of the said Town of Bridgeville prior to the passage of this Act, shall not be subject to any taxation for the uses of the said Town (excepting school taxes) until such time as said property or any part thereof, to be taxed for uses of said Town shall have established thereon all the advantages, improvements and benefits of streets, street lighting, sewers, inlets, water-mains and fire plugs as have been established, enjoyed and provided for upon and abutting the properties within the corporate limits of said town prior to the passage of this Act, and provided further, that all lands, tenements and any interest in such lands and tenements within the limits of said Town as are now exempt from taxation shall from and after the passage of this Act continue so to be exempt from taxation; and provided further, that in no case shall the tax so raised exceed the sum of Twelve Thousand Dollars in any one year, without an Act of the Legislature of the State of Delaware authorizing such increase; provided, however that the provisions of this section shall not affect or be affected by the provisions of an Act entitled: "An Act authorizing the Commissioners of Bridgeville to Borrow Money and Issue Bonds to Secure the Payment Thereof, for the Purpose of Providing a Supply of Water and a Sewerage System for the Town of Bridgeville, and to Control and Regulate the Same," approved March 12, A. D. 1909; or by the provisions of an Act entitled: "An Act Authorizing the Commissioners of Bridgeville to Appropriate Annually Out of the Taxes Collected on Real Estate and Capitation Taxes a Sum of Money to the Bridgeville Fire Company, a corporation of the State of Delaware," approved April 1, 1937.

Section 19. The Commissioners of Bridgeville shall annually appoint a Town Treasurer, who shall hold office for a term of one year beginning on the second Monday of February following his appointment.

Section 20. Said Town Treasurer shall at his own cost before entering upon the duties of his office, give bond to the "Commissioners of Bridgeville" in such amount as shall be determined by the Town Commissioners, with surety to be ap-



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proved by said Town Commissioners conditioned for the faithful performance of the duties of his office, with a Warrant of Attorney for the confession of judgment thereto annexed.

Section 21. All monies belonging to the Town which shall come into the hands of the Town Treasurer shall be by him deposited in some incorporated Banking Institution to be designated by the Town Commissioners, such deposits to be made in the name of "Commissioners of Bridgeville", except in the case of money proceeds arising out of a bonded debt authorized by the General Assembly for a specific purpose or use, in which case such money shall be deposited in the name of "Commissioners of Bridgeville" for the special purpose or use for which the debt was authorized and shall only be drawn out for such special purpose or use. All monies so deposited shall be drawn out only on an order signed by the President and Secretary of said Town Commissioners and countersigned by the said Town Treasurer, or in case of the absence or temporary disability of any of said three persons, then by such person as the Town Commissioners may designate by resolutions and the others.

Section 22. The Town Treasurer shall furnish to the Town Commissioners at each regular meeting, an itemized statement of all monies received by him during the period between such regular meeting and the one immediately preceding, together with the aggregate amount paid out during said time, and the balance remaining therein at the time of making said statement. If the Town Treasurer shall pay any money contrary to the provisions of this Act, he shall forfeit and pay to the corporation for every such offense, a fine of One Hundred Dollars, and he and his sureties shall be liable to the Town upon his official obligation for any money so paid out by him.

Section 23. The Town Treasurer shall perform such duties as are prescribed by this Act or by any ordinance the Town Commissioners shall from time to time enact, and which shall not be inconsistent with the provisions of this Act. The Town Commissioners may enforce by suitable penalties, any duties

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enjoined by this Act or by such ordinance, except where penalties are provided by this Act.

Section 24. At or prior to the regular meeting of the Town Commissioners to be held on the second Monday in January of each year, the Town Commissioners shall appoint one or more competent persons to audit the accounts of all Town Officers for the fiscal year ending on the second Monday in February, and such person or persons so appointed, shall present his or their report at the organization meeting of the Council in the month of February. Said Auditor or Auditors shall be paid such amount for his or their services as said Town Commissioners shall determine. Copies of said report shall, sometime in the month of February in each year, be posted in at least five of the most public places in said Town.

Section 25. Said Town Commissioners shall have authority to employ a Town Solicitor, who shall be a member in good standing of the Bar of the State of Delaware. It shall be his duty to give legal advice to the Commissioners and other officers of the Town and to perform such other legal services as may be required.

Section 26. That said Town Commissioners shall have authority to build and maintain or to lease a suitable place as a lockup or jail for the use of said Town, and the Alderman of said Town or any Justice of the Peace, in enforcing the provisions of this Act, or of any ordinance of said Commissioners of Bridgeville, may commit to the said lockup or jail, for any time not exceeding one week; or may commit to the public jail of Sussex County for any longer term in any case, and for the term of one week or less in case said Town Commissioners shall not provide such lockup or jail within said Town. The lockup or jail of said Town shall be in charge of the said Town Constable (who shall be under the supervision of said Town Commissioners), whose duty it shall be to provide for the maintenance of such persons as from time to time may be confined therein, and the expenses of such maintenance shall be defrayed

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upon bills presented to and approved by said Town Commissioners.

Section 27. Said Town Commissioners shall have the power to appoint and remove such Town Constables as in their judgment may be necessary and proper. They shall have the same power and jurisdiction in the service of any process within the whole of Sussex County as any Constable of the State of Delaware, in and for Sussex County, as to the cognizance of all breaches of the peace and other offenses within the limits of said Town. Their fees and emoluments shall be the same as those of a County Constable for like services; provided that said Town Commissioners shall have authority by ordinance to fix additional compensation for them.

Section 28. It shall be the duty of the Alderman, Town Commissioners, Town Constable, County Constable and Justice of the Peace residing in said Town, or any of them, to suppress all riotous, turbulent, disorderly or noisy conduct of any person, or any disorderly or noisy assembly or gathering on any of the streets of said Town or in any house therein; and for this purpose it shall be the duty of any such person above named, without warrant, to seize and arrest any person caught in the act of so offending and carry him before said Alderman, said Justice of the Peace or President of Town Commissioners, and upon conviction before either of said officials, the person so offending shall pay a fine of not less than one dollar and not more than twenty dollars, or in default of payment thereof, be committed to jail for a term of not less than five days nor more than twenty days. Any person or persons charged with any of the offences set forth in this section may be arrested on a warrant issued by said Alderman, Justice of the Peace or President of Town Commissioners and upon conviction shall be subject to the penalties herein set forth as though arrested while committing said breach of the peace.

Section 29. Any fine imposed under the provisions of this Act or by any ordinance of said Town of Bridgeville, whether imposed by said Alderman, President of Town Commissioners

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or Justice of the Peace, shall be paid over to said Town Treasurer for the use of the Town.

Section 30. The Alderman shall not receive any compensation except the fees provided for in this Act. The Secretary, Assessor, Constable and Town officers provided for by ordinance shall receive such compensation as the Town Commissioners shall by ordinance provide. The Treasurer shall receive such compensation for his services as the Treasurer and such separate compensation for the collection of taxes as the Town Commissioners shall determine. Each Town Commissioner shall receive two dollars for each and every meeting he shall attend and whenever any Town Commissioner is called by Town business out of the Town limits, the Town Commissioners may allow to said official his actual traveling expenses and such other reasonable compensation as may be deemed proper.

Section 31. The said Town Commissioners shall exercise a general and supervisory power over the Assessor who shall be elected at each Town election for the term of one year, to begin on the Monday following his election, and like power over the Town Treasurer, and shall cause such Assessor to make a faithful, full, fair and complete assessment of all the property in said Town liable to taxation. Said Town Commissioners may adopt such rules and regulations as they shall deem expedient to produce fairness, equality and completeness of assessment and shall have full power at any time to examine the assessments while the assessor is making them and cause them to be conformed to such rules and regulations as such Town Commissioners may have adopted.

Section 32. The Town Assessment shall be completed and delivered to the Town Commissioners by the Assessor, in duplicate, during the month of February in each year, and all taxes shall be collected before the first day of July in the succeeding year. For any amount remaining on the Town Treasurer's duplicate uncollected at that time and not sufficiently accounted for or allowed for errors, delinquencies or otherwise by the Town Commissioners, the said Town Treasurer and his sureties

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may be held accountable upon their bond; the said Town Commissioners may, by resolution, extend the time for the collection of said taxes; provided, however, that all taxes shall be a lien on the property for three years from June first of the year for which the taxes are assessed. The said lien shall be full paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may be charged with or liable to. In the case of sale under execution process of any real estate upon which any such tax lien shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer making the same; provided that if such fund shall not be sufficient to pay and discharge the said tax lien by reason of said real estate having been sold subject to another or other lien or liens, then the unpaid balance of tax shall remain a lien upon the lands so sold. In case of such sale, the Town Treasurer shall file the tax claim with the officer making such sale, which officer shall be bound by the provisions of this section.

Section 33. All real estate within said Town shall be assessed according to the assessed value. The assessment of real estate shall be made according to a certain rate on and upon every hundred dollars of the estimated value of the property assessed, if sold for cash and so pro rata. The real estate shall be described with sufficient particularity to be clearly identified\* and the principal improvements thereon, if any, shall also be specified. Real estate, the owner or owners of which cannot be found or ascertained, may be assessed to "Owner unknown". Every citizen of said Town above the age of twenty-one years shall be rated for a capitation tax in addition and without regard to the assessment of real estate, at a capital not exceeding One Thousand Dollars nor less than One Hundred Dollars. To better enable said Assessor to make said assessments, he shall have the right to examine all records in the County offices kept at Georgetown, free of all costs and charges.

Section 34. The Town Commissioners, upon receiving such

\*So enrolled.

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assessment, shall forthwith examine it, with power to revise, alter or add any assessment on or before the ensuing thirty-first day of March. After receiving said assessment list, said Town Commissioners shall cause a full and complete copy thereof to be posted for one week in a public place in the post-office of said Town (or such other place as the Town Commissioners shall, by resolution, determine), and the Secretary of said Town Commissioners shall give notice by written or printed copies posted in at least five of the most public places in said Town that such assessment, being completed, is posted at the designated place for public inspection. Said notice shall also designate the time appointed by said Town Commissioners for sitting as a Board of Appeals.

Section 35. Said Town Commissioners shall sit at some public and convenient place in said Town one afternoon during the month of March in each and every year from two o'clock until four o'clock in the afternoon, to hear appeals from assessments, and shall continue to sit during the same hours each afternoon thereafter (except Sundays), as long as may be necessary to adjudge appeals. Upon appeals the said Town Commissioners shall have power to alter any assessments and to make additional assessments and to determine and to do whatever may appertain to justice and right. Appeals may be filed in writing with the Secretary or made directly to said Board. No appeals shall be received or heard nor shall said list be altered or added to after the thirty-first day of March in any year.

Section 36. Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any assessment heretofore laid or done or in any way to affect the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due the Town of Bridgeville under existing laws in reference to the Town of Bridgeville and the same are hereby declared to be valid, binding and vested in the Town of Bridgeville.

Section 37. The assessments being so settled as aforesaid,

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the said Town Commissioners shall, on or before the fifteenth day of April in each year, determine the whole amount of money necessary to be raised for the use of the Town by taxation during the year of said assessment and shall apportion such amount among the several persons and estates assessed upon the Town assessment and so pro rata; said assessment list shall, on or before the twentieth day of April in each year, be delivered to the Secretary of said Town Commissioners who shall immediately write thereon the warrant of said Town Commissioners for the collection of said taxes, which said warrant shall be signed by the President of said Town Commissioners, under the seal of said Corporation, and countersigned by said Secretary, and the said lists and warrant thereon shall be delivered by said Secretary to said Town Treasurer on or before said twentieth day of April, whereupon it shall be the duty of said Town Treasurer to forthwith collect and receive the taxes thereupon, and in collecting said taxes he shall have the same powers as are given by law to the Receiver of Taxes for Sussex County and shall be entitled to deduct from the proceeds of any sale for non-payment of taxes the same charges or costs as are now deducted by said Receiver of Taxes for Sussex County. The powers, duties, and authority of said Town Treasurer as to the collection of taxes shall continue after his term as Town Treasurer shall otherwise have expired, when he shall be known as "Late Town Treasurer."

Section 38. The said Town Commissioners shall have power, by ordinance, to enjoin upon the said Assessor, and upon said Town Treasurer, acting as collector of taxes, any duties in addition to those in this Act specified, touching the assessment and collection of taxes, which it shall deem necessary or proper for carrying into effect the provisions of this Act, and may enforce by suitable penalties, any duties so enjoined by this Act or by such ordinance as aforesaid.

Section 39. Upon the delivery to a Town Treasurer of such lists, with said warrant, to collect such taxes, he and his sureties, his and their executors and administrators shall become and are hereby declared to be responsible for the whole

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amount of money which it shall be his duty to collect, subject only to such just allowances as shall be made to him or them upon settlement with said Town Commissioners as hereinafter provided.

Section 40. On all Town taxes assessed as aforesaid paid before the first day of July, an abatement or discount of five per centum shall be allowed; on all Town taxes thereafter paid until the first day of January thereafter, no abatement or discount shall be allowed; on all Town taxes paid after the said first day of January, a penalty of one per centum per month until the same shall be paid shall be added.

Section 41. If any such Town Treasurer die, or in the judgment of said Town Commissioners be incapable of performing his duties, or upon petition by the surety of such Town Treasurer, and the Town Commissioners being satisfied that it is a proper case for relief, the Town Commissioners may appoint another person to collect the residue of the unpaid taxes and may compel the delivery to such person of the list and warrant or cause a new one to be issued to him, bond with surety being first given as required by this Act in the case of the original Town Treasurer. Thereupon such other person so appointed and his sureties, his and their executors and administrators, shall become responsible for the uncollected taxes subject to allowances as herein provided. Such appointment shall not discharge the first Town Treasurer or his sureties from any part of their original responsibility, but all sums collected by the substituted collector shall be credited to him. All the powers, duties and liabilities of the Town Treasurer shall devolve upon the substituted collector and his sureties, executors and administrators upon final settlement with the Town Commissioners as herein provided. The said Town Commissioners shall make a just apportionment between the original Town Treasurer or his representative and the substituted collector, of the compensation allowed for the collection of taxes.

Section 42. The Town Treasurer and the substituted collector provided for in this Act shall make deposits in the deposi-



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tory bank of said Town to the Credit of "Commissioners of Bridgeville," of the taxes from time to time collected by either of them at such times and in such manner as the Town Commissioners may, by ordinance direct.

Section 43. The Town Treasurer or substituted collector, as the case may be, shall appear before the Town Commissioners at such time or times and place as said Town Commissioners shall appoint, and produce to them a list of taxes as aforesaid, together with the certificates of deposit as aforesaid, and thereupon the said Town Commissioners shall ascertain and determine whether, after a just allowance for errors, delinquencies or otherwise, any and what sum is due and unpaid from such Town Treasurer to said Town.

Section 44. The Town Treasurer shall, before entering upon the duties of his office, take an oath or affirmation similar to that hereinbefore prescribed to be taken by members of the Town Commissioners, and shall give a separate bond as to the collection of taxes to the "Commissioners of Bridgeville," in addition to any other bond which may be required of him, with security to be approved by said Town Commissioners, in an amount to be determined by said Town Commissioners, conditioned for the collection of said taxes and for the faithful performance of all the duties of his office, in so far as the collection of taxes is concerned, that may be prescribed by said Town Commissioners. Said bond shall have annexed thereto a warrant of attorney for the confession of judgment thereon. Said bond must be given by such Town Treasurer within ten days after his election.

Section 45. Said Town Commissioners shall have power and authority to levy and collect taxes upon all telephone, telegraph, electric light and gas equipment within the limits of said Town and the Town Commissioners may, by ordinance, prescribe the mode of levying and collecting the same. In case the owners or lessees of such equipment shall refuse or neglect to pay the taxes that may be levied thereon, said Town Commissioners shall have authority to cause the same to be removed

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and may institute suit to recover the amount of taxes so levied, and the expenses incident to the removal of such equipment.

Section 46. The said Commissioners of Bridgeville are hereby authorized to direct in writing the owner or owners of any house or land in Bridgeville before, along, in front of, or adjoining which they may deem proper that a pavement should be laid, to curb and lay a pavement, or either or both, of brick or smooth stones or cement, as the Commissioners of Bridgeville may direct, of such length and width as the said Commissioners of Bridgeville may specify.

In the event of any owner neglecting or refusing to comply with the said notice for the space of three months, the said Commissioners of Bridgeville may proceed to have the same done, and when done, the Collector of the said Town shall, as soon as convenient thereafter, present to the owner or owners of said lands, a bill, showing the expense of such paving or curbing, or either, or both; if such owner or owners shall not reside in the Town of Bridgeville, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident in said Town of Bridgeville, such bill may be sent by mail to such owner or owners, directed to him, her or them at the address shown in the tax record for the current year. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same as aforesaid, then it shall be the duty of said Commissioners of Bridgeville to issue a warrant in the name of the Commissioners of Bridgeville, under the hand of the President, attested by the Secretary, and under the seal of the Corporation, directed to the Collector of Taxes of the Town of Bridgeville, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of said collector, as soon as convenient after the said warrant be delivered to him, and after ten days' notice to the owner or owners of such lands in the manner provided above, and after posting five or more notices of sale in at least five public places in the Town of Bridgeville at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at

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public auction, or so much thereof as may be necessary to pay the amount of said bill, with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said collector after ten days' similar notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the Town of Bridgeville for at least ten days before the day of sale, to sell the lands and tenements of such owner or owners before, along, in front of or adjoining which such paving or curbing, or either or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with all costs, and a deed from the Commissioners of Bridgeville, signed by the President and attested by the Secretary under the corporate seal of the Commissioners of Bridgeville, shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof and the Commissioners of Bridgeville are hereby authorized and empowered to employ a person to bid for them at any such sale and in case where the person so employed shall be the highest bidder, the deed for said lands shall be executed by the Collector effecting said sale, to said Commissioners of Bridgeville.

The claim for paving or curbing, or either or both, with interest on the same from the date of completion of the improvements, shall be a lien on the premises before, along, in front of or adjoining which the said work was done, and shall have priority over any lien encumbrance or conveyance after the beginning of the said improvements; provided that within thirty days after the completion of said improvements a certificate, under the corporate seal of the said Commissioners of Bridgeville, signed by the President, and attested by the Secretary, setting forth the amount of the bill, the date of the beginning of the improvements and a description of the property affected by said lien, with the name or names of the owner or owners, shall be recorded in the mortgage records, in the Office of the Recorder of Deeds at Georgetown, in and for Sussex

## CITIES AND TOWNS—BRIDGEVILLE

County; and the record of such certificate shall be evidence in all courts of law or equity in this State.

Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said Office of the Recorder of Deeds within ninety days after the approval of this Act.

From the proceeds of the sale of the goods and chattels or lands and tenements, sold as aforesaid, it shall be the duty of the Collector aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said Town the amount of the said bill as aforesaid, and the residue thereof, if any, shall be deposited in the Baltimore Trust Company, at Bridgeville, Delaware, to the credit of said owner or owners.

Lands and tenements sold as aforesaid shall be subject to any lien or encumbrance suffered or made by the owner or owners thereof before the beginning of said improvements.

The Collector aforesaid shall be entitled to receive two dollars for every sale of personal property under this Section, and five dollars for every sale of real estate under this Section together with such additional sum as may be reasonable and proper for the keeping, taking care of, advertising and selling such personal property, and for the advertising and selling such real estate, all of which shall be part of the cost to be paid out of the purchase money aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said Town, notice served upon the occupier or tenant of such property shall be sufficient; or if there be no owner, occupier or tenant of said premises in said Town, it shall be sufficient to send notice by registered mail to any owner of said premises directed to him or her at the post office nearest his or her place of residence; and the return registry receipt properly signed by such owner or co-owner for such registered letter shall be conclusive evidence that such notice has been received by the person to whom it was mailed.

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The provision contained in this Section shall apply to any order made by the Commissioners of Bridgeville in respect to any pavement, sidewalk or curb heretofore made or done which the said Commissioners of Bridgeville may deem insufficient or to need repairing.

If any lot or lots, house or houses, on any of the streets of said Town of Bridgeville shall be held or owned by any widow or widows as and for her or their dower, or any tenant for life, such expenses incurred as aforesaid for the lot or lots, house or houses so held, shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be a minor or minors at the time of such expense being incurred, then the same shall be paid by the guardian or guardians, agent or agents acting for such minor or minors, out of any money or effects of such minor or minors, and a receipt therefore to such guardian or agent shall be sufficient evidence of such payment and shall be allowed in his or her guardian's or agent's account and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same shall remain on interest from the day of the presentation and be a lien against such lot and improvement until paid. All subsequent repairs named in this Act to be kept up at the expense of the said tenant in dower or other life tenant. The said Commissioners of Bridgeville in addition to the provisions of this Section hereinbefore contained, shall have the power and authority to enforce by ordinance all the requirements of this Section by imposing such fines and penalties as shall, in the judgment of said Commissioners, be necessary and proper.

Section 47. Said Town Commissioners shall have entire jurisdiction and control within the limits of said Town, of the drainage thereof and may pass ordinances for the opening of gutters, drains and sewers within the limits thereof and the regulating and maintaining, cleansing and keeping the same, and the natural water courses, runs and rivulets open, clear and unobstructed and for that purpose may authorize the entry upon private lands and by general regulations prescribe the mode in which they shall be opened, maintained, cleansed and

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kept open and unobstructed and who shall pay the expense thereof, and may, in their discretion, assess the costs thereof upon the persons and property, real and personal of those particularly benefited thereby, or of those owning or holding lands through or along which said sewers, drains or water courses shall flow or pass and prescribe the mode of collection thereof; provided that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Section 48. Said Town Commissioners in order to provide for the health of the citizens of said Town shall have power, and they are hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of drainage and removal of nuisances and for the enforcement of such rules and regulations and to make provisions for the punishment of persons who shall refuse or neglect to comply with the same.

Section 49. The doing of all work and the furnishing of all materials and supplies, where the cost thereof in any particular instance shall exceed five hundred dollars, shall be let out by said Town Commissioners to the lowest and best bidders, except in cases where it is not practicable to do such work or furnish such materials and supplies by contract. In such cases the Town Commissioners shall give at least one week's public notice that they will receive proposals for such work, materials or supplies, such notice to be given in such manner as the Town Commissioners shall prescribe.

Section 50. The Commissioners shall have power to enact ordinances, rules and regulations in regard to the use of water, —for either private or public purposes,—furnished by the Commissioners, and the amounts to be paid by the users thereof, provided, however, that the total revenue therefrom shall be sufficient at least to pay the interests on any outstanding indebtedness thereon and the principal thereof as it shall become due, together with all running expenses of said water system and depreciation thereon.

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Section 51. No person or corporation shall open or excavate the bed of any street or highway for the purpose of laying or placing pipes, conduits, rails or other conductors or means of traffic therein, or any other purpose whatsoever, without first obtaining the consent of the duly constituted authorities of such Town. The said Town Commissioners may further provide, by means of any ordinance, rules or regulations, for the repair of any damage which may be caused to said streets or highways or any other damage whatsoever.

Section 52. The Town of Bridgeville shall not be responsible for any damage that may result to persons or property by reason of any hole, excavation or obstruction in and upon the footways, or sidewalks, of said Town or from any defective condition of such footways or sidewalks, unless such hole, excavation or obstruction or other defective condition of the footways or sidewalks aforesaid is caused by said Town or its authorized agents.

Section 53. It shall be lawful for said corporation, from time to time and as occasion may require, further to extend and to widen any street, square, lane, road or alley of said Town and likewise to lay out all necessary new streets, squares, lanes, roads or alleys within said Town, but only after proceedings to be had as follows: Upon the written application to said Commissioners by ten or more qualified voters of said Town at least thirty days before any regular Town election recommending the further extension and widening of any street, square, lane, road or alley within said Town or the laying out and opening of any new street, square, lane, road or alley within said Town, said Commissioners shall adopt a resolution, submitting to the qualified voters of said Town the question as to whether any such street, square, road, lane or alley shall be widened, extended, opened, or laid out as the case may be, and such resolution shall give a description of the property necessary to be taken for such purpose. At said election, the question submitted shall be substantially as follows:

“Shall the Town of Bridgeville widen (or extend and open

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or lay out any street or new street as the case may be)

Street? (Here give general description of the lands to be taken).” Below this shall be the word “Yes” and below it the word “No”, as follows:

Yes.

No.

Each person voting shall vote by striking out either of said words so that the remaining word will indicate whether or not he shall vote for or against said proposition. The vote shall be ascertained by the same officers who conduct said Town election and the result thereof shall be certified to the Town Commissioners, showing the number of votes cast for and the number of votes cast against said proposition. If a majority of said votes cast are in favor of the said proposition, said Commissioners, after at least ten days written notice to all persons interested in the property to be taken, shall make written application to the Resident Judge of the Superior Court of the State of Delaware, in and for Sussex County, who shall issue a commission under his hand directed to five impartial freeholders of Sussex County, commanding them to assess the damages or benefits that may result from the extending, widening, laying out or opening of such streets, squares, lane, road or alley to the owner or owners of property or ground necessary to be taken or occupied therefor. Said freeholders shall take into consideration all of the circumstances of benefit and convenience as well as of the detriment to result to such owner or owners and shall make return of their proceedings to said Judge at a time in said Order appointed. Said freeholders shall first be duly sworn or affirmed as in said Commission shall be directed and shall then view the premises, and they or a majority of them shall assess the damages or benefits aforesaid and shall make return in writing of their proceedings in the premises to the said Judge, who shall file the same in the office of the Prothonotary in and for Sussex County. The return upon one commission shall not be conclusive, but upon application by the Commissioners of Bridgeville or any person interested, within fifteen days after the filing of such return, said Judge shall issue



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a Commission of Review appointing five other freeholders of said County, with like instructions as were contained in the first Commission. If no appeal is taken as aforesaid within fifteen days after the filing of the return of the first Commission, such return shall be conclusive. Said Judge shall have power to fill any vacancy in any such Commission at any time. No exception can be taken to the qualifications of the freeholders appointed under the provisions of this Section unless made to said Judge within five days after such appointment. There shall be allowed to said Commissioners for their services Two Dollars per day to be paid by the Commissioners of Bridgeville. The amount of damages or benefits being so ascertained, the Commissioners may pay or tender such damages to the person or persons entitled thereto within two months after the same shall have been finally ascertained, or if the person or persons so entitled reside out of or are absent from the Town of Bridgeville during said period of two months, then the same may be deposited to his or her credit at Baltimore Trust Company, Bridgeville, Delaware, within said time, and thereupon the said property or ground may be taken or occupied for the use aforesaid. Upon the approval of the assessment of benefits, or the return of the Commissioners appointed on a Review setting forth assessment of benefits, as herein provided, said return shall be conclusive evidence of a debt for that amount due to "Commissioners of Bridgeville" from the owners of the property against which said benefits were assessed, and said Commissioners of Bridgeville shall have power to recover judgment therefor against the owner of such property in an action of assumpsit before any Justice of the Peace in and for Sussex County, and such judgment, upon entry thereof in the office of the Prothonotary in and for Sussex County, shall be and remain for ten years a lien upon all the lands of such defendant situate within Sussex County. The provisions of this section as to the assessment of damages or benefits shall not apply if a majority of said Commissioners shall agree with the owner or owners of such property as to the amount of such damages or benefits, and such damages or benefits, as the case may be, paid to the parties entitled and the conveyance of the lands necessary for

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such street, free of all liens and encumbrances, be made in favor of such Town.

Section 54. The word "damages", when used in the preceding section, shall refer to and mean an equivalent in money which the owner of any property to be taken sustains over and above the benefits resulting to him from such improvement, by reason of said condemnation proceedings, and the amount which each such owner is entitled to receive from the Commissioners of Bridgeville; and the word "benefits", when used in this section, shall mean that sum of money which any property owner shall be benefited in excess of any detriment to him and in excess of the benefits to the citizens of said Town generally, by virtue of said condemnation proceedings and the amount which, by reason of such benefits, he shall be required to pay to said Commissioners of Bridgeville.

Section 55. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved May 12, 1941.

## CHAPTER 159

## CITIES AND TOWNS—CAMDEN

## AN ACT CHANGING THE CORPORATE NAME OF "THE COMMISSIONERS OF CAMDEN" TO "THE TOWN OF CAMDEN" AND ESTABLISHING A CHARTER THEREFOR.

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

## NAME AND TERRITORIAL LIMITS

Section 1. The municipal corporation of the State of Delaware, now known as "The Commissioners of Camden" shall hereafter be known as "The Town of Camden".

The Boundaries of the Town of Camden are hereby established and declared to be as follows:

Beginning at a point in the middle of Commerce Street, said point being in the West line of the limits of The Town of Camden and being distant thirty feet from the southwest corner of the Caesar Rodney School lands; thence continuing along the eastern limits of the Town of Wyoming in a southerly direction of five hundred and seventy-seven and one-half feet to a point in the eastern limits of "The Town of Wyoming", being the southwest corner for the present limits of the Town of Camden; thence running a straight line in a southeasterly direction a distance approximately one thousand six hundred and seventy-one and one-half feet to a point along the North right-of-way of the old Camden to Willow Grove County road, said point being distant two hundred and fifty feet West of the intersection of West Street with said road; thence continuing in an easterly direction a distance of nine hundred and sixty feet to a point, said point being distant sixty-eight feet East of Main Street; and one hundred and twenty-two feet North of north right-of-way line leading from Main Street to Star Hill; thence continuing a straight line in a northeasterly

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direction a distance of one thousand seven hundred and sixty-five and one-half feet to a point in the center of East Street; thence continuing in a northerly direction a distance of eight hundred and fifty-eight feet to a point where a stone is located, a corner for lands now of one Sarde and one Oeschler; thence continuing in a northwesterly direction a distance of nine hundred and six and one-half feet to the center of Commerce Street; thence along the west line of the public road leading from Commerce Street to the old Camp Meeting Grounds, a distance of approximately six hundred feet to a corner for lands formerly of Remson C. Barnard and formerly of Reuben F. Brown and being the northeast corner for the limits of the Town of Camden; thence a straight line running westerly a distance of approximately one thousand one hundred and fifty feet to the center of Main Street; thence crossing Main Street in a westerly and southwesterly direction and along the South right-of-way line of the public road leading from Main Street to Wyoming to a point along the eastern limits of the Town of Wyoming; thence continuing along the eastern limits of the Town of Wyoming to the beginning point.

## GENERAL POWERS

Section 2. (A) The inhabitants of the town of Camden, within the limits and boundaries referred to in Section 1 of this Act, or within the limits and boundaries hereafter established, shall be and they are hereby created a body politic and corporate in Law and Equity by the Corporate name of "The Town of Camden", hereinafter called The Town, and under that name shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require, subject however to other sections of this Act.

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As hereinafter provided in Section 22 of this Charter relating to power to issue Bonds, the Town shall have all other powers and functions requisite to or appropriate, for the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort, and well being of its population and the protection and preservation of property, public and private; and all actions, suits, and proceedings shall be brought in the name of "The Town of Camden".

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, but in addition to the powers enumerated herein, it is intended that the Town of Camden shall have, and may exercise, all powers as may be implied therefrom or necessary to the reasonable exercise of such enumerated powers. All powers of the Town of Camden shall be exercised as prescribed by this charter, or, if not prescribed herein, by ordinance or resolution of the Town Council.

## STRUCTURE OF GOVERNMENT

Section 3. The Government of the Town and the exercise of the powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Town Council. The Town Council shall consist of five members, who shall be citizens of the State of Delaware and residents and non-delinquent taxables of the said Town above the age of twenty-one years, three of whom at least shall be freeholders, within the said Town in their own name, at the time of their nomination and election, provided however that any married man, resident of said Town, whose wife is a freeholder of said Town, may be elected a member of said Council, although he may not be the owner in his own right, in any real estate within said Town. No compensation shall be paid to Councilmen.

## ELECTION IN GENERAL

Section 4. The present commissioners of the town of Camden shall by this Act be appointed to serve and shall act as Councilmen of said Town from and after the passage hereof

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until Councilmen are duly elected; and that at the annual election held on the last Saturday in February, 1942 after the passage of this Act as provided for in Section 5 of this Act, five Councilmen shall be elected, two of whom shall be elected for one year, two for two years, and one for three years; and thereafter the successor of every Member of the Town Council shall be elected by the qualified voters as defined in Section 5 of this Act to serve for a term of three years.

MANNER OF HOLDING ELECTIONS AND  
MAKING NOMINATIONS

Section 5 (A) The annual municipal elections shall be held on the last Saturday in the month of February from one o'clock P. M. until four o'clock P. M., at such place as shall be determined by the Council, due notices of which shall be given by posting notices thereof in five public places within the limits of the Town of Camden, not less than ten days before the day of the annual election.

(B) Said members of the Council shall be nominated as follows, viz:

At least ten days before the day of the election nominations shall be filed with the Secretary of the Council. Said nominations shall be in writing signed by the nominee or by five other citizens of the Town, of which at least two of whom shall be freeholders, which nominations shall be presented to the Council by the said Secretary at the meeting to be held at the usual meeting place, which shall not be later than eight o'clock in the evening of the last day for filing said nominations. Council shall cause to be printed or typed ballots, at least as many in number as the number of citizens in said town entitled to vote at the elections. Said ballots shall contain the names of all persons nominated under headings designating the offices for which nominated, and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls, and every citizen calling for a ballot shall receive one from the persons holding the election. Voters may also pre-

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pare for themselves ballots, either printed or written, provided that such ballots do not contain a name or names other than those nominated as aforesaid.

(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva voca vote, a qualified voter or voters to act. The Three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.

(D) Every citizen of the said Town of the age of twenty-one years, or upwards, who has within twelve months of said election paid a Town Tax which has been assessed within twelve months, shall have a right to vote, and persons arriving at the age of twenty-one years since the last Town assessment shall have a right to vote. The voters shall not vote for more candidates than are to be voted for at the election and in voting shall cross out the names of all candidates which he or she does not desire to vote for.

(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie, the three persons holding the Election shall, by a majority vote, decide which of the candidates so tied shall be elected.

(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of the Election, which Book, containing such minutes, shall be preserved by

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the Council, and shall be evidence in any Court of Law and Equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETINGS  
OF COUNCIL

Section 6. On the first Monday following the annual election each year, the Council shall meet and the newly elected officers shall assume the duties of office. Before entering upon the duty of their office, the newly elected members shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over Member of the Council to faithfully and impartially perform their duties. At this annual meeting the Council shall organize and thereafter shall hold meetings at such time as hereinafter provided.

## SPECIAL MEETING, WAIVER OF NOTICE

Section 7. Special meetings shall be called by the Secretary upon the written request of the President of Council, or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the President and to each member of Council of the day, hour and place of such special meeting and of the subject or subjects proposed to be considered thereat. Such notices of the Secretary must be deposited in the U. S. Mail in the main post office in the Town of Camden at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the President and all other members of Council prior to or immediately upon the convening of such special meeting, shall make such forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Camden



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shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at regular meeting.

### QUORUM

Section 8. That in the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it received the affirmative vote of a majority of all members elected to Council.

### RULES AND MINUTES OF COUNCIL

Section 9. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the Yeas and Nays shall be taken upon the passage of every ordinance and resolution, and shall be entered in the journal with the text of the ordinance or resolution.

### VACANCIES

Section 10. In case of vacancy created in the Members of Council either by death, resignation, loss of residence in the Town of Camden, or otherwise, the Council shall fill such vacancy for the residue of the whole term; provided, however, if a vacancy shall be created in the office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person to serve until the next annual election, at which time there shall be elected a suitable person to fill the unexpired term of said office.

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## DISQUALIFICATION

Section 11. If any Councilman shall, during his term of office, lose his residence in said Town, or his citizenship in the State of Delaware, or be found guilty of any crime or misdemeanor, and sentenced to imprisonment for any term whatever, he shall forthwith be disqualified to act as a Member of Council and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

## CONTRACTS WITH MEMBERS

Section 12. It shall be unlawful for the said Council to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Camden with any member of the Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent.

## REGULAR MEETINGS OF COUNCIL

Section 13. The Council of the Town of Camden shall hold regular meetings once a month at such times as may be prescribed by the ordinance and resolution at the Town Hall, or at such other suitable place in said Town as the Council may select, but in the event of a temporary change in the place of meeting, notice shall be posted in some suitable public place, plainly stating the new place of meeting selected by Council, and the day and hour of such meeting.

## OFFICERS

Section 14. (A) The Council shall, at the annual meeting held on the first Monday next following the annual election, organize by the election of a President, a Secretary, and a

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Treasurer. The Council shall elect a Collector of Taxes, a Town Solicitor, an Assessor, an Auditor and a Police Officer and may elect an Alderman at such meeting or at any other meeting of Council when deemed advisable to do so. The President of the Council shall be a member of the Council. The Town Solicitor, Assessor, The Police Officer, Collector of Taxes and Alderman may or may not be a member of the Town Council. The Council shall also elect and appoint any such other officers, employees and agents of the Town which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any Officer may be removed at any time by the Town Council for sufficient cause.

(B) The Council shall by ordinance fix the salaries and compensation of employees, officers and agents of the Town and the time and manner of his or her pyament; which salaries or compensations shall not be increased during the terms of said office. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation in any form in addition to the salary or compensation fixed by Council.

(C) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the Town containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of service.

### DUTIES AND POWERS OF PRESIDENT

(D) The duties of the President of the Council shall be to preside at all meetings of Council; to have general superintendence of municipal affairs, provided, however, that such general superintendency shall in all cases be subordinate to the authority of all committees and appointees as selected by Council for the superintendency or conduct of any specified municipal activity to receive complaints of nuisances and all complaints or violations of Laws and Ordinances and present the same to

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Council at its first meeting thereafter for action of Council and to cause such infractions or violations of the Law or Ordinances, as require immediate action, to be proceeded on before the Town Alderman or any Justice of the Peace of Kent County. The President shall issue and sign all licenses for every exhibition within the Town, or licenses for any other purpose for which, under the Laws of Delaware, or the Ordinances of said Town, a license therefor is required.

The President shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by resolution or ordinance of Council. If the President be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him by this Act, or any other Law, or any resolution or ordinance now or thereafter adopted or enacted by Council, shall be exercised and performed by the Member of Council chosen by Council as acting President for the period of such incapacity.

The President shall have the same right as other Councilmen to vote on all matters and may at any time appoint another Councilman to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties, as presiding officer.

## SECRETARY

(E) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for the purpose; and shall file and keep in a safe place the Seal of the Town and all papers, and documents, relative to the affairs of the Town, and deliver the same to his successor in office. The Secretary shall attest the seal of the Town when authorized by Council, and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers and documents in the custody of the Secretary shall be always open for the inspection of Council and the public under such regulations as Council may prescribe.

## CITIES AND TOWNS—CAMDEN

## ALDERMAN

(F) The Alderman shall be sworn or affirmed to perform the duties of his office with fidelity. In the absence or disability or otherwise, the Council, at any meeting, may appoint a citizen as Acting Alderman. The Alderman or Acting Alderman shall have all powers of a Justice of the Peace within said Town and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the Town so far as to arrest and hold to bail, or fine and imprison offenders; of all fines, penalties and forfeitures prescribed by this Charter, ordinance enacted hereunder, or any law of the State of Delaware, of all neglects, omissions or defaults of the Police Officer or other Town officer, agent or employee; provided, that he shall impose no fine or penalty in excess of that fixed by the ordinances and shall not commit to prison for a longer term than thirty days. The jails of Kent County may be used for imprisonment under the provisions of this Charter, provided, that the Council shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

The Alderman shall also have jurisdiction in suits of civil nature, for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the Town under the provisions of this Charter; and within his jurisdiction he shall have all the powers and authority, and shall be subject to all the limitations of the Justice of the Peace of Kent County, except as herein otherwise provided; and his fees shall be the same as those of a Justice of the Peace for like service. For any service or duty for which no fee is provided by law, such fee shall be established by ordinance.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the

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Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and upon conviction in the Court of General Sessions of the State of Delaware shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the Town. He shall pay all such moneys to the Treasurer within ten (10) days after making report thereof to the Council; and for failure to make report to the Council, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times.

## TREASURER

(G) The Treasurer shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

The Town Treasurer, before entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by the President, or acting President of Council.

The Town Treasurer, before entering upon the duties of his office, shall also give bond to the Town of Camden, with sufficient surety to be approved by Council, in the sum of Two

## CITIES AND TOWNS—CAMDEN

Thousand Dollars (\$2,000.00), conditioned for the faithful discharge of the duties of his office and for the payment to his successors in office of all sums of money belonging to said Town, which may remain in his hands upon the settlement of his accounts, to which bond and condition shall be annexed a warrant of attorney for the confession of judgment.

The Treasurer shall pay all orders drawn on him by order of said Council and signed by the President thereof, out of any moneys in his hands belonging to said Town. He shall settle his accounts with said Council annually by the end of the Fiscal year and at such other times as Council may require.

### COLLECTOR OF TAXES

(H) The Collector of Taxes shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

It shall be the duty of the Town Collector to collect all Town and Sewer Taxes and to pay the same to the Town Treasurer as herein otherwise provided. The Council may appoint such person or persons to collect the water rents of said Town and all other kinds of Town revenue as they deem advisable and require such bond or bonds as deemed proper.

The Town Collector, before entering upon the duties of his office, shall give bond to the Town of Camden, with sufficient surety to be approved by Council, in the sum of One Thousand Dollars (\$1,000.00), conditioned for the faithful performance of the duties of his office and the payment to the Treasurer of said Town of all moneys collected by him belonging to said Town from taxes, and for the settlement of his accounts with the Treasurer of the Town at the end of each fiscal year, and at such other times as Council may require, to which bond and condition shall be annexed the usual full warrant of attorney for confession of judgment for said penalty.

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## AUDITOR

(I) The Auditor shall be a resident and taxable of the Town and it shall be his duty to audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of the moneys of the Town. He shall audit the books of the Alderman and the records of all fines, penalties and costs imposed or collected by either of them pursuant to any judgment, order or decree made. The Auditor on or before the last business day in the month of February next following his appointment shall make and deliver a detailed report of all and every of the accounts, records and books by him examined and audited, which copies of said report shall be posted in five public places in the Town. The Auditor in the performance of his duties shall have access to all records of Council and records of the officers of the Town; and is authorized and empowered to employ such clerks or accountants as in his judgment may be necessary for the proper performance of his duties.

## TOWN SOLICITOR

(J) At the annual meeting, the Council shall select a Town Solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The Town Solicitor shall be a member of the Bar of Kent County. It shall be his duty to give legal advice to the Council and other officers of the town, and to perform other legal services as may be required of him by the Council.

## POLICE OFFICER

(K) The Council may appoint a Police Officer whenever the Council may deem it wise to do so; and the Council shall from time to time make rules and regulations as may be necessary for the control of the Police Officer. The Police Officer shall be subject to the direction of the Council, and may be removed by the Council at any time. He shall preserve peace and order, and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State; and he shall



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have such other duties as the Council shall from time to time prescribe and be entitled to the same fees and costs as a Constable of Kent County, in addition to compensation allowed by Council.

The Police Officer shall be vested within the Town limits with all the powers and authority of a Constable of Kent County and shall have the power to make arrests for all motor vehicle and traffic violations within the limits of said town. In the case of pursuit of an offender his authority and power shall extend to any part of the State of Delaware. Every person sentenced to imprisonment by the Alderman or a Justice of the Peace of Kent County shall be delivered by the Police Officer to the County Jail of Kent County, or lock-up of the Town, to be there imprisoned for the term of the sentence. In the case of any arrest at a time when the Alderman or a Justice of the Peace shall not be available to hear and determine the charge, the person arrested may be delivered to the Kent County Jail, or to the lock-up of the Town, for imprisonment until such reasonable time thereafter as shall enable the Alderman or Justice of the Peace to hear and determine the charge against such person.

It shall be the duty of the Police Officer to suppress riotous disorderly or turbulent assemblages of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the above, or upon the view of the violation of any ordinances of the Town, relating to the peace and good order thereof, the Police Officer shall have the right and power to arrest without warrant and to take the offender before the Alderman or any Justice of the Peace of Kent County for hearing.

### ASSESSOR AND ASSESSMENT OF TAXES

Section 15. The Assessor shall be a resident of said Town and over the age of twenty-one years. He shall be sworn or affirmed by a Justice of the Peace or by the Alderman or by a Notary Public to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assess-

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ment of property and persons subject to taxation situated within the Town.

1. In the year 1942 and every fourth year thereafter, there shall be a true, just and impartial valuation and assessment of all real property subject to County taxation within the Town, locating each parcel of real property by street and number, or other description, and also an assessment of all the male residents of the Town above the age of twenty-one years, whether owners or not owners of real property within its limits.

2. All assessments shall be made and completed by the Assessor prior to the first day of April. The assessment made in the year 1942 and in every fourth year thereafter shall be known as the General Assessment. In other years, there shall be made a scrap assessment, as hereinafter provided.

3. The scrap assessment shall value and assess all taxable real property in the Town not already valued and assessed by the General Assessment then in force, and all improvements made upon said real property since said General Assessment and all male residents of the Town above the age of twenty-one (21) years and not already assessed, and said assessment shall omit the names of those who have removed from the Town or who have died. In the year that a scrap assessment is made, the General Assessment then in force as supplemented or modified by the scrap assessment, shall constitute the assessment of the year.

4. The assessor shall make and deliver to the Council as soon as the assessments are made such numbers of copies thereof as the Council shall direct.

5. The real property of the Assessor shall be assessed by the Council.

6. The Council shall, prior to the fifteenth day of April, in each year, cause a copy of the General Assessment, or scrap assessment as made in said year, to be posted in two public

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places, in the Town, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notices of the posting of the copies of the assessment and the places where the same are posted and of the day, hour and place when the Council will sit as a Board of Revision and Appeal; shall be posted in at least five public places in the Town.

7. At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

8. The assessment, as revised and adjusted by a majority of the Council, shall be the basis for the levy and collection of the taxes for the Town.

9. The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the Town, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the Town Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector of Taxes as in case of other taxes.

10. No farm lands hereby included within the limits of the Town of Camden shall be subject to any Town tax unless the same shall be laid out as building lots and unless the same shall front upon some public street of the Town of Camden which shall be laid out and improved; and all farm lands within the aforesaid limits which shall be laid out as building lots and which shall front upon some public street of the Town of Cam-

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den laid out and improved shall be subject to be taxed to the depth of three hundred (300) feet from said street line for Town purposes. The Council shall be sole judges of what lands are, and what lands are not "farm lands" within the meaning of this Charter.

11. The general assessment made and in force under the Charter of the Town of Camden and the amendments thereto shall continue in force and effect until the next General Assessment to be made in the year 1942.

12. The Council shall determine and fix a rate of taxation which will produce approximately the amount of money necessary to defray the expenses of the Town for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

13. The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Five Thousand Dollars (\$5,000.00) in any one year clear of all delinquencies and expenses of collection, provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in all respects as provided for in Section 5 of this Act, may raise by taxation any amount above and exceeding the sum of Five Thousand Dollars (\$5,000.00). At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation" and another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised; when, however, any sum in excess of Five Thousand Dollars (\$5,000.00) shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum when in order to authorize any such increase a new referendum shall be necessary and whenever any increased sum shall be authorized at any referendum

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said sum shall represent the maximum amount authorized to be raised from year to year by taxation until an increase shall have been authorized by referendum duly held as aforesaid.

## COLLECTION OF TAXES

Section 16. On or before the fifteenth day of May in each year, the Council shall deliver to the Collector of Taxes a list containing the names of the Taxables of the Town, opposite the name of each the amount of his real property assessment, and his poll assessment, and the tax upon the whole of his assessment, and the rate per hundred dollars. Attached to said tax list shall be a warrant, under the seal of the Town of Camden, signed by the President and attested by the Secretary, commanding the Collector of Taxes to make collection of the taxes as stated and set forth in the tax list.

All taxes laid or imposed by the Council of the Town of Camden, shall be and constitute a lien upon all the real estate of the taxable against or upon whom such taxes are laid or imposed of which such taxable was seized at any time after such taxes shall have been levied and imposed, situate in the Town of Camden, and such lien shall have preference and priority to all other liens of record on such real estate created or suffered by the said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided that the lien for the town taxes shall remain a lien for the period of three years from the fifteenth day of May of the year in which such tax shall have been imposed and no longer.

. All taxes when and as collected by the Collector of Taxes shall be paid to the Town Treasurer and all taxes shall be due and payable at and from the time of the delivery of the tax list to the Collector of Taxes. A discount shall be allowed by the Collector of Taxes of three per cent on every tax paid before the first day of July in each year; no discount shall be allowed by the Collector of Taxes on taxes paid after the first day of July, and to every tax paid after the thirtieth day of September

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in each year, there shall be added and collected one per centum for every month or fraction of a month after the said thirtieth day of September that the tax remains unpaid. Before exercising any of the powers herein given for collection of taxes, notices shall be given to the taxable of the amount due.

The Collector of Taxes shall have the following power for the collection of taxes:

(a) By distraint of the goods and chattels of the taxable.

(b) At any time after the delivery of the tax list and warrant, the Collector of Taxes may, in the name of the Town of Camden, institute suit before any Justice of the Peace of the State of Delaware, in any of the Counties of the State, or before the Alderman of the Town, for the recovery of the unpaid tax, in any action of debt, and upon judgment obtained, may issue writs of execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained which, by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by the taxable, except such liens thereon, which may have been created in respect to County Taxes, although such other liens be of a date prior to the time of the attachment of said tax lien.

(c) At any time after the delivery of the tax list and warrant, the Collector of Taxes may notify in writing the person, firm or corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall be signed by the President of the Council and shall contain the correct name of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and thereupon it shall be the duty of the employer to take from the wage, salary, or other money then due the taxable the amount of the tax due and owing from the employee, and charge the same

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against him, and to pay the same to the Collector of Taxes within ten (10) days. The Collector of Taxes shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If any employer, being notified as aforesaid, and having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in any action of debt before any Justice of the Peace or Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(d) The Collector of Taxes may make a complaint under oath before any Justice of the Peace of Kent County, or before the Alderman, that the tax of any taxable is due and unpaid, and that he has been unable to make collection of a tax by any of the methods for the recovery of taxes prescribed in this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing it shall be found that the tax of the person arrested is due and unpaid, and if the taxable shall thereupon fail to pay the tax, together with accrued costs, he shall be committed to the Jail of Kent County, until the tax, penalty, costs and charges are paid, but not to exceed the term of thirty (30) days.

(e) For the purpose of collecting the tax of any taxable, and without the necessity of first employing the other remedy herein provided, the Collector of Taxes is empowered to sell the land and tenements of a taxable, or the lands and tenements of a taxable alienated subsequent to the levy of the tax. The Collector of Taxes shall present to the Superior Court of Kent County wherein the lands and tenements are situated, a petition in which shall be stated:

- (1). The name of the taxable.
- (2). The year for which the tax was levied.
- (3). The rate of tax.

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(4). The total amount due.

(5). The date from which the penalty for non-payment, if any, shall commence, and the rate of such penalty.

(6). A short description of the lands and tenements proposed to be sold sufficient to identify the same.

(7). A statement that a bill of said tax has been mailed to the taxable at his last known post office address and that it has been found impractical to collect the said tax by any of the other remedies as herein above provided. The petition shall be signed by the Collector of Taxes and shall be verified before a Notary Public.

The Court thereupon shall make an order for the sale of said lands and tenements returnable at the next succeeding term of said Court; Sales of lands and tenements shall be advertised by posting hand bills in at least five public places in the Town of Camden and publishing the notice of said sale in a newspaper published in Kent County. The notices shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Collector of Taxes shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due is collected. The petition, return and deed, shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed



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shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his heirs or assigns of the costs, the amount of the purchase money and twenty per centum interest thereon, and the expense of the deed, provided, that if the purchaser refuses to accept the same, or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of redemption to the Collector of Taxes making the sale, taking from him a good and lawful receipt therefor and such receipt shall be considered for all intents and purposes, as a valid and lawful exercise by the owner, his heirs, executors or assigns, of his or their power to redeem the land so sold.

After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the Town of Camden, either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the said owner:

## TO THE PROTHONOTARY

For filing and recording petition .....\$1.00

For filing and recording return of sale ..... 1.50

In addition, the costs of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

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If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

If any person is assessed for several parcels of lands and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

If the Collector of Taxes shall be unable by the thirty-first day of December of each year of the date of tax list to collect the tax of any taxable, he is empowered, having first paid the amount thereof to the Town, to collect said tax from such taxable for his own use by any of the processes of law herein prescribed within the space of one further year, from said thirty-first day of December, after which the said tax shall be extinguished and all authority to the Collector of Taxes under said tax list and warrant shall cease.

During the month of February next following the date of the tax list and warrant, the Collector of Taxes shall make full, final and complete settlement with the Treasurer and Council. The Council shall fix such time and place during the said month for settlement with the Collector of Taxes of which he, the said Treasurer, shall have due notice. At said settlement, the Council shall allow to the Collector of Taxes all taxes which shall have been impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default or neglect or delay of the Collector of Taxes, and said settlement shall be final and conclusive, and no other allowance in any form shall be made to the Collector of Taxes by the Council. Upon the conclusion of the said settlement, the Collector of Taxes shall forthwith pay over to the credit of the Town the aggregate amount of the taxes found to be due the Town, and upon his failure or neglect to do so, it shall be the duty of the Council to proceed to collect the same from the Collector of Taxes and/or his surety.

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The lien of any town taxes upon property may be extended as provided in Section 1418, Article 6, Chapter 79, Revised Code of Delaware, 1935, and the Collector shall have the same powers conferred by said section upon the Receiver of Taxes and County Treasurer for Kent County but no sale shall be made as provided in said Section except upon direction of Council.

Section 17. The provision of Article 6 of Chapter 79 of the Revised Code of the State of Delaware, 1935, not inconsistent herewith, shall be deemed to apply to all taxes under the provisions of this Act.

## ENUMERATION OF SPECIFIC POWERS OF COUNCIL

Section 18. The Town Council shall have power to enact ordinances to preserve the health of the Town and to prevent the introduction and spread of infectious or contagious diseases, to define, prevent and abate nuisances; to ascertain and fix the boundaries, of streets, squares, lanes, alleys and sidewalks, to repave and improve the same, to alter, extend or widen any street, square, lane, alley or sidewalk and to open, lay out, improve and repair new streets, squares, lanes, alleys and sidewalks subject, however, to the provisions and restrictions in that behalf herein otherwise contained; to regulate and fix the ascents and descents of all streets, lanes, alleys and sidewalks and the drainage thereof, to direct and carry out the paving, repaving and improvement of foot pavements and to prescribe the width and materials thereof as hereinafter set forth; to regulate and provide for the improvement of existing and the construction of new gutters and curbs, subject, however, to the provisions and restrictions in that behalf otherwise herein contained; to prescribe the extent and nature of and to alter or remove steps, bay windows, porches, awnings, drains, sheds, cellar doors, posts and pillars and all inlets to lots and buildings; to regulate the construction of and repair to chimneys and to provide for the keeping of the same cleaned and in a safe condition as to fire and other hazards; to regulate or prevent the storage of gasoline, naphtha, oil, gunpowder or any other inflammable, combustible or dangerous substance and materials;

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to define, investigate, prevent, abate and remove fire and explosion hazards, both within and without buildings in the said Town; to improve, extend, construct and maintain water mains, fire hydrants and other proper instruments for the prevention and combating of conflagrations and to expend through its own channels or through those of some fire company in said Town such sum or sums of money from the unappropriated funds of the Town, from time to time, as Council may deem necessary and expedient for the proper protection from fire of the lives and property of the inhabitants of the Town; to enact such ordinances, not in conflict with the Laws of the State of Delaware, as it may deem necessary and beneficial for the safety, regulation and control of pedestrians, automobiles, and animal drawn traffic over the streets, squares, lanes, and alleys and other public places of the Town, including power to make and enforce any and all parking and non-parking regulations; to enact such ordinances and police regulations as it shall deem necessary and beneficial for the order, protection and good government of said Town; to enact ordinances in relation to the keeping of dogs; to provide for a registration fee therefor and to regulate or prevent their running at large; to enact ordinances to regulate or prevent the keeping of pigs and hogs in said Town, or in its judgment, in the more thickly populated parts of said Town; to employ from time to time skilled surveyors to make plots and maps showing the limits of said Town and ascents, descents and limits of all streets, lanes, alleys, and sidewalks, and the building lines upon the same, to show the location, depth and grade of all sewers and water mains and generally to do and perform all other matter of a cognate nature as may be deemed necessary by Council.

The Town Council shall have superintendence and oversight of all roads, streets, squares, lanes and alleys now opened or hereafter to be opened, within the limits of the Town, and no overseer, or similar official, shall be appointed by the Levy Court of Kent County, but said Levy Court shall annually appropriate for the repairs and upkeep of the roads and streets in said Town the sums of money provided for by the Laws of the State of Delaware now in force or hereafter enacted and said

## CITIES AND TOWNS—CAMDEN

Levy Court shall make orders for the payment therefor to the Treasurer of the Town for the use of said Town.

The Town Council shall have full power and authority to enact ordinances to prevent, suppress and regulate all bonfires, the firing of firearms and the setting off and exploding of fire crackers, fire works, torpedoes and all explosives at any places in said Town.

The Town Council shall have power and authority to levy and collect license fees, annually, for such various amount or amounts as Council shall from time to time fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of said Town, and shall have authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in said Town and supplying the inhabitants thereof with any form or manner of services for any valuable consideration; to regulate the operation of public utilities within the Town and the use of the streets in connection with the operation of public utilities outside of the Town, or the use of the streets by common carriers, either passenger or freight or both, and to require that licenses from the Town be secured and to determine the amount or amounts to be paid therefor, provided, that this power shall not be deemed to apply to steam utilities; to levy and collect taxes on gas and water mains, underground conduits, telephone, telegraph, electric current or other poles or erections of like character in said Town, together with the wires thereon strung, and to this end may at any time direct the same to be included in or added to the Town assessment, with the authority of Council to cause such mains, conduits, poles and wires to be removed and suit to be instituted to collect the taxes so levied, in the event the owner or lessee thereof refuse or neglect to pay such taxes; Council has power to enact ordinances to prevent, abate or regulate electrical or other interferences with radio reception in said Town.

Council shall have the power to enact ordinances for fire

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protection and to this end may prohibit the use of building materials that Council may deem would create a fire hazard in the section to be used and may zone or district the Town and make particular zones or districts with regard to building and building materials, and may forbid any building except for which a building permit therefor has been obtained from and as prescribed by Council. This provision shall be deemed to include new buildings, or rebuildings or additions to or alterations of existing structures of any kind. Council shall have power upon inspection to condemn any existing buildings or structures that it deems to be a fire menace and to cause the same to be town down or removed; Council shall have power to establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from front line of the lots.

The Town Council shall be vested with power and authority to prescribe fines, or penalties, or both, for violations of any of the provisions of this Act, or of the ordinances now in force, or which hereafter may be enacted in pursuance of any power hereof or of any power which may not be enumerated herein, provided, that no ordinance or other Act of Council shall provide any fine of more than One Hundred Dollars, exclusive of costs, nor any penalty by way of imprisonment, in excess of thirty days, but Council may provide for both fine and imprisonment, not in excess of said limits.

## USE OF TOWN MONEY

Section 19. The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interests of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do, by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolutions of Council. In the general performance of its duties and particularly in the expenditure of moneys of the said Town, the acts, doings and

## CITIES AND TOWNS—CAMDEN

determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all the members of Council.

### FISCAL YEAR, ANNUAL STATEMENT

Section 20. The fiscal year of the said Town shall begin the first day of March in each year and shall end with the next succeeding last day of February. The Town Council shall cause a full and correct annual statement of the receipts and disbursements of all Town moneys for the fiscal year next preceding to be posted in five public places in The Town of Camden, at least ten days prior to the annual Town election.

### EXEMPTION OF PROPERTY FROM TAXATION

Section 21. The Town Council of said Town shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt the real property of any person, firm, association or corporation engaged in any manufacturing business within the limits of said Town and employing no less than six persons.

No property shall be exempt from taxation aforesaid until such an ordinance is enacted or such a special resolution adopted and the period of such exemption shall be only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years, and shall only be revocable upon the breach of a condition contained in such ordinance or resolution.

### POWER TO BORROW MONEY AND ISSUE BONDS

Section 22. (A) The Council of the Town of Camden may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Camden to provide funds for the erection, the extension, the enlargement or the repair of any plant, machinery, appliances or equipment for the furnishing of water, to the public, for the construction or repair or improvement of highways,

## CITIES AND TOWNS—CAMDEN

streets, or lanes or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers of sewage disposal equipment; or to defray the costs of the Town of Camden of any permanent municipal improvements, providing, however, that the borrowing of the money therefor shall be authorized by the Town Council and shall have been approved in the manner following:

(B) 1. Council by resolution shall propose to the electors of the Town that the stated amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

2. Notice of the time and place of hearing on the resolution authorizing said loan shall be posted in five public places at least one week before the time set for said hearing.

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be given the inhabitants by posting notices in five public places for two weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of annual elections.

5. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the date of the special election.

6. At the special election, every person who had a right at the next preceding annual Town election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election,



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and every owner of property, whether individual, partnership or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

7. The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said Certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(C) The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council. The bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of Kent County for at least two weeks before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bond at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Camden shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

(D) The bonded indebtedness of the Town of Camden shall not at any time in the aggregate exceed the total sum of ten per centum of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

## OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS

Section 23. The Town Council shall have power and au-

## CITIES AND TOWNS—CAMDEN

thority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated whether in the street, squares, lanes, or alleys, or on the sidewalks, or in any other public or private place within the limits of said Town either on its own inspection, or upon the written complaint of any citizen of said Town, stating the character and location of the obstructions, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of Council, either upon inspection or upon such information, or both, shall determine that such obstruction, nuisance, or unsanitary condition exists and ought to be removed or abated, as the case may be, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition and Council shall thereupon give notice in writing, signed by the President or acting President of Council to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, to remove or abate the same and if such person or persons refuse or neglect for the space of two days after such notice is mailed to remove or abate the stated condition, Council shall have power and authority to remove or abate the same in a summary manner and at the expense of the person or persons responsible therefor.

Council shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing fines and penalties as shall be in the judgment of Council necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purpose of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said Town, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

## CITIES AND TOWNS—CAMDEN

## STREETS

Section 24. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen or abandon streets or parts thereof, whenever they shall deem it for the best interest of the said Town. The procedure in every case as aforesaid, shall be as follows: The Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street or any portion thereof, as the case may be, and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution said Council shall hear such residents of the Town or owners of the property affected as shall attend, and it shall at said meeting, or at a subsequent day as it shall deem proper, adopt a resolution by a majority vote, to proceed with or to abandon as it shall deem for the best interests of the said Town, the opening of the street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or part thereof, as the case may be, as contemplated in its prior resolution. And in case the determination of the said Council shall be to proceed with the plan contemplated by the resolution first aforesaid, Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn on him by authority of the Council aforesaid upon delivery of a Deed in fee simple in favor of the Town of Camden, and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by

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the Council aforesaid, he may, within five days after the award of the Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary or President of Council. In order to prosecute said appeal such appellant shall within five days, after the expiration of the five days allowed for the appeal as aforesaid, apply to the Judge of the Superior Court for the State of Delaware, resident in Kent County, or in his absence at that time, to the Chief Justice of the said Court, for the appointment of freeholders to hear and determine the matter of compensation to such appellant for any property of which he will be deprived, as aforesaid, and thereupon the said Judge or Chief Justice, as the case may be, shall issue a commission under his hand directed to five impartial freeholders of Kent County, commanding them to determine and fix the damages which the said appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefits or advantages that will enure to the said appellant from said new street or otherwise, and to make return of their findings to the said Judge or Chief Justice, as the case may be, at a time appointed in said commission.

The said freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five days before the day when they are to view the premises as aforesaid and a copy of such notice shall also be served on the Secretary or the President of Council at least five days before the day of such meeting.

The freeholders named in such commission being first sworn or affirmed, on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said freeholders shall make return in writing of their proceedings in the premises to the said Judge or Chief Justice, as the

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case may be, who shall cause the said return to be delivered to the said Secretary or President of Council and such return shall be final and conclusive. The said Judge or Chief Justice shall have power to fill any vacancy among the freeholders. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or may deposit the same to his credit in any Bank in the Town of Camden to the credit of the person or persons entitled thereto within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolution aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Judge or Chief Justice aforesaid, if the damages shall be increased or if the Council shall decide not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town out of any money in his hands belonging to the Town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees of the freeholders shall be five dollars per day to each, which shall be taxed as a part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, Council shall have the option of paying the damages assessed within the term aforesaid and proceed with the improvements, or upon the payment of the costs only, may abandon the proposed improvement.

Whenever the land comprehended or included in any street, or part thereof, vacated or abandoned under this Section if owned by the said Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the Council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the said Town may have therein.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes, and alleys for all the purposes of this Section.

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## PAVING, GUTTERING, CURBING

Section 25. The Council shall have the power to cause to be paved or repaved the sidewalks of the said Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relaid, or new curbs or gutters, or both, constructed, or any part of or portion thereof, in said Town, with such material or materials and of such width or size, and subject to such specifications as it shall determine. Before the exercise of said power in any particular instance, the Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place the Council will meet to consider the question of paving or repaving the sidewalks with a specified material or materials, or repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials and according to the stated specifications on a named street in front of the property of named owners, and of assessment of the costs thereof against such owners. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in Kent County. The Council shall hold a meeting in said Town in accordance with said ordinance or resolution and thereat shall hear the aforesaid owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.

After such hearing the Council, either at said meeting or at a subsequent meeting, shall decide whether or not to proceed with the improvements referred to in said ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the costs of the improvements aforesaid in front of the real property of the owner or owners named in the aforesaid ordinance or resolution shall be borne by said owners. If said determination shall be that the whole or specified proportion of said costs shall be borne by said owners, then and in such case the said owners shall be compelled to pay the whole or specified proportion of the cost aforesaid, as the case may be, the amount to be paid by

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the owner of each parcel of property affected to be determined by the lineal frontage of the parcel on the sidewalk to be paved or repaved, or in the gutter to be repaired or laid, or on the curb, to be repaired or constructed, or any or all of said improvements, as the case may be.

When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them, have been done and the costs thereof ascertained, the Council shall ascertain the amount that the owner of each parcel of property aforesaid shall pay as hereinbefore stated, and shall give written notice thereof to such owner, or one of the co-owners, by mailing the same to his last known address. If any such owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same together with costs may be collected by an action of debt before the Alderman or any Justice of the Peace of Kent County. Writs of execution may issue upon judgment recovered as in like cases of a civil nature and the same proceedings had as on any other judgment before a Justice of the Peace. Upon a return of Nulla bona on an execution issued on said judgment a certified abstract of said judgment shall be filed in the Prothonotary's office for Kent County and said judgment shall become a lien upon the premises affected with same force and effect of any other judgment entered in the Superior Court of the State of Delaware.

The term "Owner" as used in this Section shall be deemed to mean the person or persons who owned the property in question at the time of the adoption or passage of the ordinances or resolutions first in this Section referred to, and any change of ownership thereafter shall not be deemed or held to affect any of the steps or proceedings mentioned in this Section.

## CONSTRUCTING, PAVING, REPAIRING OF STREETS

Section 26. The Town Council of the Town of Camden, shall have full power and authority to regrade, redress or otherwise repair and rebuild all existing streets, lanes, alleys, and other public thoroughfares in the Town of Camden and to con-

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struct, build, pave and in any manner improve all new and existing streets, lanes, alleys and other public thoroughfares now opened or to be hereafter opened for public use in said Town, and in so doing shall use such materials and substances and such methods of construction and shall employ such contractor, engineers, inspectors and others as the Council may deem expedient and may use different materials and different methods of construction on different streets, or on different parts of the same street, as Council deems advisable. For the purpose of this Section Council shall have full power and authority to expend such part or parts of the money of the said Town in the general fund of the Town not otherwise appropriated.

### CONTRACTS

Section 27. The Council is vested with authority on behalf of the Town to enter into contracts for the rendering of personal service to the Town and/or the purchase of supplies and doing of work for any municipal purpose for the Town, provided:

A. No contract shall be made by Council for any purposes, the contract price of which is in excess of \$3,000, without public competitive bidding; and

B. The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the Town; and

C. All formal contracts shall be signed by the President of the Council with Seal of the Town attached attested by the Secretary.

### WATER SYSTEM

Section 28. The Town Council is hereby vested with full power and authority to provide for the Town of Camden an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control wells, reservoirs, pumping



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machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## SEWER SYSTEM

Section 29. The Town Council is hereby vested with full power and authority to provide, construct, extend, maintain and control a sewer system for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damages to or interference with the said sewers or sewer system of the Town. The Council may, at its option, furnish, sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in the Town, for which there is any available sewer, to be connected with the

## CITIES AND TOWNS—CAMDEN

sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 24 of the Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## ELECTRIC CURRENT, POWER PLANT, FRANCHISES

Section 30. The Council shall have power to make contracts for the purchase of heat, light, water and electric current with any responsible persons, firms, or corporations for all municipal purposes.

The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council, to use the present and future streets, squares, alleys, and lanes of the said Town for purposes of furnishing light, heat, power, gas or water, or any or all of them to said Town and to the persons, firms, or corporations residing therein for the purpose of transmitting light, heat, power, gas and water, or any or all of them through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of light, heat, power, gas or water, or any or all of them, or for the furnishing of electric current, either

## CITIES AND TOWNS—CAMDEN

machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## SEWER SYSTEM

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## CITIES AND TOWNS—CAMDEN

sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 24 of the Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## ELECTRIC CURRENT, POWER PLANT, FRANCHISES

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The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council, to use the present and future streets, squares, alleys, and lanes of the said Town for purposes of furnishing light, heat, power, gas or water, or any or all of them to said Town and to the persons, firms, or corporations residing therein for the purpose of transmitting light, heat, power, gas and water, or any or all of them through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of light, heat, power, gas or water, or any or all of them, or for the furnishing of electric current, either

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at wholesale or retail, to said Town, or to persons, firms and corporations residing therein, or adjacent thereto.

### DRAINAGE

Section 31. The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains, and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

### ORDINANCES

Section 32. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the Town, or relating to the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protections and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

All ordinances or resolutions of general character relating to the government of the Town shall not be of force and effect

## CITIES AND TOWNS—CAMDEN

until the same shall have been posted in at least two public places in the Town.

It shall be the duty of the Council, to compile the ordinances of the Town, to have a reasonable number of copies printed for the use of the officials of the Town and for public information; and from time to time, upon the enactment of new ordinances, or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined; and also to furnish the Alderman with copies thereof as they are enacted and published.

### HEALTH

Section 33. A. The board of health for said Town of Camden shall consist of three members appointed by the Council to serve for one year and one of whom shall be a practicing physician in said Town; they shall report to the Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town and shall make recommendations to council of whatever may contribute to useful sanitary information.

### FIRE

B. The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the Town or by a Volunteer Fire Company.

### ZONING

C. For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations

## CITIES AND TOWNS—CAMDEN

of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof; to establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from front line of the lots.

The Council may adopt zoning ordinances limiting and specifying districts and regulating thereon buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

The powers to be exercised under and by virtue of this provision shall be deemed to have been exercised under the police power and for the general welfare of the inhabitants.

## BUILDING INSPECTION PERMITS

D. The Council may provide for the issuance of building permits, and may forbid the construction of any new building, or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

Should any person, firm or corporation hereafter desire to erect any buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphate, fertilizers or manures of any kind, he or they before erecting such buildings or building, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such building will not endanger the other property of the Town, and said business will not jeopardize the health of or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

## CITIES AND TOWNS—CAMDEN

The Council shall have full power to fix and determine the placing and replacing of poles or other structures within the Town limits for the carrying of telegraph, telephone, power or other wires, and the attachments thereto, and to cause existing poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the Town, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to the location as to the relocation of such poles and structures, wires, and attachments, and may be exercised from time to time as occasion shall arise.

## LICENSES

Section 34. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers; to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by the license, interference with any place of business or with the convenience of public travel; to provide for the payment of taxes, fines, penalties, and forfeitures by performance of labor for the Town by those who may owe taxes, fines, penalties or forfeitures, and to make proper regulations and rules therefor.

## TREES

Section 35. Trees being among the chief beauties of the Town, and their preservation requiring that they be treated with special care, the Council is empowered to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever.



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### PENALTIES

Section 36. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations, thereof relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

### FINES AND IMPRISONMENT

Section 37. No fine shall be imposed in a sum exceeding One Hundred Dollars (\$100.00) exclusive of costs; and no term of imprisonment shall be imposed for violation of any rules, regulation or ordinance, or other offense or for failure to pay any fine or penalty imposed, in excess of a period of thirty days.

### FLOATING DEBT

Section 38. The Town Council of said Town shall have full power and authority to borrow upon the faith and credit of the Town of Camden, the sum or sums of money, not exceeding One Thousand Dollars (\$1,000.00) in any one fiscal year, when in the opinion of the majority of Council the needs of said Town demand it. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the Town of Camden, duly authorized by resolutions of Council, and signed by the President, or by the acting President, of the Council and by the Secretary, either with or without the corporate seal of the Town, affixed as is requested by the bank or person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum of money borrowed on the faith and credit of the Town of Camden as aforesaid in any fiscal year shall be paid out of the general funds of the Town, at the minimum rate of twenty-five per centum per fiscal year and shall be paid at the end of four fiscal

## CITIES AND TOWNS—CAMDEN

years following the first fiscal year which said money was borrowed with interest thereon.

## SURVIVAL OF POWER AND VALIDATING SECTION

Section 39. That the Act entitled "An Act to reincorporate the Town of Camden", passed at Dover, March 6, 1889, and the several Acts and parts of Acts therein and thereby repealed, all other Acts and parts of Acts inconsistent with or supplied by this Act, are hereby repealed and made null and void saving and excepting, however, from the effect of such repeal all Acts and the parts of Acts relative to The Town of Camden, not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinances of the Town of Camden, heretofore enacted or adopted, and now in force in pursuance of any Laws of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of said Town. That all acts and doings of the Council of said Town, or of any officers of said Town lawfully done or performed under the provisions of any Law of this State or of any ordinances of the Council of said Town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said The Town of Camden, all debts due from The Town of Camden to any person or persons whomsoever, or to any firm, association, or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and shall continue in full force until the same shall be fully paid and discharged according to the terms thereof. That all powers conferred by Law upon the Collector of Taxes for the collection of all taxes in the said Town, heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid, and the official bonds of said Collector, and of all other bonded officers not employees of said Town, shall be unaffected and unimpaired by this repeal, and they and their sureties therein shall continue liable for any breaches of any conditions of said bonds, and that all proceedings theretofore commenced for the collection of any penalty, fine, forfeiture or debt due to the said Town, under any Law or Ordinance, shall not be

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affected or impaired by the repeal, but the same may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged.

Section 40. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 41. This Act shall be deemed and taken to be a public act.

Approved May 12, 1941.

## CHAPTER 160

## CITIES AND TOWNS—CLAYTON

AN ACT AUTHORIZING THE TOWN OF CLAYTON TO BORROW THIRTY THOUSAND DOLLARS (\$30,000) AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF THE TOWN OF CLAYTON.

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

SECTION 1.—That THE TOWN OF CLAYTON, a municipal Corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of the said THE TOWN OF CLAYTON a sum of money not exceeding Thirty Thousand Dollars (\$30,000) for the purpose of redeeming and refunding certain outstanding bonds of the said THE TOWN OF CLAYTON.

SECTION 2.—That the Town Council of the said THE TOWN OF CLAYTON, for the purpose set forth in Section One of this Act, shall have full power and authority to issue bonds of the said THE TOWN OF CLAYTON to an amount not exceeding in the aggregate the sum of Thirty Thousand Dollars (\$30,000) and that said bonds shall be known by whatever name said Town Council shall determine.

SECTION 3.—That the said bonds shall be authorized by a resolution or resolutions of said Town Council and shall be issued in one or more series, shall bear such date or dates, mature at such time or times, not exceeding twenty-five years from their respective dates, bear interest at such rate or rates not exceeding four percent per annum, be payable at such time or times, be in such denominations and payable at such place or places as such resolution or resolutions of said Town Council may provide. The bonds may or may not be coupon bonds as

## CITIES AND TOWNS—CLAYTON

said Town Council shall determine. Any and all of said bonds may be redeemed at the option of said Town Council at par and accrued interest at such interest period or periods and after the expiration of such time or times from the respective dates of said bonds, all as shall be authorized by resolution or resolutions of said Town Council and as shall be set forth in the bonds, and if said Town Council shall elect to redeem any or all of said bonds as provided therein, such redemption shall be made in pursuance of notice signed by the President of the Town Council of THE TOWN OF CLAYTON, or signed by the Mayor of THE TOWN OF CLAYTON, if at any time the charter of the said THE TOWN OF CLAYTON be amended to provide for the office of Mayor of THE TOWN OF CLAYTON in lieu of the office of President of the Town Council of THE TOWN OF CLAYTON. Such notice shall be published once a week for three consecutive weeks in a newspaper published in the City of Wilmington and State of Delaware, and also like notice shall be published in a newspaper published in Kent County and State of Delaware. Such notice shall indicate the bonds so called for redemption and in making such call or calls for redemption said Town Council shall select the bonds to be called by lot or in such other manner as the said resolution or resolutions of said Town Council, providing for the issuance of said bonds, and as the bonds issued in pursuance thereof shall state. The interest on bonds so called for redemption shall cease from the redemption date or dates named in any of said calls.

SECTION 4.—The Town Council of THE TOWN OF CLAYTON shall direct and effect the preparation and sale of the bonds which are authorized by this Act at such time or times and upon such terms and in such form as the said Town Council shall deem best and so provide and authorize by resolution or resolutions. All monies arising from the sale of said bonds shall be used for the purpose of carrying out the provisions of this Act.

SECTION 5.—The form of said bonds, together with any coupons which may be attached thereto, shall be prescribed by resolution or resolutions of said Town Council and said bonds

## CITIES AND TOWNS—CLAYTON

shall be signed by the President of the Town Council of THE TOWN OF CLAYTON, or by the Mayor of THE TOWN OF CLAYTON, if the charter of THE TOWN OF CLAYTON be amended changing the present office of President of the Town Council of THE TOWN OF CLAYTON to the Mayor of THE TOWN OF CLAYTON, and by the Treasurer of THE TOWN OF CLAYTON and sealed with the corporate seal of said municipal corporation. Said bonds shall be exempt from all State, County and Municipal taxes. As said bonds and any coupons attached thereto shall be paid, the same shall be cancelled as said Town Council shall direct. Facsimile signatures of the said President of the said Town Council, or of the Mayor of THE TOWN OF CLAYTON as the case may be as aforesaid, and of the Treasurer of THE TOWN OF CLAYTON, may be imprinted upon any coupons that may be attached to said bonds in lieu of the signature of the said President of said Town Council, or of the Mayor of THE TOWN OF CLAYTON as the case may be as aforesaid, and in lieu of the signature of the Treasurer of THE TOWN OF CLAYTON.

SECTION 6.—That the said Town Council of THE TOWN OF CLAYTON is hereby authorized and required to levy and raise by taxation in each year such sum of money as may be required to pay the interest accruing on said bonds, or any of them while all or any of said bonds remain unpaid, and the said Town Council is further authorized and required to levy and raise by taxation from time to time, such sum or sums of money as shall be needed to establish such sinking fund, as said Town Council may at its discretion authorize for the redemption of said bonds or any of them, at or before their maturity, and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds as aforesaid shall be levied and raised as taxes for general municipal purposes in the said Town are levied and raised and shall be in addition to the taxes raised for any and all other purposes.

SECTION 7.—The faith and credit of THE TOWN OF CLAYTON are hereby pledged for the due payment of all of

## CITIES AND TOWNS—CLAYTON

the bonds, and interest thereon, which may be issued under the provisions of this Act.

SECTION 8.—That a statement appearing in the bonds issued under this Act to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence, in favor of the holder of any such bonds, that all the terms and conditions of this Act have been fully met and complied with.

Approved April 9, 1941.

## CHAPTER 161

## CITIES AND TOWNS—DAGSBORO

## AN ACT TO RE-INCORPORATE THE TOWN OF DAGSBORO

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

## NAME AND TERRITORIAL LIMITS

Section 1. The inhabitants of the Town of Dagsboro, in the County of Sussex, State of Delaware, are hereby constituted a municipal corporation and body politic. The name and style of said corporation shall be "The Town of Dagsboro".

The Boundaries of The Town of Dagsboro are hereby established and declared to be as follows:

BEGINNING at a point in the center of the State Highway leading from Frankford to Dagsboro, said beginning point being opposite the center of the John M. Clayton School Building; thence North eighty-eight degrees West seven hundred feet (N 88° W 700 ft.) to a stone; thence North twenty-four degrees West four thousand and one hundred and fifty feet (N 24° W 4,150 ft.) to the run of Pepper's Creek Canal; thence in a Southwesterly direction with said Canal to the middle of a ditch known as the fifth prong of said Canal; thence in a Northwesterly direction with the various meanderings of said ditch to the center of the Coleman du Pont Boulevard to a bridge, numbered 423; thence with the center of said Boulevard the following two courses and distances, to-wit; North seventy-seven degrees West seven hundred and seventy feet; North forty-five degrees West two thousand and fifty-five feet (N 77° W 770 ft.—North 45° W 2,055 ft.) to a bridge numbered 501; thence in a Northeasterly direction with the various meanderings of a ditch to a stone at the ditch on line for lands of John C. Hazzard and Granville A. Cannon; thence North seventy-five degrees East one thousand and eighty-two feet (N 75° E 1082



## CITIES AND TOWNS—DAGSBORO

ft.) to the intersection of the State Highway leading from Dagsboro and the D. M. & V. R. R.; thence North twenty-one degrees East one hundred and seventy-seven feet ( $N 21^{\circ} E 177$  ft.) to an iron; thence South sixty-four and one-half degrees East eight hundred and ninety-five feet ( $S 64\frac{1}{2}^{\circ} E 895$  ft.); thence South forty-four degrees and thirty minutes East seven hundred and twenty-three feet ( $S 44^{\circ} 30' E 723$  ft.) to a stone on the bank of a ditch; thence in a Southeasterly direction with the various meanderings of said ditch to a stone where ditch empties into Pepper's Creek Canal; thence South thirty-six and one-quarter degrees East five hundred and thirty-six feet ( $S 36\frac{1}{4}^{\circ} E 536$  ft.) to a stone; thence South sixty and one-half degrees East two hundred and ninety-six feet ( $S 60\frac{1}{2}^{\circ} E 296$  ft.) to a stone; thence South one-half degrees East one thousand five hundred and ninety-four feet ( $S \frac{1}{2}^{\circ} E 1,594$  ft.) to a stone; thence South twenty-eight and one-half degrees West one thousand three hundred and ten feet ( $S 28\frac{1}{2}^{\circ} W 1,310$  ft.) to a stone; thence South one and one-half degrees West two thousand one hundred and sixty-eight feet ( $S 1\frac{1}{2}^{\circ} W 2,168$  ft.) to a stone; thence South sixty-three and three-quarter degrees West five hundred and forty feet ( $S 63\frac{3}{4}^{\circ} W 540$  ft.) to the point or place of beginning.

The Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot, when so made and approved by the said Council, and signed by the President and Secretary of Council, and sealed with the Town Seal, and when recorded in the office of the Recorder of Deeds of the State of Delaware, in and for Sussex County, at Georgetown, shall be deemed to be a true map and plot of the Town, and the same, or the record thereof or a duly certified copy of said record, shall be evidence in all Courts of law and equity in this State.

## GENERAL POWERS

Section 2. (A) The inhabitants of the Town of Dagsboro, within the limits and boundaries referred to in Section 1 of this Act, or within the limits and boundaries hereafter established, shall be and they are hereby created a body politic

## CITIES AND TOWNS—DAGSBORO

and corporate in Law and Equity by the Corporate name of "The Town of Dagsboro", hereinafter called the Town, and under that name shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require, subject, however, to other sections of this Act.

As hereinafter provided in Section 22 of this Charter relating to power to issue Bonds, the Town shall have all other powers and functions requisite to or appropriate, for the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort, and well being of its population and the protection and preservation of property, public and private; and all actions, suits, and proceedings shall be brought in the name of "The Town of Dagsboro".

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of Dagsboro shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter specifically to enumerate. All powers of the Town of Dagsboro whether expressed or implied, shall be exercised as prescribed by this Charter, or, if not prescribed herein, by ordinance or resolution of the Town Council.

## STRUCTURE OF GOVERNMENT

Section 3. The Government of the Town and the exercise of the powers conferred by this Charter, except as otherwise

## CITIES AND TOWNS—DAGSBORO

provided herein, shall be vested in a Town Council. The Town Council shall consist of five members, who shall be citizens of the State of Delaware and residents and non-delinquent taxables of the said Town above the age of twenty-one years and the owner of real estate within the said Town in their own name, at the time of their nomination and election, provided, however, that any married man, resident of said Town, whose wife is a freeholder of said Town, may be elected a member of said Council, although he may not be in his own right, in any real estate within said Town. No compensation shall be paid to Councilmen.

### ELECTION IN GENERAL

Section 4. The present members of the Town Council shall by this Act be appointed to serve and shall continue to act as Councilmen of said Town from and after the passage hereof until Councilmen are duly elected; and that at the annual election held on the first Saturday in February, 1942, after the passage of this Act as provided for in Section 5 of this Act, five Councilmen shall be elected, two of whom shall be elected for one year, two for two years, and one for three years; and thereafter the successor of every Member of the Town Council shall be elected by the qualified voters as defined in Section 3 of this Act to serve for a term of two years.

### MANNER OF HOLDING ELECTIONS AND MAKING NOMINATIONS

Section 5. (A) The annual municipal elections shall be held on the first Saturday in the Month of February from one o'clock P. M. until four o'clock P. M., at such places as shall be determined by the Council, due notices of which shall be given by posting notices thereof in five public places within the limits of the Town of Dagsboro, not less than ten days before the day of the annual election.

(B) Said members of the Council shall be nominated as follows, viz:—

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At least ten days before the day of the election as hereinafter fixed, nominations shall be filed with the Secretary of the Council. Said nominations shall be in writing signed by the nominee or by five other citizens of the Town, at least two of whom shall be freeholders, which nominations shall be presented to the Council by the said Secretary at the meeting to be held at the usual meeting place, which shall not be later than eight o'clock in the evening of the last day for filing said nominations. Council shall cause to be printed ballots, at least as many in number as the number of citizens in said Town entitled to vote at the election. Said ballots shall contain the names of all persons nominated under headings designating the offices for which nominated, and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls, and every citizen calling for a ballot shall receive one from the persons holding the election. Voters may also prepare for themselves ballots, either printed or written, provided that such ballots do not contain a name or names other than those nominated as aforesaid.

(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva voce vote, a qualified voter or voters to act. The three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.

(D) Every citizen of the said Town of the age of twenty-one years, or upwards, who has within twelve months of said election paid a Town Tax which has been assessed within twelve months, shall have a right to vote, and persons arriving at the age of twenty-one years since the last Town assessment shall have a right to vote. The voters shall not vote for more candidates than are to be voted for at the election and in voting shall

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cross out the names of all candidates which he or she does not desire to vote for.

(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie, the three persons holding the Election shall, by a majority vote, decide which of the candidates so tied shall be elected.

(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe to the same, and shall give to the persons elected certificates of the Election, which Book, containing such minutes, shall be preserved by the Council, and shall be evidence in any Court of Law and equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.

## ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 6. On the first Monday following the annual election each year, the Council shall meet and the newly elected officers shall assume the duties of office. Before entering upon the duty of their office, the newly elected members shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over Member of the Council to faithfully and impartially perform their duties. At this annual meeting the Council shall organize and thereafter shall hold meeting at such time as hereinafter provided.

## SPECIAL MEETING, WAIVER OF NOTICE

Section 7. Special meetings shall be called by the Secretary upon the written request of the President of Council, or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested

## CITIES AND TOWNS—DAGSBORO

and the subject or subject proposed to be considered thereat. The Secretary shall thereupon give written notice to the President and to each member of Council of the day, hour and place of such special meeting and of the subject or subjects proposed to be considered thereat. Such notices of the Secretary must be deposited in the U. S. Mail in the main post office in the Town of Dagsboro at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the President and all other members of Council prior to or immediately upon the convening of such special meeting, shall make such forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Dagsboro, shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at regular meeting.

## QUORUM

Section 8. That in the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a majority of the entire Council. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it received the affirmative vote of a majority of all members elected to Council.

## RULES AND MINUTES OF COUNCIL

Section 9. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings

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and the Yeas and Nays shall be taken upon the passage of every ordinance and resolution, and shall be entered in the Journal with the text of the ordinance or resolution.

### VACANCIES

Section 10. In case of vacancy created in the Members of Council either by death, resignation, loss of residence in the Town of Dagsboro, or otherwise, the Council shall fill such vacancy for the unexpired term; provided, however, if a vacancy shall be created in the office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person to serve until the next annual election, at which time there shall be elected a suitable person to fill the unexpired term of said office.

### DISQUALIFICATION

Section 11. If any Councilman shall, during his term of office, lose his residence in said Town, or his citizenship in the State of Delaware, or be found guilty of any crime or misdemeanor, he shall forthwith be disqualified to act as a Member of Council, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

### CONTRACT WITH MEMBERS

Section 12. It shall be unlawful for the said Council to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Dagsboro with any member of the Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent.

## CITIES AND TOWNS—DAGSBORO

## REGULAR MEETINGS OF COUNCIL

Section 13. The Council of the Town of Dagsboro shall hold regular meetings once a month at such times as may be prescribed by the ordinance and resolution at The First National Bank of Dagsboro, or at such other suitable place in said Town as the Council may select, but in the event of a temporary change in the place of meeting, public notice shall be posted in the usual place of meeting not later than seven o'clock P. M. on the evening of the said meeting, plainly stating the new place of meeting selected by Council, and the day and hour of such meeting.

## OFFICERS

Section 14. (A) The Council shall, at the annual meeting held on the first Monday next following the annual election, organize by the election of a President, a Secretary, Treasurer, Alderman, Collector of Taxes, Town Solicitor, Board of Assessors, Auditors and Police Force. The President of the Council shall be a Member of the Council. The Secretary, Treasurer, Auditors, Town Solicitors, Board of Assessors, Police Force, Collector of Taxes and Alderman may or may not be a member of the Town Council. The Council shall also elect and appoint any such other officers, employees and agents of the Town which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer may be removed at any time by the Town Council for sufficient cause.

(B) The Council shall by ordinance fix the salaries and compensation of employees, officers and agents of the Town and the time and manner of his or her payment; which salaries or compensations shall not be increased during the terms of said office. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation in any form in addition to the salary or compensation fixed by Council.

(C) The Council shall cause to be kept a full and complete



## CITIES AND TOWNS—DAGSBORO

record of all officers appointed and employees and agents hired by the Town containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of service.

### DUTIES AND POWERS OF PRESIDENT

(D) The duties of the President of the Council shall be to preside at all meetings of Council; to have general superintendence of municipal affairs, to receive complaints of nuisances or violations of Laws and Ordinances of the Council and to take appropriate action thereon. The President shall also issue and sign all licenses for every exhibition within the Town, or Licenses for any other purposes for which, under the Laws of this State, or the Ordinances of the Town, a license is required.

The President shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by resolution or ordinance by Council. If the President be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him by this Act, or any other Law, or any resolution or ordinance now or hereafter adopted or enacted by Council, shall be exercised and performed by the Member of Council chosen by Council as acting President for the period of such incapacity.

The President shall have the same right as other Councilmen to vote on all matters and may at any time appoint another Councilman to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties, as presiding officer.

### SECRETARY

(E) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be

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provided for the purpose; and shall file and keep in a safe place the Seal of the Town and all papers, and documents, relative to the affairs of the Town, and deliver the same to his successor in office. The Secretary shall attest the seal of the Town when authorized by Council, and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers and documents in the custody of the Secretary shall be always open for the inspection of Council and the public under such regulations as Council may prescribe.

## ALDERMAN

(F) The Alderman shall be sworn or affirmed to perform the duties of his office with fidelity. In the performance of these duties he shall have all the powers within the purview of this Charter as a Justice of the Peace of Sussex County; he shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of this Town and may arrest and hold to bail or fine and imprison any such offenders; he may impose all fines, penalties and forfeitures prescribed by this Charter or any Ordinances which may be enacted hereunder in the manner prescribed by this Charter. In his absence or disability or otherwise, the Council may appoint a citizen of the Town as acting Alderman and such acting Alderman shall have the same powers and privileges as the Alderman.

The jails of Sussex County may be used for imprisonment under provisions of this Charter, provided, that the Council shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

The Alderman shall also have jurisdiction in suits of civil nature, for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matter which may arise in the proper government and control of the Town under the provisions of this Charter; and within his jurisdiction he shall have all the powers and authority, and shall be

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subject to all the limitations of the Justice of the Peace of Sussex County, except as herein otherwise provided; and his fee shall be the same as those of a Justice of the Peace for like service. For any service or duty for which no fee is provided by law, such fee shall be established by ordinance.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and upon conviction in the Court of General Sessions of the State of Delaware shall be fined not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the Town. He shall pay all such moneys to the Treasurer within ten (10) days after making report thereof to the Council; and failure to make report to the Council, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times.

## TREASURER

(G) The Treasurer shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

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The Town Treasurer, before entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by the President, or acting President of Council.

The Town Treasurer, before entering upon the duties of his office, shall also give bond to the Town of Dagsboro, with sufficient surety to be approved by Council, in the penal sum of Two Thousand Dollars (\$2000.00), conditioned for the faithful discharge of the duties of his office and for the payment to his successor in office of all sums of money belonging to said Town, which may remain in his hands upon the settlement of his accounts, to which bond and condition shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Treasurer shall pay all orders drawn on him by order of said Council and be signed by the President and Secretary thereof, out of any moneys in his hands belonging to said Town. He shall settle his accounts with said Council annually by the end of the fiscal year, and oftener and at such other times as Council may require.

## COLLECTOR OF TAXES

(H) The Collector of Taxes shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

It shall be the duty of the Town Collector to collect all Town Taxes, water and sewer rents, charges for electric current and all other kinds of Town revenue and to pay the same to the Town Treasurer as herein otherwise provided.

The Town Collector, before entering upon the duties of his offices, shall give bond to the Town of Dagsboro, with sufficient surety to be approved by Council, in the sum of Two Thousand Dollars (\$2,000.00), conditioned for the faithful performance of the duties of his office and the payment to the Treasurer of said Town of all moneys collected by him belonging to said Town

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from taxes, sewer and water rents, electric current accounts and all other Town revenue and for the settlement of his accounts with the Treasurer of the Town at the end of each fiscal year, and oftener and at such other times as Council may require, to which bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment for said penalty.

### AUDITORS

(I) The Auditors shall be residents and taxables of the Town and it shall be their duty to audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of the moneys of the Town. They shall audit the books of the Alderman and the records of all fines, penalties and costs imposed or collected by either of them pursuant to any judgment order or decree made. The Auditors on or before the fifth day of January next following this appointment shall make and deliver a detailed report of all and every of the accounts, records and books by them examined and audited, which copies of said report shall be posted in five public places in the Town. The Auditors in the performance of their duties shall have access to all records of Council and the officers of the Town; and are authorized and empowered to employ such clerks or accountants as in their judgment may be necessary for the proper performance of their duties.

### TOWN SOLICITOR

(J) At the annual meeting, the Council shall select a Town solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The Town Solicitor shall be a member of the Bar of Sussex County. It shall be his duty to give legal advice to the Council and other officers of the Town, and to perform other legal services as may be required of him by the Council.

### POLICE OFFICERS

(K) It shall be the duty of the Council to appoint a Police

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force consisting of a Chief and such member or subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the Police force. The members of the force shall be subject to the direction of the Council, and may be removed by the Council at any time. They shall preserve peace and order, and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police force shall be vested with all powers and authority of a Constable of Sussex County.

Every person sentenced to imprisonment by the Alderman shall be delivered by a member of the Police Force to the County Jail of Sussex County, or lock-up of the Town, to be there imprisoned for the term of the sentence. In the case of any arrest at a time when the Alderman shall not be available to hear and determine the charge, the person arrested may be delivered to either of the above named County Jails, or to the lock-up of the Town, for imprisonment until such reasonable time thereafter as shall enable the Alderman to hear and determine the charge against such person.

It shall be the duty of the police to suppress riotous disorderly or turbulent assemblages of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the above, or upon the view of the violation of any ordinances of the Town relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Alderman or Justice of the Peace for hearing.

## ASSESSORS AND ASSESSMENT OF TAXES

Section 15. The Board of Assessment shall consist of three members all of whom shall be residents of said Town and over the age of twenty-one years. They shall be sworn and affirmed

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by a Justice of the Peace or by the Alderman to perform their duties with fidelity and without favor. It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation situate within the Town.

1. In the year 1942 and every fourth year thereafter, there shall be a true, just and impartial valuation and assessment of all the real property subject to County taxation within the Town, locating each parcel of real property by street and number, or other description, and also an assessment of all the male and female residents of the Town above the age of twenty-one years (21), whether owners or not owners of either real estate or personal property within its limits.

2. All assessments shall be made and completed by the Board of Assessors prior to the first day of March. The assessment made in the year 1942 and in every fourth year thereafter shall be known as the General Assessment. In other years, there shall be made a scrap assessment, as hereinafter provided.

3. The scrap assessment shall value and assess all taxable real property and personal property in the Town not already valued and assessed by the General Assessment then in force, and all improvement made upon said real property since said General Assessment and all male and female residents of the Town above the age of twenty-one (21) years and not already assessed, and said assessment shall omit the name of those who have removed from the Town or who have died. In the year that a scrap assessment is made, the General Assessment then in force as supplemented or modified by the scrap assessment, shall constitute the assessment of the year.

4. The assessors shall make and deliver to the Council as soon as the assessments are made such numbers of copies thereof as the Council shall direct.

5. The property of the several members of the Board of Assessors, real and personal, shall be assessed by the Council.

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6. The Council shall, prior to the fifteenth day of March, in each year, cause a copy of the General Assessment, or scrap assessment as made in said year, to be hung in two public places, in the Town, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notices of the hanging up of the copies of the assessment and the places where the same are hung up and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be posted in at least five public places in the Town.

7. At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter, revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive; and no member of Council shall sit on his own appeal.

8. The assessment, as revised and adjusted by the Council, shall be the basis for the levy collection of the taxes for the Town.

9. The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the Town, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the Town Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector of Taxes as in case of other taxes and the Council shall have authority to cause the same to be removed.

10. No farm lands hereby included within the limits of the Town of Dagsboro, unless the same shall front on some public street of the Town, laid out and improved, shall be sub-



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ject to any Town tax and in any event, unless laid out as building lots, only that part of the farm and the buildings thereon lying within three hundred (300) feet from any street line shall be subject to taxation. The Council shall be the sole judges of what lands are and what lands are not farm lands within the meaning of this Charter.

11. The General Assessment made and in force under the Charter of the Town of Dagsboro and the amendments thereto shall continue in force and effect until the next General Assessment to be made in the year 1942.

12. The Council shall determine and fix a rate of taxation which will produce approximately the amount of money necessary to defray the expenses of the Town for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

13. The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Five Thousand Dollars (\$5,000.00) in any one year clear of all delinquencies and expenses of collection, provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in all respects as provided for in Section 5 of this Act as amended, may raise by taxation any amount above and exceeding the sum of Five Thousand Dollars (\$5,000.00). At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation" and another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised; when, however, any sum in excess of Five Thousand Dollars (\$5,000.00) shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum then, in order to authorize any such increase, a new referendum shall

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be necessary and whenever any increased sum shall be authorized at any referendum said sum shall represent the maximum amount authorized to be raised from year to year by taxation until an increase shall have authorized by referendum duly held as aforesaid.

## COLLECTION OF TAXES

Section 16. On or before the fifth day of April in each year, the Council shall deliver to the Collector of Taxes a list containing the names of the taxable of the Town, opposite the name of each the amount of his real property assessment, the amount of his personal property assessment and his poll assessment, and the tax upon the whole of his assessment, and the rate per hundred dollars. Attached to said tax list shall be a warrant, under the seal of the Town of Dagsboro, signed by the President and attested by the Secretary, commanding the Collector of Taxes to make collection of the taxes as stated and set forth in the tax list.

All taxes laid or imposed by the Council of the Town of Dagsboro, shall be and constitute a lien upon all the real estate of the taxable against or upon whom such taxes are laid or imposed of which such taxable was seized at any time after such taxes shall have been levied and imposed, situate in the Town of Dagsboro, and such lien shall have preference and priority to all other liens on such real estate created or suffered by the said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided that the lien for town taxes shall remain a lien for the period of three years from the fifth day of April of the year in which such tax shall have been imposed and no longer.

All taxes when and as collected by the Collector of Taxes shall be paid to the Town Treasurer and all taxes shall be due and payable at and from the time of the delivery of the tax list to the Collector of Taxes. A discount shall be allowed by the Collector of Taxes of three per cent on every tax paid before the first day of May in each year; and of two per cent on every

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tax paid before the first day of June in each year; of one per cent on every tax paid before the first day of July in each year and to every tax paid before the thirtieth day of September, no discount shall be allowed by the Collector of Taxes, and to every tax paid after the thirtieth day of September in each year, there shall be added and collected one per centum for every month or fraction of a month after the said thirtieth day of September that the tax remains unpaid. Before exercising any of the powers herein given for collection of taxes, notices shall be given to the taxable of the amount due.

The Collector of Taxes shall have the following powers for the collection of taxes:

(a) By distraint of the goods and chattels of the taxable.

(b) At any time after the delivery of the tax list and warrant, the Collector of Taxes may, in the name of the Town of Dagsboro, institute suit before any Justice of the Peace of the State of Delaware, in any of the Counties of the State, or before the Alderman of the Town, for the recovery of the unpaid tax, in any action of debt, and upon judgment obtained, may issue writ of execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained which, by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by the taxable, except such liens thereon, which may have been created in respect to County Taxes, although such other liens be of a date prior to the time of the attachment of said tax lien.

(c) At any time after the delivery of the tax list and warrant, the Collector of Taxes may notify in writing the person, firm or corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall

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be signed by the President of the Council and shall contain the correct name of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and thereupon it shall be the duty of the employer to take from the wage, salary, or other money then due the taxable the amount of the tax due and owing from the employee, and charge the same against him, and to pay the same to the Collector of Taxes within ten (10) days. The Collector of Taxes shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If any employer, being notified as aforesaid, and having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax of the persons as to whom notice was given, and the amount thereof may be recorded from such employer in any action of debt before any Justice of the Peace or Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

(d) The Collector of Taxes may make a complaint under oath before any Justice of the Peace residing in Dagsboro, or before the Alderman, that the tax of any taxable is due and unpaid, and that he has been unable to make collection of a tax by any of the methods for the recovery of taxes prescribed in this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing, it shall be found that the tax of the person arrested is due and unpaid, and if the taxable shall thereupon fail to pay the tax, together with accrued costs, he shall be committed to the Jail of Sussex County, until the tax, penalty, costs and charges are paid, but not to exceed the term of thirty (30) days.

(e) For the purpose of collecting the tax of any taxable, and without the necessity of first employing the other remedy herein provided, the Collector of Taxes is empowered to sell the lands and tenements of a taxable, or the lands and tenements of a taxable alienated subsequent to the levy of the tax, in the following manner: After depositing in the mail an itemized tax bill together with notice of sale of lands and tenements of

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the taxable addressed to said taxable at his last known post office address, the Collector of Taxes shall file in the office of the Prothonotary a certificate under his hand and seal containing:

- (1) The name of the Taxable.
- (2) The year for which the tax was levied.
- (3) The rate of tax.
- (4) The total amount due.
- (5) The date from which the penalty for non-payment, if any, shall commence, and the rate of such penalty.
- (6) A short description of the lands and tenements proposed to be sold sufficient to identify the same.
- (7) A statement that a bill of said tax has been mailed to the taxable at his last known post office address and the date of such mailing.

Sales of lands and tenements shall be advertised by posting hand bills in at least five public places in the Town of Dagsboro and publishing the notice of said sale in a newspaper published in Sussex County. The notices shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Collector of Taxes shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due

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is collected. The petition, return and deed, shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his heirs or assigns of the costs, the amount of the purchase money and twenty per centum interest thereon, and the expense of the deed, provided, that if the purchaser refuses to accept the same, or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of redemption to the Collector of Taxes making the sale, taking from him a good and lawful receipt therefor and such receipt shall be considered for all intents and purposes, as a valid and lawful exercise by the owner, his heirs, executors or assigns, of his or their power to redeem the land so sold.

After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the Town of Dagsboro, either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the said owner.

## TO THE PROTHONOTARY

For filing and recording petition .....	\$1.00
For filing and recording return of sale .....	\$1.50

In addition, the costs of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

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The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

If any person is assessed for several parcels of lands and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

If the Collector of Taxes shall be unable by the thirty-first day of December of each year of the date of tax list to collect the tax of any taxable, he is empowered to collect said tax from such taxable by any of the processes of law herein prescribed within the space of one further year, from said thirty-first day of December, after which the said tax shall be extinguished and all authority to the Collector of Taxes under said tax list and warrant shall cease.

During the month of December next following the date of the tax list and warrant, the Collector of Taxes shall make full, final and complete settlement with the Treasurer and Council. The Council shall fix such time and place during the said month for settlement with the Collector of Taxes of which he, the said Treasurer shall have due notice. At said settlement, the Council shall allow to the Collector of Taxes all taxes which shall have been impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default or neglect or delay of the Collector of Taxes, and said settlement shall be final and conclusive, and no other allowance in any form shall be made to the Collector of Taxes by the Council. Upon the conclusion of the said settlement, the Collector of Taxes shall forthwith pay over to the credit of the Town the aggregate amount of the taxes found to be due the Town, and upon his failure or neglect to so do, it shall be the duty of the

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Council to proceed to collect the same from the Collector of Taxes and/or his surety. The Council shall not reappoint as Collector of Taxes of the Town any person, who, as such, shall be in default to the Town in any sum; provided, however, that the Council for good cause shall have the power to extend the time of settlement by the Collector of Taxes for a period of not exceeding six months.

Section 17. The provision of Article 6 of Chapter 79 of the Revised Code of the State of Delaware, 1935, shall be deemed to be laid and applied to all taxes under the provisions of this Act.

## ENUMERATION OF SPECIFIC POWERS OF COUNCIL

Section 18. The Town Council shall have power to enact ordinances to preserve the health of the Town and to prevent the introduction and spread of infectious or contagious diseases, for which purpose the jurisdiction of Council shall extend to any distance within one mile of the corporate limits of the Town, to define, prevent and abate nuisances; to ascertain and fix the boundaries, of streets, squares, lanes, alleys and sidewalks, to repave and improve the same, to alter, extend or widen any street, square, lane, alley or sidewalk and to open, lay out, improve and repair new streets, squares, lanes, alleys and sidewalks, subject, however, to the provisions and restrictions in that behalf herein otherwise contained; to regulate and fix the ascents and descents of all streets, lanes, alleys and sidewalks and the drainage thereof, to direct and carry out the paving, repaving and improvement of foot pavements and to prescribe the width and materials thereof hereinafter set forth; to regulate and provide for the improvement of existing and the construction of new gutters and curbs, subject, however, to the provisions and restrictions in that behalf otherwise contained, to prescribe the extent and nature of and to alter or remove steps, bay windows, porches, awnings, drains, sheds, cellar doors, posts and pillars and all inlets to lots and buildings; to regulate the construction of and repair to chimneys and to provide for the keeping of the same cleaned and in a safe condi-



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tion as to fire and other hazards; to regulate or prevent the storage of gasoline, naphtha, oil, gunpowder, or any other inflammable, combustible or dangerous substance and materials; to define, investigate, prevent, abate and remove fire and explosion hazards, both within and without buildings in the said Town; to improve, extend, construct and maintain water mains, fire hydrants and other proper instruments for the prevention and combating of conflagrations and to expend through its own channels or through those of some fire company in said Town such sum or sums of money from the unappropriated funds of the Town, from time to time, as Council may deem necessary and expedient for the proper protection from fire of the lives and property of the inhabitants of the Town, to enact such ordinances, not in conflict with the Laws of the State of Delaware, as it may deem necessary and beneficial for the safety, regulation and control of pedestrian, automobile, and animal drawn traffic over the streets, squares, lanes, and alleys and other public places of the Town, including power to make and enforce any and all parking and non-parking regulations; to enact such ordinances and police regulations as it shall deem necessary and beneficial for the order, protection and good government of said Town; to enact ordinances in relation to the keeping of dogs, to provide for a registration fee therefor and to regulate or prevent their running at large; to enact ordinances to regulate or prevent the keeping of pigs, hogs, chickens and other livestock in said Town, or in its judgment, in the more thickly populated parts of said Town; to employ from time to time skilled surveyors to make plots and maps showing the limits of said Town and ascents, descents and limits of all streets, lanes, alleys, and sidewalks and the building lines upon the same, to show the location, depth and grade of all sewers and water mains and generally to do and perform all other matter of a cognate nature as may be deemed necessary by Council.

The Town Council shall have superintendence and oversight of all roads, streets, squares, lanes and alleys now opened or hereafter to be opened, within the limits of the Town.

The Town Council shall have full power and authority to

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enact ordinances to prevent, suppress and regulate all bonfires, the firing of firearms and the setting off and exploding of fire crackers, fire works, torpedoes and all explosives at any places in said Town.

The Town Council shall have power and authority to levy and collect license fees, annually, for such various amount or amounts as Council shall from time to time fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of said Town, and shall have authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in said Town and supplying the inhabitants thereof with any form or manner of services for any valuable consideration; to regulate the operation of public utilities within the Town and the use of the streets in connection with the operation of public utilities outside of the Town, or the use of the streets by common carriers, either passenger or freight or both, and to require that licenses from the Town be secured and to determine the amount or amounts to be paid therefor, provided, that this power shall not be deemed to apply to steam utilities; to levy and collect taxes on gas and water mains, underground conduits, telephone, telegraph, electric current or other poles or erections of like character in said Town, together with the wires thereon strung, and to this end may at any time direct the same to be included in or added to the Town assessment, with the authority of Council to cause such mains, conduits, poles and wires to be removed and suit to be instituted to collect the taxes so levied, in the event the owner or lessee thereof refuse or neglect to pay such taxes; to enact ordinances to prevent, abate or regulate electrical or other interferences with radio reception in said Town.

Council shall have the power to enact ordinances for fire protection and to this end may prohibit the use of building materials that Council may deem would create a fire hazard in the section to be used and may zone or distribute the Town and make particular provisions for particular zones or districts with regard to building and building materials, and may forbid any

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building except for which a building permit therefor has been obtained from and as prescribed by Council. This provision shall be deemed to include new buildings, or rebuildings or additions to or alterations of existing structures of any kind. Council shall have power upon inspection to condemn any existing buildings or structures that it deems to be a fire menace and to cause the same to be torn down or removed; Council shall have power to establish a building line for buildings to be erected.

The Town Council shall be vested with power and authority to prescribe fines, or penalties, or both, for violations of any of the provisions of this Act, or of the ordinances now in force, or which may hereafter be enacted in pursuance of any power hereof or of any power which may not be enumerated herein, provided, that no ordinance or other Act of Council shall provide any fine of more than One Hundred Dollars, exclusive of costs, nor any penalty by way of imprisonment, in excess of thirty days, but Council may provide for both fine and imprisonment, not in excess of said limits.

In the preparation and printing of any bonds and the interest coupons therefor now or hereafter authorized by Legislative enactment to be issued by the Town of Dagsboro, where any such bond is signed by the President of the Town Council of the Town of Dagsboro and by the Treasurer of the Town of Dagsboro, and the Certificate on said bond is signed by the Secretary on behalf of the Town Council of the Town of Dagsboro, the signatures of the President of the Town Council and of the Treasurer of said Town on the interest coupons attached to and belonging with such bonds may be facsimiles, either engraved, printed or stamped on said coupons.

## USE OF TOWN MONEY

Section 19. The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interest of the said Town, as Council may deem proper, and to use Town

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money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolution of Council. In the general performance of its duties and particularly in the expenditure of moneys of the said Town, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all of the members of Council. In case of the absence or other incapacity of any member of the Council or in case of a vacancy or vacancies in Council, the remaining members, provided, they constitute a majority of the entire Council, may act but all Ordinances and Resolutions and all orders for the payment of moneys shall receive a majority of all of the members elected to the Council.

### FISCAL YEAR, ANNUAL STATEMENT

Section 20. The fiscal year of the said Town shall begin the first day of February in each year and shall end with the next succeeding thirty-first day of January. The Town Council shall cause a full and correct annual statement of the receipts and disbursements of all Town moneys for the fiscal year next preceding to be posted in five public places in the Town of Dagsboro, at least ten days prior to the annual Town election.

### EXEMPTION OF PROPERTY FROM TAXATION

Section 21. The Town Council of said Town shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt the real or personal property, or both, of any person, firm, association or corporation used in any manufacturing business within the limits of said Town and employing no less then six persons; and the real, or personal property, or both, of any person, firm, association or corporation used in the manufacture or distribution or both, of water, gas, electric current or other service or commodity deemed desirable or necessary for the best interest of the inhabitants of said Town, and the real or personal property, or both, held, owned, leased, or employed by any person, firm, association or corporation with

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whom Council may now or in the future have a contrast\* for the furnishing to said Town and its inhabitants of electric current\*, light, power, heat, water or any or all of them over which Council has power or authority and from the payment of the same. No property shall be exempt from taxation aforesaid until such an ordinance is enacted or such a special resolution adopted and the period such exemption shall be only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years, and shall only be revokable\* upon the breach of a condition contained in such ordinance or resolution.

## POWER TO BORROW MONEY AND ISSUE BONDS

Section 22. (A) The Council of the Town of Dagsboro may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Dagsboro to provide funds for the erection, the extension, the enlargement or the repair of any plant, machinery, appliances or equipment for the supply, or the manufacture and distribution of electricity, or gas for light, heat, or power purposes; for the furnishing of water, to the public, for the construction or repair or improvement of highways, streets, or lanes or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the costs of the Town of Dagsboro for any permanent municipal improvements, providing, however, that the borrowing of the money therefor shall be authorized by the Town Council and shall have been approved in the manner following:

(B) 1. Council by resolution shall propose to the electors of the Town by resolution that the stated amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

\*So enrolled.

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2. Notice of the time and place of hearing on the resolution authorizing said loan shall be posted in five public places at least one week before the time set for said hearing.

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be given the inhabitants by posting notices in five public places for two weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of annual election.

5. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots at least five (5) days prior to the date of the special election.

6. At the special election, every person who had a right at the next preceding annual Town election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property, whether individual, partnership or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

7. The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(C) The form of Bond or Certificate of Indebtedness, the rate and time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council. The bonds shall be offered for sale to

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the best and most responsible bidder therefor after advertisement in such newspaper or newspapers in Sussex County or elsewhere at such times and in such manner as the Council shall determine. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Dagsboro shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

### OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS

Section 23. The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated whether in the street, squares, lanes, or alleys, or on the sidewalks, or in any other public or private place within the limits of said Town either on its own inspection, or upon the written complaint of any citizen of said Town, stating the character and location of the obstructions, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of Council, either upon inspection or upon such information, or both, shall determine that such obstruction, nuisance, or unsanitary condition exists and ought to be removed or abated, as the case may be, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition and Council shall thereupon give notice in writing, signed by the President or acting President of Council to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, to remove or abate the same and if such person or persons refuse or neglect for the space of thirty days after such notice is mailed to remove or abate the stated condition, Council shall have power and authority to cause such ob-

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struction, nuisance or unsanitary condition to be removed or abated; and for this purpose Council may issue a warrant in the name of The Town of Dagsboro, under the hand of its President, or acting President, and the seal of the Town, and directed to any Constable of Sussex County, commanding him forthwith to remove or abate such obstruction, nuisance or unsanitary condition, whereupon the Constable to whom said warrant may be delivered, shall forthwith proceed to remove or abate the same for such purpose he shall have full power and authority to enter into and upon any lands and premises in said Town, and to take with him such assistants, implements, horses, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper, and to do and perform all matters and things right, proper and necessary to be done for the removal or abatement of such obstruction, nuisance or unsanitary condition. The costs of all the necessary work, labor and proceedings of the Town in the removal or abatement of such obstruction, nuisance or unsanitary condition shall be determined by Council upon the completion of the work, and if such amount be not paid to the Treasurer of said Town, for the use of the Town, by the person or persons causing or responsible for such obstruction, nuisance or unsanitary condition, within ten days after a bill stating the amount of such costs is presented or mailed to such person or persons at their last and best known post office address, then Council may proceed to collect the same out of the goods and chattels, lands and tenements of such person or persons, and it shall be the duty of Council to issue a warrant in the name of the Town of Dagsboro under the hand of the President of Council, or the acting President, and the seal of the Town, directed to the Alderman of the Town, commanding him that of the goods and chattels, lands and tenements of such person or persons he shall cause to be levied and make the amount of said bill, together with all costs. It shall be the duty of the Alderman, as soon as convenient thereafter, and after ten days written notice to such person or persons deposited in the mails and directed to such person or persons at his or their last and best known post office address, and after posting five or more notices of sale in at least five of the most public places in said Town at least ten days



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before the day of sale, to first sell the goods and chattels of such person or persons at public auction in said Town, or so much thereof as may be necessary to pay the amount of said bill with all costs. If not\* goods or chattels of such person or persons can be found in said Town, or the goods and chattels found and sold as aforesaid be not sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Alderman, after further notice of ten days, given to said person or persons in the same manner, as aforesaid, for the sale of goods and chattels, and after posting five or more notices of sale in at least five of the most public places in said Town, for at least ten days before the day of sale, and after causing such notice of sale to be published once, in a newspaper published in Sussex County, to sell the land and tenements of such person or persons, or so much thereof as may be sufficient to satisfy the amount of said bill and all costs, and a deed from the Alderman of said Town shall be made and shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or lesser estate, as if the same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expense of the Town in removing or abating such obstruction, nuisance or unsanitary condition, and all costs, shall be a lien of the premises where such obstruction, nuisance or unsanitary condition exists, and said lien shall relate back to the time when the first notice to remove or abate shall have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance suffered or made by such person or persons after the mailing of said notice. It shall be the duty of the Alderman, out of the purchase money from the sale of said goods and chattels, or lands and tenements, to pay all costs arising from said proceedings and sale to the parties entitled to such costs, to retain and pay to the Town Treasurer, for the use of the Town, the amount of the said bill to the Town, and the residue of said purchase money, if any, shall be at once deposited in some Bank in the Town of Dagsboro, to the credit of the owner or owners of said goods and chattels, or lands and

\*So enrolled.

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tenements. The Alderman shall be entitled to receive ten dollars for every sale of personalty under this Section and twenty dollars for every sale of real estate under this Section, together with such additional sum as may be allowed by Council for the keeping and care of such personal property, for selling the same, and for said advertising, all of which shall be a part of the costs aforesaid to be paid out of the purchase money. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in said Town, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her last and best known post office address shall be deemed proper notice. Council in addition to the provisions of this Section hereinbefore set forth shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing fines and penalties as shall be in the judgment of Council necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purpose of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said Town, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

## STREETS

Section 24. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen or abandon streets or parts thereof, whenever they shall deem it for the best interest of the said Town. The procedure in every case as aforesaid, shall be as follows: The Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street, or any part thereof, as the case may be, and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be. The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just

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and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution said Council shall hear such residents of the Town or owners of the property affected as shall attend, and it shall at said meeting, or at a subsequent meeting, as it shall deem proper, adopt a resolution by a majority vote, to proceed with, or to abandon as it shall deem for the best interest of the said Town, the opening of the street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or part thereof, as the case may be, as contemplated in its prior resolution. And in case the determination of the said Council shall be to proceed with the plan contemplated by the resolution first aforesaid, Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn on him by authority of the Council aforesaid upon delivery of a Deed in fee simple in favor of the Town of Dagsboro, and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Council aforesaid, he may, within five days after the award of the Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary or President of Council. In order to prosecute said appeal such appellant\* shall within five days, after the expiration of the five days allowed for the appeal as aforesaid, apply to the Judge of the Superior Court for the State of Delaware, resident in Sussex County, or in his absence at that time, to the Chief Justice of the said Court, for the appointment of freeholders to hear and determine the matter of compensation to such appellant and thereupon the said Judge or Chief Justice, as the case may be, shall issue a commission under his hand directed to five impartial freeholders of Sussex County, commanding them to determine

\*So enrolled.

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and fix the damages which the said appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefits or advantages that will enure to the said appellant from said new street or otherwise, and to make return of their findings to the said Judge or Chief Justice, as the case may be, at a time appointed in said commission. The said freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five days before the day when said freeholders are to view the premises as aforesaid, and a copy of such notice shall also be served on the Secretary or the President of Council at least five days before the day of such meeting.

The freeholders named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said freeholders shall make return in writing of their proceedings in the premises to the said Judge or Chief Justice, as the case may be, who shall cause the said return to be delivered to the said Secretary or President of Council and such return shall be final and conclusive. The said Judge or Chief Justice shall have power to fill any vacancy among the freeholders. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or may deposit the same to his credit in any Bank in the Town of Dagsboro within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Judge or Chief Justice aforesaid, if the damages shall be increased and if the Council shall decide

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not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town out of any money in his hands belonging to the Town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees of the freeholders shall be three dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, Council shall have the option of paying the damages assessed within the term aforesaid and proceed with the improvements, or upon the payment of the costs only, as aforesaid, may abandon the proposed improvement.

Whenever the land comprehended or included in any street, or part thereof, shall be vacated or abandoned under this Section if owned by the said Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the Council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the said Town may have therein.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes, and alleys for all the purposes of this Section.

## PAVING, GUTTERING, CURBING

Section 25. The Council shall have the power to cause to be paved or repaved the sidewalks of the said Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relaid, or new curbs or gutters, or both, constructed, or any part of or portion thereof, in said Town, with such material or materials and of such width or size, and subject to such specifications as it shall determine. Before the exercise of said power in any particular instance, the Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place the Council will meet to consider the question of paving or repaving the sidewalks with a specified material or mate-

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rials, or repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials and according to the stated specifications on a named street in front of the property of named owners, and of assessment of the costs thereof against such owners. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in the said Town, or in a newspaper published elsewhere in Sussex County, if there be none in said Town published. The Council shall hold a meeting in said Town in accordance with said ordinance or resolution and thereat shall hear the aforesaid owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.

After such hearing, the Council, either at said meeting or at subsequent meeting, shall decide whether or not to proceed with the improvements referred to in said ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the costs of the improvements aforesaid in front of the real property of the owner or owners named in the aforesaid ordinance or resolution shall be borne by said owners. If said determination shall be that the whole or specified proportion of said costs shall be borne by said owners, then and in such case the said owners shall be compelled to pay the whole or specified proportion of the cost aforesaid, as the case may be, the amount to be paid by the owner of each parcel of property affected to be determined by the lineal frontage of the parcel on the side walk to be paved or repaved, or in the gutter to be repaired or laid, or on the curb, to be repaired or constructed, or any or all of said improvements, as the case may be.

When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them, have been done and the costs thereof ascertained, the Council shall ascertain the amount that the owner of each parcel of property aforesaid shall pay as hereinbefore stated, and shall give written notice thereof to such owner, or one of the co-owners, by mailing the

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same to his last known address. If any such owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same may be collected by the sale of his aforesaid real property. Such sale shall be made by the Alderman who shall advertise the parcel of real property for sale in at least two issues of a newspaper published in Sussex County, before the day and sale and shall post five such notices in said Town at least ten days before the day of sale. Such advertisements shall give such general description of the day, hour and place in the Town at which the sale will be held.

At the time and place set forth in said advertisements, said Alderman shall sell said real estate at public sale to the highest and best bidder for the same.

Upon the payment to the Alderman of the price for which the property is sold at such sale, a deed of the property sold shall be executed in the name of The Town of Dagsboro by the President of Council and attested by the Secretary of Council and bearing an imprint of the corporate seal of The Town of Dagsboro and delivered to the purchaser. Such deed shall vest in the purchaser the same estate or interest in the property sold as the owner or owners of the parcel at the time of the sale had therein or thereto, subject to the same liens and encumbrances of records against said property at the date of the first appearance of the newspaper advertisement of its sale as aforesaid.

The money paid to the Town Treasurer by the Alderman as the price of the property sold as aforesaid shall be distributed by the Treasurer as follows:

The Town Treasurer shall first deduct the costs of the sale, which shall include the cost of the advertisements of the sale, the charges of an auctioneer, and all other expenses incident to the sale and also five per centum of the amount that the owner of the property had failed to pay for the cost of the improvements as aforesaid, which ten per centum shall be paid to the Alderman as his fee for the sale.

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The Town Treasurer shall then deduct the amount that the owner of the property had failed to pay to the Town as aforesaid, and shall pay the same so deducted into the Town Treasury.

Any balance remaining shall be paid by the Town Treasurer to the person or persons who were the owners of the property sold or, if this be not possible for any reason, he shall deposit said balance to their credit in any Bank in said Town.

The term "Owner" as used in this Section shall be deemed to mean the person or persons who owned the property in question at the time of the adoption or passage of the ordinances or resolutions first in this Section referred to, and any change of ownership thereafter shall not be deemed or held to affect any of the steps or proceedings mentioned in this Section.

The aforesaid deed of the property shall recite briefly the amount that the owner had failed to pay to the Town as aforesaid, the advertisements and notice of sale, the holding of the sale, the amount of the successful bid, and the amount of the costs of the sale, provided that Council shall have power and authority to pave, repave, gutter, regutter, curb or recurb, or any or all of such improvements, in such parts of the Town and in front of such properties and in such manner and at such time, at the entire expense of the Town and may use Town money for such purposes, whenever it deems it wise to do so, and in such event no notice to property owners or other shall be required, provided, however, that where such entire cost is to be paid by the Town Council, it shall adopt a resolution authorizing such improvements and particularly state therein the specific reasons the Town is to bear the entire cost thereof.

## CONSTRUCTING, PAVING, REPAIRING OF STREETS

Section 26. The Town Council of the Town of Dagaboro\*, shall have full power and authority to regrade, redress or other-

\*So enrolled.



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wise repair and rebuild all existing streets, lanes, alleys and other public thoroughfares in the Town of Dagsboro and to construct, build, pave and in any manner improve all new and existing streets, lanes, alleys and other public thoroughfares now opened or to be hereafter opened for public use in said Town, and in so doing shall use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as the Council shall deem expedient and may use different materials and different methods of construction on different streets, or on different parts of the same street, as Council deems advisable. For the purpose of this Section Council shall have full power and authority to expend such part or parts of the money of the said Town in the general fund of the Town not otherwise appropriated.

### CONTRACTS

Section 27. The Council is vested with authority on behalf of the Town to enter into contracts for the rendering of personal service to the City and/or the purchase of supplies and doing of work for any municipal purpose for the Town, provided:

A. No contract shall be made by Council for any purposes, the contract price of which is in excess of \$500., without public competitive bidding; and

B. The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the Town; and

C. All formal contracts shall be signed by the President of the Council with the Seal of the Town attached attested by the Secretary.

### WATER SYSTEM

Section 28. The Town Council is hereby vested with full power and authority to provide for The Town of Dagsboro an ample supply of pure water and to purchase, lease, erect, con-

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struct, maintain, operate and control wells, reservoirs, pumping machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## SEWER SYSTEM

Section 29. The Town Council is hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may, at the option, furnish sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in

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the Town, for which there is any available sewer, to be connected with the sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor, as provided in Section 23 of this Act.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by condemnation under this Section shall be the same as prescribed by Section 24 of this Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## ELECTRIC CURRENT, POWER PLANT, FRANCHISES

Section 30. The Town Council of the Town of Dagsboro shall have full power and authority to erect, construct, equip, maintain and operate a plant or plants for the generating and manufacturing of electric current for the use of the inhabitants of said Town and for lighting of streets, squares, lanes, alleys and public places and buildings of said Town and shall have full power and authority to construct, erect, maintain, improve, extend, equip, and operate to such transmission and distributing lines for said current as may be necessary to properly light said Town and to furnish proper connections for electric current to the properties of the inhabitants thereof who may desire the same. The Council shall have power to make contracts for the purchase of heat, light, sewer, water and electric current with any responsible persons, firms, or corporations and to distribute the same to users within or without the said Town with the same full powers as if such heat, light, power, water or electric current had been generated or manufactured by the said Town as herein expressly provided for by this Act. Council shall grant to all persons whosoever in said Town the privilege of using the electric current conveyed and distributed by said Town in such manner and on such terms and conditions and at such rates and for such amounts as to the Council may seem

## CITIES AND TOWNS—DAGSBORO

just and proper and shall enact such ordinances relating to electric current, its generation and distribution in said Town and the regulation of the connections thereof with the properties of individuals in said Town and its general management and control as to said Council shall from time to time seem most expedient. The Council may at its option transmit electric current from said Town to places and properties outside of the Town limits upon such terms, charges and conditions as it shall deem wise.

The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchises to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council, to use the present and future streets, squares, alleys, and lanes of the said Town for purposes of furnishing light, heat, power, gas or water, or any or all of them to said Town and to the persons, firms, or corporations residing therein and for the purpose of transmitting light, heat, power, gas and water, or any or all of them through, over, across, or under said streets, squares, alleys and lanes to points outside of the limits of said Town; any such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of light, heat, power, gas or water, or any or all of them, or for the furnishing of electric current, either at wholesale or retail, to said Town, and to persons, firms, and corporations residing therein, or adjacent thereto.

## SALE OF PROPERTY

The Council, by a majority vote, is hereby authorized and empowered in its discretion to sell and convey or lease to any responsible persons, firms, associations or corporations any or all real or personal property, or both, now or hereafter owned

## CITIES AND TOWNS—DAGSBORO

by said Town, and used for generating or furnishing light, heat, power, water or electric current, or any or all of them, and to execute to the purchaser or purchasers thereof proper deeds for bills of sale or other legal assurance of title for the same. Provided, however, that before the Council shall sell or convey all of the real or personal property for any sum in excess of One Thousand Dollars now or hereafter owned by said Town and used for generating or furnishing light, heat, power, water or electric current, or any or all of them, a special election shall be held in the same place, in the same manner as other Town elections in said Town. Notice of said election shall be given by advertisements in a newspaper published in Sussex County, at least ten days before said election, and by posting notices in at least ten public places in said Town at least ten days before the said election, which said advertisement and notices shall state the time and place of the election and a general description of the property proposed to be sold. At said election every taxable paying Town taxes in said Town shall be entitled to vote and shall have one vote for each dollar or fractional part of a dollar of taxes paid by said taxable according to the last assessment in said Town. Residence shall not be a qualification to vote at said election.

## DRAINAGE

Section 31. The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 24 of this Act for the open-

## CITIES AND TOWNS—DAGSBORO

ing and laying out of new streets, and the resolutions referred to in said section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## ORDINANCES

Section 32. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the Town, or relating to the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protections and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provisions of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

All ordinances or resolutions of general character relating to the government of the Town shall not be of force and effect until the same shall have been posted in at least two public places in the Town.

It shall be the duty of the Council to compile the ordinances of the Town, to have a reasonable number of copies printed for the use of the officials of the Town and public information; and from time to time, upon the enactment of new ordinances, or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined; and also to furnish the Alderman with copies thereof as they are enacted and published.

## HEALTH

Section 33. A. The power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the Town, shall extend to the area outside of the Town limits, and within one mile from said limits.

## CITIES AND TOWNS—DAGSBORO

## FIRE

B. The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the Town or by a Volunteer Fire Company.

## ZONING

C. For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof; to establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from front line of the lots.

The Council may adopt zoning ordinances limiting and specifying districts and regulating thereon buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

The powers to be exercised under and by virtue of this provision shall be deemed to have been exercised under the police power and for the general welfare of the inhabitants.

The Council may create a Town Zoning Commission for the development, improvement and beautification of the Town, and may prescribe its powers and duties.

## CITIES AND TOWNS—DAGSBORO

## BUILDING INSPECTION PERMITS

D. The Council may provide for the issuance of building permits, and may forbid the construction of any new building, or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

Should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphate, fertilizers or manures of any kind, he or they before erecting such buildings or building, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such building will not endanger the other property of the Town, and said business will not jeopardize the health of or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

The Council shall have full power to fix and determine the placing and replacing of poles or other structures within the Town limits for the carrying of telegraph, telephone, power or other wires, and the attachments thereto, and to cause existing poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the Town, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to the location as to the relocation of such poles and structures, wires and attachments, and may be exercised from time to time as occasion shall arise.

## LICENSES

Section 34. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the adver-



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tisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers; to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by the license, interference with any place of business or with the convenience of public travel; to provide for the payment of taxes, fines, penalties, and forfeitures by performance of labor for the Town by those who may owe taxes, fines, penalties or forfeitures, and to make proper regulations and rules therefor.

### TREES

Section 35. Trees being among the chief beauties of the Town, and their preservation requiring that they be treated with special care and intelligence, the Council is empowered to create a Tree Commission for the trees in the streets, and other public places of the Town, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pests and diseases to which they are subject, and when necessary to employ experts, provided that they do not exceed the appropriation regulations made by the Council.

### PENALTIES

Section 36. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations, thereof relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

### FINES AND IMPRISONMENT

Section 37. No fine shall be imposed in a sum exceeding

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One Hundred Dollars (\$100.00) exclusive of costs; and no term of imprisonment shall be imposed for violation of any rules, regulation or ordinance, or other offense, or for failure to pay any fine or penalty imposed, in excess of a period of thirty days.

## FLOATING DEBT

Section 38. The Town Council of said Town shall have full power and authority to borrow upon the faith and credit of the Town of Dagsboro, the sum or sums of money, not exceeding One Thousand Dollars (\$1000.00) in any one fiscal year, when in the opinion of the majority of Council the needs of said Town demand it. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the Town of Dagsboro, duly authorized by resolutions of Council, and signed by the President, or by the acting President, of the Council and by the Secretary, either with or without the corporate seal of the Town, affixed as is requested by the bank or person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum of money borrowed on the faith and credit of the Town of Dagsboro as aforesaid in any fiscal year shall be paid out of the general funds of the Town, at the minimum rate of twenty-five per centum per fiscal year and shall be paid at the end of four fiscal years following the first fiscal year which said money was borrowed with interest thereon.

## SURVIVAL OF POWER AND VALIDATING SECTION

Section 39. That the Act entitled "An Act to Reincorporate the Town of Dagsboro", passed at Dover, March 16, A. D. 1899, and the several Acts and parts of Acts therein and thereby repealed, all other Acts and parts of Acts inconsistent with or supplied by this Act, are hereby repealed and made null and void saving and excepting, however, from the effect of such repeal all Acts and the parts of Acts relative to The Town of

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Dagsboro, not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinances of The Town of Dagsboro, heretofore enacted or adopted, and now in force in pursuance of any Laws of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of said Town. That all acts and doings of the Council of said Town, or of any officers of said Town lawfully done or performed under the provisions of any Law of this State or of any ordinances of the Council of said Town, are hereby ratified and confirmed. That all debts, fines, or penalties and forfeitures due to said The Town of Dagsboro, all debts due from The Town of Dagsboro to any person or persons whomsoever, or to any firm, association, or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and shall continue in full force until the same shall be fully paid and discharged according to the terms thereof. That all powers conferred by Law upon the Collector of Taxes for the collection of all taxes in the said Town, heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid, and the official bonds of said collector, and of all other bonded officers not employees of said Town, shall be unaffected and unimpaired by this repeal, and they and their sureties therein shall continue liable for any breaches of any conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to the said Town, under any Law or Ordinance, shall not be affected or impaired by the repeal, but the same may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged.

Section 40. If any part of this Act shall be held unconstitutional, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 41. This Act shall be deemed and taken to be a public Act.

Section 42. This Charter of the Town of Dagsboro or any

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section or provision thereof shall not take effect or be deemed to have changed or altered in any respect whatever any existing law or laws of the State of Delaware until it shall have been accepted by the electors residing within the metes and bounds of the Town of Dagsboro as described in Section 1 hereof.

The Town Council of the present Town of Dagsboro shall be and it is hereby authorized and empowered to call and provide for a special election, whenever it shall deem it expedient so to do, provided that such special election shall not be held within thirty (30) days after the approval of this act by the Governor.

This election shall be held in the same manner as provided in Section 5 of this Charter, providing the manner for holding town elections as far as said section shall be applicable thereto and every citizen residing within the limits of said town as prescribed in Section 1 hereof who has resided within said limits for a period of twelve (12) months and upwards shall have a right to vote at such special election.

Such special election shall be called for the purpose of voting for the acceptance or the rejection of this Charter as adopted and approved by the General Assembly of the State of Delaware. This Charter shall not be deemed to have been accepted by the electors in any other manner whatsoever save by a majority vote in favor of its acceptance cast by the electors residing within the boundaries of the Town of Dagsboro as prescribed by this Charter. The Town Council of the Town of Dagsboro shall provide ballots, at least as many in number as the number of qualified electors entitled to vote at such special election. The Ballots shall be in such form as the Town Council of the Town of Dagsboro shall deem fit and proper. The electors may also prepare for themselves ballots either printed or written. If a majority of votes cast shall be in favor of the acceptance of this Charter, the Election Board shall declare this charter to be in full force and effect. If a majority of the votes cast at such special election shall be for the rejection of this Charter, the Election Board shall so certify. In the event of a

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tie vote, said Election Board shall determine the tie by lot. If the acceptance of this Charter should not be approved by a majority of the votes cast at said special election, the said Town Council of the Town of Dagsboro shall be and it is hereby authorized and empowered to call a special election or elections at any time thereafter in like manner and for said purpose, provided that a majority of said Town Council of the Town of Dagsboro shall vote so to do and that no two such elections shall be less than six months apart.

The expenses of holding said special election as set forth in this section shall be borne by the Town of Dagsboro.

Approved May 14, 1941.

## CHAPTER 162

## CITIES AND TOWNS—ELSMERE

AN ACT TO AMEND CHAPTER 176, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF ELSMERE, NEW CASTLE COUNTY," BY STATING UPON WHOM ASSESSMENTS MAY BE LAID AND BY INCREASING THE AMOUNT WHICH MAY BE RAISED ANNUALLY AS TAXES IN THE TOWN OF ELSMERE.

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

Section 1. That Chapter 176, Volume 25, Laws of Delaware, entitled "An Act to incorporate the Town of Elsmere, New Castle County", and especially Section 14 thereof as amended, be and the same is hereby further amended by inserting between the words "his" and "personal" where they appear in said Section 14 of said Chapter 176 as amended, in the ninth line of said Section, the words "or her".

Section 2. That Chapter 176, Volume 25, Laws of Delaware, entitled "An Act to incorporate the Town of Elsmere, New Castle County", and especially Section 14 thereof as amended, be and the same is hereby further amended by striking out the word "fifteen" between the words "exceed" and "thousand" where it appears in the eighth line of paragraph 3 of said section 14, of the said Chapter 176 in the third sentence thereof, and inserting in lieu thereof the word "twenty-five".

Approved April 18, 1941.

## CHAPTER 163

## CITIES AND TOWNS—ELSMERE

AN ACT TO AMEND CHAPTER 176, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF ELSMERE, NEW CASTLE COUNTY," BY PROVIDING FOR A CHANGE OF HOURS IN WHICH "THE COMMISSIONERS OF ELSMERE" SHALL HOLD A COURT OF APPEALS TO CONSIDER ASSESSMENTS.

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

Section 1. That Chapter 176, Volume 25, Laws of Delaware entitled "An Act to incorporate the Town of Elsmere, New Castle County", and especially Section 13 thereof as amended, be and the same is further amended by striking out the clause "which shall continue open from one o'clock P. M. until seven o'clock P. M. of the said day", as said clause is set forth and appears in sentence 4 of the first paragraph of said Section 13 of said Chapter 176, and inserting in lieu thereof the following clause:—"which shall continue open from seven o'clock P. M. until nine o'clock P. M. of the said day".

Approved April 18, 1941.

## CHAPTER 164

## CITIES AND TOWNS—ELSMERE

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES AND ASSESSMENTS FOR THE TOWN OF ELSMERE," BEING CHAPTER 142, VOLUME 41, LAWS OF DELAWARE, AND IN LIEU THEREOF TO ENACT A NEW ACT TO BE KNOWN AND STYLED AS "AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES AND ASSESSMENTS FOR "THE COMMISSIONERS OF ELSMERE'."

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

SECTION 1. That Chapter 142, Volume 41, Laws of Delaware, entitled "An Act to provide for the collection of taxes and assessments for the Town of Elsmere" is hereby repealed.

SECTION 2. That in lieu thereof shall be enacted a new Act to be known and styled as "An Act to provide for the collection of taxes and assessments for and due to "The Commissioners of Elsmere", as follows, to wit:—

Section 1. That in addition to all existing methods and authority for the collection of taxes or special assessments due to "The Commissioners of Elsmere" the following methods and authority are hereby established:

The Commissioners of "The Commissioners of Elsmere" may file, or cause to be filed, a Praeceptum in the office of the Prothonotary of the Superior Court in and for New Castle County, which shall contain the name of the person against whom the taxes or assessments sought to be collected were assessed, and a copy of the bills showing the amount of taxes or assessments due and the property against which the assessment was laid; and the statement of the lot number or numbers of the particular section in which said property is located shall be sufficient identification and description of the said property.



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The Prothonotary shall make a record of same on the judgment records of said Superior Court against the property mentioned or described in said Praeceptum. Thereafter upon a Praeceptum for Monition filed in the office of the said Prothonotary by "The Commissioners of Elsmere" through any person authorized on its behalf to collect taxes and assessments due "The Commissioners of Elsmere", a Monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which Monition shall briefly state the amount of the judgment for the taxes or assessments due and the year or years thereof, together with a brief description of the property upon which said taxes or assessments are a lien; a description of such property by street and number or by number or numbers of the particular section in which said property is located shall be sufficient description. Said Monition shall be substantially in the following form:—

To all persons having, or claiming to have, any title, interest, or lien upon the within described premises, take warning that unless the judgment for the taxes and assessments stated herein is paid within twenty days, after the date hereof, or within such period of twenty days evidence of the payment of taxes or assessments herein claimed shall be filed in the office of the Prothonotary which evidence shall be in form of a receipted tax bill or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary of New Castle County, "The Commissioners of Elsmere" may proceed to sell the property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated.

Name of person in whose name property is assessed  
Description of property  
Year or years  
Amount of Judgment

Said Monition, or a copy thereof, shall be posted by the Sheriff upon some common place or part of the property against which said judgment for the taxes or assessments is a lien, and a copy of said Monition shall be left, in the presence of an adult person, at the usual place of abode within New Castle County of

## CITIES AND TOWNS—ELSMERE

the person in whose name the property is assessed. If the person in whose name the property is assessed is a corporation, a copy of said Monition shall be left, in the presence of an adult person, at its principal place of business in New Castle County. If said person does not reside in New Castle County, or if said corporation has no place of business in New Castle County, a copy of said Monition shall be mailed in a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation. The Sheriff shall make due and proper return of his proceedings under said Monition to said Prothonotary within ten days after leaving of said copy of Monition as aforesaid or the mailing of said copy of Monition as aforesaid.

Alias or pluries Monition may issue upon like Praecipe. The posting of said Monition and the leaving or mailing of said copy as herein required shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty days next following the return of the Sheriff upon such Monition, unless before the expiration of said twenty days the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted tax bill or a duplicate thereof bearing date therefor prior to the filing of said lien for record in the office of the Prothonotary as aforesaid, upon application in writing by "The Commissioners of Elsmere", through its attorney, or any other person authorized in its behalf to collect taxes or assessments due to the "The Commissioners of Elsmere", a writ of Venditioni Exponas shall issue out of the office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is now applicable with respect to similiar writ of Venditioni Exponas issued out of the Superior Court.

Said writ shall be substantially in the following form:—

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New Castle County }  
 State of Delaware } SS

TO THE SHERIFF OF NEW CASTLE COUNTY, GREET-  
 INGS:

WHEREAS, by a Monition issued out of the Superior Court dated at Wilmington, the            day of            A. D. 19    , IT WAS COMMANDED, that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after service of a copy of said Monition as hereafter stated. That on the            day of            A. D. 19    , you returned that a copy of the said Monition was posted on the real estate therein mentioned and described on the            day of            A. D. 19    , and that a copy of said Monition was left, in the presence of an adult person, at the usual place of abode within New Castle County of the person in whose name the property is assessed, on the            day of            A. D. 19    , (or that a copy of said Monition was left, in the presence of an adult person, at the principal place of business in New Castle County of the corporation in whose name the property is assessed, on the            day of            A. D. 19    , or that since said person or corporation does not reside in New Castle County or has no place of business in New Castle County, a copy of said Monition was mailed in a sealed postpaid envelope directed to the last known address or place of business of the said person or corporation, on the            day of            A. D. 19    .)

We therefore now command you to expose to public sale the real estate mentioned and described in said Monition as follows:

and that you should cause to be made as well a certain debt of            Dollars (\$            ) lawful money of the United States, which to the said "The Commissioners of Elsmere", a Municipal corporation of the State of Delaware, is due and owing, as also the sum of            Dollars (\$            ) lawful money as aforesaid, for its costs, which it

In the event that the owner of said property or his legal

## CITIES AND TOWNS—ELSMERE

representatives shall fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a Petition to the Superior Court setting forth the appropriate facts in conformity with this Act and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed, conveying the title to said property to the Petitioner; and thereupon the said Superior Court shall have power, after a hearing upon said Petition to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said Petition; and a description of said property by street and number or by lot number or numbers of the particular section in which said property is located, together with a description of said property made from a map of the assessed property of the Town of Elsmere in the office of the Assessor for the Town of Elsmere shall be sufficient description in any such deed.

If the owner of any real estate sold under an order of sale or his legal representatives shall redeem said real estate, he may prefer to said Superior Court a petition setting forth that fact and thereupon the said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the Judgment, under which said real estate was sold, a memorandum that the real estate described in the proceedings upon which said judgment was entered has been redeemed and thereafter the said owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

Section 4. Upon the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

Section 5. No Monition proceedings shall be brought

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under this Act unless the tax or assessment sought to be collected hereunder shall, at the time of the filing of said Praecipe in the office of the Prothonotary, be and constitute a lien upon the property against which the tax or assessment was assessed or laid. All taxes for town purposes which may hereafter be lawfully assessed on real estate in the Town of Elsmere shall constitute a prior lien thereon for a period of ten years from the tenth day of August succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, then the lien shall constitute until the tax is collected, and may, with all incidental costs and expenses, be levied by sale thereof as hereinbefore provided. The said tax lien and costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to. The Commissioners of "The Commissioners of Elsmere" shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Act and in the event that such person or persons is the highest bidder or bidders therefor, the title thereto shall be taken in the name of "The Commissioners of Elsmere", a municipal corporation of the State of Delaware. The Commissioners of "The Commissioners of Elsmere", by resolution duly adopted, are authorized and empowered to sell and convey any real estate purchased under the provisions of this Act.

Section 6. Wherever the Superior Court is mentioned in this Statute, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this Act may be done by the said Superior Court or any Judge thereof in vacation of said Superior Court, as well as in term time.

Section 7. The fees and costs to be taxed in all Monition proceedings under this Act, where not otherwise provided for, shall be as follows:

The following fees shall be charged by the Prothonotary:—

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Filing Praecept	\$1.10
Issuing Monition and copy	2.75
Issuing Alias or Pluries Monition and copy	2.75
Writ of Venditioni Exponas	2.25
Filing any Petition in Superior Court under this Act.	1.00
Costs of paying money into Superior Court	1.00
Costs of paying money out of Superior Court for each check drawn	1.00

The following fees shall be charged by the Sheriff:—

Posting Monition or copy thereof	.75
Posting each Alias or Pluries Monition or copy thereof	.75

All other charges not covered by this Act shall be the same as are now provided by Law.

Section 8. In addition to the foregoing procedure for the collection of delinquent taxes, the Commissioners of "The Commissioners of Elsmere" shall have the authority to employ or cause to be employed such procedure for the collection of delinquent taxes due "The Commissioners of Elsmere" as is set forth in Chapter 135, 1155 Section 11, of Volume 40, Laws of Delaware, so far as the same refers to the attachment of personal property.

Approved May 8, 1941.

## CHAPTER 165

## CITIES AND TOWNS—ELSMERE

AN ACT TO AMEND CHAPTER 176, VOLUME 25, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF ELSMERE, NEW CASTLE COUNTY," BY FIXING THE AMOUNT OF FINE WHICH MAY BE IMPOSED BY THE ALDERMAN.

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

Section 1. That Chapter 176, Volume 25, Laws of Delaware, entitled "An Act to incorporate the Town of Elsmere, New Castle County" be and the same is hereby amended by striking out the clause in the first sentence and the fifteenth line of Section 6 of said Chapter 176 to wit; "provided that he shall not impose any fine exceeding ten dollars" and substituting in lieu thereof the following clause;—"provided he shall have only such power and authority to impose fines, imprisonment or both and to a like amount and time, as is given to a justice of peace of the State of Delaware."

Approved April 18, 1941.



## CHAPTER 166

## CITIES AND TOWNS—GEORGETOWN

AN ACT, AMENDING, REVISING AND CONSOLIDATING THE  
CHARTER OF THE TOWN OF GEORGETOWN.Pre-  
amble

WHEREAS, it is deemed desirable that the Charter of the town of Georgetown, being Chapter 238, Volume 26, Laws of Delaware, entitled an "Act to re-incorporate the Town of Georgetown", together with the various amendments and supplements thereto, be amended and revised in certain respects and consolidated into one complete act.

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

## BOUNDARIES OF THE TOWN OF GEORGETOWN.

Survey  
and plat

Section 1. The limits and bounds of Georgetown shall extend to the distance of one-half mile in every direction from the center of the Public Square of the said Town.

The Council may, at any time hereafter, cause a survey and plat to be made of said Town, and the said plat, when made and approved by said Council, shall be recorded in the offices of the Recorder of Deeds, of the State of Delaware, in and for Sussex County, and the same, or the record thereof, or a duly certified copy of said record, shall be evidence in all Courts of law and equity in this State.

The aforesaid limits and bounds of Georgetown may at any time be changed or extended, in the manner and at the time hereinafter provided, in any direction or directions for any distance except that they shall not extend beyond the following boundaries:

Beginning at the Eastern edge of the right of way of the duPont Boulevard at a point Five Hundred (500) feet South-

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east of the dwelling now owned and occupied by Horace G. Short, thence in a Southeasterly direction to the Westernmost point in the division line between the lands of William Faucett, Hrs. and the lands now or formerly of Hoyt P. Jones, heirs; thence with said division line to the center of the old Georgetown-Millsboro road; thence in a Northeasterly direction to a point One Hundred (100) feet Southeast of the sewer disposal plant building; thence in a Northeasterly direction to a point in the center of the road leading from Georgetown to Springfield Crossroads, said point being Fifty (50) feet Southeast of the dwelling now owned and occupied by Carroll Parsons; thence in a Northerly direction to a point in the center of the Georgetown-Lewes Highway Two Thousand (2000) feet East of the present Town limit as measured down the center of said Highway; thence in a Northwesterly direction and parallel with the division lines of the lots as laid out by Andrew J. Murray Three Hundred (300) feet to a point; thence in a Northwesterly direction to a point in the Delaware, Maryland and Virginia Railroad track Eight Hundred (800) feet North of crossing at Douglas Street as measured up the center of the Railroad Track; thence in a westerly direction to a tiling leading under the Georgetown-Milford road; thence with the meanderings of a division line ditch between the lands of Mrs. Benton Gordy and lands of Edward B. Rust to the Easterly right of way line of the duPont Boulevard; thence with said right of way line home to the place of beginning.

The procedure for changing or extending the limits and bounds shall be as follows:

1. Council by resolution shall propose to the electors by resolution to extend said limits and bounds. The resolution shall set forth the proposed extension and the distance and directions thereof with reasonable certainty, and all other pertinent facts relating to the extension, and shall direct an election to be held thereon on the day of the next town election.

2. A copy of the said resolution shall be published in at least three issues of a newspaper published in the Town im-

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mediately preceding the date of said election. At the same time, a notice shall likewise be published of the election to be held thereon, the qualifications for persons entitled to vote, the method of voting, and the date, hour and place of said election. Similar notices shall be posted in at least six (6) public places of the town and in at least four (4) public places in the territory proposed to be added to the town.

3. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots on the day of said election.

4. At said election, every person who is entitled to vote for the mayor and councilmen shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property, whether individual, partnership, or corporation, shall have one vote for every dollar or part of dollar of tax paid upon said property during the year preceding said election and the said vote may be cast either in person or by proxy. For the purpose of voting upon the proposed extension, every person, partnership or corporation residing in or owning property in the territory proposed to be added to the town shall likewise be entitled to vote on the same basis as residents of, or property owners in, the town; provided that, for the purpose of ascertaining the number of votes to be cast by owner of property in said territory, the assessment placed upon such property on the county assessment list shall be multiplied by the tax rate prevailing in the town during the next preceding year, and such property owners shall have one vote for every dollar or part of dollar of tax thus computed.

5. The Board of Election shall count the votes for and against the proposed extension; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed extension, and shall deliver the certificate to the Council which said certificate shall be entered on the minutes of the Council and the original shall be filed with the papers of the Council.

## CITIES AND TOWNS—GEORGETOWN

If it appear from the certificate of the Board of Election filed as aforesaid that a majority of the votes cast were in favor of the proposed extension, the territory included in the proposed extension shall be considered as lying within the Town of Georgetown and the limits and bounds of said Town shall thenceforth be considered as changed and altered in accordance with the plan adopted as aforesaid, and such extension shall be considered to be effective from and after the date of said election, and the Council shall thereupon cause a survey and plot to be made of said Town, showing the new limits and bounds, and shall cause suitable markers to be located and settled along said new limits and at the corners thereof.

If it appear from the certificate of the Board of Election filed as aforesaid that a majority of the votes cast were against the proposed extension, another election upon such question may be held at the next or any succeeding general Town Election, but such an election shall not be held except on the day herein provided for the general Town Election.

## NAME AND GENERAL POWERS.

Section 2. (a) The inhabitants of the Town of Georgetown, within the boundaries defined herein, or as hereafter established, shall continue to be a body politic and corporate, by the name of "Town Council of Georgetown", hereinafter called The Town, and under that name shall have perpetual succession; may have and use a corporate seal; and sue and be sued; may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require; but no property owned by the Town, the value of which in the opinion of the Town Council equals or exceeds Five Thousand Dollars (\$5000.00) shall be sold or leased without the approval of a majority of the voters and taxables of the Town at a general or special election called for that purpose.

General  
Powers.

## CITIES AND TOWNS—GEORGETOWN

As hereinafter provided in this Chapter relative to power to issue Bonds, the Town shall have all other powers and functions requisite to or appropriate for the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort and well being of its population and the protection and preservation of property, public and private; and all action, suits and proceedings shall be brought in the name of Town Council of Georgetown".

(b) The enumeration of particular powers by this Chapter shall not be held to be exclusive, or to restrict in any manner the general powers conferred herein, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the "Town Council of Georgetown" shall have, and may exercise, all powers which, under the Constitution of the State of Delaware, it would be competent for this Chapter specifically to enumerate. All powers of the "Town Council of Georgetown", whether expressed or implied, shall be exercised as prescribed by this Charter, or, if not prescribed herein, by ordinance or resolution of the "Town Council of Georgetown".

### STRUCTURE OF GOVERNMENT.

Section 3. The government of the Town and the exercise of all powers conferred by this Chapter, except as otherwise provided herein, shall be vested in a Mayor and Town Council. The Town Council shall consist of four members. The Mayor and Councilmen shall each be entitled to an annual salary of Twelve (\$12.00) Dollars.

### ELECTION IN GENERAL.

Section 4. At the first annual election held under this Charter, there shall be elected a Mayor and two Councilmen for a term of two years and two other Councilmen for a term of one year. At the election to be held in the next following year, two Councilmen shall be elected for a term of two years to fill the vacancies created by the expiration of the aforesaid one

## CITIES AND TOWNS—GEORGETOWN

year terms, and, at the next annual election and in each second year thereafter, a Mayor and two Councilmen shall be elected for two year terms, while in each alternate year, two Councilmen shall be elected for a term of two years.

The Mayor and members of Council shall be citizens of the State of Delaware, resident freeholders and non-delinquent tax payers of the Town of Georgetown. The Mayor and Councilmen shall have been property owners in said Town for a period of at least one year prior to their election.

Qualifications of Mayor and Councilmen.

## MANNER OF HOLDING ELECTIONS.

Section 5. (a) The annual municipal election shall be held on the first Saturday in March, from one o'clock in the afternoon until five o'clock in the afternoon, at such place as shall be determined by the Council, due notice of which shall be given by an advertisement printed in a newspaper published in the Town and posted in six public places in the Town, not less than ten days before the day of the annual Election.

Annual election

(b) The Election shall be held under the supervision of an Election Board consisting of three adult citizens of the Town, to wit: an Inspector, residing in the said Town, and two other citizens of the said Town, all to be appointed by the Council at the last regular meeting preceding the annual election. The Election Board shall be Judges of the Election, and shall decide upon the legality of the votes offered.

Election Board

to hold elections.

(c) Every resident of the Town who is over twenty-one years of age and who has resided in said Town for at least six (6) months next preceding the day of election, and who is not delinquent in respect of any tax levied by the Town, shall be entitled to vote at said election.

Voters

(d) Upon the close of the Election, the votes shall be read and counted publicly, and the person having the highest number of votes for each office shall be declared duly elected, and shall continue in office during the terms for which they are chosen, or until their successors are duly elected and qualified.

Election results

## CITIES AND TOWNS—GEORGETOWN

Record  
of  
electionCerti-  
ficates  
of Election  
Ballots and  
record of  
Election  
preserved  
for 10  
days.

(e) The Election Board shall enter in a book to be provided for that purpose, a minute of the election containing the names of the persons chosen, shall subscribe the same, and shall give to the persons chosen certificates of Election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of law or equity. All Ballots cast and the records of Election shall be preserved in the custody of the Election Board for the period of ten (10) days.

Vacancy in  
Election  
Board

(f) Any vacancy in the Election Board shall be filled by the remaining members of said Board.

Tie vote.

(g) In event of a tie vote for any office, the Election Board shall determine the tie by lot.

Candi-  
dates.

(h) All persons desiring to be candidates at any municipal election shall file with the Secretary of the Council a written statement of their candidacy at least one week previous to said election, and a vote cast for any person whose candidacy has not been so filed, shall not be counted.

ORGANIZATION OF ANNUAL MEETING OF THE  
COUNCIL.Organi-  
zation  
of Council

Meetings.

Section 6. At 7:30 o'clock P. M., on the Wednesday following the annual election, the Mayor and Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity. At this Annual Meeting, the Council shall organize and thereafter shall hold meetings at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings may be called by the Mayor and shall be called by him upon written request of three members of Council, and held as prescribed by ordinance or resolution; and all meetings, regular and special, shall be open to the public.

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## QUORUM.

Section 7. A majority of the members elected to the Council shall constitute a quorum; but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Quorum

## RULES AND MINUTES OF COUNCIL.

Section 8. The Council shall determine its own rules and order of business, and shall keep a journal of its proceedings and the Yeas and Nays shall be taken upon the passage of every ordinance and resolution, and shall be entered in the journal with the text of the ordinance or resolution. Rules of Council  
Journal of proceedings.

## VACANCIES.

Section 9. In case of vacancy created in the office of Mayor or Member of Council, either by death, resignation, loss of residence in the Town of Georgetown, or otherwise, the Council shall fill such vacancy for the residue of the whole term; provided, however, if a vacancy shall be created in the Office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person to serve until the next annual election, at which time there shall be elected a suitable person to fill the unexpired term of said office. Vacancies

## OFFICERS.

Section 10. (a) The Council shall by ordinance at the annual meeting appoint by a majority vote a tax collector, Secretary, Treasurer, Alderman, two Auditors, Board of Health, Acting Alderman, Town Solicitor, Assessor, Police Force, and such other officers, employees and agents of the Town, which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer may be removed at any time by the Town Council for sufficient cause. Officers.



## CITIES AND TOWNS—GEORGETOWN

Council  
to fix  
salaries  
and com-  
pensation

(b) The Council shall by ordinance fix the salaries and compensation of employees, officers and agents of the Town, and the time and manner of his or her payment. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation in any form in addition to the salary or compensation fixed by Council.

Record  
of officers  
and em-  
ployees.

(c) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the Town containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of the service.

## MAYOR.

Duties  
of the  
Mayor.

(d) The Mayor shall be the executive of the Town. He shall preside at meetings of the Council, and shall have vote therein. He shall execute on behalf of the Town all agreements, contracts, bonds, deeds, leases and other documents necessary to be executed. He shall countersign all orders, checks, or warrants authorized by Council and drawn on the Treasurer for payment of money; and shall have all and every power conferred and perform all the duties imposed upon him by this Charter and the ordinances of the Town.

## ASSESSOR.

(e) The duties of the Assessor shall be as hereinafter provided.

## SECRETARY.

Duties  
of the  
Secretary.

(f) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for the purpose; and shall file and keep in a safe place the Seal of the Town and all papers and documents relative to the affairs of the Town; and deliver the same to his successor in office. The Secretary shall attest the Seal of the

## CITIES AND TOWNS—GEORGETOWN

Town when authorized by Council and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers, and documents in the custody of the Secretary shall be always open for the inspection of the Council and the public under such regulations as Council may prescribe. The Secretary may be a member of the Council.

## TREASURER.

(g) The Treasurer shall be custodian of all the Town funds and shall deposit them in banking institutions located in the Town as designated by the Council. Treasurer.

He shall pay out no money except upon check or warrant countersigned by the Mayor and Secretary and authorized by the Council; shall keep a true, accurate and detailed account of all moneys received and of all moneys paid out by him; shall preserve all vouchers for moneys paid by him, and his books and accounts shall at all times be open to inspection by the Council; and he shall make such reports and at such times as the Council may direct. He shall file with the Town Council a bond with corporate surety in the sum of *Five Thousand Dollars*, approved and paid for by Council, for the faithful performance of his duties. The Treasurer may not be a member of the Council. Duties  
Bond

## ALDERMAN.

(h) The Alderman shall be sworn or affirmed to perform the duties of his office with fidelity. In the event of his absence of disability, or otherwise, the Council, at any meeting, may appoint an acting Alderman. He shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the Town so far as to arrest and hold to bail, or fine and imprison offenders; of all fines, penalties and forfeitures prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware, of all neglects, omissions or defaults of any member of the police force, or other Town officer, agent or employee; provided, that he shall impose Alderman.  
Jurisdiction, duties and powers.

## CITIES AND TOWNS—GEORGETOWN

no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days. The jail of Sussex County may be used for imprisonment under the provisions of this Charter. The Council shall reimburse the Alderman for all costs by him levied which are unable to be collected from persons against whom fines are imposed.

The Alderman also shall have jurisdiction in suits of civil nature for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavement, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the Town under the provisions of this Charter; and within his jurisdiction he shall have all the powers and authority, and shall be subject to all the limitations of a Justice of the Peace of Sussex County, except as herein otherwise provided; and his fees shall be the same as those of as Justice of Peace for like service. For any service or duty for which no fee is provided, such fee shall be established by ordinance.

Alderman  
to deliver  
records.

Penalty for  
failure  
to deliver  
records.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than Five Hundred Dollars, (\$500.00), or imprisonment at the discretion of the Court.

Duty of  
Alderman  
respecting  
fines

Penalty  
for  
Violation

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other moneys received by him during the preceding month belonging to the Town. He shall pay all such moneys to the Treasurer within ten (10) days after making report thereof to the Council and for failure to make report to the Council, or for failure to make payment to the Treasurer for the space of Ten (10) days, he shall be deemed guilty of a

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misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times. The Alderman may be a Justice of the Peace residing in said Town, but he may not be a member of the Council. <sup>Docket</sup>

The acting Alderman shall be some suitable adult person residing in the town; shall keep a separate docket, and in the absence or inability of the Alderman shall have all the powers of the Alderman as herein provided. <sup>Acting Alderman</sup>

## AUDITORS.

(i) The Auditors shall be residents and taxables of the Town and it shall be their duty to audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of the moneys of the Town. They shall audit the books of the Alderman and Acting Alderman and the records of all fines, penalties and costs imposed or collected by either of them pursuant to any judgment order or decree made. The Auditors on or before the Fourth Saturday in January next following their appointment shall make and deliver a detailed report of all and every of the accounts, records, and books by them examined and audited, which report shall be printed in a newspaper published in the Town at least two weeks before next general election. The Auditors in the performance of their duties shall have access to all records of Council and the officers of the Town; and are authorized and empowered to employ such clerks or accountants as in their judgment may be necessary for the proper performance of their duties. <sup>Auditors</sup>

## BOARD OF HEALTH.

(j) The Board of Health shall consist of four members, two of whom shall be practicing physicians in the Town. The Board shall serve for one year; shall have cognizance of the <sup>Board of Health</sup>

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interests of life and health of the people of the Town; shall report to the Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town, and shall also make recommendations to Council of whatever may contribute to useful sanitary information. The Board shall also have all powers and duties enumerated by the Laws of the State of Delaware for local Boards of Health.

Organiza-  
tion.

The Board shall organize by election of a President and Secretary within ten (10) days after the notice of their appointment, and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

Secretary.

The Secretary of the Board may be allowed a reasonable annual compensation for his services, which shall be fixed and determined by the Council, and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board, but he shall be a resident of the Town.

## TOWN SOLICITOR.

Town  
Solicitor

(k) At the annual meeting, the Council shall select a Town Solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The Town Solicitor shall be a member of the Bar of Sussex County. It shall be his duty to give legal advice to the Council and other officers of the Town, and to perform other legal services as may be required of him by the Council.

## POLICE.

(l) It shall be the duty of the Council to appoint a Police Force consisting of a Chief and such number of subordinates as the Council may deem wise; and the Council shall from time to time make rules and regulations as may be necessary for the organization, government and control of the Police Force. The members of the Force shall be subject to the directions of the Council, and may be removed by the Council at any time. They shall preserve peace and order, and shall compel obedience with-

## CITIES AND TOWNS—GEORGETOWN

in the Town limits to the ordinances of the Town and the laws of the State; and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the Police Force shall be vested, within the Town limits and within one mile outside of said limits, with all the powers and authority of a Constable of Sussex County, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

Every person sentenced to imprisonment by the Alderman shall be delivered by a member of the Police Force to the County Jail of Sussex County, or lock-up of the Town, to be there imprisoned for the term of the sentence. In case of an arrest at a time when the Alderman shall not be available to hear and determine the charge, the person arrested may be delivered to the County Jail, or in the Town lock-up, for imprisonment until such reasonable time thereafter as shall enable the Alderman or Acting Alderman to hear and determine the charge against such person.

It shall be the duty of the Police to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the above, or upon view of the violation of any ordinance of the Town relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Alderman or Acting Alderman, or Justice of the Peace, for hearing.

## TOWN BUDGET.

Section 11. Annually in each year, and not later than the first of February, the Council shall prepare a budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year. The fiscal year shall be from March to March.

The budget shall contain the following information:—

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1. A detailed estimate showing the expense of conducting each department and office of the Town for the ensuing fiscal year.

2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.

3. The amount of the debt of the Town, together with a schedule of maturities of bond issues.

4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, and the amount required for the sinking fund.

5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the Town from any source or sources.

The Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations, but may revise the same whenever, in the opinion of the Council, such revision shall become necessary.

### ASSESSORS AND ASSESSMENT OF TAXES.

Assessment  
to be  
made.

Assessment,  
rules, etc.

Section 12. The Assessor shall make the assessment for the Town and shall each year make a true and impartial list of all the persons, property and estates within the said Town, and not by law exempt from taxation, together with the sum or sums of money in dollars at which it shall appear to him that said persons or property ought to be rated and valued. In making such assessment, the rules and exemptions now applicable by law to the making of the country assessment of persons and properties shall be applicable in so far as consistent with the provisions of this Act. Real estate shall be described with sufficient particularity to be identified, the principal improvements thereon to be specified. Real estate shall be assessed to the owner or owners if known; if the owner or owners cannot

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be found or ascertained, it may be assessed "Owner Unknown". A mistake in the name of the owner or owners, or a wrong name or the absence of a name, shall not affect the validity of the assessment of the Town tax based thereon. The said list of assessment shall be completed and a copy thereof delivered to the Council by the Assessor on the first day of April, of each and every year. It shall be the duty of the Council to examine said list carefully and to make such changes as to assessments, either by raising or lowering such assessment as they may deem fit, and to approve same by the fifteenth day of April. On approval of said assessment list by the Council, it shall be the duty of the Council on the fifteenth day of April, in each and every year, to post such assessment list in the County Courthouse in the said Town for a period of ten days for the information of and examinaion by all concerned, and public notice of the posting of the same shall be given by printed notices to be placed in six public places in said Town at least one week prior to the posting of said assessment list as aforesaid.

The Council may annually appoint and employ two competent persons, at a reasonable compensation to be fixed by it, to aid the Assessor in making the assessment and to assist the Council in the performance of its duties as a Court of Appeals, one of which such persons shall be selected from each of the two principal political parties. On the first Monday, following the completion of the ten day period for posting said assessment list, a member of the Council or one or both of its aforesaid appointees shall sit from the hours of nine until twelve and from two until five, for the hearing of appeals from assessments. The Council shall thereafter meet as a Court of Appeals to consider such appeals, with power to alter and correct any assessment in accordance with right and justice, and to assess such persons, property and estates as may have been omitted from the list by the Assessor. Provided, however, that in case of assessing persons, property and estates omitted and increasing assessments, notice shall first be given to the persons interested or some one of them, or their representatives or agents, so that he, she or they may have an opportunity to be heard

Council  
to wit  
as a  
Court of  
Appeals



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before the final action. Such notice may be given personally, by mail, or by leaving a copy at the usual place of abode of any of the persons above designated. No Councilman shall sit on his own appeal.

Money  
to be  
raised.

After the Council shall have held a Court of Appeals as aforesaid, it shall estimate and determine, with the concurrence of two-thirds of all the members, the sum or sums of money necessary to be raised in the said Town for the public use for the year ensuing, including the sums necessary to be raised for the salaries and other Town expenses, the maintenance of roads and streets, the water, electric light, and fire service, the payment of interest and principal of bonds that may become due, and all other reasonable and proper expenses for the said Town. The Council shall then estimate and determine the rate or rates of taxes necessary to raise the sum or sums of money so estimated and determined.

Duties of  
Treasurer  
relative to  
Collection  
of taxes.

After the Council has ascertained the sum necessary to be raised in the said Town for the purpose of this Act, and has apportioned the same on the assessment valuation as aforesaid, it shall forthwith deliver a copy of the assessment list to the Treasurer of the said Town, who shall, within three days after receiving same, make out all bills representing Town taxes and place them in the mail. It shall and may be lawful for the Treasurer to accept and receive the tax of each and every person liable to pay the same, who shall tender the payment thereof before the 15th day of May in the year in which said tax was levied, and each and every person so paying his tax within said time shall be allowed an abatement of eight per centum upon said tax. The Treasurer shall give notice of the days, times and place he will sit to accept and receive taxes and to allow the abatement of eight per centum, by public notices published in at least six (6) public places in said Town which said days shall be the three business days immediately preceding the 15th day of May in each year, and the time, from eight o'clock in the morning to twelve o'clock noon, and from one o'clock to six o'clock in the afternoon.

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The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles or other erections of like character erected within the limits of the Town, together with the wires and appliances there to or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Tax Collector as in case of other taxes, and the Council shall have authority to cause the same to be removed.

Taxation  
of tele-  
phone,  
telegraph,  
power  
poles

Provided that all lots, pieces and parcels of farm land included within the limits of the Town as herein set forth, exceeding one acre in quantity, shall be exempt from taxation for the use and purposes of the said Town of Georgetown, but all such lots, pieces and parcels of land exceeding one acre aforesaid, having a dwelling thereon, shall be taxed as and for one town lot.

Exemp-  
tions

The Council shall be sold\* judges of what lands are and what lands are not "farm lands" within the meaning of this Charter.

The Council may, in its discretion, exempt from taxation for a period of ten years, any industry which contemplates locating within said Town, providing its annual business shall not be less than Ten Thousand Dollars, (\$10,000.00).

In furtherance, and not in limitation of any existing Act empowering the Town Council to raise money by taxation, the Council shall have power and authority to raise by taxation a sum not exceeding Twenty Thousand Dollars, (\$20,000.00), yearly, to carry on the government of the Town and defray the expenses thereof, in addition to the amount raised by sewer rentals as hereinafter provided.

Maximum  
amount to  
be raised  
by taxation.

\*So enrolled.

## CITIES AND TOWNS—GEORGETOWN

## COLLECTION OF TAXES.

Compiling  
list of  
taxables

Section 13. After the expiration of the three (3) day period above designated, it shall be at once the duty of the Treasurer to compile a list of all taxables who have not taken advantage of the eight (8) per cent abatement, the address of said taxables and opposite the names of each, the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person and the tax on the whole valuation, and the rate per hundred dollars. Said list shall forthwith be delivered to the Council.

Council  
to deliver  
to tax  
collector

Upon receipt of said list of taxables to be prepared by Treasurer, it shall be the duty of the Council, within ten (10) days after receipt of same, to deliver said list to the Tax Collector of said Town, said list to be signed by the Commissioners or a majority of them, and shall be accompanied by a precept or warrant, signed by the Mayor, requiring the said Collector of Taxes to collect and receive the several sums to be collected in accordance with the provisions of this Act.

Date  
taxes  
due.

All taxes shall be due and payable on the first of the three business days, immediately preceding the 15th day of May, on which the Treasurer sits to receive payments of persons wishing to take advantage of the eight per cent abatement above described.

Taxes  
constitute  
lien.

Life  
estate.

All taxes assessed and laid upon real estate shall constitute a first lien against all such real estate within the town for the period of five (5) years from the date when such taxes were due and payable, but if such real estate remains the property of the person or persons who owned it at the time the tax was laid, then the lien shall continue until the tax is collected. In the case of a life estate, the interest of the tenant for life shall first be liable for the taxes.

Collection  
by suit and  
execution

Whenever the personal property of the taxable is sufficient the Collector of Taxes, in the name of Town Council of Georgetown, may institute suit before any Justice of the Peace within the said Town, or before the Alderman of the said Town, for

## CITIES AND TOWNS—GEORGETOWN

the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained which, by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by the taxable, except such liens thereon, which may have been created in respect of County Taxes, although such other liens be of a date prior to the time of the attachment of said tax lien.

Lien of execution.

However, should the Collector of Taxes so elect, he is empowered to sell the lands and tenements of the taxable, or the lands and tenements of a taxable alienated subsequent to the levy of the tax by the following procedure:

Sale of lands for taxes.

The Collector of Taxes shall present to the Superior Court of Sussex County a petition in which shall be stated:

1. The name of the taxable.
2. The year for which the tax was levied.
3. The rate of tax.
4. The total amount due.
5. The date from which the penalty for non-payment, if any shall commence, and the rate of such penalty.
6. A reasonably precise description of the lands and tenements proposed to be sold.
7. A statement that a bill of said tax has been mailed to the taxable at his last known post office address and that it has been found impractical to attempt to collect the said tax by any other remedy hereinbefore provided. The petition shall be

## CITIES AND TOWNS—GEORGETOWN

signed by the Collector of Taxes and shall be verified before a Notary Public.

At least ten (10) days prior to the filing of any such petition, the Collector of Taxes shall deposit in the mail in a sealed and stamped wrapper and requiring a return registry receipt, addressed to the taxable at his last known address, an itemized statement of the tax due, together with all penalties and costs then due thereon, together with a notice to the taxable that he shall proceed to sell the lands and tenements of the taxable for the payment of the tax. The Collector of Taxes shall exhibit the return registry receipt to the Court by filing the same with the petition; provided that, if the taxable cannot be found, it shall be sufficient for the Collector of Taxes to file with said petition the evidence that such statement has been mailed in accordance with this paragraph and has been returned.

Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Court and shall endorse upon said record of said petition, the following: "This petition filed the.....day of....., A. D. .... (give the day and year), and the Collector of Taxes or Town Council of Georgetown shall therefore proceed to sell the lands and tenements herein mentioned or a sufficient part thereof, for the payment of the amount due"; which endorsement shall be signed by the Prothonotary.

Sales of lands and tenements shall be advertised by posting hand bills in at least five (5) public places in the Town of Georgetown and by publishing the notice of said sale in a newspaper published in this Town. The notice shall contain the day, hour, place of sale, and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten (10) days before the day fixed for sale and the newspaper advertisement shall be published at least one (1) week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following

## CITIES AND TOWNS—GEORGETOWN

the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Collector of Taxes making said sale, shall make a deed to the purchaser which shall convey the title to the taxable or of his alienee; if it be set aside, the Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his personal representatives or assigns, of the costs, the amount of the purchase money and twenty per centum interest thereon, and the expense of the deed.

After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some Bank in the Town of Georgetown, either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes, the following costs shall be allowed, to be deducted from the proceeds of sale, or chargeable against the owner:

## TO THE PROTHONOTARY.

For filing and recording petition.....	\$1.00
For filing and recording return of sale.....	1.50

## TO COLLECTOR OF TAXES.

For preparing certificate .....	.25
For making sale of lands.....	2.00
For preparing the filing return.....	1.50
For posting sale bills.....	1.00

## CITIES AND TOWNS—GEORGETOWN

In addition, the costs of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

If any person is assessed for several parcels of land and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.

In the event of the death, resignation or removal from office of the Collector of taxes, before the proceedings for the sale of land shall have been completed, his successor in office shall succeed to all of his powers, rights, and duties in respect to said sale. In the event of the death of the purchaser at such sale prior to his receiving a deed for the property purchased thereat, the person having right under him by descent, devise, assignment, or otherwise, may prefer to the Superior Court of Sussex County a petition representing the facts and praying for an order authorizing and requiring the Collector of Taxes to execute and acknowledge a deed conveying to the petitioner the premises so sold, or a just proportion thereof; and thereupon the Court may make such order touching the conveyance of the premises as shall be according to justice and equity.

The Collector of Taxes shall have the same right to require the aid or assistance of any person or persons, in the performance of his duty, which a Sheriff now has by law.

The Collector of Taxes may at any time notify the person or corporation by whom any taxable liable for a personal or poll tax is employed that the tax of such employee is due and un-

## CITIES AND TOWNS—GEORGETOWN

paid and it shall be the duty of such employer to deduct from the wages of such employee the amount of the tax due from such employee and charge the same against him, and if such employer neglects or refuses to comply with such notice within three months from the time of receiving said notice, he shall be personally liable for the taxes of such person so employed by him and the same may be recovered as provided in this section for the recovery of taxes. When such taxes are held by such employer he shall pay the same to the Collector of Taxes within thirty (30) days thereafter.

Notice to  
Employer.

The Collector of Taxes shall pay over to the Treasurer on the first Monday in every month, and oftener if required by the Council, any and all moneys collected by him, taking duplicate receipts therefor, one of which he shall forthwith deliver to the President of Council. He shall report to the Council every month at its stated meeting and at such other times as may be required, all payments made to him and by whom made, the amount of uncollected taxes, and such other information as the Council may require and need so as to at all times be fully informed as to the condition of the Town tax collections. He shall keep a book of receipts with stubs attached and shall furnish every person paying any tax with a receipt showing the date of payment, the amount paid, and the subject matter of the tax. He shall enter every payment immediately in a book to be kept for the purpose so that at all times the Council and any person interested may be able to know what taxes have been paid and what taxes are unpaid, and in general he shall diligently attend to the collection of taxes and carry out all reasonable directions and orders of the Council, and he and his sureties shall be liable on his bond for the faithful performance of his duties in the collection of taxes. On the first meeting in June of every year, the Council shall ascertain from the Collector of Taxes the amount of uncollected taxes so assessed and laid and the persons and property liable for the same, and after a just allowance for errors and delinquencies, or otherwise, shall direct the Collector of Taxes to proceed forthwith to the collection of the same by legal proceedings under the terms of this Act. It shall be the duty of the Town Solicitor to furnish at all

Collector  
to pay  
over  
money  
collected  
monthly.

Collector  
to furnish  
receipts  
and enter  
payments

Council to  
ascertain  
uncollected  
taxes.

Town  
Solicitor  
service.



## CITIES AND TOWNS—GEORGETOWN

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## CITIES AND TOWNS—GEORGETOWN

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uncollected  
taxes.

Town  
Solicitor  
service.

## CITIES AND TOWNS—GEORGETOWN

times such legal advice and assistance to the Collector of Taxes in the collection of taxes as may be necessary.

Liability of  
Collector

Within one year from the date of his appointment, the Tax Collector must account to Town Council for all taxes and sewer rentals collected during the year by him, and shall be liable on his bond for failure to account for any uncollected taxes or sewer rentals unless he can show to the satisfaction of the Council that all the remedies hereinbefore set forth for the collection of taxes were pursued without result, or, if pursued, would have been without avail.

Bond and  
Compensation.

The Collector of Taxes must give bond with surety at such time as the delinquent tax list is remanded to him by the Council, said bond to be in a sum equal to seventy-five per cent of the amount of delinquent taxes then due. The Collector of Taxes shall receive ten per cent of the taxes so collected by him.

## SEWER RENTAL AND COLLECTIONS.

Sewer  
rentals.

It shall be the duty of the Town Council by ordinance, or resolution, to prescribe and fix sewer rentals and other charges connected therewith, and said Council may in its discretion prescribe such penalty or penalties as it may see fit against persons delinquent in their payments of sewer rentals.

Collection  
by Sewer  
Inspector.

Twice yearly, that is to say, on the first day of January and the first day of July, in each and every year, it shall be the duty of the Council to send to the Sewer Inspector, a list of all inhabitants assessed with sewer rentals, together with the amounts thereof, and the said Sewer Inspector shall forthwith mail bills for sewer rentals to all persons appearing on said list, which said bills shall be payable to the said Sewer Inspector.

Report of  
collections.

Said Sewer Inspector, thirty days after receiving said list from the said Council, that is to say, on the first day of February and the first day of August, in each and every year, shall make a report to the said Council of all moneys received by him

## CITIES AND TOWNS—GEORGETOWN

from the payment of the sewer rentals so prescribed, and shall, as collected, pay over to the Treasurer of the said Town such moneys. The said Sewer Inspector shall likewise prepare a list of all persons who have failed to pay the sewer rentals so prescribed within the period of thirty days, as hereinbefore set forth, together with the several sums due and owing from the said delinquents, and any penalty which may have attached by reason of the failure of said delinquent to pay said bill within thirty (30) days.

It shall then be the duty of the said Council upon receiving said list of delinquents from the Sewer Inspector, forthwith, to send said delinquent list to the Tax Collector in said Town, together with a praecipe signed by the Mayor commanding said Tax Collector to collect same.

Delivery of  
delinquent  
list to  
Collector.

The procedure for the collection of sewer rentals and charges shall be the same as prescribed for the collection of taxes and the said sewer rentals and charges shall be a lien on the lands and premises of the persons so assessed for a period of five (5) years.

Procedure

## POWER OF COUNCIL OVER STREETS.

Section 15. The Council shall have the power and authority to lay out, locate and open new streets and to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereon, whenever they shall deem it for the best interest of the Town. The procedure shall be as follows:—

Power of  
Council  
over  
streets.

The Council shall, by a majority vote, adopt a resolution for the opening of the new street, or the widening or altering of a street, or the vacating or abandoning of a street, or any part thereof, as the case may be, the resolution giving a general description of the street to be opened, widened, altered, vacated or abandoned. The resolution shall also state the day, hour and place where and when the council will sit to hear objections and to award just and reasonable compensation to any

Majority  
vote of  
Council.

Objections  
heard.

## CITIES AND TOWNS—GEORGETOWN

one who will be deprived of property. A copy of such resolution shall be posted in five (5) or more public places in the Town at least five (5) days before the day fixed for the hearing aforesaid, and shall be published in a newspaper published in the Town of Georgetown at least five (5) days before said day. A copy of such resolution shall be sent to all persons who would be deprived of property in consequence thereof, at least five (5) days before the day fixed for the hearing, by personal service or by registered mail addressed to their last known post office address. At the time and place fixed in said resolution, said Council shall hear such residents of the Town, or owners of the property affected, as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem for the best interests of the Town, the opening of a new street or the widening, altering, vacating or abandoning of an existing street, or part thereof, as the case may be, as contemplated in the prior resolution. In case the determination of the Council shall be to proceed with the plan contemplated by said first resolution, they shall also award just and reasonable compensation to any who will be deprived of property in consequence thereof.

Compensation paid.

Appeal from award.

Such compensation as may be awarded, shall be paid by the Treasurer of the Town on a warrant drawn on him by the authority of the Council. Any land owner who may be dissatisfied with the compensation awarded by the Council, may, within five (5) days after notice of the award of the Council, appeal therefrom by serving written notice to that effect on the mayor. In order to prosecute said appeal, such appellant shall within five (5) days after the expiration of the five (5) days allowed for the appeal apply to the Judge of the Superior Court of the State, in Sussex County, for the appointment of freeholders to hear and determine the matter of compensation to such appellant, and thereupon the said Judge shall issue a commission under his hand, directed to five (5) impartial freeholders of the County, two of whom shall be resident in the Town of Georgetown, commanding them to determine and fix

## CITIES AND TOWNS—GEORGETOWN

the damages which the appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefit or advantages which will inure to the appellant, and to make return of their findings to the said Judge at the time therein appointed. The freeholders shall give notice of the day, hour and place when and where they will meet to view the premises and to affix the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five (5) days before the day when the freeholders are to view the premises, and a copy of such notice shall also be served on the Mayor at least five (5) days before the day of such meeting. The Freeholders named in such commission, being first sworn or affirmed, on the day and at the hour and place stated in the notice, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon the said freeholders shall make return in writing of their proceedings to the said Judge, who shall cause a copy of said return to be delivered to the Mayor, and such return shall be final and conclusive. The said Judge shall have the power to fill any vacancies among the freeholders. The amount of damages being ascertained, the Council may pay or tender the same to the person entitled thereto within one (1) month after the same shall be finally ascertained, or may deposit the same in any Bank in the Town to the credit of the person entitled thereto, within the said period of one (1) month, and thereupon the Council may carry into effect the plan contemplated in the resolution aforesaid. The return of freeholders shall be filed in the office of the Prothonotary of Sussex County.

Freeholders  
to fix  
damages

In the ascertainment and assessment of damages by the freeholders, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer, but if said damages shall not be increased, the said costs shall be paid by the appellant. The fees to the freeholders shall be Five Dollars, (\$5.00) per day to each, which shall be taxed as a part of the costs.

Costs  
payable.

## CITIES AND TOWNS—GEORGETOWN

## POWER OF COUNCIL TO CONDEMN.

Condemna-  
tion for  
purposes

Section 16. The Town shall have the power to acquire lands, tenements, property or interests therein, by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewage disposal, and for other municipal purposes, whether within or without the limits of the Town, the procedure for which shall be substantially the same as hereinbefore provided in the case of condemning land for streets and highways, with the necessary changes as to detail.

## POWER OF COUNCIL OVER STREETS.

Power of  
Council  
over  
streets.

Section 17. The Council shall have power to establish, change or alter the grade of streets, lanes, alleys, bridges and gutters as from time to time may be deemed necessary and proper, and to establish curb lines in the same and the kind and character of gutters, and to change, alter or amend the same.

## PAVING, CURBING, AND GUTTERING.

Paving,  
Curbing,  
Guttering.

Section 18. The Council shall have power to cause the streets and sidewalks of the Town to be paved, re-paved, curbed and guttered under such plan and with such materials as it shall determine.

Providing, however, the Town shall not be liable in damages resulting from the injury of any person or persons who may receive injuries from holes in sidewalks which said defective condition of sidewalks was not due to the negligence of the Town employees.

Procedure

With respect to the paving or re-paving of sidewalks and the installing of curbs and gutters, the procedure shall be as follows:—

Whenever a written petition of five or more freeholders of the Town shall be presented to the Council praying for the improvements, or any of them, the Council shall sit upon said peti-

## CITIES AND TOWNS—GEORGETOWN

tion either at the meeting at which such petition is presented, or at the next subsequent meeting, and shall determine, in respect of curbing and guttering what part, if any, of the cost thereof shall be paid by the Town, and the Council may thereupon direct in writing the owner or proprietor of any land in the Town before or in front of which the improvement is to be made, to lay a pavement or install a curb and gutter, or either of them, of the kind and character, and of the width and thickness, and of the material and in the manner as may be directed by the Council.

The Council shall notify in writing the owner or proprietor of any land affected to make the improvement as determined by order of the Council within sixty days after the date of the notice.

The notice shall be served upon such owner or proprietor personally if he resides in the Town, or it may be left at the usual place of abode of such owner or proprietor in the presence of some adult person; or, if the owner or proprietor does not reside in the Town, it shall be lawful to deposit said notice in the mails directed to him at his last known post office address; if the owner or proprietor is unknown, it shall be in compliance with this section regarding notices to post a notice on the property. The Council shall establish the curb and grade lines, which shall be available to all owners and proprietors of lands affected.

Curb and  
grade  
lines.

The notice shall inform the persons affected thereby with full information as to the materials to be used, the width of the pavement, curb, or gutter, and the thickness or depth thereof, and the time within which the improvement shall be completed.

Notice  
to persons  
affected.

If the owner or proprietor shall neglect or refuse to make the improvement within the time stated in the notice, the Council shall cause the improvement to be made at the expense of the owner or proprietor, and may recover the expense thereof, together with costs and any penalty which may be by ordinance established for failure or neglect to make the improvement by

Failure of  
owner or  
proprietor  
make  
improvements.



## CITIES AND TOWNS—GEORGETOWN

an action of debt brought before the Alderman, or any Justice of the Peace residing in the Town. In any action brought for the recovery of money due the Town under the provisions hereof, the Town shall have the right to a forthwith summons as in like cases within the jurisdiction of the Alderman or the Justice of the Peace aforesaid. The date of the notice shall be proved and shall be stated in the judgment. Writs of execution may issue upon any judgment recovered as in like cases of civil nature, and upon a return of nulla bona, a certified abstract of the judgment and return shall be filed in the office of the Prothonotary in Sussex County, and said judgment shall thereupon become a lien upon the premises affected and shall have all the force and effect of any other judgment entered in the Superior Court of the State of Delaware, the said lien relating back to the date of the notice given as aforesaid and taking precedence over any other lien against the property which shall or may have been entered after the date of the notice.

Judgment  
becomes  
a lien on  
the premises.

If any property affected by the provisions hereof shall be held or owned by a widow in right of dower, the expense incurred shall be paid by the owner in reversion in fee simple; and if such owner be a minor, the expense shall be paid by the guardian or agent acting for such minor out of any money or effects held by such guardian or agent, or suit may be brought against said minor or the guardian of such as hereinabove provided, and the amount due the Town recovered by sale of the goods and chattels, lands and tenements of the minor.

Expenses  
where  
owner  
is widow  
or minor.

If the improvement desired is paving of any street, or part or portion thereof, upon written petition of five (5) or more freeholders as aforesaid, the Council shall by resolution fix a time and place for discussion of the proposed improvement. The resolution shall be published at least one (1) week prior to the meeting for discussion aforesaid, in at least one issue of a newspaper published in the Town and at said meeting the Council shall hear the owners or proprietors of the property affected and other citizens of the Town. After such hearing, the Council either at said meeting, or at a subsequent meeting, shall decide whether or not to proceed with the improvement, and if the

Notice for  
discussion  
of im-  
provement  
to street

## CITIES AND TOWNS—GEORGETOWN

decision shall be to proceed with the improvement, then the part or portion of the cost, if any, which shall be assessed against the owner or proprietor of the property affected shall be determined. The part or share to be paid by the owner or proprietor of the property affected shall be determined on the basis of the lineal frontage of the parcel on the street to be improved.

Determina-  
tion of  
share of  
expense  
to be  
paid by  
owner.

The Council shall thereupon proceed to cause the improvement to be made and shall assess the owner or proprietor of the land affected with the whole, or such part and expense of the improvement and according to the lineal frontage as aforesaid as may have been determined; shall present to such owner or proprietor bill or statement of the costs and expense as allocated to the lands of said owner or proprietor, and if the same shall not be paid within six (6) months thereafter, shall proceed to collect the said costs and expenses from such owner or proprietor in the manner and under the same power and authority and by the same processes, with necessary change as to detail as hereinbefore provided in this section. The lien of any judgment rendered shall relate back to the date of the decision of the Council to proceed with the improvement, and the said date shall be proved and stated in the judgment.

Owner  
assessed  
for part  
of expenses  
of improve-  
ment.

## CONTRACTS.

Section 19. The Council is vested with authority on behalf of the Town to enter into contracts for the rendering of personal service to the Town and/or the purchase of supplies and doing of work for any municipal purpose for the Town, provided:

Contracts  
made by  
Council.

a. No contract shall be made by Council for any purpose, the contract price of which is in excess of Five Hundred Dollars, (\$500.00), without public competitive bidding; and

b. The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the Town; and

## CITIES AND TOWNS—GEORGETOWN

c. All formal contracts shall be signed by the Mayor with Seal of the Town attached, attested by the Secretary.

## POWER TO BORROW MONEY AND ISSUE BONDS.

Council  
may bor-  
row money  
and is-  
sue bonds.

Section 20. The Council may borrow money and issue bonds or Certificates of Indebtedness to secure the payment thereof on the faith and credit of the Town of Georgetown, to provide funds for the purchase, the erection, the extension, the enlargement or the repair of any plant, machinery, appliances or equipment for the supply, or the manufacture and distribution of electricity or gas or light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvement of highways, streets or lanes, or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost or the share of the Town of the cost of any permanent municipal improvement; provided, however, that the borrowing of the money therefor shall have been authorized by the Town Council and shall have been approved by the electors in the manner and at the time following:

Hearing  
before  
money  
borrowed.

b. 1. Council by resolution shall propose to the electors of the The Town by resolution that the stated amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

Notice of  
hearing.

2. Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper published in the Town at least one week before time set for said hearing, which shall be held at the time and place so designated.

Special  
election  
on loan.

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

## CITIES AND TOWNS—GEORGETOWN

4. The notice of the time and place for holding the said special election shall be printed in a newspaper in the Town once a week for three (3) successive weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of an annual election.

Notice

5. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the day of the special election.

Ballots

6. At the special election, every person who had a right to vote at the next preceding annual Town election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property whether individual, partnership, or corporation shall have one vote for every dollar or part of dollar of the tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

Voters.

7. The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

Counting of votes.

c. The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the times of maturity, and provisions as to the registration shall be determined by the Council. The Bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of the Town or otherwise, for at least one month before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said Bond at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Georgetown shall be deemed to be pledged for the

Issuance of Bonds or Certificates of Indebtedness.

Faith and credit of Town pledged.

## CITIES AND TOWNS—GEORGETOWN

due payment of the Bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

Limit of  
bonded  
indebted-  
ness.

d. The bonded indebtedness shall not at any one time in the aggregate exceed the total of 10 per centum of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

Bonds  
issued to  
mature  
serially.

e. All bonds issued under authority of this Act shall mature serially.

## ORDINANCES.

Power of  
Council  
to enact  
ordinances.

Section 21. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the Town, or relating to the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protection and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

Printing of  
ordinances.

It shall be the duty of the Council to compile the ordinances of the Town, to have a reasonable number of copies printed for the use of the officials of the Town and for public information; and from time to time, upon the enactment of new ordinances, or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined; and also to furnish the Alderman with copies thereof as they are enacted and published.

## NUISANCES.

Section 22. (a) The Council shall have power to enact

## CITIES AND TOWNS—GEORGETOWN

ordinances defining nuisances and providing for the removal or abatement thereof, and prescribing the fines, penalties and forfeitures for causing or continuing the same. The Council may upon their own view, or upon information, determine that a nuisance does in fact exist, upon which determination they shall have the right to remove or abate the same in a summary manner; and the operation of any instrument, device, or machine that shall cause electrical interference with radio reception within the limits of the Town, shall at the option of the Council, be deemed to be a nuisance. Encroachments and obstructions in and to streets by porches, bay windows, awning and poles, or the accumulation of snow and ice on sidewalks may be deemed to be nuisances and may be abated or removed at the expense of the persons responsible therefor, as by ordinance provided.

Nuisances  
ordinances  
to abate.

## HEALTH.

(b) The power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the Town, shall extend to the area outside the Town limits and within one mile from said limits.

Ordinances  
relating  
to health

## FIRE.

(c) The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the Town or by a volunteer fire company.

Fire pro-  
tection.

## ZONING.

(d) For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building material; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations

Zoning.

## CITIES AND TOWNS—GEORGETOWN

of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any buildings and the kind and grade of materials used in the construction thereof.

Zoning  
ordinances.

The Council may adopt zoning ordinances limiting and specifying districts and regulating therein buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

Town  
Zoning  
Commission.

The Council may create a Town Zoning Commission for the development, improvement and beautification of the Town, and may prescribe its powers and duties.

## BUILDING INSPECTION PERMITS.

Building  
Permits.

(e) The Council may provide for the issuance of building permits and may forbid the construction of any new buildings, or the addition to, or alteration, or repair of any existing buildings unless a building permit has been obtained therefor.

Permits  
for canning  
and  
phosphate  
factories.

Should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphates, fertilizers or manures of any kind, he or they before erecting such building or buildings, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such buildings will not endanger the other property or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

Power of  
Council  
to regulate  
placing of  
poles for  
wiring.

The Council shall have full power to fix and determine the placing or replacing of poles or other structures within the Town limits for the carrying of telegraph, telephone, power or other wires, and the attachments thereto, and to cause existing

## CITIES AND TOWNS—GEORGETOWN

poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the Town, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to the location as to the relocation of such poles and structures, wires, and attachments, and may be exercised from time to time as occasion shall arise.

## FRANCHISES.

Section 23. The Council shall not grant franchises or licenses to public utilities or common carriers unless authorized by a majority of the voters and taxables of the Town at any general or special election called for that purpose; provided that the franchise or powers of any corporation owning or operating a public utility in or through the Town at the time of the approval of this Charter shall not be affected or impaired.

Franchises  
Votes  
upon.

Present  
Utilities not  
affected.

## LICENSES.

Section 24. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers; to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters and vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by license, interference with any place of business or with the convenience of public travel; to provide for the payment of taxes, fines, penalties, and forfeitures by performance of labor for the Town by those who may owe taxes, fines, penalties or forfeitures, and to make proper regulations and rules therefor.

Power  
to issue  
licenses.

## TREES.

Section 25. Trees being among the chief beauties of the Trees.



## CITIES AND TOWNS—GEORGETOWN

Tree  
Commission.

Town, and their preservation requiring that they be treated with special care and intelligence, the Council is empowered to create a Tree Commission for the trees on the streets, and other public places of the Town, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pest and diseases to which they are subject, and when necessary to employ tree experts, provided that they do not exceed the appropriation made by the Council.

## SEWERS—SEWAGE DISPOSAL.

Council to  
control  
sewers,  
and sewage  
disposal.

Section 26. The Council shall have the oversight, management control of the sewers, sewer systems, and sewage disposal of the Town, together with the authority to install additional sewers, and to change, alter or repair existing sewers. The Council also shall have the power to enact ordinances, rules and regulations in relation to the sewers and sewer systems, and the use thereof; to require any property in the Town to be connected with the water and sewer mains and the manner of such connection, and to compel the owner of any property to pay the cost of such connection, and the tapping fee or charge therefor, and to fix fines and penalties for the violation of non-observance of such ordinances, rules or regulations, and otherwise to provide for the collection of the costs of making such connection, the tapping fee and charges.

## PENALTIES.

Penalties  
relating  
to street  
and parking  
of  
vehicles.

Section 27. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations thereof, relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

## CITIES AND TOWNS—GEORGETOWN

## CITY JAIL.

Section 28. The Council may build and maintain a suitable place as lock-up or jail for the Town, which shall be used as a place of detention for persons convicted of violation of law or ordinances, or for the detention of persons accused of violations of law or ordinances for a reasonable time, in cases of necessity, prior to hearing and trial. Nothing in this Section shall prevent the sentencing of offender, or the detention of accused persons in the jail of Sussex County, as may be otherwise provided in this Charter.

Town jail.

## FINE AND IMPRISONMENT.

Section 29. No fine shall be imposed in a sum exceeding One Hundred Dollars, (\$100.00) exclusive of costs; and no term of imprisonment shall be imposed for violation of any rule, regulation or ordinance, or other offence, or for failure to pay any fine or penalty imposed, in excess of a period of thirty days.

Limitations on power to fine or imprison.

## FLOATING DEBT.

Section 30. Whenever during the year, the current receipts are insufficient to provide for the needs of the Town, the Council is authorized to anticipate revenue by borrowing money not in excess of the sum of Five Thousand Dollars, (\$5,000.00), which shall be repaid from current revenue received thereafter; Provided, however, such borrowing shall at no time exceed the aggregate of Five Thousand Dollars, (\$5,000.00). Indebtedness created hereby shall be evidenced by bond or note of the Town, and the faith and credit of the Town shall be deemed to be pledged for the due payment thereof; but no agency or instrumentality of the Town shall borrow money upon the credit of the Town, except by resolution of the Council.

Limitation of borrowing of current expenses.

## INVESTIGATIONS BY COUNCIL.

Section 31. The Council shall have power to inquire into the conduct of any office, officer, or employee of the Town, and

Investigations by Council.

## CITIES AND TOWNS—GEORGETOWN

to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the productions of books, papers and other evidence.

## SURVIVAL OR POWERS AND VALIDATING SECTION.

Section 32. This Act shall operate to amend, revise, and consolidate "An Act to Incorporate the Town of Georgetown", being Chapter 238, Volume 26, Laws of Delaware, and the various amendments and supplements thereto, and to repeal all such parts of said Act and its amendments and supplements as are not included and incorporated herein. But all ordinances of the Town of Georgetown heretofore lawfully enacted or adopted and now in force in pursuance of any law of the State, shall continue in force until repealed, altered or amended by the Council of said Town; all acts and doings of "Town Council of Georgetown", or of the Council or any officer of said Town, lawfully done and performed under the provisions of any law of the State or of any ordinances of said Town, are hereby ratified and confirmed; all debts, fines, penalties and forfeitures due to the said Town and all debts due from said Town to any person or persons, or corporation are declared to be unaffected and unimpaired by this Act, and all laws for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged; all powers and remedies now conferred by law upon the several Collectors of Taxes heretofore appointed in said Town for the collection and enforcement of all taxes in said Town heretofore assessed and levied and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; the official bonds of said Collectors of Taxes and of the Treasurer heretofore given shall not be affected or the remedy thereon impaired by this Act, and they and each of them, and their surety or sureties shall be and continue liable for any default or breaches of any of the conditions of said respective bonds; all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt, to the said Town upon any bond or obligation or under any law or ordinance, shall not be affected or impaired by this Act, but the same may be prosecuted to judgment and

## CITIES AND TOWNS—GEORGETOWN

execution until the same be fully paid, liquidated and discharged; all valid laws heretofore passed relating to or concerning said Town or authorizing the borrowing of money and the issuing of bonds on the credit of said Town shall be and remain valid and good as heretofore, and be unaffected and unimpaired by this Act.

This Charter of the Town of Georgetown shall take effect as of the first Saturday of March following the adoption of this Act.

Approved May 12, 1941.

## CHAPTER 167

## CITIES AND TOWNS—GREENWOOD

AN ACT TO AMEND CHAPTER 183, PART 1, VOLUME 22, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD" AND AUTHORIZING THE BORROWING OF MONEY AND ISSUING OF BONDS THEREFOR FOR THE IMPROVEMENT OF SAID TOWN.

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

Section 1. That Chapter 183, of Part 1, Volume 22, Laws of Delaware, being an act entitled, "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD", be and the same is hereby amended by adding thereto a new and additional section to be known as "Section 28" as follows:

Section 28. (a) The Town of Greenwood, a municipal corporation of the State of Delaware, is hereby authorized and empowered to call a special meeting of the voters of said town, when requested by at least ten freeholders of said town in writing, for the purpose of borrowing money and issuing bonds therefor for the improvement of said town. Notices of such special meetings shall be posted in at least five conspicuous places of said town, fifteen days prior to such meetings, stating the hour, place and purpose for which such meeting shall be held, and a majority of the votes cast at said meeting shall determine the amount of money to be borrowed. It is hereby expressly provided, however, that the bonded indebtedness of said town shall at no time exceed the sum of Thirty Thousand Dollars (\$30,000.00).

(b) The Town Council of the Town of Greenwood, for the purpose of carrying into effect the provisions of this act, shall have power and authority, and are hereby directed from time to time, to issue bonds of the said town of such denomina-

## CITIES AND TOWNS—GREENWOOD

tions as they shall deem best, bearing interest at a rate not exceeding 5% per annum payable semi-annually on the first day of July and January respectively in each year, at such bank or trust company as the said Town Council shall designate. Such bonds shall be issued, from time to time, in such amounts as may be determined by the said Town Council, each issue being designated on the bonds. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number. The interest on all said bonds so called shall cease from the date of redemption thereof and said bonds when paid shall be cancelled.

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

(d) The Town Council shall direct and effect the preparation, printing and issue of the bonds authorized by this Act and shall also prescribe the form and time of payment of said bonds. Such bonds shall be signed by the President and countersigned by the Secretary of the said Council and shall be sealed with the corporate seal of the Town of Greenwood and be exempt from all State, County and Municipal taxation. As the said bonds and coupons are paid the same shall be cancelled in such manner as the said Town Council may direct.

(e) The faith and credit of the Town of Greenwood is hereby pledged for the payment of the bonds authorized to be issued under this Act, and also all former bonds which have been issued prior to this Act.

Approved April 18, 1941.

## CHAPTER 167

## CITIES AND TOWNS—GREENWOOD

AN ACT TO AMEND CHAPTER 183, PART 1, VOLUME 22, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD" AND AUTHORIZING THE BORROWING OF MONEY AND ISSUING OF BONDS THEREFOR FOR THE IMPROVEMENT OF SAID TOWN.

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

Section 1. That Chapter 183, of Part 1, Volume 22, Laws of Delaware, being an act entitled, "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD", be and the same is hereby amended by adding thereto a new and additional section to be known as "Section 28" as follows:

Section 28. (a) The Town of Greenwood, a municipal corporation of the State of Delaware, is hereby authorized and empowered to call a special meeting of the voters of said town, when requested by at least ten freeholders of said town in writing, for the purpose of borrowing money and issuing bonds therefor for the improvement of said town. Notices of such special meetings shall be posted in at least five conspicuous places of said town, fifteen days prior to such meetings, stating the hour, place and purpose for which such meeting shall be held, and a majority of the votes cast at said meeting shall determine the amount of money to be borrowed. It is hereby expressly provided, however, that the bonded indebtedness of said town shall at no time exceed the sum of Thirty Thousand Dollars (\$30,000.00).

(b) The Town Council of the Town of Greenwood, for the purpose of carrying into effect the provisions of this act, shall have power and authority, and are hereby directed from time to time, to issue bonds of the said town of such denomina-

## CITIES AND TOWNS—GREENWOOD

tions as they shall deem best, bearing interest at a rate not exceeding 5% per annum payable semi-annually on the first day of July and January respectively in each year, at such bank or trust company as the said Town Council shall designate. Such bonds shall be issued, from time to time, in such amounts as may be determined by the said Town Council, each issue being designated on the bonds. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number. The interest on all said bonds so called shall cease from the date of redemption thereof and said bonds when paid shall be cancelled.

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

(d) The Town Council shall direct and effect the preparation, printing and issue of the bonds authorized by this Act and shall also prescribe the form and time of payment of said bonds. Such bonds shall be signed by the President and countersigned by the Secretary of the said Council and shall be sealed with the corporate seal of the Town of Greenwood and be exempt from all State, County and Municipal taxation. As the said bonds and coupons are paid the same shall be cancelled in such manner as the said Town Council may direct.

(e) The faith and credit of the Town of Greenwood is hereby pledged for the payment of the bonds authorized to be issued under this Act, and also all former bonds which have been issued prior to this Act.

Approved April 18, 1941.



## CHAPTER 168

## CITIES AND TOWNS—LAUREL

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" BEING CHAPTER 164, VOLUME 29, LAWS OF DELAWARE, BY AUTHORIZING THE MAYOR AND COUNCIL OF LAUREL TO RAISE BY TAXATION A SUM NOT IN EXCESS OF TWENTY FOUR THOUSAND DOLLARS FOR GENERAL EXPENSES AND AN ADDITIONAL ONE THOUSAND DOLLARS FOR THE FIRE DEPARTMENT; AUTHORIZING THE MAYOR AND COUNCIL OF LAUREL WITH THE CONSENT OF THE FIRE DEPARTMENT TO APPLY THE ADDITIONAL SUM OF ONE THOUSAND DOLLARS TO THE REDEMPTION OF MUNICIPAL BONDS; AUTHORIZING THE ASSESSMENT OF A PERSONAL OR PER-CAPITA TAX NOT TO EXCEED ONE DOLLAR; METHOD OF COLLECTION; PENALTY FOR NON PAYMENT, INELIGIBILITY OF CITIZENS TO VOTE AT TOWN ELECTIONS IF UNPAID.

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

Section 1. That the act entitled "An Act to Reincorporate the Town of Laurel" being Chapter 164, Volume 29, Laws of Delaware, be and the same is hereby amended by striking out all of paragraph twenty-two (22) of Section 6 of said Chapter, and by inserting in lieu thereof the following:

(22) To make general assessments of property not exempt from taxation for public purposes in said Town and assess and collect taxes, licenses, poll taxes and fines for municipal uses and purposes, provided, that in no year shall the said "Mayor and Council of Laurel" raise a sum by taxation in excess of Twenty-four Thousand Dollars (\$24,000.00), for the general expenses of the said Town of Laurel, and an additional sum not to exceed the sum of One Thousand Dollars (\$1,000.00), the same to be appropriated and paid over to the Fire Department of said Town of Laurel, for the purpose of keeping the

## CITIES AND TOWNS—LAUREL

equipment of said Fire Department in proper repair and efficiency and adding to the same from time to time as necessity may arise; provided, however, "The Mayor and Council of Laurel", may with the consent of the Fire Department of the Town of Laurel apply said additional sum raised by taxation and authorized to be paid over to the Fire Company of the Town of Laurel for the redemption of municipal bonds of said Town.

Section 2. That the act entitled "An Act to Reincorporate the Town of Laurel", being Chapter 164, Volume 29, Laws of Delaware, be and the same is hereby amended by striking out all of paragraph 23 of Section 6 of said Chapter and by inserting in lieu thereof the following:

(23) To make a personal assessment of all male and female citizens of the Town of Laurel between the ages of twenty-one (21) years and the ages of sixty-five (65) years. "The Mayor and Council of Laurel" shall also make a personal assessment against all person or persons owning real estate within the limits of the Town of Laurel; provided, however, that in no event shall said personal assessment or per-capita tax exceed the sum of One Dollar (\$1.00) per person. Said personal assessment or per-capita tax shall be in addition to any assessment levied on real estate so owned by and assessed against them.

The Mayor and Council shall make such annual personal assessment on or before the regular meeting in July of each and every year and said personal or per-capita tax shall be due and payable at the office of the Town Clerk on or before the first day of September, provided, however, that no penalty shall be attached to any personal or per-capita tax paid on or before January 1st. Ten days after making the annual personal assessment the Mayor and Council shall cause a full and complete copy of the same, containing the name and amount of said tax due from each taxable to be hung in a public place in the Town of Laurel; and there it shall remain for a period of ten (10) days for the information and examination of all concerned. There shall be posted in five or more public places in the Town

## CITIES AND TOWNS—LAUREL

notices advising all concerned that upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the copies of the annual personal or per-capita tax list, between the hours of 1 o'clock P. M. and 3 o'clock P. M., the Mayor and Council will hold a Board of Appeals, at which time and place they shall hear appeals from said assessment. The decision of the Mayor and Council, sitting as said Board of Appeals shall be final and conclusive and the said Mayor and Council of Laurel shall revise and complete said assessment at this meeting.

Within five days after said appeal day the Mayor and Council shall turn over and deliver to the Town Clerk the revised and complete assessment list as aforesaid. The Town Clerk shall collect said tax in the same manner as taxes are now collected against real estate.

On all taxes paid after the first day of January next succeeding the delivery of the revised and completed personal or per-capita assessment list to the Town Clerk, there shall be added to the aforesaid tax an amount equal to one per centum per month for each and every month such tax shall remain unpaid and shall be collected in the same manner as the original amount of the taxed.

A list of all persons whose personal or per-capita tax are unpaid shall be posted in the office of the Town Clerk thirty (30) days before the date set for the biennial election of officers of the Town, and all persons against whom said tax has been levied and whose personal tax remains unpaid ten days prior to said biennial election of officers of the Town shall be ineligible to vote at said Town Election.

Approved April 3, 1941.

## CHAPTER 169

## CITIES AND TOWNS—LEWES

AN ACT TO AMEND CHAPTER 196, VOLUME 22, PART 1, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES, WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS", BY PROVIDING THAT WATER RENTS SHALL BE A LIEN ON REAL ESTATE.

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

That Section 3, of Chapter 196, of Part 1, of Volume 22, Laws of Delaware, being an Act entitled "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES, WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS", be and the same is hereby amended by adding at the end of said Section 3 the following provisions which shall hereafter be known as "Section 3 (a)", "Section 3 (b)", and "Section 3 (c)", respectively:

Section 3 (a). All water rents laid or imposed by the Board of Public works for the town of Lewes remaining unpaid and in arrears for thirty days after they become due, shall be and constitute a lien upon the lands and premises of the owner to which the water was furnished, and such liens shall have preference and priority to all liens of recognizance, mortgage or judgment on such lands and premises, created or suf-

## CITIES AND TOWNS—LEWES

ferred by said owner, although such other lien or liens shall be of a date prior to the time of the attaching of such lien for water rents. In case of the sale under execution process of any lands and premises upon which such liens for water rents shall exist, such liens shall be transferred to the fund arising from such sale in the hands of the officer making the same and the said real estate so sold shall be discharged therefrom.

Section 3 (b). That the lien for water rents shall remain a lien for the period of five years and no longer, from the expiration thirty days after said water rents become due and payable.

Section 3 (c). The Board of Public Works for the town of Lewes in collecting water rents out of real estate upon which there is a lien under the provisions of this Chapter, shall proceed in the manner now by law prescribed for the collection of taxes out of real estate by Commissioners of Lewes, a municipal corporation of the State of Delaware.

Approved April 21, 1941.

## CHAPTER 170

## CITIES AND TOWNS—LEWES

## AN ACT TO RE-INCORPORATE THE TOWN OF LEWES.

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

## INCORPORATION

Section 1. The present Mayor and Commissioners and their successors in office, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State by the corporate name of "Commissioners of Lewes", and may have and use a common seal with device or devices as they shall determine to be proper, with power to alter or change the same as may be deemed expedient; to purchase, take, hold, receive and enjoy any messuage, lands, tenements or hereditaments, in fee simple or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they shall deem expedient; provided, nevertheless, that there is hereby reserved to the Legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

## CORPORATE LIMITS

Section 2. The limits and bounds of the town of Lewes shall be as follows: Beginning at a point on the Bay shore at the mouth of Broadkiln River and following said river to a point where the Lewes River intersects; thence following said Lewes River until it reaches the mouth of Canary Creek; thence following said Canary Creek until it intersects a line drawn from Greenhill Light-house to a point on the Southwest side of Block House Pond and Market Street; thence following said Market Street until it strikes a division line between the lands

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of Sarah C. Wright and Eliza Metcalf; thence following said division line to South Street; thence running the same course between the lands of Dr. Hiram R. Burton and Virginia L. Mustard across King Street to a point in George Robinson's field about five hundred feet from King Street; thence in an Easterly direction until it strikes the division line between the lands of Robert Arnell and lands formerly of Dr. David Hall; thence following said course until it strikes a ditch through Miss McIlvaine's lands, following said ditch to Lewes Creek; thence following said Creek in a Southeasterly direction until it strikes the former corporation line; thence following said line to the Bay shore; thence following the low water mark along said Bay shore to the place of Beginning.

The survey and plot, of record in the office of the Recorder of Deeds at Georgetown, in and for Sussex County, in Deed Book C.C.R., No. 143, Page 11, made and recorded in pursuance of the provisions of Section 1 of Chapter 199 of Volume 22 of the Laws of Delaware, shall be evidence in all courts of law and equity in the State.

## ANNUAL ELECTION

Section 3. An election shall be held in Lewes, Sussex County, on the first Saturday after the first Monday in January in each year at the Firemen's Hall, or at such other time and place as shall be determined by the Commissioners of Lewes, provided that due notice of the change shall be given to the public by advertisement at least five (5) days before said election. The polls shall be opened at one o'clock and shall be closed at six o'clock in the afternoon. At that election there shall be chosen two Commissioners, an Assessor, and, on the even years, a Mayor. The said Mayor, Commissioners and Assessor shall be elected by a plurality of the votes cast at any such town election. The sole qualifications for eligibility for election to one of the offices above named, shall be that the candidates whose names are presented for election shall be bona fide residents of the town of Lewes, at least twenty-one years of age, and substantial freeholders in the town.

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In the event that any vacancy shall occur in the Mayor's office, among the Commissioners, or in the office of Assessor, that vacancy shall be filled temporarily by a person chosen by the Commissioners of Lewes, and the qualifications and eligibility of said appointed persons shall be the same as in the case of an election. But if there shall be remaining unexpired, when the vacancy occurs, more than a year of the term of office in any such case, there shall be a person elected at the annual election who will serve during the remaining year or years of the said unexpired term. Vacancies may occur in the Mayor's office, among the Commissioners, or in the office of Assessor, either by death, resignation, or removal from the town. Further, in case any Commissioner shall absent himself from any two consecutive stated meetings of said Commissioners for any cause other than the illness of himself or some member of his immediate family, the said Commissioners by a majority vote may declare his office vacant. Unless there is a vacancy under the terms of this act, the persons elected at the annual election in January shall serve for the whole term for which they are elected, and until their successors are chosen.

No person shall be voted upon as a candidate for either the office of Mayor, Commissioners, or Assessors unless at least one week before the date set for the said election, he, or some freeholder for him, shall have filed with the Secretary of said Town Commissioners, a letter or certificate endorsed by at least five substantial freeholders, setting forth his intentions to become a candidate for the designated office for a like designated term. Immediately after the expiration of the time for filing names of the candidates, the Town Commissioners shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the office to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for. The voters shall designate their choice of candidates to be voted for, for each particular office, at such elections, by drawing a line through the names of all persons who are candidates for each particular office except those candidates in each group desired to be voted for; provided, however, that no Elector at



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any such election shall be allowed to vote for more candidates (but may vote for less) than the number to be elected at said election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates.

The form of ballot shall be substantially as follows:

### "OFFICIAL BALLOT

Candidates for election to elective offices in the Town of Lewes:

MAYOR, For 2 years  
(Vote for one)

COMMISSIONERS, For two years  
(Vote for two)

ASSESSOR, For 3 years  
(Vote for one)

The method of voting shall be by striking out the names of those not voted for so that the eligible number of candidates for any particular office shall remain on the ballot."

The votes at said annual election shall be received by a judge selected by the Commissioners of the town at least two weeks before the said election, and the result of the balloting shall be ascertained by himself as judge of the election, but the failure of the Commissioners to select such a judge shall not prevent the citizens of the town from doing so by viva voce vote when the time arrives to open the polls. The judge shall have the power to select two citizens of the town as clerks to assist him in holding said election. At such election any bona fide resident, whether a full time resident or only a summer resident, of said town who shall have attained the age of twenty-one years shall have the right to vote. The judge of the elec-

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tion shall decide upon the eligibility of any elector under this act to cast a ballot. Immediately after the election is closed, the votes shall be read and counted in public, and the person having the plurality of votes shall be declared elected. In the event that two candidates for the same office shall receive the same number of votes, the judge of the election shall determine the winner or winners by lot. Immediately after such election, the judge of the election shall enter in a book to be provided for that purpose a minute of such election, containing the names of the persons elected, and shall immediately give to the officers elected certificates of their election. The book containing such minutes shall be preserved by the Commissioners, and shall be evidence in all courts of law and equity in this State.

\*upon the eligibility of any elector under this act to cast a ballot, Immediately after the election is closed, the votes shall be read and counted in public, and the person having the plurality of votes shall be declared elected. In the event that two candidates for the same office shall receive the same number of votes, the judge of the election shall determine the winner or winners by lot. Immediately after such election, the judge of the election shall enter in a book to be provided for that purpose a minute of such election, containing the names of the persons elected, and shall immediately give to the officers elected certificates of their election. The book containing such minutes shall be preserved by the Commissioners, and shall be evidence in all courts of law and equity in this State.\*

The Mayor, Commissioners, and Assessor or Assessors elected by the voters of the town of Lewes at their regular election, shall, before entering upon their duties as officers of the town, appear before one of the Justices of the Peace in Sussex County and by oath or affirmation pledge themselves to perform the duties of their respective offices to the best of their knowledge and ability and without favor or partiality. Immediately upon the taking of the oath of office by newly elected officers of the town, the terms of the officers whose places they were

\*So enrolled.

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elected to fill shall be deemed to have expired, and the newly elected persons shall be deemed to be the officers of the town.

### THE MAYOR

Section 4. The Mayor of the town of Lewes shall be elected for a term of two years at the regular January election which falls in an even year. The Mayor shall be a member of the said Commissioners of Lewes and President of the same, and be entitled to all rights and privileges which extend to the other four Commissioners, including the right to vote in meetings of the Board.

The President of the Commissioners of Lewes, the Mayor, shall preside at all meetings of said Commissioners when he is present, shall appoint all committees, receive complaints of nuisances, and other complaints of citizens of any violation of laws and ordinances, and present the same to the Commissioners for their action.

The person elected Mayor of said town shall have, within the limits of said town, and within the limits of the public lands vested in said town, all the powers, authority, jurisdiction, and cognizance of a Justice of the Peace of and over all breaches of the peace and other offenses, the power to arrest and to hold on bail, or to fine and imprison all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of said Commissioners regularly passed, published and established for the government of the said town; and of and over all neglects, omissions or defaults of the town Constables or Bailiffs, Assessors, or Treasurer, or any other person or officer whose duty it may be to collect, receive, pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act or the rules and regulations for the government of the said town by the persons authorized to adopt the same under this Act.

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The fees of said Mayor shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Mayor to keep a book of record or docket, to be called the "Mayor's Docket of Lewes", to be provided by the Commissioners, in which all his official acts shall be entered; and he shall, upon the expiration of his term of office, deliver over to his successor all the books, papers, etc., pertaining to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay, for the use of the said town, the sum of ten dollars, to be recovered before the succeeding Mayor or any Justice of the Peace in Sussex County.

## THE SECRETARY

Section 5. The Commissioners of the town of Lewes at their first meeting after each election shall choose a Secretary, who may or may not be a member of the Board, who shall serve for the term of one year and receive a reasonable compensation for his services. If by death or otherwise the office of Secretary shall become vacant, a majority of the Board of Commissioners, at any subsequent meeting thereafter, are hereby authorized to fill the said vacancy. The person so appointed Secretary, if not a member of the Board of Commissioners, shall not have the right to vote as a member of the Board.

It shall be the duty of the Secretary to record all the proceedings of the said Commissioners of Lewes and to keep a correct journal of the same in a book or books provided for the purpose, and also the papers, records and correspondence relative to the said town or its business, all of which are to be carefully preserved and delivered to his successor in office. He shall issue and sign all licenses for every exhibition within the town of Lewes for which by Section 1, Chapter 51, of the Revised Code of 1893, or by the authorized ordinances of the Commissioners, a license is required; his signature shall be required on all warrants on the Treasurer for the payment of any money; and he shall perform such other duties as may be prescribed by any ordinance or ordinances of the Commissioners.

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## THE TREASURER

Section 6. At the next regular meeting of the Commissioners of Lewes after their annual election in each year, the Commissioners of Lewes shall appoint a proper person, being a freeholder of the town of Lewes, to be the Treasurer of the town. The Treasurer may or may not be a member of the Board of Commissioners. In the event that the office of Treasurer shall become vacant by reason of death, resignation, removal or otherwise, the said Commissioners shall at the next regular meeting after said office shall have become vacant, appoint a proper person, being a freeholder to serve for the balance of the unexpired term of said office.

The Treasurer, immediately after receiving the tax list from the Commissioners of Lewes in March of each year, or as soon thereafter as is convenient for the Commissioners, shall proceed to collect the taxes mentioned in said list. In the exercise of his functions as the Collector of Taxes of the town of Lewes, the Treasurer shall be clothed with the same powers and burdened with the same duties as the County Treasurer and Receiver of Taxes of Sussex County in so far as those powers and duties are reasonably applicable to the Collector of Taxes of a town. But the Treasurer before he enters upon the duties of his office, shall give bond approved by the Board of Commissioners in the penal sum of Ten Thousand Dollars (\$10,000.00) if individual bond is given, or Five Thousand Dollars (\$5,000.00) if the bond of any reputable surety company is given, to the Commissioners of Lewes, conditioned upon the faithful discharge of the trust imposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said Treasurer shall pay all orders drawn on him by the said Commissioners, and shall settle his accounts with said Commissioners annually before the fifth day of December, and as often and at such times as the said Commissioners shall require. The said assessors and treasurer shall each receive a reasonable compensation to be determined by the Commissioners.

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The compensation to be paid out of funds belonging to the town to the Treasurer of the town of Lewes shall not exceed 6% of the amount of monies collected by him.

## THE COMMISSIONERS

Section 7. The Commissioners of Lewes shall be composed of five members, including the Mayor and four commissioners. The term of office of the commissioners, including the Mayor, shall be two years for each member, and two members shall be elected annually on the odd years, while two members and the Mayor shall be elected in the even years.

The said Commissioners shall provide for stated and special meetings and shall prescribe the time and place of holding such meetings and the manner of calling the same; provided that there shall be at least six stated meetings of said Commissioners in every year, to-wit: on the first Monday of each alternate month. Each Commissioner shall be allowed for attendance at each of said stated meetings a sum not exceeding One Dollar.

## GENERAL POWERS OF THE COMMISSIONERS

Section 8. The said Commissioners of Lewes for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend, or repeal ordinances, rules, regulations, and by-laws for the following purposes:

To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame, all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices; to prohibit, restrain, and regulate all sports, exhibitions of natural and artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries

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of all streets, avenues, highways, lanes and alleys in said town and the beach or beach strand or public lands in or contiguous to or vested in said town, and prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys, beach or beach strand; to regulate, clean and keep in repairs the streets, highways, avenues, parks, lanes, and alleys, bulkheads, wharves, and docks in said town, and to prevent and remove obstructions and incumbrances in and upon all streets, avenues, highways, parks, sidewalks, crosswalks, sewers, drains, aqueducts, water courses, bulkheads, wharves or docks in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, lane, or alley in said town, or in digging up any street, avenue, highway, lane or alley for the purpose of laying down pipes, or for any other purposes whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of trees in the streets, avenues, parks and grounds of said town or public lands vested in said town, and to authorize or prohibit the removal or destruction of such trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to level, grade, flag or reflag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel, or shell or otherwise surface or re-surface the streets, avenues, highways, lanes and alleys of said town, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to build, re-build, or repair wharves, docks, and bulkheads; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town or in said public lands, which shall be by said Commissioners deemed dangerous or unwholesome, or necessary to carry out any improvement authorized by this Act, to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner

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in which such assessment shall be collected; to prevent or regulate the erection of any porch, step, platform or bay window, cellar door, gate, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing and immoderate driving or riding in any street, highway or strand, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street, highway or strand; to prevent the driving of any drove or droves of horses, mules, cattle, sheep or swine through any of the streets of the town or over said public lands, on the first day of the week, commonly called Sunday, and to regulate the same at other times; to regulate, protect and improve the public grounds of said town; to provide lamps and to light the streets and public places of every description in said town; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to establish and regulate one or more pounds, and to restrain the running at large of horses, cattle, swine, goats and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prevent the use of or prescribe and regulate rules for the use of any machinery or device which will have the effect of interfering with radio reception in the town; to prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles; to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town or public lands; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances



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of every kind, at the expense of those maintaining the same and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental in the opinion of the Commissioners or local board of health to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the directions of the Commissioners, as often as the said Commissioners or local board of health may deem necessary for the protection and preservation of the health of the inhabitants of the town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said cost and expenses, to be collected in such manner as the Commissioners may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance. To regulate and control the manner of building or removal of dwelling houses or other buildings and to provide for granting permits for the same; to establish a building line for buildings hereafter to be erected; provided that such building line shall not be established more than twenty feet back from the front line of the lots. To prohibit within certain limits to be from time to time prescribed by ordinances, the building or erection of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officer or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms in said town; to regulate or prohibit the use of candles and lights in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage system for

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said town; to regulate or prohibit swimming or bathing in the bay in front of or contiguous to said town or public lands, or in the waters within the limits of said town; to provide sanitary measures for the health of the citizens, and to prevent the introduction of infections or contagious diseases; for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said commissioners, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said town and its inhabitants. To contract with, or to grant franchises, concessions or rights to any person, persons, firm, partnership, or corporation who may apply for the privileges of erecting wharves or piers, or for the use of any street, highway, avenue, lane, alley, or beach strand, or right of way over said public lands, for the construction and operation of steam, motor or electric railways.

## COMMISSIONERS POWERS OVER PUBLIC LAND

Section 9. All the public and vacant lands lying within the corporate limits of said town of Lewes, and all the public or vacant lands contiguous to but outside the corporate limits of said town and fronting on the Bay between the point of Cape Henlopen on the south and Vessey's Inlet on the north, shall be vested in the Commissioners of Lewes, and the said Commissioners shall have jurisdiction over the same; and all ordinances adopted by the said Commissioners shall have the same force over and upon the said public and vacant lands as within the corporate limits of said town, and the said Commissioners are hereby authorized to lease, to persons who will improve or agree to improve the same, such portions of said public lands for such time and upon such terms as they, the said Commissioners, may deem proper for the interest and benefit of said town; and if hereafter any person or persons shall, without the

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permission and consent of the said Commissioners, build upon any of said public lands, he, she, or they shall forfeit such improvements or buildings to the said town.

The said Commissioners may assess or levy upon any person or persons leasing, occupying, enclosing, or claiming the uses or privileges of any of the said public lands vested as aforesaid in the said Commissioners, and not held under a lease from said Commissioners at a certain rent which expressly includes taxes, and not held by virtue of the provisions of any act of the Legislature of this State otherwise providing, nor any law of the United States otherwise providing, a tax, not exceeding six per cent of the assessed actual value of the lands so leased, enclosed, occupied or claimed, and two per cent of the actual value of the improvements thereon.

Nothing herein contained shall be construed to authorize any person or persons to build upon or enclose any of the said public lands without permission and consent of said Commissioners, nor to authorize the said Commissioners to assess or levy a tax upon persons excluded from the provisions of Section 9 of the Act entitled "An Act to Incorporate the Town of Lewes, and for other purposes", as amended by Chapter 535 of Volume 14 of the Laws of Delaware, and as re-published in Chapter 536 of the same Volume.

The said Commissioners of Lewes are hereby invested with full and exclusive authority and control over the Great and Beach Marshes, Cape and Cape Marshes, near Lewes, and may sell and dispose of the grass and hay thereof in the month of July in each and every year, at public sale, giving notice by printed advertisements, posted in five of the most public places in Lewes and Rehoboth Hundred ten days before the day of sale, to the highest and best bidder or bidders for the same; the notices shall specify the place where and the time when the grass or hay will be sold; the said Commissioners are further authorized to sell sand and gravel by measure or otherwise, as may be deemed by the Commissioners to be to the best interests of the town, wherever such sand and gravel may be located with-

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in the limits of the vested lands of the Town of Lewes; and said Commissioners are further authorized to sell the wood and timber on the Cape and Cape Marshes at any time that it may be necessary or desirable for any improvement made in or near said town, by and with the concurrence of a majority of said Commissioners; and the proceeds arising from the sale of the sand, gravel, grass, hay, wood and timber shall be paid over to the Treasurer of the town, to be applied by the said Commissioners to such improvements of the town as they may deem proper. If any person or persons, without first obtaining permission from the Commissioners, shall fell, cut, cart or convey any green timber or wood, or any timber on or from said Cape for any private use whatsoever, except wood cut from dead timber for fuel, he or they shall forfeit and pay any sum not exceeding fifty dollars, with costs, to be recovered by the Commissioners, for the use of the town, in the same manner as debts of that amount are recoverable; and persons so offending shall also be subject to a fine, not exceeding ten dollars, to be enforced as other fines and penalties provided for in this Act; and the said Commissioners may seize any timber or wood so cut, from any person or persons so offending, and may dispose of the same to the highest bidder, for the use of said town, and may pass any rules, regulations and ordinances regarding the cutting of said timber as they may deem proper for the interest of said town; provided that nothing in this Section or Act shall authorize the said Commissioners to pass any ordinances to prevent any citizen of said town of Lewes or State of Delaware from fishing along said Delaware Bay shore.

## COMMISSIONERS POWER TO CONDEMN PROPERTY

Section 10. The said Commissioners shall have the right, power, and authority upon the presentation of a petition to that effect, signed by five or more substantial freeholders of said town, to locate or lay out or open any new street or streets, lane or lanes, alley or alleys, or to reopen, narrow, straighten, or widen any old street or streets, lane or lanes, alley or alleys, or to establish such new courses, limits, or widths thereof as they may deem advisable. And they shall likewise have the

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authority upon such petition to purchase lands, buildings, leaseholds, and other property, including buildings on the public lands vested in the town of Lewes and the leaseholds of said public lands, for the purpose of establishing public parks and ornamental spaces in said town, or of building and maintaining ornamental boulevards upon and along the banks of Lewes River or Creek, or of building public piers, wharves, or docks.

And whenever the Commissioners of Lewes cannot agree with the owners of any land, building, leasehold, or other property necessary to be taken or used in the opening of new streets, lanes, or alleys, or the widening, narrowing, reopening, straightening of old streets, lanes, or alleys, or the establishment of public parks and ornamental spaces, or public docks, bulkheads, wharves or piers, or the construction and maintenance of ornamental boulevards along and upon the banks of Lewes River or Creek, said Commissioners of Lewes may apply to the Associate Judge of the State of Delaware resident in Sussex County, first giving to the other party or owner at least five days' notice in writing of the intended application, if such party or owner is within the State, and if said party or owner is unknown or without the State, or if under legal disability and having no legal representative in the State, then such notice shall be published in some newspaper in the County of Sussex at least ten days prior to the intended application, and such publication shall be sufficient notice; upon application being made as aforesaid, the said Judge shall appoint five judicious and impartial freeholders of said County of Sussex, two of whom shall be residents of said Town of Lewes, to view the premises and to assess the damages which the owner of the property to be taken will sustain by reason of condemning his property for the particular purpose in question. The said Judge shall have power to fill any vacancy in the Commission. The freeholders shall be sworn or affirmed before some officer authorized to administer oaths and affirmations, before viewing the premises, faithfully and impartially to perform the duties assigned to them. They shall give ten days' notice in writing to the owner of the property proposed to be condemned or to the guardian thereof, if within the State, and to said Commis-

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sioners of Lewes of the time of their meeting to view the premises and to assess the damages; if the owner is unknown, or without the State, or under legal disability and having no legal representative in the State, publication of such last-mentioned notice shall be made in some newspaper published in Sussex County at least ten days prior to said meeting, and such publication shall be sufficient notice thereof. The said Commissioners shall keep a record of their proceedings with their findings and awards and shall return the same to the Prothonotary of Sussex County, and shall certify their findings and awards to the owners of the property and to Commissioners of Lewes. If the said Commissioners of Lewes or any party in interest is dissatisfied with the findings and awards, it or he, may on application to said Prothonotary within fifteen days after such findings and awards have been made and filed, sue out a writ of *ad quod damnum*, requiring the Sheriff of said County, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages which will be sustained as aforesaid, and their report shall be final. The amount of damages being ascertained, Commissioners of Lewes may pay or tender the amount thereof within two months after the same shall have been ascertained to the person entitled thereto, or, if the person entitled refuses to accept the same, or resides out of the County, or is absent from the County during all or any part of the said two months, the same may be deposited to his credit in any Bank of said Town of Lewes, within said time, and, thereupon, the said property may be taken and used for the purposes for which it was condemned.

The expenses of the assessment by the said Commissioners of the damages aforesaid, shall be paid by the Commissioners of Lewes, and in the event of a writ of *ad quod damnum* being sued out by the owner of land or property proposed to be condemned, if the damages to be allowed shall be increased thereby, the costs shall be paid by the Commissioners of Lewes, otherwise the costs shall be paid by the person so suing out said writ.

Whenever any property shall be acquired by said Commissioners of Lewes under the provisions of this Act, the title there-

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to shall be in Commissioners of Lewes for the purpose for which it was acquired.

COMMISSIONERS POWER IN RESPECT TO  
PAVEMENTS AND CURBS

Section 11. The said Commissioners are hereby authorized and required, upon the written petition of five or more substantial freeholders of said town, to direct in writing, the owner or owners of any house or land in Lewes before, along, in front of, or adjoining which they may deem proper that a pavement should be laid, to curb and lay a pavement, or either or both, of brick or smooth stones or concrete, as the Commissioners may direct, of such length and width as the said Commissioners may specify, or to repair, add to, or extend any pavement, sidewalk, or curb heretofore made or done which the said Commissioners may deem insufficient or in need of repair.

In the event of any owner neglecting or refusing to comply with said notice for the space of three months, the said Commissioners may proceed to have the same done, and, when done, the Treasurer of the said town shall, as soon as convenient thereafter, present to the owner or owners of said lands a bill, showing the expense of such paving or curbing, or either or both. If such owner or owners shall not reside in the town of Lewes, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident in said town of Lewes, such bill may be sent by mail to such owner or owners, directed to him, her or them at the postoffice nearest his, her or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same as aforesaid, then it shall be the duty of said Commissioners to issue a warrant, in the name of the Commissioners of Lewes, under the hand of the President, attested by the Secretary, and under the seal of the corporation, directed to the Treasurer of the Commissioners of Lewes, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount

## CITIES AND TOWNS—LEWES

of said bill, together with all costs. It shall be the duty of said Treasurer, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the town of Lewes at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill, with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said Treasurer, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the town of Lewes for at least ten days before the day of sale, and after causing such notice of sale to be published twice in a newspaper of the said town of Lewes, to sell the lands and tenements of such owner or owners before, along, in front of or adjoining which such paving and curbing, or either or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with all costs, and a deed from the Commissioners, signed by the President and attested by the Secretary under the seal of the Commissioners, shall convey to the purchaser or purchasers of such lands and tenements as full and complete a title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof.

The Commissioners of Lewes are hereby authorized and empowered to employ a person to bid for them at any such sale and in a case where the person so employed shall be the highest bidder, the deed for said lands shall be executed by the Treasurer effecting said sale, to said Commissioners of Lewes.

The claim for paving or curbing, or either or both, with interest on the same from the date of the completion of the improvements, shall be a lien on the premises before, along, in front of, or adjoining which the said work was done, and shall have priority over any lien, incumbrance or conveyance after the completion of the said improvements; provided that within



## CITIES AND TOWNS—LEWES

thirty days after the completion of said improvements a certificate, under the corporate seal of said Commissioners, signed by the President and attested by the Secretary, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien, with the name or names of the owner or owners, shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate shall be evidence in all courts of law and equity in this State.

Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said office of the Recorder of Deeds within ninety days after the approval of this Act.

From the proceeds of the sale of the goods and chattels or lands and tenements, sold as aforesaid, it shall be the duty of the Treasurer aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue thereof, if any, shall be deposited in any bank of said town of Lewes to the credit of said owner or owners.

Lands and tenements sold as aforesaid shall be sold subject to any lien or encumbrance suffered or made by the owner or owners thereof before the completion of said improvements.

The Treasurer aforesaid shall be entitled to receive out of the purchase money two dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of, advertising and selling such personal property and for advertising and selling such real estate, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant of such property shall be sufficient; or if there be no owner, occupier, or tenant of said

## CITIES AND TOWNS—LEWES

premises in said town, it shall be sufficient to send notice by mail to any owner of said premises directed to him or her at the postoffice nearest his or her place of residence.

If any lot or lots, house or houses, on any of the streets of said town of Lewes shall be held or owned by any widow or widows as and for her or their dower, or any tenant for life, such expenses incurring as aforesaid for the lot or lots, house or houses, so held, shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be a minor or minors at the time of such expense being incurred, then the same shall be paid by the guardian or guardians, agent or agents acting for such minor or minors, out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and shall be allowed in his or her guardian's or agent's account and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same shall remain on interest from the day of the presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this Act to be kept up at the expense of the said tenant in dower or other life tenant. The said Commissioners of Lewes, in addition to the provisions of this Section hereinbefore contained, shall have the power and authority to enforce by ordinance all the requirements of this Section by imposing such fines and penalties as shall, in the judgment of said Commissioners be necessary and proper.

Whenever a pavement shall be laid before, along, in front of, or adjoining any house or land pursuant to the provisions of this Section, the Commissioners, if satisfied that such pavement has been made in accordance with their directions, may allow the owner or owners of such house or land a sum not exceeding one-third of the cost of said pavement.

## COMMISSIONERS POWER TO ENFORCE ORDER

Section 12. The said Commissioners shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this Act,

## CITIES AND TOWNS—LEWES

or of the ordinances which they may adopt in pursuance thereof, and which are not specially provided for in this Act.

It shall and may be lawful for said Commissioners to keep and maintain a suitable place as a lock-up or jail for the use of the said town of Lewes.

All fines and penalties which may be imposed either by this Act or by the ordinances adopted as aforesaid, may be collected before the Mayor of said town or any Justice of the Peace of said town, and in default of payment said Mayor or Justice of the Peace may commit to the town lock-up or the public jail of Sussex County for any time not exceeding thirty days, or until such fine and costs shall be paid.

No fine, except where otherwise provided in this Act, shall exceed the sum of ten dollars, exclusive of costs.

The said Commissioners of Lewes shall pay for the board (and commitment fee) of all persons committed to said public jail of Sussex County, for violation of the Charter and ordinances of the said town, at the same rate as is paid to the Warden of the Sussex County jail by the Levy Court for the board of prisoners.

The said Commissioners of Lewes shall have power to appoint such number of town constables or bailiffs as shall be deemed necessary, who shall constitute the town police, with power to remove any such constables or bailiffs and appoint others if it be deemed necessary, and it shall be the duty of the constable or constables or bailiffs aforesaid, to arrest any drunken or disorderly person they may see on the streets of said town, without a warrant, and take such person so arrested before the Mayor of said town, who shall hear and determine the case within a reasonable time, and upon conviction before him, he shall sentence such person or persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to the town lock-up or to the public jail of the County for a

## CITIES AND TOWNS—LEWES

period not exceeding thirty days, or until such fine and the costs be paid.

The Commissioners shall fix the fees and emoluments of such constables or bailiffs and prescribe their duties which are not herein specifically set forth. In proceedings before the Mayor the fees of such constables or bailiffs shall be the same as the fees of constables in proceedings before the Justices of the Peace.

If any constable or bailiff shall neglect or refuse to perform any of the duties required of him by this Act he shall be guilty of a misdemeanor, and it shall be the duty of the said Commissioners to present him to the Grand Jury of Sussex County, and upon conviction thereof by indictment he shall be fined in a sum not less than ten or more than one hundred dollars, and may be imprisoned, in the discretion of the Court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

COMMISSIONERS POWER TO LEVY AND COLLECT  
TAXES

Section 13. The said Commissioners of Lewes are hereby authorized and empowered, for the purposes of general improvement, current expenses, and for the payment of interest on the bonded indebtedness of said town of Lewes, and to provide for sinking funds which may be necessary to liquidate said bonded indebtedness, to levy and collect a tax not exceeding in any one year the sum of Thirty Thousand Dollars, to be raised by way of tax upon residents of said town, and upon all the real estate within said town, which is not expressly exempted from assessment and taxation by law, and upon all the public or vacant land within or without the limits of said town, vested in said town, which shall be occupied, enclosed, or the use or privilege thereof claimed by any person or persons, and upon the improvements on such public or vacant land.

## CITIES AND TOWNS—LEWES

## ASSESSMENT OF TAXES

Section 14. The Board of Assessment of the town for the time being shall annually, within one month after the annual election of Commissioners, make a true, just and impartial valuation or assessment of all the real estate within said town, and of all the public or vacant lands within or without the corporate limits of said town, vested in said town, which shall be occupied, enclosed, or the use or privilege thereof claimed by any person or persons, and of the improvements on said public or vacant lands, and also an assessment of all the citizens residing in said town above the age of twenty-one years, as well those not owning as those owning real estate within its limits; and the said Assessor shall forthwith, after making such assessment, deliver to the Commissioners for the time being a duplicate containing the names of all persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each, and the assessment of those occupying, enclosing or claiming the use or privilege of any of the public or vacant lands aforesaid, and the improvements thereon.

The said Commissioners shall assess the real estate and person of the Assessors.

The said Commissioners shall examine and adjust the Assessor's duplicate, and for this purpose are hereby empowered to increase or diminish the valuation of any property listed by them, and between the first and twentieth days of February in each and every year, or as soon thereafter as is practicable, cause a complete and full transcript of said duplicate, so examined, adjusted and corrected, to be hung up in a public place in the postoffice in said town, there to remain for a space of twenty days for public inspection; and the said Commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a Court of Appeals, which shall continue open from ten o'clock in the forenoon until twelve o'clock, noon, and from one o'clock until three o'clock in the afternoon, of the said day, when they shall hear and determine appeals from said assessment.

## CITIES AND TOWNS—LEWES

Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the Commissioners upon any appeal shall be final and conclusive.

No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others.

After the valuation and assessment shall be examined and adjusted by the said Commissioners, all taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed, and the public or vacant lands and the improvements thereon, in just and equal proportions and rates.

The said Commissioners, after having ascertained the sum necessary to be raised in the said town for the purposes of this Act, and having apportioned the same on the assessment and valuation aforesaid shall, yearly, in the month of March or as soon thereafter as convenient, furnish the Treasurer of said town with a list containing the names of the taxables, as well those not owning real estate as those owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them; also the amount of the assessment of the public land occupied by him and the improvements thereon, distinguishing between them; and also the tax levied on each person, and also the tax on the whole valuation, and the rate per hundred dollars. The list shall be signed by the Commissioners, or a majority of them.

COMMISSIONERS POWER TO BORROW MONEY  
AND ISSUE BONDS

Section 15. (A) Commissioners of Lewes may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof whenever in the opinion of said Commissioners such borrowing shall be expedient to provide funds for the execution of any lawful purpose within the provisions and scope of the charter powers of the Corporation. And said Com-

### CITIES AND TOWNS—LEWES

missioners may from time to time borrow money and issue bonds or certificates of indebtedness as aforesaid without any special legislative authority other than that contained in this section, provided that the entire amount of the indebtedness incurred under the provisions of this section shall not at any time exceed the sum of Twenty Thousand Dollars (\$20,000.00), and further provided that the borrowing of the money shall in each case be authorized by Commissioners of Lewes and shall be approved by the electors of the Town in the manner and at the time following:

(B) 1. Commissioners of Lewes shall by resolution propose to the electors of the Town of Lewes that a certain sum of money be borrowed and be secured either by bonds or by certificates of indebtedness at the election of said Commissioners. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for a hearing on the said resolution.

2. A public hearing on the proposal to borrow shall be held at a time and place appointed by Commissioners of Lewes, notice of which shall be printed in a newspaper published in Lewes and Rehoboth Hundred at least one week before the time set for said hearing.

3. After a hearing held as aforesaid, a second resolution shall then be passed by Commissioners of Lewes ordering a special election to be held not less than ten days nor more than thirty days after the date of said second resolution for the purpose of allowing the electors to vote for or against the proposal to borrow.

4. The notice of the time and place for holding the said special election shall be printed in a weekly newspaper published in Lewes and Rehoboth Hundred once a week for two successive issues of such newspaper prior to said election.

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5. Commissioners of Lewes shall cause to be prepared and printed and shall have available for general distribution an ample number of ballots not less than five days prior to the date set for the special election, which said ballots shall contain the language "for the proposal to borrow" and "against the proposal to borrow" so printed that the electors may easily indicate their preference thereon.

6. At the special election every person who had a right to vote at the last preceding annual town election shall have one vote for every dollar or fractional part of dollar of tax paid by him or her respectively during the year preceding said election, and every owner of property, whether it be an individual, a partnership, or a corporation, shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election, and the said vote may be cast either in person or by proxy.

7. The rules for holding said election, the manner of counting the votes for and against the proposal to borrow, and the manner of certifying to the returns shall be the same as the rules herein elsewhere provided for holding the annual election.

(C) The form of bond or certificate of indebtedness, the times of payment of interest, the classes, the time of maturity, and the provisions as to the registration shall be determined by Commissioners of Lewes. The bonds or certificates shall be offered for sale to the best and most responsible bidder therefor, after such advertisement as Commissioners of Lewes may deem expedient before offering the same for sale. Commissioners of Lewes shall provide in its budget for the payment of interest and principal of said bonds or certificates at the maturity or maturities thereof, and said Commissioners shall establish and maintain a surety bond therefor. The faith and credit of Commissioners of Lewes shall be deemed to be pledged for the due payment of the bonds and interest thereon when issued under the provisions hereof after the same have been properly executed and delivered for value.



## CITIES AND TOWNS—LEWES

## COMMISSIONERS POWER OVER DITCHES

Section 16. The said Commissioners of Lewes shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of this State, or corporation, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Lewes only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

## DUTY OF AUDITORS

Section 17. And be it further enacted as aforesaid, that it shall be the duty of the Mayor of Lewes to appoint annually not later than the fifth day of December, two competent and suitable persons, who shall be reputable certified public accountants, to be auditors of the accounts of said town of Lewes, provided that, if the Board of Commissioners specifically so direct in any year, the persons appointed auditors will not be required to be certified public accountants, but may be any bona fide residents in and freeholders of the said town of Lewes. It shall be the duty of the aforesaid auditors to examine all the accounts of said town, those of the Mayor, Commissioners, Treasurer or any other person or persons who have an account with said town, for the current year, and to audit the same. The said auditors shall on or before the last Saturday of December following their appointment, publish a report of said accounts so examined and audited, in any newspaper published in said town of Lewes.

PRESENT ORDINANCES, ACTS, DEBTS, BONDS,  
SUITS UNAFFECTED

Section 18. This Act shall not be construed to repeal or modify Chapters 220 in Volume 24 of the Laws of Delaware in any manner whatsoever; nor shall it be construed to repeal any other Acts in relation to the town or Commissioners of Lewes, unless the same are manifestly inconsistent with the provisions of this Act; and all the ordinances of the Commissioners of

## CITIES AND TOWNS—LEWES

Lewes heretofore adopted and now in force, in pursuance of any laws of this State shall continue in full force and effect until repealed, altered, or amended by the Commissioners of Lewes; that all the acts and doings of the Commissioners of Lewes or of any officer of said town, lawfully done or performed under the provisions of any law of this State or of any ordinance of the said Commissioners, are hereby ratified and confirmed; that all debts, fines and penalties and forfeitures due said town of Lewes, and all debts due from said town of Lewes to any person or persons whatsoever, or to any corporation or corporations, are hereby declared to be unaffected and unimpaired by this Act, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the Treasurer for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until the said taxes shall be fully collected and paid; that the official bond of the Treasurer of said town shall not be affected or impaired by this Act, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of the said bond; that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due said town, under any law or ordinance, shall not be affected or impaired by this Act, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Approved May 21, 1941.

## CHAPTER 171

## CITIES AND TOWNS—MILFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF "THE TOWN OF MILFORD" TO "THE CITY OF MILFORD" AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 162, VOLUME 37, LAWS OF DELAWARE, BY AUTHORIZING THE CITY COUNCIL TO NAME AND CHANGE THE NAME OF ANY STREET, AVENUE, ALLEY OR OTHER PUBLIC PLACE IN SAID CITY.

*BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each Branch thereof concurring therein):*

Section 1. That Section 19 of Chapter 162, Volume 37, Laws of Delaware, entitled "An Act Changing the Name of "The Town of Milford" to "The City of Milford" and Establishing a Charter Therefor", be and the same is hereby amended by adding a new sentence to read as follows:

The Council shall also have the power to name and change the name of any street, avenue, alley or other public place in said City.

Approved April 18, 1941.

## CHAPTER 172

## CITIES AND TOWNS—MILFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF "THE TOWN OF MILFORD" TO "THE CITY OF MILFORD" AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 162, OF VOLUME 37, LAWS OF DELAWARE, BY EXTENDING THE BOUNDARIES THEREOF.

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

Section 1. That Chapter 162, Volume 37, Laws of Delaware, be and the same is hereby amended by striking out the second and third paragraphs of said Section 1, and by inserting in lieu thereof the following:

"The boundaries of the City of Milford are hereby established and declared to be as follows:

BEGINNING at Bowen Landing on the Bowen (Dorsey) farm in Kent County; thence in a direct line in a Northerly direction to the duPont Boulevard at the intersection with it and the concrete highway leading into the City of Milford; thence continuing the same line in a northwesterly direction across the said duPont Boulevard a distance of Five Hundred Feet beyond the Western boundary line of said Boulevard; thence in a Southerly direction and parallel with and Five Hundred Feet from the Western boundary of said duPont Boulevard to the Haven Lake; thence across said lake and following the shores of said lake to the North side of Evergreen Lane; thence along the North side of Evergreen Lane to the intersection of the North side of Evergreen Lane and a line parallel with and Five Hundred Feet from the Western boundary of the said duPont Boulevard; and thence continuing with said line to the Southern or Southeastern line of what is known as the William I. Simpson property; thence in a Northerly direction in a direct line to the

## CITIES AND TOWNS—MILFORD

bridge over the stream of water known as the Deep Branch (which bridge crosses said stream on the County Road leading to the Town of Lincoln); Thence following the course of the aforesaid Deep Branch to the Lake known as Marshall Mill Pond; thence down the course of the water or stream running from said Marshall Mill Pond to the Mispillion River; thence following the course of said River to Bowen Landing aforesaid.

Approved April 18, 1941.

## CHAPTER 173

## CITIES AND TOWNS—MILFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF "THE TOWN OF MILEORD" TO "THE CITY OF MILFORD" AND ESTABLISHING A CHARTER THEREFOR", BEING CHAPTER 162, OF VOLUME 37, LAWS OF DELAWARE, BY INCREASING HOURS FOR HOLDING ANNUAL ELECTION; BY FIXING TIME FOR FILING NOMINATIONS; BY PROVIDING QUALIFICATIONS OF VOTERS; BY PROVIDING FORM OF BALLOTS USED IN SPECIAL ELECTIONS ON BOND ISSUES.

*BE IT ENACTED by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all of the members elected to each Branch thereof concurring therein):*

Section 1. That Chapter 162, Volume 37, Laws of Delaware, be and the same is hereby amended by striking out the words and figure "four (4) o'clock" as the same appear in lines three and four of Section 6, paragraph (A), and inserting in lieu thereof the words and figure "six (6) o'clock".

Section 2. That Chapter 162, Volume 37, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of paragraph (C), Section 6, and by inserting in lieu thereof a new paragraph as follows:

(C) Every resident of the City who is over twenty-one years of age and who has resided in said City for at least six (6) months next preceding the day of election, and who, fifteen (15) days before the holding of the election, is not delinquent in respect of any tax levied by the City, shall be entitled to vote at said election.

Section 3. That Chapter 162, Volume 37, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of paragraph (H), Section 6, and by inserting in lieu thereof a new paragraph as follows:

## CITIES AND TOWNS—MILFORD

(H) The Council shall call a meeting of the electors of the City to be held on the Friday evening preceding the annual election, due notice of the hour and place of which meeting shall be given by advertisement in a newspaper published in the City not less than ten days prior thereto, for discussion of the affairs of the City. The meeting shall organize by the selection of a Chairman and a Secretary. Reports concerning the business of the City for the last year shall be read, as well as plans for improvements contemplated to be made. At least ten (10) days before the time for holding said meeting all candidates for offices of the City shall file with the Secretary of the City Council their names in writing signed by such candidate, and the Secretary of Council shall present said names to the Secretary of said meeting; and only such persons shall be nominated or voted for any office at the annual election whose names have been filed with the Secretary of Council as herein provided. No member of Council from any ward shall be nominated except by the electors residing in that ward. The Secretary of said meeting shall prepare and deliver to the Secretary of Council the names of all persons nominated at said meeting and the Council shall cause to be printed ballots and envelopes for use by the Electors at the annual election. The Council shall make rules and regulations concerning the voting.

Section 4. That Chapter 162, Volume 37, Laws of Delaware, be and the same is hereby further amended by repealing the fifth paragraph of Section 22 (B) under the title "Power to Borrow Money and Issue Bonds", and inserting in lieu thereof a new paragraph 5 as follows:

The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots, not less than five days prior to the day of the special election, which shall be substantially in the following form:

CITIES AND TOWNS—MILFORD  
FORM OF PRESCRIBED BALLOT FOR SPECIAL  
ELECTION

(OUTSIDE)

<b>BALLOT</b>
Number of Votes

(INSIDE)

<b>For</b>	<b>Against</b>
.....	

(Fold on Dotted Line)

Approved May 14, 1941.



## CHAPTER 174

## CITIES AND TOWNS—NEWPORT

## AN ACT TO AMEND SECTION 3, OF CHAPTER 195, OF VOLUME 24, LAWS OF DELAWARE, RELATING TO THE TERRITORIAL LIMITS OF THE TOWN OF NEWPORT.

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

Sec. 1. That Section 3 of Chapter 195 of Volume 24, is hereby amended by striking out all of the said first paragraph of said Section 3, beginning with "That the limits" and ending "to the place of Beginning" and that the said section will read as follows, to wit:

"BEGINNING at a point at the low water mark of the Christiana river and the westerly side of Mary Street and thence northerly to the north side of the Philadelphia, Wilmington and Baltimore Railroad's right-of-way and thence westerly with the north side of the said right-of-way five hundred seventy-six feet to a point in the easterly side of a twenty-five foot wide lane, known as Krebs Lane and thence along said easterly side of said lane, about 550 feet to the southerly line of land of Elizabeth L. Ball, thence North 85 degrees 31 minutes East 122 feet to a point thence along another line of land of said Elizabeth L. Ball, North 3 degrees and 58 minutes West, 122 feet to the southerly side of Market Street, also known as Newport-Christiana Turnpike, thence along southerly side of said Market Street approximately three hundred thirteen feet to a point, thence northerly seventy feet to the northerly side of Market Street at its intersection with the easterly line of land now owned by Clara Weingarten, thence North six degrees West five hundred ninety-five and nine-tenths feet to a stone, thence North twenty-four degrees and eighteen minutes West seven hundred fifty and fifty-one hundredths feet to a stone in the south-easterly side of a sixty-foot wide roadway belonging to Claud Banta and extending from the Newport Gap Turnpike to the plot of land known as Tuxedo Park and thence along said south-

## CITIES AND TOWNS—NEWPORT

easterly side of said sixty-foot wide roadway easterly to the Newport Gap Turnpike approximately eight hundred ninety-nine feet and thence south along the said Newport Gap Turnpike two hundred ninety-three feet to the present boundaries of said Town of Newport and thence Easterly on a line parallel to and 760 feet Northerly from the Northerly side of Christiana Street to the land formerly owned by Robert Lynam thence Southerly along the line of said Robert Lynam's land and the present boundary line of the Town of Newport to the northern side of St. James Cemetery, thence Easterly along the Northerly side of said Cemetery to the intersection of the present limits of Town of Newport with the Westerly line of land of Frank A. Herpel, thence Southerly along the line of said land of Frank A. Herpel, 382 feet to a corner to the lands of St. James Cemetery, The Industrial Trust Company and Frank A. Herpel, thence Easterly along the line of land of Frank A. Herpel to a point in said line one hundred twenty-five feet Westerly from the Westerly side of Larch Avenue as laid out on the Plot of Newport Heights and thence Southerly on a line parallel to and one hundred twenty-five feet distant from the westerly side of said Larch Avenue, approximately five hundred fifty-six feet to the southerly side of Ayre Street as laid out on the Plot of Newport Heights and thence westerly along the southerly side of said Ayre Street approximately fifty feet to the westerly side of Lot 87 as shown on the Plot of Newport Heights and thence southerly along said westerly side of said lot eighty-seven feet to the northerly side of the right-of-way of the Philadelphia, Wilmington and Baltimore Railroad and thence westerly with the north side of said right-of-way approximately five hundred sixteen feet to the present boundaries of the Town of Newport and thence along the said boundary and limits of the said Town of Newport to the Christiana River, low water mark, thence with low water of said river to the place of Beginning."

Approved April 18, 1941.

## CHAPTER 175

## CITIES AND TOWNS—NEW CASTLE

AN ACT TO AUTHORIZE "THE MAYOR AND COUNCIL OF NEW CASTLE" TO BORROW AND ISSUE BONDS FOR THE SUM OF TWENTY FIVE THOUSAND DOLLARS TO REFUND CERTAIN BONDS ISSUED UNDER AUTHORITY OF CHAPTER 129 OF VOLUME 30 OF THE LAWS OF DELAWARE AS AMENDED BY CHAPTER 122 OF VOLUME 32, LAWS OF DELAWARE.

WHEREAS, "The Mayor and Council of New Castle" have heretofore issued certain bonds under and by virtue of the authority of the Act of the General Assembly of the State of Delaware entitled, "An Act authorizing 'The Mayor and Council of New Castle' to borrow money and issue bonds therefor, for the purpose of supplying the City of New Castle and its inhabitants with water and light, or either, by the acquisition, construction, or erection of such property, works, and apparatus as may be necessary and convenient therefor", being Chapter 129 of Volume 30, Laws of Delaware, as amended by Chapter 122 of Volume 32, Laws of Delaware; and

WHEREAS, under and by authority of the above mentioned Act, as amended, the said "The Mayor and Council of New Castle" did issue certain bonds; and

WHEREAS, it is now proposed to refund the said bonds thus authorized and issued, now therefore,

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

Section 1. That "The Mayor and Council of New Castle" be and it is hereby authorized and empowered to borrow upon the faith and credit of "The Mayor and Council of New Castle" a sum not to exceed Twenty-five Thousand Dollars (\$25,000.00) to be expended as hereinafter provided, and to issue bonds of

## CITIES AND TOWNS—NEW CASTLE

the said "The Mayor and Council of New Castle" for the payment thereof.

Section 2. The moneys and proceeds derived from the sale of the said bonds herein authorized shall be used and applied to the refunding of the said bonds issued under the said Acts of the General Assembly hereinbefore referred to, and for no other purpose.

Section 3. The sums of the bonds herein authorized to be issued, and their denominations shall be Fifty Dollars (\$50.00) or a multiple of Fifty Dollars (\$50.00); the date of maturity of the bonds herein authorized to be issued shall be twenty years from the date of issue; their names, their numbers, their rate of interest payments, not exceeding five per cent (5%) per annum, and the times of interest payments shall be as prescribed by "The Mayor and Council of New Castle".

Section 4. That the said bonds herein authorized to be issued or any of them may be redeemed at the option of the said "The Mayor and Council of New Castle" at par and with accrued interest, at any time after the expiration of five years from the date of said bonds; provided, however, that if the said "The Mayor and Council of New Castle" shall, at any time, after the expiration of five years from the date of said bonds, elect to redeem any of said bonds, such redemption shall be made in pursuance of a notice signed by the President of Council and by the Treasurer of the said "The Mayor and Council of New Castle" said notice to be published once a week for two consecutive weeks in a newspaper published in the City of Wilmington. Such notice shall indicate the bonds called, and in making such calls the said "The Mayor and Council of New Castle" shall call the bonds according to their numbers, beginning with the lowest number, and the interest on any of the said bonds so called shall cease from the date fixed in any such call for redemption.

Section 5. "The Mayor and Council of New Castle" shall direct and effect the preparation and printing of said bonds

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authorized by this Act by and through the Board of Water and Light Commissioners of the City of New Castle.

The said bonds herein authorized shall be signed by the Mayor, President of Council and the Treasurer of the said "The Mayor and Council of New Castle", and sealed with the corporate seal of said corporation.

The said bonds herein authorized and interest paid thereon shall be exempt from all State, County and Municipal taxes.

Section 6. "The Mayor and Council of New Castle" is authorized and required to levy annually upon all assessable real and leasehold estates within the boundaries of the City of New Castle in the same manner as other taxes for municipal purposes, and collect an amount of tax sufficient to pay all interest on such bonds as the same shall accrue, and to provide for the payment of the bonds when due.

Section 7. The faith and credit of the said "The Mayor and Council of New Castle" are hereby pledged for the payment of the said bonds authorized to be issued under this Act.

Section 8. That this Act shall be deemed and taken to be a Public Act and shall be published as such.

Approved: March 31st, 1941.

## CHAPTER 176

## CITIES AND TOWNS—NEW CASTLE

AN ACT TO PROVIDE FOR PUBLIC PARKS FOR THE USE OF THE CITIZENS OF NEW CASTLE, AND TO PROVIDE FOR THE CARE THEREOF, AND TO AUTHORIZE "THE MAYOR AND COUNCIL OF NEW CASTLE" TO BORROW AND ISSUE BONDS OF THE CITY FOR THAT PURPOSE.

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

Section 1. That "The Mayor and Council of New Castle," a municipal corporation of the State of Delaware, shall have power to take and acquire lands, either by deed or devise, and to receive and accept all donations of money by gift or legacy, for the purpose of providing and maintaining one or more open spaces or parks for the promotion of the health and recreation of the people of the City of New Castle and its vicinity; and that lands within the corporate limits of the City of New Castle, or within three miles from the boundaries thereof, may be purchased or acquired by a conveyance or devise to, and the title and ownership of such lands be vested in the said "The Mayor and Council of New Castle," for the purposes aforesaid.

Section 2. The Mayor and Council of New Castle is hereby authorized and empowered to borrow, on the faith and credit of the City of New Castle, a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00), for the purpose of providing and maintaining one or more open spaces or parks for the promotion of the health and recreation of the people of New Castle and its vicinity, and for this purpose to issue bonds of the said municipal corporation, and the title to said lands shall be taken in the name of said municipal corporation.

Section 3. The said money shall be borrowed and the bonds issued in such amounts, at such times, in such form and denominations, and at such rate of interest, not exceeding four

## CITIES AND TOWNS—NEW CASTLE

and one-half per cent ( $4\frac{1}{2}$ ), as the Council of said city shall by ordinance duly passed, determine. The Mayor and Council of New Castle in obtaining bids on said bonds, if such bids are obtained, may, in its discretion, require the bidders therefor to base their said bids on the interest rate which said bonds should bear. The principal of said bonds shall be made payable at the expiration of twenty (20) years from the date of the issuance thereof, the said municipal corporation reserving the right to redeem said bonds, or any of them, at a price not exceeding two points above par and accrued interest, at any interest period occurring after the date of issue, provided that if the said municipal corporation shall elect to redeem any of said bonds, as aforesaid, such redemption shall be made in pursuance of a notice to that effect published at least once a week for at least three successive weeks in at least two newspapers published either in the City of Wilmington or in the City of New Castle. In calling said bonds for redemption they shall be called consecutively, beginning with the lowest number, and the interest on all bonds so called shall cease from the date named in such call for redemption.

The Council of the said municipal corporation shall direct and effect the preparation and printing, and negotiate the sale and delivery of said bonds. The said bonds shall bear date when issued and shall bear interest from date, payable semi-annually. They shall be signed by the Mayor, the President of Council, and the Treasurer of said City of New Castle, and be sealed with the corporate seal of the said municipal corporation, and shall be exempt from state, county, and municipal taxation.

The moneys received from the sale of said bonds shall be paid over to the Treasurer of the City of New Castle, and held by him as a special fund to be drawn out and used for the purposes of this Act, including the discharge of indebtedness heretofore incurred by the Trustees of New Castle Common for the purchase of the Battery Park property, upon direction of the City Council.

## CITIES AND TOWNS—NEW CASTLE

Section 4. The council of the said City is authorized, and unless the funds are otherwise provided, is required to levy and collect annually, by taxation, such sum of money as shall be sufficient to pay the interest accruing on said bonds; and it is further authorized and empowered to levy and collect by taxation, from time to time, such sum or sums as shall be necessary to provide a sinking fund adequate for the redemption of said bonds at or before their maturity. The taxes for such interest and sinking fund shall be levied and collected in the same manner as are the other city taxes in said city.

The taxes and sinking fund above provided for shall not be available for any other purpose.

All necessary expenses in and about the preparation, printing and sale of said bonds shall be paid out of the moneys herein authorized to be borrowed.

Should any surplus remain after the work contemplated by this Act has been accomplished, such surplus shall be held and applied towards the payment of the principal of said bonds herein authorized.

Section 5. Whereas, The Trustees of New Castle Common is a body created and incorporated for the purpose of managing and operating a large tract of land for the benefit of the citizens of New Castle, the said Trustees being elected by the citizens of New Castle, and Whereas the said Trustees of New Castle Common have, by Resolution, agreed to pay the interest on the bonds issued under the provisions of this Act, and have further agreed to pay and discharge said bonds when and as they fall due, it is therefore enacted that the superintendence, management, operation, and control of any parks or open spaces acquired for the benefit of the citizens of New Castle, shall be held by those persons who from time to time constitute the duly elected membership of The Trustees of New Castle Common, which persons are hereby designed "The Park Commission of the City of New Castle," and the said Park Commission of the City of New Castle shall have power to



## CITIES AND TOWNS—NEW CASTLE

make all needful rules and regulations for the management and use of any park under its control, not inconsistent with the laws and constitution of the United States and the State of Delaware, or with the ordinance of the City of New Castle; and any person who shall violate any of the said rules or regulations shall be guilty of a misdemeanor and shall pay such fines as may be prescribed by the Park Commission, not to exceed Ten Dollars (\$10.00) for each and every violation thereof, to be recovered before the Mayor of Said City, or any Justice of the Peace in New Castle County, as debts of that amount are recoverable, which fine shall be paid into the City Treasury. No intoxicating liquors shall be sold in any such public parks, and no meetings of any kind assembled through advertisement shall be permitted in any such park without the license or permission of the Park Commission having the park in charge; nor shall any gathering or meeting for political purposes in any park be permitted at any time, nor shall any person or corporation be granted any special rights or privileges therein.

The Trustees of New Castle Common may superintend, manage and control the said parks through proper committee or committees appointed by it, the members of said committee being either members of said Board of Trustees or other citizens of New Castle.

Approved April 14, 1941.

## CHAPTER 177

## CITIES AND TOWNS—REHOBOTH BEACH

AN ACT TO AMEND CHAPTER 161, VOLUME 41, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF REHOBOTH' TO 'CITY OF REHOBOTH BEACH', ESTABLISHING A CHARTER THEREFOR, AND REPEALING CHAPTER 247 OF VOLUME 27, LAWS OF DELAWARE, BEING ENTITLED 'AN ACT CREATING A BOARD OF PUBLIC WORKS FOR THE TOWN OF REHOBOTH, WHICH SHALL ESTABLISH, CONTROL AND REGULATE A WATER WORKS SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS'".

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

Section 1. That Section 3 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking therefrom the word "State" as the same appears in the seventeenth line of said Section, and by inserting in lieu thereof the words "corporate limits of the City of Rehobth Beach".

Section 2. That Section 3 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking therefrom the words "State of Delaware" as the same appear in the nineteenth line of said Section and by inserting in lieu thereof the words "City of Rehoboth Beach".

Section 3. That Section 3. of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking therefrom the words "Town of Rehoboth as the same appear in the twenty-third line of said Section and by inserting in lieu thereof the words "City of Rehoboth Beach".

Section 4. That Section 4 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by add-

## CITIES AND TOWNS—REHOBOTH BEACH

ing a new paragraph at the end of said Section, which new paragraph shall read as follows:

“During and after the calendar year 1941, annual elections in said City shall be held on the second Saturday in August rather than on the second Saturday in July and those respective Commissioners whose terms would ordinarily expire upon the election of their successors shall continue to hold office until their respective successors shall be elected on the second Saturday in August of the Calendar years 1941 and 1942, respectively”.

Section 5. That Section 7 of Chapter 161, Volume 41, Laws of Delaware,\* be and the same is hereby amended by striking out the word “July” as the same appears in the second line of the first paragraph of said Section and substituting in lieu thereof the word “August”.

Section 6. That Section 7 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking out the word “judge” as the same appears in the second line of the third paragraph of said Section and by substituting in lieu thereof the word “Inspector” and by further striking out\* the word “Inspectors” as the same appears in the third line of the third paragraph of said Section and substituting in lieu thereof the word “Judges”.

Section 7. That Section 7 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking therefrom all of the fourth paragraph of said Section and inserting in lieu thereof a new paragraph which shall read as follows:

“At any such election every person, male or female, above the age of twenty-one years, who shall have been a freeholder in the City of Rehoboth Beach for a period of three months immediately preceding such election, against whose property or properties there shall be no due and

\*So enrolled.

## CITIES AND TOWNS—REHOBOTH BEACH

unpaid taxes, assessments or other charges due the City which may have been levied, assessed or charged against such property or properties during the fiscal year ending on March 31st preceding such election, whether a resident of the State of Delaware, or the City of Rehoboth Beach, or not, shall have one vote and also every person, male or female, above the age of twenty-one years, who shall have been a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the City of Rehoboth Beach for at least three months immediately preceding such election, shall have one vote, if all City taxes, assessments and charges levied against such person during the fiscal year ending on March 31st preceding such election shall have been paid at the time of said election. All votes shall be offered in person. No voter shall vote for more candidates than there are offices to be filled at the election, and in voting shall cross out the names of all candidates for whom the voter does not desire to cast his or her vote."

Section 8. That Section 8 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out the words "first Saturday in August" as the same appear\* in the second line of the first paragraph of said Section and by inserting in lieu thereof the words "second Saturday in September".

Section 9. That Section 9 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out the word "an-nual" as the same appears at the end of the first line and the beginning of the second line of the first paragraph of said Section.

Section 10. That Section 9 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking therefrom the last full paragraph of said Section and inserting in lieu thereof the following paragraph, which shall read as follows:

\*So enrolled.

## CITIES AND TOWNS—REHOBOTH BEACH

"All meetings shall be held in some public room in the City of Rehoboth Beach and shall be open at all times to the lawful voters of the City excepting during such time or times as The Commissioners shall deem it advisable to discuss any matter in executive session: provided, however, that no vote or ballot shall be taken by the Commissioners of Rehoboth upon any question or matter coming before it except in open, public session and any vote or ballot taken by The Commissioners upon any matter or subject while in executive session shall be absolutely null and void."

Section 11. That Section 16 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out the sign and figures "\$25,000.00" as the same appear in the third line of the third paragraph of said Section and inserting in lieu thereof the sign and figures \$5,000.00.

Section 12. That Section 17 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking therefrom the first sentence of the second paragraph thereof and inserting in lieu thereof the following sentence, which shall read as follows:

"He shall not, when original\* appointed, be a resident of the City of Rehoboth Beach".

Section 13. That Section 17 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by adding a new paragraph at the end of said Section, which shall read as follows:

"In the event of a vacancy in the office of City Manager for any reason or reasons whatsoever, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the

\*So enrolled.

## CITIES AND TOWNS—REHOBOTH BEACH

same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office".

Section 14. That Section 18 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking therefrom the words "second Saturday in June" as the same appear at the end of the sixth line and the beginning of the seventh line of the second paragraph of said Section and inserting in lieu thereof the words "fifteenth day of May".

Section 15. That Section 22 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking therefrom the words "first Saturday in August" as the same appear in the second line of the first paragraph of said Section and as the same further appear at the end of the second line and the beginning of the third line of the second paragraph of said Section and inserting in lieu thereof, in both instances, the words "second Saturday in September".

Section 16. That Section 25 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by inserting between the word "the" and the word "year" as the same appear in the first line of the sixth paragraph of said Section the word "second.

Section 17. That Section 28 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking therefrom all of the first paragraph of said Section and inserting in lieu thereof the following paragraph:

"Section 28. The fiscal year for the City of Rehoboth Beach shall be from April 1st of one year to March 31st of the succeeding year".

Section 18. That Section 29 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out all of the seventh paragraph of said Section and inserting in lieu thereof a new paragraph, which shall read as follows:

## CITIES AND TOWNS—REHOBOTH BEACH

"The Commissioners shall also have the power and authority to levy and collect license fees upon any person, firm, association or corporation carrying on any occupation, profession or business in the City or supplying the inhabitants thereof with any form of service or merchandise for any valuable consideration and to use the proceeds derived therefrom for the purpose of advertising the City of Rehoboth Beach as a pleasure and summer resort as well as for any other lawful municipal purpose authorized by the provisions of this Charter".

Section 19. That Section 29 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by adding a new paragraph at the end of said Section, which shall read as follows:

"The Commissioners of Rehoboth may, in its discretion, contribute, donate or give an amount or amounts, not to exceed in the total, during any one fiscal year, two per centum (2%) of the total annual tax levied upon real estate by The Commissioners of Rehoboth, unto any Volunteer Fire Company or Companies incorporated under the Laws of the State of Delaware, or Association or Associations maintaining and operating fire fighting equipment and service within the confines of the corporate limits of the City of Rehoboth Beach: Provided, that any such contribution, donation or gift may be made subject to such conditions and stipulations, as to the use thereof, as The Commissioners of Rehoboth shall deem advisable."

Section 20. That Section 30 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 30 and inserting in lieu thereof a new Section 30, which shall read as follows:

"Section 30. In the collection of water rentals, electric bills, gas bills, license fees, tapping fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the City and authorized

## CITIES AND TOWNS—REHOBOTH BEACH

to be levied and charged against the owner or owners of property within the City, the collection thereof shall be under the supervision of the City Manager. It shall be the duty of the City Manager to collect all such rentals, bills, fees and charges. He shall, in conjunction with the police force keep The Commissioners advised as to any and all failures or neglects to pay the same.

In respect to the amount of any such water rentals, electric bills, gas bills, license fees, tapping fees, charges growing out of abatement of nuisances, laying out and repairing sidewalks, or other charges due the City and authorized to be levied and charged against the owner or owners of property within the City, and which owner or owners of property within the City shall have failed or neglected to pay the same within the time prescribed by the provisions of this Charter, or a duly adopted Ordinance of said City and should the required procedure, if any there be, have been complied with as regards the imposition thereof against such owner or owners, The Commissioners shall issue a warrant to the City Manager directing him to collect the same against the person or persons, firm or firms, corporation or corporations from which it shall be due, together with interest from the due date and other charges attendant thereto. Thereafter, from the date of the issuance of any such warrant or warrants, the amount or amounts therein provided shall be and constitute liens upon the respective property or properties of such owner or owners upon which or for which any such rentals, bills, fees or other charges shall have been made and such liens shall, for a period of two years from the date of such warrant or warrants, have priority over any liens, incumbrances or conveyances except tax liens, general or special sewer assessment liens and prior liens of a like nature.

Upon the receipt of such warrant from The Commissioners, the City Manager shall have the same authorities, remedies and powers with respect to the collection of the same as hereinbefore provided in Section 27 of this Charter.



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Nothing contained in this Section shall be construed as a limitation upon The Commissioners of Rehoboth to establish and fix fines, or terms of imprisonment, or other penalty, in a proper case, for neglects or failures nor shall any fines imposed by a judicial officer with reference to any such neglects\* or failures be construed as being within the provisions hereof".

Section 21. That Section 40 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 40 and by substituting in lieu thereof the following Section, to be known as Section 40, which shall read as follows:

"Section 40. The Commissioners of Rehoboth may borrow money, and to secure the payment of the same, is hereby authorized and empowered to issue bonds or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the City of Rehoboth Beach, or such other security or securities as The Commissioners shall elect, for the payment of the principal thereof and the interest due thereon.

All bonds or other kinds or forms of certificate or certificates of indebtedness issued by The Commissioners of Rehoboth in pursuance hereof shall be exempt from all State, County or municipal taxes.

This power or authority to borrow money may be exercised by The Commissioners of Rehoboth to provide funds for, or to provide for the payment of, any of the following projects or purposes:

1. Refunding any or all outstanding bonds or other indebtedness of the City at the maturity thereof or in accordance with any callable feature or provision contained therein;

2. Meeting or defraying current annual operating ex-

\*So enrolled.

## CITIES AND TOWNS—REHOBOTH BEACH

penses of the City in an amount equal to but not in excess of currently outstanding, due and unpaid taxes, water rents, license fees, or other charges due the City and available, when paid, for meeting or defraying current annual operating expenses of the City;

3. Erecting, extending, enlarging, maintaining, and repairing any plant, building, machinery, or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewerage or drainage system, or any of them, and the condemning or purchasing of any lands, easements and rights of way which may be required therefor;

4. Constructing, paving, laying, out, widening, extending, repairing and maintaining streets, lanes, alleys, and ways and the paving, constructing, laying out, widening, extending, repairing and maintaining of curbing and gutters along the same and the condemning or purchasing of any lands, easements or rights of way which may be required therefor;

5. Constructing, laying out, widening, extending, repairing and maintaining boardwalks, piers, jutties,\* bulkheads, sidewalks, cross-walks, or embankments, or any of them, and the condemning or purchasing of any lands, easements or rights of way which may be required therefor;

6. Defraying the cost to the City of any other municipal improvement provided for or authorized or implied by the provisions of this Charter.

In those cases where the power or authority hereby vested in The Commissioners of Rehoboth is sought to be exercised for the purpose of refunding any or all outstanding bonds or other indebtedness of the City at a rate of interest equal to or less than the indebtedness thereby sought to be refunded and in all instances provided for in sub-paragraph "2" above, it shall not be necessary for the Commissioners of Rehoboth to call a spe-

\*So enrolled.

## CITIES AND TOWNS—REHOBOTH BEACH

cial election of the taxables of the City to secure their approval of such borrowing.

In all other instances the power to borrow money and to secure the payment thereof by the issuance of bonds or other kinds or forms of certificate or certificates of indebtedness for any other purpose or purposes above specified shall be only exercised\* in the following manner:

The Commissioners shall adopt a resolution proposing unto the electors of the City that money be borrowed by the City for any of the above named purposes. The resolution proposing the borrowing shall plainly set forth the following\* matters:

(1) The amount of money, or the amount of money not exceeding which, it is proposed shall be borrowed;

(2) The rate of interest, or the rate of interest not exceeding which, it is proposed shall be paid;

(3) The manner in which it is proposed to be secured;

(4) The manner in which it is proposed that it shall be paid, or funded, or both;

(5) A short and clear description of the purpose or purposes for which the money or monies shall be used, and which description shall include the estimated cost of carrying out the purpose or purposes aforesaid; and

(6) A statement of the time and place for a public hearing upon the resolution, whereat the Commissioners of Rehoboth shall vote upon the final authorization for the loan.

It shall then be the duty of The Commissioners to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution aforesaid in at least one issue of a newspaper published in the City of Rehoboth Beach at least one week before the time fixed for said hearing and by posting copies thereof in five public places throughout

\*So enrolled.

## CITIES AND TOWNS—REHOBOTH BEACH

said City at least one week before the time fixed for said hearing.

At the time and place mentioned in such notice, The Commissioners shall sit in public session and at such public session, or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by The Commissioners of Rehoboth, then The Commissioners of Rehoboth shall pass a second resolution ordering and directing that a Special Election be held in the City of Rehoboth Beach not less than Thirty (30) days nor more than sixty (60) days (as may be determined by the Commissioners) after the date of the hearing and passage of the resolution authorizing the loan by The Commissioners.

The purpose of such Special Election shall be to vote for or against the proposed loan. No date shall be fixed by The Commissioners for the holding of any such Special Election nor shall any such Special Election be held during any calendar year except in the calendar months of July and August of such calendar year.

The Commissioners shall give notice of the time and place for holding the said Special Election to all the taxables of the City of Rehoboth Beach by posting notices thereof in five public places in said City at least two weeks prior to the day fixed for the holding of such Special Election and by publishing a copy of such notice once each week during those two weeks immediately preceding that week during which the day fixed for the holding of such Special Election shall fall in a newspaper published in the City of Rehoboth Beach. Such notice of the Special Election shall likewise contain the same information with respect to the borrowing as required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for a public hearing upon the resolution, whereat The Commissioners of Rehoboth shall vote upon the final authorization for the loan.

The Special Election shall be conducted by an election board whose members shall be appointed or selected in the same

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manner and they shall have the same qualifications as hereinbefore provided in the case of annual elections of the City.

At least five days prior to the date of the Special Election, The Commissioners shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots: upon one-half of which ballot shall be printed the words "FOR THE PROPOSED BORROWING", and upon the other half of said ballot shall be printed the words "AGAINST THE PROPOSED BORROWING".

At such Special Election every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote for every dollar and fractional part of a dollar of tax paid by him or her respectively during the fiscal year ending on March 31st next preceding said Special Election and also every owner of property, whether individual, partnership or corporation, shall have one vote for every dollar or part of a dollar of tax paid upon such property, during the fiscal year ending on March 31st next preceding said Special Election. Votes at said Election may be cast either in person or by proxy and where a given property is owned by more than one person each parcener shall be entitled to cast as many votes as his, her, or its interest in the property is related to the total number of votes which may be cast in the name of all owners of such property, excepting in cases where property is held by husband and wife as tenants by the entireties. In such latter cases either the husband or wife or the proxy of either of them may cast the entire votes representative of the tax paid upon such property, depending upon which shall first present himself or herself at the polling place.

No proxy shall be voted or counted unless the same shall have been signed in the presence of at least two witnesses.

The Inspector of the Election shall deposit all ballots in the ballot box provided for that purpose in the presence of the person casting such ballot; he, the said Inspector, first writing upon the outside of said ballot the number of votes being cast thereby by the person casting said ballot.

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Immediately upon the closing of the polls the Special Election Board shall count the votes for and against the proposed borrowing and shall announce the result thereof and shall make a certificate under their hands of the number of votes cast for and the number of votes cast against the proposed borrowing and shall deliver such Certificate, in duplicate, to The Commissioners. One copy of the Certificate The Commissioners shall enter in the minutes of the next meeting of The Commissioners of Rehoboth and the other copy thereof shall be filed with the papers of The Commissioners of Rehoboth.

The form of the bonds or certificates of indebtedness and the thereunto attached coupons, if any, the time or times of payment, the time or times of payment of interest, the classes, the series, the maturity, the registration, any callable or redeemable feature, the denomination and the name thereof and any other relative or pertinent matters pertaining thereto shall all be determined by The Commissioners of Rehoboth. The bond or bonds or certificate or certificates of indebtedness shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of the City and otherwise if the Commissioners shall deem it necessary for at least fifteen days before offering the same for sale; Provided, that money may be borrowed to meet current operating expenses as hereinbefore provided by sub-section 2 of the third paragraph hereof, at public or private sale, without first advertising the offer of any such bonds or certificates of indebtedness for sale.

All bonds or certificates of indebtedness forming a single issue need not be offered for sale at a single sale but any given issue of bonds or certificates of indebtedness authorized as hereinbefore provided may be advertised and sold in whole or in part, from time to time and until the entire authorized issue be disposed of, as The Commissioners of Rehoboth may deem most advisable.

The Commissisoners\* shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal

\*So enrolled.

## CITIES AND TOWNS—REHOBOTH BEACH

of such bond or bonds or certificate or certificates of indebtedness at the maturity thereof together with the interest due or which may thereafter become due thereupon and, in a proper case, it shall also provide a sinking fund therefor.

Unless any such bond or bonds or certificate or certificates of indebtedness shall otherwise provide therein, the faith and credit of the City of Rehoboth Beach shall be deemed to be pledged for the due payment of any such bond or bonds or certificate or certificates of indebtedness and interest thereon according to its terms when and after the same have been duly and properly executed, delivered and due value received therefor.

In no event shall the indebtedness of the City of Rehoboth Beach, for any and all purposes, at any one time exceed, in the aggregate, fifteen per centum of the assessed value of all real property situated within the confines of the City limits and subject to assessment for the purpose of levying the annual tax hereinbefore provided".

Section 22. That Section 43 of Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out all of the said Section 43 and by substituting in lieu thereof the following Section, to be known as Section 43, as follows:

"Section 43. The Commissioners, in respect to the exercise of any of its powers or authority to enter into contracts for the rendering of personal service to the City, or the purchase of supplies or the doing of work for any municipal purpose for the City, shall be bound by the following rules, regulations and limitations (provided that nothing herein contained shall be construed to in any way affect or impair the right of The Commissioners under the supervision of the City Manager to carry out or complete any project on its own initiative irregardless of the amount or cost involved) :

1— No contract shall be made by The Commissioners for

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any purpose, the contract price of which is in excess of \$500 without public competitive bidding.

2— Contracts shall be awarded to the lowest responsible bidder but, The Commissioners may refuse or reject any and all bids for any cause deemed by it to be unadvantageous to the City.

3— All formal contracts shall be signed by the President of The Commissioners of Rehoboth, who shall affix thereto the municipal corporate seal of The Commissioners of Rehoboth, attested by the Secretary of The Commissioners of Rehoboth".

Section 23. That Chapter 161, Volume 41, Laws of Delaware, be and the same is hereby further amended by adding a new Section thereto, which new Section shall follow immediately after Section 44 of said Chapter, shall be known as Section 44A and shall read as follows:

"Section 44A. No action, suit or proceeding shall be brought or maintained against The Commissioners of Rehoboth for damages, either compensatory or punitive, on account of any physical injury or injuries, death or injury to property by reason of the negligence, simple, gross, wilful or wanton of the said The Commissioners of Rehoboth or any of its departments, officers, agents, or employees thereof, unless the person by or on behalf of whom such claim or demand is asserted, within ninety days from the happening of such injury or the suffering of such damage, shall notify The Commissioners of Rehoboth in writing of the time, place, cause, character and extent of the injuries sustained\* or damages suffered".

Section 24. Excepting as may be herein otherwise provided expressly to the contrary, every and all Sections or parts of Sections of this Act shall become effective immediately upon its approval.

\*So enrolled.



## CITIES AND TOWNS—REHOBOTH BEACH

Section 25. All acts or parts of acts inconsistent with or in conflict with the provisions of the Act are hereby repealed.

Section 26. If any part of this Act shall be held invalid or unconstitutional such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 27. This Act shall be taken as and deemed to be a public Act of the State of Delaware.

Approved February 20, 1941.

## CHAPTER 178

## CITIES AND TOWNS—SMYRNA

AN ACT TO AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA" BY ENLARGING THE POLICE POWERS OF THE SAID TOWN OF SMYRNA.

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

SECTION ONE.—That Chapter 192 of Volume 36, Laws of Delaware, being an Act entitled "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA," be amended by adding a new paragraph to Section 24 (Police and Jail) of said Act to follow immediately after the second paragraph of Section 24, which second paragraph ends with the words "and the protection of the persons and property of all inhabitants of said Town," which said new paragraph of said Section 24 shall be as follows:

"Each Town Constable appointed by the Council of said Town as aforesaid, and each member of the police force of said Town, shall be vested with the same power and authority in all cases of breach of the peace or violation of any laws of the State of Delaware or of any ordinance of THE TOWN OF SMYRNA, to preserve order, protect the property of THE TOWN OF SMYRNA and in any lawful manner carry out their duties as police officers at or on any property now owned or hereafter acquired by THE TOWN OF SMYRNA and which lies outside of the corporate limits of THE TOWN OF SMYRNA as if such act or acts had taken place within the corporate limits of THE TOWN OF SMYRNA; and the Alderman of THE TOWN OF SMYRNA, and also any Justice of the Peace residing in THE TOWN OF SMYRNA, if at any time the Alderman be not available, shall have the same jurisdiction in all such cases arising at or on any property now owned or hereafter acquired by THE TOWN OF SMYRNA, and which lies outside of the

## CITIES AND TOWNS—SMYRNA

corporate limits of THE TOWN OF SMYRNA, as if such act or acts had taken place within the corporate limits of THE TOWN OF SMYRNA."

Approved April 18, 1941.

## CHAPTER 179

## CITIES AND TOWNS—SMYRNA

AN ACT AUTHORIZING THE TOWN OF SMYRNA TO BORROW ONE HUNDRED AND TEN THOUSAND DOLLARS (\$110,000) AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF REDEEMING AND REFUNDING CERTAIN OUTSTANDING BONDS OF THE TOWN OF SMYRNA.

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

SECTION 1.—That THE TOWN OF SMYRNA, a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of the said THE TOWN OF SMYRNA a sum of money not exceeding One Hundred and Ten Thousand Dollars (\$110,000) for the purpose of redeeming and refunding certain outstanding bonds of the said THE TOWN OF SMYRNA.

SECTION 2.—That the Mayor and Town Council of the said THE TOWN OF SMYRNA, for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said THE TOWN OF SMYRNA to an amount not exceeding in the aggregate the sum of One Hundred and Ten Thousand Dollars (\$110,000) and that said bonds shall be known by whatever name said Mayor and Town Council shall determine.

SECTION 3.—That the said bonds shall be authorized by a resolution or resolutions of said Mayor and Town Council and shall be issued in one or more series, shall bear such date or dates, mature at such time or times, not exceeding twenty-five years from their respective dates, bear interest at such rate or rates not exceeding four percent per annum, be payable at such time or times, be in such denominations and payable at such place or places as resolution or resolutions of said

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Mayor and Town Council may provide. The bonds may or may not be coupon bonds as said Mayor and Town Council shall determine. Any and all of said bonds may be redeemed at the option of said Mayor and Town Council at par and accrued interest at such interest period or periods and after the expiration of such times from the respective dates of said bonds, all as shall be authorized by resolution or resolutions of said Mayor and Town Council and as shall be set forth in the bonds, and if said Mayor and Town Council shall elect to redeem any or all of said bonds as provided therein, such redemption shall be made in pursuance of notice signed by the Mayor of THE TOWN OF SMYRNA. Such notice shall be published once a week for three consecutive weeks in a newspaper published in the City of Wilmington and State of Delaware, and also like notice in a newspaper published in Kent County and State of Delaware. Such notice shall indicate the bonds so called for redemption and in making such call or calls for redemption said Mayor and Town Council shall select the bonds to be called by lot or in such other manner as the said resolution or resolutions of said Mayor and Town Council, providing for the issuance of said bonds, and as the bonds issued in pursuance thereof, shall state. The interest on bonds so called for redemption shall cease from the redemption date or dates named in any of said calls.

SECTION 4.—The Mayor and Town Council of THE TOWN OF SMYRNA shall direct and effect the preparation and sale of the bonds which are authorized by this Act at such time or times and upon such terms and in such form as the said Mayor and Town Council shall deem best and so provide and authorize by resolution or resolutions. All monies arising from the sale of said bonds shall be used for the purpose of carrying out the provisions of this Act.

SECTION 5.—The form of said bonds, together with any coupons which may be attached thereto, shall be prescribed by resolution or resolutions of said Mayor and Town Council and said bonds shall be signed by the Mayor of THE TOWN OF SMYRNA and by the Treasurer of THE TOWN OF SMYRNA

## CITIES AND TOWNS—SMYRNA

and sealed with the corporate seal of said municipal corporation. Said bonds shall be exempt from all State, County and Municipal taxes, as said bonds and any coupons attached thereto shall be paid, the same shall be cancelled as said Mayor and Town Council shall direct. Facsimile signatures of the Mayor of THE TOWN OF SMYRNA, and of the Treasurer of THE TOWN OF SMYRNA may be imprinted upon any coupons that may be attached to said bonds in lieu of the respective signatures of the Mayor of THE TOWN OF SMYRNA and of the Treasurer of THE TOWN OF SMYRNA in their own original handwriting.

SECTION 6.—That the Mayor and Town Council of THE TOWN OF SMYRNA are hereby authorized and required to levy and raise by taxation in each year such sum of money as may be required to pay the interest accruing on said bonds, or any of them, while all or any of said bonds remain unpaid, and the said Mayor and Town Council are further authorized and required to levy and raise by taxation from time to time, such sum or sums of money as shall be needed to establish such sinking fund as said Mayor and Town Council may at their discretion authorize for the redemption of said bonds or any of them, at or before their maturity, and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds as aforesaid shall be levied and raised as taxes for general municipal purposes in the said Town are levied and raised and shall be in addition to the taxes raised for any and all other purposes.

SECTION 7.—The faith and credit of THE TOWN OF SMYRNA are hereby pledged for the due payment of all of the bonds, and interest thereon, which may be issued under the provisions of this Act.

SECTION 8.—That a statement appearing in the bonds issued under this Act to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence in favor of the holder of any such bonds, that all the

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terms and conditions of this Act have been fully met and complied with.

Approved April 18, 1941.

## CHAPTER 180

## CITIES AND TOWNS—SMYRNA

AN ACT TO FURTHER AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA," BY PROVIDING FOR THE QUALIFICATIONS OF NOMINEES FOR MAYOR AND MEMBERS OF COUNCIL, AND THE QUALIFICATIONS OF VOTERS AT TOWN ELECTIONS.

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

SECTION 1.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 166, Volume 41, Laws of Delaware be further amended by striking out that part of the first paragraph of Section 3, as amended, which reads—"The Mayor and members of Council shall be citizens of said Town at least twenty-one years of age and the owners of real estate within said Town duly assessed in their own names on the county and town assessment lists in force when they are nominated," and by inserting in lieu thereof the following, to-wit:

"Nominees for the offices of Mayor and members of Council shall be residents of said Town at least twenty-one years of age and each nominee shall be the bona fide owner of real estate within said Town which is listed on the Kent County and/or Town of Smyrna assessment books most recently in force when nominated, and a bona fide owner of real estate shall be a person who owns a fee simple or vested life interest therein either individually, jointly with a spouse or jointly with any one or more other persons, but ownership of stock in a corporation owning real estate shall not constitute such required real estate qualification, nor shall the holding of any form of lease-hold interest in real estate constitute such required real estate qualification; but the divesting by the Mayor or any member of Council of all of his said ownership of real estate after his election shall not affect his right to continue in the



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office to which he was elected and for the term then elected while possessing said required real estate qualification."

SECTION 2.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 166, Volume 41, Laws of Delaware, be further amended by striking out all of the third paragraph of Section 3 as amended, beginning with the words, "The Mayor and the four (4) members of Council shall be nominated and elected as follows, etc," and by inserting in lieu thereof new third paragraph of Section 3 as amended, as follows, viz:

"The Mayor and the four members of Council shall be nominated and elected as follows, to-wit:—At least ten days before the day of election, as hereinafter fixed, nominations shall be filed with the Mayor or with any Councilman. Such nominations shall be in writing, signed by the nominee or by five other qualified voters of said Town, at least two of whom shall have the same real estate qualifications as is required of nominees for Mayor and for Council. Each nomination shall be presented to Council at a meeting to be held at its usual meeting place not later than eight o'clock P. M. on the evening of the last day for the filing of such nominations. Council shall cause to be printed ballots at least as many in number as the estimated number of residents in said Town entitled to vote at the election. Such ballots shall contain the names of all persons nominated, under headings designating the respective offices for which they are nominated and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls and every qualified voter calling for a ballot shall receive the same from the persons holding the election. Voters may also prepare for themselves ballots, either printed or written, provided such ballots do not contain a name or names other than those nominated as aforesaid. Every resident of the said Town of the age of twenty-one years, or upwards, who has continuously resided within the corporate limits of the said Town for at least one year prior to the date of the election and who has paid all Town taxes theretofore assessed to him, not later than the last business day of January next preceding the date of said election, shall have the right to vote. Also persons

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having said required residence qualification but arriving at the age of twenty-one years after the last Appeal Day preceding the election shall also have the right to vote even if they have not been assessed and have not therefore paid any tax. And also any other person having the required residence qualification but omitted from the last Town assessment shall have the right to vote upon the payment of capitation tax for one year, without time penalty, provided said tax be paid not later than the last business day of January next preceding the date of the election. A voter shall not vote for more candidates for any office than are to be elected at the election, otherwise the entire ballot shall be void, and in voting each voter shall cross out the names of all candidates for whom the voter does not desire to vote."

Approved April 18, 1941.

## CHAPTER 181

## CITIES AND TOWNS—SMYRNA

AN ACT AUTHORIZING "THE TOWN OF SMYRNA" TO BORROW FIFTY THOUSAND DOLLARS (\$50,000) AND TO ISSUE BONDS THEREFOR, FOR THE PURPOSE OF IMPROVEMENTS TO THE WATER AND SEWER SYSTEMS OF "THE TOWN OF SMYRNA".

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

SECTION 1:—That THE TOWN OF SMYRNA, a municipal corporation created by and existing under the laws of the State of Delaware, be and it is hereby authorized and empowered to borrow on the faith and credit of THE TOWN OF SMYRNA, a sum of money not in excess of Fifty Thousand Dollars (\$50,000) for the purpose of making improvements to the municipal water and sewer systems of THE TOWN OF SMYRNA.

SECTION 2:—That the Mayor and Town Council of THE TOWN OF SMYRNA, for the purpose set forth in SECTION 1 of this Act, shall have full power and authority to issue bonds of THE TOWN OF SMYRNA to an amount not exceeding in the aggregate the sum of Fifty Thousand Dollars (\$50,000), and that said bonds shall be known as "SMYRNA WATER AND SEWER IMPROVEMENT BONDS, SERIES OF 194..", the year in which the bonds are issued.

SECTION 3:—That the said bonds shall be issued in one or more series, shall bear such date or dates, shall mature at such time or times, not exceeding twenty-five years from their respective dates, shall bear interest at such rate or rates not exceeding four per cent per annum, shall be payable at such time or times and at such place or places and shall be in denominations, all as said Mayor and Town Council may provide and as shall be set forth in the bonds. The said bonds may or

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may not be coupon bonds and may be registered or otherwise as said Mayor and Town Council may deem advisable. Any and all of said bonds may be provided to be redeemable at the option of the said Mayor and Town Council, at par and accrued interest, at such interest date or dates and upon the expiration of such period or periods of time after their date or dates, as the said Mayor and Town Council may provide and as shall be set forth in the bonds, and upon any election to redeem as provided in the bonds, such redemption shall be made in pursuance of notice signed by the Mayor of THE TOWN OF SMYRNA and shall be published once a week for three consecutive weeks in a newspaper published in the City of Wilmington, Delaware, and also in a newspaper published in Kent County, Delaware. Such notice shall indicate the bonds so called for redemption and in making such call or calls, the said Mayor and Town Council shall select the bonds to be redeemed by lot, or in such other manner as the said Mayor and Town Council deem advisable at the time of their issue and as shall be set forth in the bonds. The interest on bonds so called for redemption shall cease from the redemption date or dates set forth in any redemption call or calls.

SECTION 4:—That the Mayor and Town Council of THE TOWN OF SMYRNA shall direct and effect the preparation and sale of the bonds which are authorized by this Act, at such time or times, at such price or prices and upon such terms as the said Mayor and Town Council shall deem advisable, and all the moneys arising from the sale of said bonds shall be used for the purpose of carrying out the provisions of this Act.

SECTION 5:—That the form of said bonds, and of any coupons which may be thereunto attached, shall be as prescribed by said Mayor and Town Council, and all such bonds shall be signed by the Mayor of THE TOWN OF SMYRNA and by the Treasurer of THE TOWN OF SMYRNA and shall be sealed with the corporate seal of said municipal corporation, and the said bonds shall be exempt from all State, County and Municipal taxes. As the said bonds, and any coupons thereto originally attached, shall be paid, the same shall be cancelled as the said

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Mayor and Town Council may direct. Facsimile signatures of the Mayor of THE TOWN OF SMYRNA and of the Treasurer of THE TOWN OF SMYRNA may be imprinted upon any and all coupons that may be attached to the bonds, in lieu of the signatures of the said Mayor and of the said Treasurer in their own original handwriting.

SECTION 6:—That the Mayor and Town Council of THE TOWN OF SMYRNA are hereby authorized and required to levy and raise by taxation in each and every year such sum of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said Mayor and the Town Council are further authorized and required to levy and raise by taxation, from time to time, such sum or sums of money as shall be needed to establish such sinking fund as the said Mayor and the Town Council may at their discretion authorize for the redemption of said bonds, or any of them, at or before their maturity, and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said Town are levied and raised, and shall be in addition to the taxes levied and raised for any and all other purposes.

SECTION 7:—That the bonds authorized by this Act may be issued at one time and in one series, or at different times, in different series, as the said Mayor and the Town Council shall determine, and authority to issue and sell any bonds or number of bonds under this Act shall not be deemed to be exhausted until the aggregate of the amount of bonds issued under this Act shall be Fifty Thousand Dollars (\$50,000). The bonds authorized to be issued under this Act shall be in addition to the present One Hundred and Ten Thousand Dollars (\$110,000) outstanding bonds of THE TOWN OF SMYRNA and bonds which may hereafter be issued as a refunding of said present outstanding bonds.

SECTION 8:—That the faith and credit of THE TOWN

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OF SMYRNA are hereby pledged for the due payment of all of the bonds that may be issued under the provisions of this Act.

SECTION 9:—That before any bonds shall be issued under the provisions of this Act, the said bond issue shall be approved by a referendum vote of the qualified voters of THE TOWN OF SMYRNA. Notice of the holding of such referendum election shall be authorized by resolution of the Mayor and Council, published once a week for at least three consecutive weeks in The Smyrna Times, a newspaper published in the Town of Smyrna, otherwise in a newspaper published elsewhere in Kent County. Such notice shall set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election every resident and non-resident taxable of said Town, of the age of twenty-one years, or upwards, who has, by the time of voting, paid all town taxes theretofore assessed to him and/or assessed against the property he owns at the time of the referendum election, shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar of taxes paid by him according to the last town assessment and tax payment records preceding the referendum election.

In cases of jointly owned property, the votes of the owners of shares therein shall be in accordance with their respective shares, or if all owners appear at the polls and so consent, all of the votes may be cast by the owner of any share, except that either spouse may cast all the votes in reference to property hold\* by husband and wife as tenants by the entirety. Life tenants shall have the entire vote as to the property so held, and holders of remainder interest only shall have no vote by reason thereof.

The Mayor and Council shall provide sufficient ballots which shall have printed thereon "For Bond Issue" and "Against Bond Issue". Each voter shall indicate his preference by mak-

\*So enrolled.

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ing a clearly legible mark, by pencil or in ink, opposite the words showing his preference, or by merely striking out the alternative to which he is opposed, or by said mark of preference and by also striking out the alternative to which he is opposed. Any other writing and/or form of marking the ballot shall render it void. No voting by proxy shall be permitted.

The Mayor and Council shall, prior to the date of the referendum election, appoint one judge and two clerks to pass upon the qualification and number of votes of each voter and to conduct the election, and a majority of the election officers present at the opening of the polls shall fill any vacancy. A majority of the election officers shall be sufficient to decide the qualifications and the number of votes of all voters. The Town Collector, or the official then performing the duties of the present office of Town Collector, shall attend the election with the last Town assessment and tax payment records for the inspection of the election officers. The referendum election shall be held not less than thirty days after the approval of this Act and at such date thereafter as the Mayor and Council shall designate, after having first determined the extent of the present and probable future improvements to said water and sewer systems and having secured such estimates of the cost of the same as they deem advisable. The referendum election shall be held at such suitable place in the said Town as the Mayor and Council shall designate in said published notice. The polls shall open at two (2) o'clock P. M. (Eastern Standard Time) and shall close at five (5) o'clock P. M. (Eastern Standard Time). The Judge of the election shall, in the case of a tie vote on the bond issue, cast the deciding vote, otherwise he shall refrain from voting, but the clerks may vote.

The election clerks shall each keep a separate tally sheet and their tally sheets shall be compared and must agree as to the total votes cast for and the total votes cast against the bond issue. Both tally sheets shall then be certified as correct by at least two of the election officers and be delivered to the Mayor, or the Secretary of Council, immediately after the tally sheets are compared, are in agreement and have been certified.

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The Mayor and Council shall at the next regular meeting after the election, or at a special meeting, receive the results of referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were "For Bond Issue", this Act shall immediately become effective and the bonds herein provided for, and not exceeding Fifty Thousand Dollars (\$50,000), may be issued and sold as in this Act provided, but if at such referendum election the majority of the votes cast were "Against Bond Issue", then no bonds shall be issued nor shall any money be borrowed under this Act.

SECTION 10:—That a statement appearing in the bonds which may lawfully be issued under the provisions of this Act to the effect that the bonds have been duly authorized, shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this Section and the Act as a whole, have been fully met and complied with.

Approved April 21, 1941.



## CHAPTER 182

## CITIES AND TOWNS—SMYRNA

AN ACT TO FURTHER AMEND CHAPTER 192, VOLUME 36, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SMYRNA," BY PROVIDING FOR A TOWN MANAGER FOR THE TOWN OF SMYRNA,

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

SECTION 1.—That Chapter 192, Volume 36, Laws of Delaware be amended by adding to Section 6 of said Chapter 192 (Enumeration of Specific Powers of Council) a new paragraph at the end of Section 6 which shall be as follows, to-wit:—

"TOWN MANAGER: The Mayor and Council shall appoint a Town Manager who shall be the chief administrative officer of The Town of Smyrna. He need not when appointed be a resident of the Town of Smyrna or of the State of Delaware. No member of Council nor the Mayor shall, during the term for which elected, be appointed to act as Town Manager. The Town Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the Mayor and Council, subject to his rights as an appointed officer as provided in Section 11 of said Chapter 192. The Town Manager shall receive such compensation for his services as the Mayor and Council deem reasonable and proper. In case of the absence, disability or suspension of the Town Manager, the Mayor and Council may designate some other competent person to perform the duties of the office during such absence, disability or suspension.

The Town Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the Town placed in his charge, and shall have such powers and duties and shall have such supervision of the streets of the Town, of the

## CITIES AND TOWNS—SMYRNA

collection of town taxes and other revenue accruing to the Town, of the water and sewer systems of the Town, of the electric system of the Town, of the other real and personal property of the Town and of such other branch or branches of the municipal activities of the Town, all as shall be fixed from time to time by resolution or by ordinance of the Mayor and Council, provided no such resolution or ordinance shall conflict with the powers and duties of any officer of the Town duly elected by the voters thereof during the term for which elected.

The Town Manager shall, when so requested by the Mayor and Council, submit his recommendations for all other appointive officers or employees of the Town to be engaged in any branch of municipal activities over which the Town Manager shall then be in charge, and the Mayor and Council may follow such recommendations or appoint other persons, as the Mayor and Council deem for the best interests of the Town. All subordinate appointees and employees of the Town shall be under the supervision of the Town Manager while engaged in any municipal activity which has been placed in the charge of the Town Manager. Dismissal of all such subordinate appointees and employees of the Town shall be vested in the Mayor and Council, subject to the provisions of Section 11 of said Chapter 192.

It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town placed under his charge; to make such recommendations to the Mayor and Council concerning the affairs of the Town as may seem to him desirable; to keep the Mayor and Council advised of the financial condition and needs of the Town in so far as his prescribed duties and powers permit; to prepare and submit to the Mayor and Council budget estimates at such times as the Mayor and Council may designate; to prepare and submit to the Mayor and Council from time to time such reports as they may request, and to perform such other duties as may be specifically prescribed by this Act or by resolution or ordinance of the Mayor and Council. The Town Manager shall keep a full and strict account of all Town moneys received by him and

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such accounts shall at all times be open to inspection by the Mayor and Council, and he shall be required to furnish bond, at the expense of the Town, in such amount, in such form and with such surety as the Mayor and Council shall prescribe and approve.

SECTION 2.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 166, Volume 41, Laws of Delaware, be further amended by striking out the words "and a Clerk, both of whom shall be members of Council" in the third and fourth lines of Section 4, and inserting in lieu thereof the words "who shall be a member of Council;" and by striking out the sixth paragraph of said Section 4 which now reads, "*Duties of Clerk*, The duties of the Clerk of Council shall be such as are prescribed from time to time by resolution or ordinance of Council."

SECTION 3.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 167, Volume 41, Laws of Delaware, be further amended by striking out all of the first paragraph of Section 7 (Nomination and Election of Town Collector), provided however, that the Collector of Taxes elected February 24, 1941 for the term of one year shall continue in the office to which elected until the end of the said term, and without reduction or change in the emoluments of said office and without any change in the duties or powers of such office until the expiration of said elective term of the present incumbent.

SECTION 4.—That Chapter 192, Volume 36, Laws of Delaware, be amended by striking out all of the third main subdivision of Section 7, entitled "Town Collector" and inserting in lieu thereof the following new third main subdivision of Section 7, as follows, to-wit:—

COLLECTION OF TAXES: It shall be the duty of the Town Manager to collect all Town taxes, water and sewer rents or charges, charges for electric service and all other kinds of Town revenue and money from time to time due said Town and

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heretofore provided to be collected by the Town Collector. The Town Manager shall pay all monies collected by him to the Town Treasurer at least weekly. In addition to any other bond required by the Mayor and Council as provided in this Act, the Town Manager, before collecting any taxes or other monies due the Town, shall give bond in favor of THE TOWN OF SMYRNA, with such surety as approved by the Mayor and Council, in the sum of Ten Thousand Dollars, conditioned for the faithful performance of the duties of his office pertaining to the collection of taxes and all other monies due said Town, for his weekly payments to the Town Treasurer and for final annual settlement of his accounts with the Town Treasurer not later than the last day of each fiscal year, and oftener and at such other times as the Mayor and Council may deem necessary. To said bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment in favor of THE TOWN OF SMYRNA for said penalty of Ten Thousand Dollars, if the form of such bond makes the same expedient, at the discretion of the Mayor and Council.

SECTION 5.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 167, Volume 41, Laws of Delaware, be further amended by striking out all of the first and second paragraphs of Section 10 of said Chapter 192, as amended, and inserting in lieu thereof new first and second paragraphs of Section 10 which shall be as follows, to-wit:—SECTION 10: (Disqualification of Elective Officers). If the Town Treasurer or any member of the Board of Assessment shall, during his respective term of office, cease to be a resident of said Town, or be found guilty of a misdemeanor or a felony, he shall forthwith be disqualified to act as such Treasurer or member of the Board of Assessment and his office shall be deemed vacant and shall be filled by appointment by the Mayor and Council for the residue of his term, provided that the person appointed to fill such vacancy shall have the same qualifications as are required of a candidate for the office to be filled, and the Mayor and Council shall have the same powers and limitations of appointment in case of vacancy in the said offices by reason of death or resignation of the incumbent.

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such accounts shall at all times be open to inspection by the Mayor and Council, and he shall be required to furnish bond, at the expense of the Town, in such amount, in such form and with such surety as the Mayor and Council shall prescribe and approve.

SECTION 2.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 166, Volume 41, Laws of Delaware, be further amended by striking out the words "and a Clerk, both of whom shall be members of Council" in the third and fourth lines of Section 4, and inserting in lieu thereof the words "who shall be a member of Council;" and by striking out the sixth paragraph of said Section 4 which now reads, "*Duties of Clerk*, The duties of the Clerk of Council shall be such as are prescribed from time to time by resolution or ordinance of Council."

SECTION 3.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 167, Volume 41, Laws of Delaware, be further amended by striking out all of the first paragraph of Section 7 (Nomination and Election of Town Collector), provided however, that the Collector of Taxes elected February 24, 1941 for the term of one year shall continue in the office to which elected until the end of the said term, and without reduction or change in the emoluments of said office and without any change in the duties or powers of such office until the expiration of said elective term of the present incumbent.

SECTION 4.—That Chapter 192, Volume 36, Laws of Delaware, be amended by striking out all of the third main subdivision of Section 7, entitled "Town Collector" and inserting in lieu thereof the following new third main subdivision of Section 7, as follows, to-wit:—

COLLECTION OF TAXES: It shall be the duty of the Town Manager to collect all Town taxes, water and sewer rents or charges, charges for electric service and all other kinds of Town revenue and money from time to time due said Town and

## CITIES AND TOWNS—SMYRNA

heretofore provided to be collected by the Town Collector. The Town Manager shall pay all monies collected by him to the Town Treasurer at least weekly. In addition to any other bond required by the Mayor and Council as provided in this Act, the Town Manager, before collecting any taxes or other monies due the Town, shall give bond in favor of THE TOWN OF SMYRNA, with such surety as approved by the Mayor and Council, in the sum of Ten Thousand Dollars, conditioned for the faithful performance of the duties of his office pertaining to the collection of taxes and all other monies due said Town, for his weekly payments to the Town Treasurer and for final annual settlement of his accounts with the Town Treasurer not later than the last day of each fiscal year, and oftener and at such other times as the Mayor and Council may deem necessary. To said bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment in favor of THE TOWN OF SMYRNA for said penalty of Ten Thousand Dollars, if the form of such bond makes the same expedient, at the discretion of the Mayor and Council.

SECTION 5.—That Chapter 192, Volume 36, Laws of Delaware, as amended by Chapter 167, Volume 41, Laws of Delaware, be further amended by striking out all of the first and second paragraphs of Section 10 of said Chapter 192, as amended, and inserting in lieu thereof new first and second paragraphs of Section 10 which shall be as follows, to-wit:—SECTION 10: (Disqualification of Elective Officers). If the Town Treasurer or any member of the Board of Assessment shall, during his respective term of office, cease to be a resident of said Town, or be found guilty of a misdemeanor or a felony, he shall forthwith be disqualified to act as such Treasurer or member of the Board of Assessment and his office shall be deemed vacant and shall be filled by appointment by the Mayor and Council for the residue of his term, provided that the person appointed to fill such vacancy shall have the same qualifications as are required of a candidate for the office to be filled, and the Mayor and Council shall have the same powers and limitations of appointment in case of vacancy in the said offices by reason of death or resignation of the incumbent.

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COMPENSATION.—The Town Treasurer, the members of the Board of Assessment and the Secretary of Council shall each receive such reasonable compensation as the Mayor and Council shall fix.

SECTION 6.—That Chapter 192, Volume 36, Laws of Delaware be amended by striking out the words "Town Collector," and the word "Collector" wherever such words occur in Section 14 of said Chapter 192 and by inserting in lieu thereof in each of such places the words "Town Manager," and by striking out the words "Alderman's Office" now in the seventeenth line of the fourth paragraph, headed "Poll Tax and Court of Appeals," of Section 14 of said Chapter 192 and by inserting in lieu thereof the words "Town office."

SECTION 7.—That Chapter 192, Volume 36, Laws of Delaware be amended by adding at the end of Section 14 thereof a new paragraph reading as follows, viz:—

"All powers now possessed by the Collector of Taxes of THE TOWN OF SMYRNA, and until the expiration of the term of the incumbent ending one year from February 25, 1941, shall be vested in the Town Manager immediately upon his appointment, qualification and furnishing bond as in this Act provided, and the collection of Town taxes in said Town by said Town Manager shall in no wise affect the liability of any taxable for the payment of any tax now or hereafter due THE TOWN OF SMYRNA.

SECTION 8.—That before this Act providing for a Town Manager shall become effective, the provisions hereof shall be approved by a referendum vote of the qualified voters of THE TOWN OF SMYRNA. Notice of the holding of such referendum vote shall be authorized by resolution of the Mayor and Council, published once a week for three consecutive weeks in The Smyrna Times, a newspaper published in The Town of Smyrna, setting out in summary form the main provisions of this Act, the date and place of holding the referendum election and the hours the polls will be opened and closed. The Mayor

## CITIES AND TOWNS—SMYRNA

and Council shall provide sufficient ballots which shall have printed thereon "For Town Manager Plan" and "Against Town Manager Plan" and each voter shall indicate his preference by making a clearly legible mark, by pencil or in ink, opposite the words showing his preference, or by merely striking out the alternative to which he is opposed, or may indicate his preference by said mark opposite his preference and by also striking out the alternative to which he is opposed. At such referendum election all persons residing in said Town who were qualified to vote at the last annual Town election preceding the referendum election shall have the right to vote and each resident so qualified shall have one vote. No voting by proxy shall be permitted. The Mayor and Council shall prior to the date of the referendum election, appoint an election board consisting of a judge and two clerks to conduct the balloting and pass upon the qualification of voters and a majority of the election officers present at the opening of the polls shall fill any vacancy then existing. A majority of the election officers shall be sufficient to decide the qualifications of voters. The Town Collector shall attend said election with the Town assessment and tax payment records for the inspection of the election officers. The said referendum election shall be held on such date selected by the Mayor and Council, not less than thirty nor more than ninety days after the approval of this Act, and at such suitable place in said Town as the Mayor and Council shall designate in said published notice. The polls shall be opened at 2 o'clock P. M. (Eastern Standard Time) and shall be closed at 5 o'clock P. M. (Eastern Standard Time). The judge of the election shall, in case of a tie in the referendum vote at the close of the balloting, cast the deciding vote, but otherwise shall refrain from voting. The election clerks shall have the same voting rights as other qualified voters. The election clerks shall each keep a separate tally sheet and the tally sheets shall be compared and must agree as to the total votes cast for and cast against the Town Manager Plan. Both tally sheets shall then be certified as correct by at least two of the three election officers and delivered to the Mayor or the Secretary of Council immediately after the tally sheets are completed, are in agreement and have been certified as aforesaid.



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The Mayor and Council shall at the next regular meeting after the election, or at a special meeting, receive the results of the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were "For Town Manager Plan" this Act shall immediately become effective, except as to those provisions hereof the operation of which is deferred until the expiration of the present term of the Town Collector as in this Act provided, but if a majority of the votes cast were "Against Town Manager Plan" no part of this Act shall be effective or be of any force or virtue.

SECTION 9.—That if said Town Manager Plan be approved at said referendum election as in this Act hereinbefore provided, Sections 1 and 2 shall immediately be effective and in full force and effect, except those provisions of Section 1 relative to the collection of town taxes and other revenue accruing to the Town, but Sections 3, 4, 5, 6 and 7 shall not be effective or be of any force or effect until the elective term of the present Collector of Taxes has expired, to-wit:—at the end of one year from February 25, 1941, but that immediately upon the expiration of said term, said Sections 3, 4, 5, 6 and 7, and also those provisions of Section 1 relative to the collection of town taxes and other revenue accruing to the town, shall become effective and be in full force and effect.

SECTION 10.—That any and all other Acts or parts of Acts inconsistent with or supplied by this Act are hereby repealed.

Approved April 21, 1941.

## CHAPTER 183

## CITIES AND TOWNS—ST. GEORGES

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF ST. GEORGES, ENTITLED: "AN ACT TO REINCORPORATE THE TOWN OF ST. GEORGES, IN NEW CASTLE COUNTY", BEING CHAPTER 227, VOLUME 27, LAWS OF DELAWARE, AND PROVIDING FOR THE FINAL SETTLEMENT OF THE AFFAIRS OF THE SAID CORPORATION.

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

Section 1. That the Charter of the Town of St. Georges, a municipal corporation of the State of Delaware, being Chapter 227, Volume 27, Laws of Delaware, be and the same is hereby repealed, and the said corporation is hereby discontinued.

Section 2. That the alderman and councilmen in office at the date of the approval of this Act shall be and they are hereby created a Board of Trustees for the purpose of winding up the affairs of the said corporation. The said Board of Trustees shall have the usual and customary powers of Trustees, including the power to sue and be sued, to hold title to the property of said Town, and to sell said property upon such terms and conditions as may seem advisable to them. A majority vote of said Board shall be controlling. The said Trustees shall have the power to collect any Town taxes or assessments or other credits due the said Town at the time of the approval of this Act. The said Board of Trustees shall continue for the period of two (2) years from the date of the approval of this Act, at the end of which time they shall turn over to the Levy Court of New Castle County all property of every nature whatsoever then in their hands; provided, however, that nothing herein contained shall be construed to bar any action, suit or proceeding against said Town or said Board of Trustees unless the same has been barred by limitations provided by general law. The said Levy Court shall dispose of any

**CITIES AND TOWNS—ST. GEORGES**

such property, turned over to it as aforesaid, in such manner as the said Court shall deem best, and any and all proceeds derived therefrom shall become a part of the general fund of New Castle County.

Approved May 13, 1941.

## CHAPTER 184

## CITIES AND TOWNS—SEAFORD

AN ACT CHANGING THE NAME OF "THE TOWN OF SEAFORD"  
TO "THE CITY OF SEAFORD" AND ESTABLISHING A CHAR-  
TER THEREFOR."

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

## NAME AND TERRITORIAL LIMITS.

Section 1. The Municipal Corporation of the State of Delaware, now known as "The Town of Seaford," shall hereafter be known as "The City of Seaford."

The boundaries of the City of Seaford are hereby established and declared to be as follows:

BEGINNING at a point near the centre of the Seaford Milling Company's Mill Dam near where the old waste gates formerly stood, said point being marked by a monument, which is set in the road at a distance of 25 feet from said point and at right angles to first course of this description, thence running from said point with a course of North 64° West (as of February 1917) to a monument 231 feet; thence deflecting to the right with an angle of 26° 30' and running in a Northwesterly course to a monument set on the prolongation of the South line of Poplar Street, 276.5 feet; thence deflecting to the right with an angle of 45° and running on a course parallel with and at a distance of 473.4 feet from the easterly line of North Street 2,466 feet to a monument set on the Southeasterly line of the County Road, leading to Bridgeville, thence with an interior angle of 36° and running along the Southeasterly line of said County Road passing over a monument set at the intersection of the easterly line of North Street and continuing to a monument set at the intersection of the Westerly line of North Street 908 feet; thence deflecting to the right with an angle of 8° and

## CITIES AND TOWNS—SEAFORD

running along the Southeasterly line of said County Road to a monument 282.8 feet; thence deflecting to the right with an angle of  $31^{\circ}$  passing over a monument set at the intersection of the easterly line of Front Street and continuing to a monument set at the intersection of the Westerly line of said Front Street 133 feet; thence continuing with the same course along the Southerly line of the County Road and making an interior angle of  $75^{\circ}$  with the Westerly line of Front Street passing over monuments set at the intersections of the Easterly and Westerly lines of Market and Arch Streets; also a monument set at the intersection of the Easterly line of Pine Street and continuing to a point in the roadway of Pine Street 2,280.3 feet (the said point in the said Pine Street being in the prolongation of the last named course and at a distance of 35.5 feet from the monument set at the intersection of the Easterly line of Pine Street); thence deflecting to the right with an angle of  $20^{\circ} 22'$  and running along the South line of the County Road to a monument set at the intersection of the Westerly line of Pine Street 20.65 feet; thence continuing the same course and running along the Southerly line of the County Road to a monument 139.3 feet; thence deflecting to the right with an angle of  $9^{\circ} 5'$  to a point 182.2 feet (the said point being at a distance of 4.6 feet from a point on the prolongation of the back tangent of the North-bound tract of the P.B. & W. R. R. as now laid down); thence deflecting to the right with an angle of  $2^{\circ} 22'$  and running along the Southerly line of the County Road to a monument 657 feet; thence deflecting to the right with an angle of  $0^{\circ} 55'$  and running along the Southerly line of the County Road passing over a monument set at the intersection of the Easterly line of Shipley Street (as now laid out and used) to a monument set at the intersection of the Westerly line of said Shipley Street 1,046.5 feet; thence deflecting to the left with an angle of  $3^{\circ} 39'$  and running along the Southerly line of the County Road to a monument 620.8 feet; thence deflecting to the left with an angle of  $5^{\circ}$  and running along the Southerly line of the County Road to a stone set for a corner of lands of J. M. Williams 268.9 feet; thence deflecting to the left with an angle of  $91^{\circ}$  and running in a Southeasterly course along the Westerly line of lands of J. M.

## CITIES AND TOWNS—SEAFORD

Williams to a stone set for a corner of lands of said J. M. Williams and Donoho & Robinson 1,631.9 feet; thence deflecting to the right with an angle of  $60^{\circ} 44'$  and running in a Southwesterly course along the Northwesterly line of lands of Donoho & Robinson to a stone set for a corner of said Donoho & Robinson lands 315.8 feet; thence deflecting to the left with an angle of  $94^{\circ} 4'$  and running in a Southeasterly course passing over a stone set for a corner of the lands of Donoho & Robinson and Mrs. Tharp Moore (said stone being at a distance of 289.1 feet from last named corner) to a monument on the Northerly side of a Road (extending Westwardly from Shipley Street) 1,501.5 feet; thence deflecting to the left with an angle of  $12^{\circ} 28'$  and running in a Southeasterly course along the lands of Isaac Willin to a stone on the Northerly side of a road (extending Westwardly from Shipley Street) 775.5 feet; thence deflecting to the right with an angle of  $63^{\circ} 38'$  and running in a Southwesterly course along the Northwesterly line of lands of Isaac Willin to a stone set for a corner of lands of said Isaac Willin 584 feet; thence deflecting to the left with an angle of  $76^{\circ} 30'$  and running in a Southeasterly course along the Westerly line of lands of said Isaac Willin, intersecting the centre line of tract of the C. & S. R. R. at a distance of 165.8 feet from last named corner and forming an angle of  $122^{\circ} 52'$  with the forward tangent as now laid down, and continuing same course an additional distance of 35.7 feet to a stone set on the Southerly right of way line of the said C. & S. R. R. also a corner of the lands of Mrs. T. E. Willin, thence deflected to the left with an angle of  $5^{\circ} 8'$  and running in a Southeasterly course along the Easterly side of a road (same being the line of lands of Mrs. T. E. Willin), to a Persimmon tree, a corner of lands of said Mrs. T. E. Willin 335.8 feet; thence deflecting to the right with an angle of  $19^{\circ} 4'$ , and running in a Southeasterly course along the line of lands of C. & S. R. R. Company and along the Easterly side of above named road to a monument 358 feet; thence deflecting to the right with an angle of  $25^{\circ} 14'$  and running in a Southeasterly course along the Easterly side of road to a stone set for a corner of the lands of the Delaware Shipbuilding Company 240.4 feet; thence deflecting to the right with an angle of  $65^{\circ} 45'$  and run-

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running along the Southeasterly line of said County Road to a monument 282.8 feet; thence deflecting to the right with an angle of  $31^{\circ}$  passing over a monument set at the intersection of the easterly line of Front Street and continuing to a monument set at the intersection of the Westerly line of said Front Street 133 feet; thence continuing with the same course along the Southerly line of the County Road and making an interior angle of  $75^{\circ}$  with the Westerly line of Front Street passing over monuments set at the intersections of the Easterly and Westerly lines of Market and Arch Streets; also a monument set at the intersection of the Easterly line of Pine Street and continuing to a point in the roadway of Pine Street 2,280.3 feet (the said point in the said Pine Street being in the prolongation of the last named course and at a distance of 35.5 feet from the monument set at the intersection of the Easterly line of Pine Street); thence deflecting to the right with an angle of  $20^{\circ} 22'$  and running along the South line of the County Road to a monument set at the intersection of the Westerly line of Pine Street 20.65 feet; thence continuing the same course and running along the Southerly line of the County Road to a monument 139.3 feet; thence deflecting to the right with an angle of  $9^{\circ} 5'$  to a point 182.2 feet (the said point being at a distance of 4.6 feet from a point on the prolongation of the back tangent of the North-bound tract of the P.B. & W. R. R. as now laid down); thence deflecting to the right with an angle of  $2^{\circ} 22'$  and running along the Southerly line of the County Road to a monument 657 feet; thence deflecting to the right with an angle of  $0^{\circ} 55'$  and running along the Southerly line of the County Road passing over a monument set at the intersection of the Easterly line of Shipley Street (as now laid out and used) to a monument set at the intersection of the Westerly line of said Shipley Street 1,046.5 feet; thence deflecting to the left with an angle of  $3^{\circ} 39'$  and running along the Southerly line of the County Road to a monument 620.8 feet; thence deflecting to the left with an angle of  $5^{\circ}$  and running along the Southerly line of the County Road to a stone set for a corner of lands of J. M. Williams 268.9 feet; thence deflecting to the left with an angle of  $91^{\circ}$  and running in a Southeasterly course along the Westerly line of lands of J. M.

## CITIES AND TOWNS—SEAFORD

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ning in a Southwesterly course along the line of lands of Delaware Shipbuilding Company to a monument on the Southerly side of road 228.4 feet; thence deflecting to the left with an angle of  $33^{\circ} 25'$  and running in a Southwesterly course partly along the line of lands of the Delaware Shipbuilding Company and lands of John Palmer, and along the Southerly side of road to a monument on the Southerly side of road 330 feet; thence deflecting to the left with an angle of  $4^{\circ} 45'$  and running in a Southwesterly course along the line of lands of the Delaware Shipbuilding Company to a monument set for a corner of the lands of the Delaware Shipbuilding Company 275.3 feet; thence deflecting to the left with an angle of  $11^{\circ} 51'$  and running along the line of the lands of the Delaware Shipbuilding Company, passing through the decayed stump of a large Sycamore tree standing at the edge of the wharf of the Allen Package Company (said tree and edge of wharf being at a distance of 182.5 feet from last named monument) and continuing along said course to the line of low water of the Nanticoke River; thence up the said Nanticoke River to Herring Run or Clare Creek Branch; thence up the said run or branch with the several meanderings thereof to the Seaford Milling Company's Mill Dam, the place of beginning, provided that in respect to the municipal owned electric light and power plant, sewage disposal system and municipal water system the territory served shall not be confined within the boundaries of the City of Seaford, and the City Council is hereby authorized to supply electric current for the purposes of heat, light, power; sewerage and water facilities to anyone who will consume it within a territory extending one-half mile outside the present limits of the City of Seaford as hereinabove described.

The above description, courses and distances conform to a resurvey and plot made of said City of Seaford, as its limits are established by this Act, and the said plot so made and approved by the said Council, shall be recorded in the Recorder's office, in and for Sussex County, and shall be evidence in all Courts of Law and Equity in this State.

## CITIES AND TOWNS—SEAFORD

## GENERAL POWERS

Section 2. (A) The inhabitants of the City of Seaford, within the limits and boundaries referred to in Section 1 of this Act, or within the limits and boundaries hereafter established shall be and they are hereby created a body politic and corporate in law and equity by the corporate name of "The City of Seaford," hereinafter called the City, and under that name shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without it's boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as it's interest may require and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this act, subject, however, to other sections of this Act, provided, however, that any property owned by the City, the value of which in the opinion of the City Council equals or exceeds Ten Thousand Dollars (\$10,000.00) shall not be sold or leased without the approval of a majority of the taxables of the City at a special election called for that purpose. At such special election, every owner of property whether individual, partnership, or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

As hereinafter provided in this Charter relative to power to issue bonds, the City shall have all other powers and functions requisite to or appropriate for the Government of the City, it's peace and order, it's sanitation, beauty, the health, safety, convenience, comfort and well being of it's population and the protection and preservation of property, public and private; and all actions, suits or proceedings shall be brought in the name of "The City of Seaford."

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(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, but in addition to such powers, the City of Seaford shall have such other powers as may be implied therefrom or necessary to the reasonable exercise of such enumerated powers. All powers of the City of Seaford shall be exercised as prescribed by this Charter, or if not prescribed herein, by ordinance or resolution of the City Council.

### STRUCTURE OF GOVERNMENT.

Section 3. The Government of the City and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Mayor and City Council. The City Council shall consist of five members. The Mayor and each of said Councilmen shall be citizens of the State of Delaware above the age of twenty-one years, resident freeholders of the City of Seaford of record at least one year before their election and non-delinquent tax payers of said City.

Each of the Councilmen of the City of Seaford shall be allowed for his services the sum of Two Dollars (\$2.00) for each regular meeting of said Council, in full compensation therefor; provided, that no Councilman shall receive pay for any of said regular meetings which he does not attend.

### ELECTIONS IN GENERAL.

Section 4. The Councilmen now constituting the Town Council, (which upon the passage of this Act shall be referred to as the City Council) and all other officers of the Town, (which upon the passage of this Act shall be referred to as the City) shall continue in office until their respective terms shall expire or until their successors are duly elected or chosen and duly qualified. The present members of the Town Council (which upon the passage of this Act shall be referred to as the City Council) may continue to serve and act as Councilmen for three years from the date of their election or until their successors are duly elected and qualified; and thereafter, on the First Monday in March in each and every year, Councilmen shall be elect-

## CITIES AND TOWNS—SEAFORD

ed for the term of three years to succeed those whose terms have expired.

On the First Monday in March, 1942, and each two years thereafter, a Mayor shall be elected for the term of two years or until his successor is duly elected and qualified.

### MANNER OF HOLDING ELECTIONS AND MAKING NOMINATIONS.

Section 5. (A) The annual municipal election shall be held on the first Monday in the month of March of each and every year. The polls shall be opened at twelve o'clock Noon and shall close at Five o'clock P. M. and shall be held at the City Office in the City of Seaford or such other places as may be designated by the City Council, due notice of which shall be given by posting notices thereof in five public places within the limits of the City of Seaford not less than ten days before the day of the annual election.

(B) The Mayor and members of the City Council shall be nominated as follows; Viz:

No person shall be eligible as a candidate for the office of Mayor or Councilman unless he first shall have notified in writing the City Manager of such desire; or five or more qualified voters of said City may file the name of any such candidate, with his written consent endorsed thereon, with said City Manager. In either case, such desire or notification shall be filed with said City Manager ten full days before the day of election then next ensuing; and thereupon, it shall be the duty of the said City Manager to post a list of all names of the various candidates filed with him as aforesaid, designating the offices sought, in at least five of the most public places in said City of Seaford, at least five full days before the day of election, then next ensuing. In case of the inability of the said City Manager to act because of illness, absence, or otherwise, in that event the names of such candidates shall be filed with the Vice-President of the City Council who shall thereupon perform the duties so

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required of said City Manager. City Council shall cause to be printed ballots at least as many as the number of citizens in said City entitled to vote at the election. Said ballots shall contain the names of the persons nominated under headings designating the office for which nominated, and such ballots shall be delivered to the City Manager for distribution.

(C) The annual election to be held on the first Monday in March of each and every year shall be held and conducted by the holding over members of the City Council, and by such other officers as the said holding over members of the said City Council shall designate, either from among themselves, or from among the taxables of the said City. It shall be the duty of the holding over members of the City Council at its last regular meeting prior to the date of the annual election to designate a Presiding Officer and two Judges for holding said election. If any of the officers chosen and designated to conduct such election shall not be present at the time designated for the holding of said election, it shall be lawful for the qualified voters present at the place of holding said election, to elect from among themselves, a person or persons to fill the vacancy or vacancies in such election board caused by the absence of such person or persons. The three persons comprising the election board shall be Judges of the election and shall decide upon the legality of the votes offered and keep a list of all voters voting thereat.

(D) At such annual election every person residing in the said City of the age of twenty-one years or upwards to whom was assessed either a City poll or property tax and or both for the year preceding such election, and who shall have paid either a City poll and/or property tax last assessed to said person not less than thirty days before the date of said election or who shall have become a citizen of said City since the last previous assessment of taxes of said City and who shall have resided in said City at least six months prior to said election shall have the right to vote for Mayor and Councilmen. The City Manager shall deliver to the Vice-President of the City Council at least twenty days prior to the date of said election a list of all names of the persons who have paid their taxes as herein pro-

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vided, alphabetically arranged and duly certified. This list so certified shall be evidence as to the right of any person to vote at said election.

(E) Immediately after the polls shall be closed, the votes shall be read and counted and the person or persons resident in said City having a plurality of votes shall be declared duly elected and continue in office for the term stated or until their successors are duly elected and qualified. In case of a tie, the election board consisting of three persons shall, by a majority vote, decide which of the candidates so tied, shall be elected. After the result of the election shall have been ascertained, the election officers shall make out certificates of election and deliver one to each successful candidate, which said certificates shall be delivered to the City Manager at the first regular meeting after such election.

(F) The election board shall immediately after said election enter upon the Minute Book of the City Council, the minutes of such election containing the name of the Mayor and Councilmen chosen thereat and subscribe their names upon such Minute Book. The minutes of the election shall be preserved by the City Council and shall be evidence in any Court of Law and Equity in this State. All ballots cast and the records of the election shall be preserved in the custody of the election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETING  
OF COUNCIL.

Section 6. Before entering upon the duties of their respective offices, the Mayor elect, and the Councilmen elect, shall be sworn by a Notary Public to faithfully and impartially perform the duties of their respective offices with fidelity. At 7:30 o'clock P. M. on the Second Tuesday in the month of March following the annual election, the Mayor and City Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity as aforesaid.

## CITIES AND TOWNS—SEAFORD

At this annual meeting, on the Second Tuesday in the month of March in each and every year, the City Council shall organize and elect, by ballot, a Vice-President, who shall hold office for the term of one year, or until his successor shall be duly elected.

It shall be the duty of the Vice-President to preside at all of the meetings of the City Council, in the absence of the Mayor, and to perform such other duties of the Mayor, in his absence, as are prescribed by Section 14.

There shall be twenty-four stated regular meetings of City Council to be held on the Second and Fourth Tuesday of each month.

### SPECIAL MEETING.

Section 7. A special meeting may be called by the Mayor and shall be called by him upon written request of three members of the Council. The City Council shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders, and transact all business at any such special meeting, called as aforesaid, as Council has at any regular meeting.

### QUORUM.

Section 8. A majority of the members elected to the City Council shall constitute a quorum at any regular or special meeting; but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

### RULES AND MINUTES OF COUNCIL.

Section 9. The Council shall determine its own rules and order of business, and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

## CITIES AND TOWNS—SEAFORD

## VACANCIES.

Section 10. If any vacancy shall occur in the office of Mayor or Councilman, by death, resignation, loss of residence in the City of Seaford, refusal to serve, failure to elect or otherwise, the same may be filled by a majority vote of the members of the City Council, the person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected members and shall hold office until the next annual election, at which time said vacancy or vacancies shall be filled by an election for the remainder of the unexpired term.

## DISQUALIFICATIONS.

Section 11. If any Councilman or Mayor, during his term of office, shall be found guilty of any crime or misdemeanor and sentenced to imprisonment for any term whatever, or shall for any reason cease to be a resident of said City, he shall forthwith be disqualified to act as a member of Council or Mayor, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

## CONTRACT WITH MEMBERS.

Section 12. It shall be unlawful for the said Council to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the City of Seaford with any members of the Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is pecuniarily interested, except with the unanimous consent of the entire City Council, and such contract shall be absolutely null and void without such unanimous consent.

## OFFICERS.

Section 13. (A) The City Council shall at the annual meeting held on the Second Tuesday in the month of March



## CITIES AND TOWNS—SEAFORD

appoint, by a majority vote, a City Manager, Auditors, City Solicitor, Board of Assessors, and such other officers, employees and agents of the City, which by it may be deemed proper and necessary for the proper conduct and management of the City except as hereinafter provided. Any officer elected by a vote of the Council may be removed at any time by the Council at their pleasure.

(B) The City Manager shall be neither Mayor nor a member of Council, and may or may not be a resident of the City of Seaford. The City Manager shall hold office for such term and at such compensation as the City Council shall determine. His duties shall be those of Treasurer, Secretary, Water and Utility Superintendent, Tax Collector and Receiver of all revenues, rents and profits accruing to the City of Seaford, and the Council may by ordinance or resolution, impose upon him any further duty or duties as they shall see fit to properly carry out the provisions of this Act.

The City Manager shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for that purpose; and shall file and keep in a safe place the Seal of the City and all papers, and documents, relative to the affairs of the City, and immediately deliver the same to his successor in office. The City Manager shall attest the Seal of the City when authorized by Council.

The City Manager shall render to Council at the first meeting in each and every month a true, accurate and detailed account of all monies collected or by him received in the performance of his duties. He shall file with the City Council a bond with corporate surety in the sum of \$10,000.00 approved and paid for by Council, for the faithful performance of his duties. The City Manager shall pay all orders drawn on him by order of said Council and signed by the Mayor out of any monies in his hands belonging to said City. He shall settle his account with said Council annually and at such other times as Council may require.

## CITIES AND TOWNS—SEAFORD

The City Manager shall deposit the funds of the City of Seaford as equally as possible in the recognized banking institutions of the City of Seaford.

(C) The Council by ordinance may fix the salaries and compensation of all it's employees and cause to be kept a full and complete record of all officers appointed and employees and agents hired by the City containing the names of such officers, employees and agents, the date and term of their appointment for employment, the salary or compensation and the date of termination of service.

## PRESIDING OFFICER.

Section 14. (A) The Mayor shall preside at all meetings of the Council, but shall vote only in case of a tie. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens of violations of laws and ordinances, and present the same to the Council at their first meeting thereafter for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the Mayor, Alderman or resident Justice of the Peace. He shall sign all warrants on the City Manager for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the City Council.

## DUTIES OF THE MAYOR.

Section 15. (A) The Mayor shall be a Conservator of the Peace, and shall have concurrent jurisdiction with the Alderman hereinbefore provided for, and if no Alderman is appointed, he shall perform all of the duties prescribed for this office, and all fines, penalties and fees collected by him shall be paid to the City Manager. The Council shall procure a suitable record for such Mayor, which shall be known as the "Mayor's Docket," upon which his official acts and proceedings shall be entered and kept.

## CITIES AND TOWNS—SEAFORD

(B) The Mayor shall issue and sign all permits and all licenses for every exhibition within the City of Seaford, for which by Paragraph 3896, Section 1 of the Revised Code of 1935, a license is required, and shall collect the fees for the same.

(C) The Mayor and Alderman shall on the first regular meeting in each month report to the City Council all fines, penalties and fees imposed by them during the preceding month and pay over to the City Manager all such fines, penalties and fees due to the City received by them during said time, and any default of making such report and payments for a period of twenty days after such report should be made, and such fines and penalties should be paid as aforesaid, they shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, shall be fined not less than twenty-five nor more than one hundred dollars.

(D) The Mayor shall perform such other duties and have such other powers as are elsewhere prescribed by this Act, or may, by ordinance of the Council, be imposed upon or granted to him.

(E) The Mayor shall, on the first day of his term or as soon thereafter as convenient, appoint some suitable person a Chief of Police, who shall be at the head of the Police Department of said City. Before assuming the duties of his office, such appointment shall be approved by the City Council. He shall hold office at the pleasure of the Mayor and shall receive such compensation as the Council shall fix. The Mayor shall also appoint such assistants to the said Chief of Police as the Council may by ordinance or resolution authorize. These also shall hold office at the pleasure of the Mayor and shall receive such compensation as the Council may fix, and shall pay over to the City Manager all fees collected by them.

(F) The Mayor shall receive an annual salary of One Hundred and Twenty Dollars (\$120.00).

(G) The Mayor may on the first day of his term or as

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soon thereafter as convenient, appoint some suitable person who shall be a qualified voter of the City of Seaford, as Alderman, who may or may not be a Justice of the Peace, and who shall hold office for a term of one year or until his successor shall be appointed or chosen, subject, however, to removal according to the provisions of this Act.

The Council shall procure a suitable record for such Alderman which shall be known as the "Alderman's Docket" upon which his official acts and proceedings shall be entered and kept.

(H) The Mayor may for any reasonable cause, by and with the consent or upon the address of a majority of all the members of the Council, remove from the office, any person appointed by him or by any of his predecessors. The person against whom the Mayor or the Council may be about to proceed shall receive five days' notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing.

## DUTIES OF ALDERMAN.

Section 16. Before entering upon the duty of his office, he shall be sworn or affirmed by the Mayor to perform the duties of his office, honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said City and to carry into effect all orders and directions of the City Council made in pursuance of any law of this State or of any ordinance that the said City Council may legally make or establish. He shall have all the powers of a Justice of the Peace within the City and shall have jurisdiction and cognizance of all breaches of the Peace and other offenses in said City so far as to arrest and to hold to bail or fine and imprison offenders; and also of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the City; and also all neglects, omissions or faults of any City Police Officer, City Manager or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said City, or to execute or obey any law or ordi-

## CITIES AND TOWNS—SEAFORD

nance thereof, provided, that he shall not impose any fine exceeding One Hundred Dollars, or have jurisdiction in civil matters. His fees for any services under this Section shall be the same as those of a Justice of the Peace for like services and for any services or duty for which no fee may be provided by law, the fee may be established by ordinance of the City Council. In case of vacancy in the office of Alderman for any reason whatsoever, the Mayor may appoint a suitable person to said office for the residue of the term. If any Alderman shall be removed from his office as hereinafter provided, he shall deliver to his successor in office, within two days after the appointment of his successor, all the books and papers belonging to his office, and shall pay over to the City Manager all moneys in his hands, belonging to the City within five days after his removal. Upon his neglect or failure to pay over to the City Manager aforesaid, all moneys belonging to the City, he shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than Twenty-five nor more than One Hundred Dollars.

## DUTIES OF POLICE.

Section 17. The said Police Officers shall be Conservators of the Peace within the limits of said City and shall monthly, or as often as the Mayor shall deem desirable, submit a report to the Mayor setting forth the number of arrests made during said preceding month. The Police Officers shall see that ordinances are enforced, and they together with such assistants or other policemen as may be appointed, shall have power to arrest any person or persons for the violation of said ordinances wherein an arrest for violation is provided; and in addition thereto they shall perform such other duties as are now or may hereafter be prescribed by the laws relating to said City, and by the ordinances thereof, and shall have all of the same powers and functions that Constables of Sussex County now have, or may hereafter have as Conservators of the Peace.

Each member of the Police force shall be vested, within the City limits and within one mile outside of said limits, with all

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the powers and authority of a Constable of Sussex County, and in the case of pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

It shall be the duty of the police to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the City, or the noisy conduct of any person in the same, and upon view of the above, or upon view of the violation of any ordinance of the City relating to the peace and good order thereof, the Police shall have the right and power to arrest without warrant and to take the offender before the Alderman or Justice of the Peace for hearing.

If any Police officer shall neglect or refuse to perform any of the duties required of him by this Act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Mayor of said City to present him to the Grand Jury of Sussex County, and upon conviction he shall be fined in a sum not less than Ten nor more than One Hundred Dollars, and may be imprisoned in the discretion of the Court for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

## BOARD OF HEALTH.

Section 18. The Mayor, with the approval of Council shall appoint in the month of March of each and every year not less than three nor more than seven persons, of whom at least one shall be a physician duly authorized to practice medicine, who shall constitute a Board of Health for said City, and who shall serve for one year, and whose duty shall be to have cognizance of the interests of health and life among the people of said City and to report to the City Council in writing whatever in their judgment is injurious to the health, or that shall contribute to useful sanitary information. The said Board shall have all the powers vested by the laws of this State, now or hereafter enacted, in Boards of Health generally, and also such additional powers as may be conferred by ordinances adopted by the City Council of the City of Seaford. Said Board shall organize by the election of a President and Secretary within ten days after

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notice of their appointment, and said Board shall keep a record of their proceedings and acts as a Board.

## AUDITORS.

Section 19. The City Council shall annually appoint certified accountants as auditors, not members of the Council, who shall, during the month of February of each year examine and audit the books and accounts of the Council and City Manager, Mayor and Alderman for the fiscal year ending the thirty-first day of the previous January. After having completed such examination and audit, the said auditors shall submit a full detailed report thereof to the Council, and the same shall be spread in full upon the minutes of the Council; which said report shall show the amount of taxes or other revenues remaining unpaid; the amount of money received by the City Manager and when and from what source; and the amounts paid out by the City Manager upon orders; the amount of fines imposed by and received by said Mayor and Alderman and the amount of license fees collected by said Mayor; and the number and amounts of all orders drawn by the Council and the nature of the bills for which said orders were drawn. The Auditors shall receive for their services a reasonable compensation per annum.

It shall be the duty of the City Manager to cause a full detailed statement of said examination and audit to be published in at least one newspaper printed or published in said City or posted in at least ten of the most public places in said City of Seaford at least ten days prior to the annual election.

## CITY SOLICITOR.

Section 20. At the annual meeting, the Council shall select a City Solicitor for the term of one year or until his successor shall have been duly chosen and qualified. The City Solicitor shall be a member of the bar of Sussex County. It shall be his duty to give legal advice to the Council and other officers of the Council and to perform other legal services as may be required by the Council.

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## CITY BUDGET.

Section 21. Annually in each year, and not later than the First of May, the Council shall prepare a budget containing the financial plan for conducting the affairs of the City for the ensuing fiscal year. The fiscal year shall be from February First to January Thirty-first of the following year.

The budget shall contain the following information:

1. A detailed estimate showing the expenses of conducting each department and office of the City for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the City, together with a schedule of maturities of bond issues.
4. A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year, and the amount required for the sinking fund.
5. An estimate of the amount of money to be received from taxes, and all other anticipated income of the City from any source or sources.

The Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

## FIRE DEPARTMENT APPROPRIATION.

Section 22. The Council shall set aside or appropriate annually a sum not to exceed ten per cent of the total amount collected as taxes on real estate, to be used for providing equipment for, and the maintenance of the Seaford Volunteer Fire Department, Inc. This fund shall be known as the Fire De-



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partment Fund, and shall remain in the custody of the City Manager to be expended by him upon orders drawn by the President and Treasurer of the Fire Department, and approved by the City Council. The President of said Fire Department shall, on or before the First day of March of each year, submit a report to the said City Council setting forth the number of fires during the preceding year, and the condition and efficiency of said Fire Department.

## ASSESSORS AND ASSESSMENT OF TAXES.

Section 23. (A) At the first regular meeting of the City Council after the approval of this Act, or as soon thereafter as may be possible, the City Council shall appoint three qualified freeholders, resident in said City, who shall compose the Board of Assessment. Before the said freeholders, comprising the Board of Assessment aforesaid, shall perform any duties they shall take oath before a Notary Public to perform the duties of their office with fidelity.

(B) It shall be the duty of the Board of Assessment of said City, so as aforesaid appointed, to assess each citizen, resident of the City above the age of twenty-one years \$2.00 per capitem, and also the real and personal property of each citizen subject to assessment and taxation for County purposes, and also non-residents of said City who may own real estate in the City of Seaford. The said real and personal property shall be assessed at it's actual value, provided, that any real estate included within said corporate limits, not laid out in building lots nor plotted as such, but used exclusively as farm lands, in excess of five acres in one tract, shall be exempt from taxes for City purposes, and should there be any buildings or improvements on any said real estate, said buildings or improvements shall be assessed with said real estate, and said buildings or improvements shall not be exempt from such assessment.

The said Board of Assessment shall make fair and impartial assessments to the best of their knowledge and information, and shall return the same to the Council within six weeks next after

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their appointment. The Board of Assessment may adopt the valuations of real estate as made by the Board of Assessment of Sussex County, if in their judgment it is considered proper so to do.

(C) The City Council shall, within five days next after receiving the assessment list as completed by said Board of Assessment, cause a full and complete transcript thereof to be posted in a public place in said City, there to remain for the space of ten days thereafter for public inspection; and the said Council shall, on the Monday next after the expiration of the said ten days sit as a Board of Revision and Appeal which shall continue open from two o'clock P. M. to four o'clock P. M. on said day, at which time they shall hear and determine appeals from the assessment, and make corrections, alterations or additions in and to said assessment. The said Council, sitting as a Board of Revision and Appeal, shall have full power and authority to alter, revise, add to, and take from the said assessment, provided that in the event the Council desires to increase the assessment of the property of any person or persons, partnerships or corporations in said City shall first give sufficient notice of it's intentions so to raise said assessment at least five days before the sitting of the Council as a Board of Revision and Appeal for the purpose of increasing the assessment as aforesaid. The assessment, as revised and adjusted by the Council, shall be the basis for the levy and collection of the taxes for the City, subject to any additions hereinafter provided.

Notice of the posting of said assessment list, and also notice of the time and place, the Council shall sit as a Board of Revision and Appeal, shall be given by posting up notices in at least five public places in said City of Seaford.

(D) The determination of said Council, sitting as a Board of Revision and Appeal, upon any appeal or upon any matter relating to the aforesaid assessment, shall be final and conclusive.

(E) A member of the City Council shall not sit upon his

## CITIES AND TOWNS—SEAFORD

own appeal, but the same shall be heard and determined by the other members of said Council. After the said valuation and assessment shall be examined and adjusted by the City Council, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates.

(F) The Assessment and valuation of real estate in the City of Seaford as made by said Board of Assessment, and as corrected, altered or added to by the City Council at it's sitting as a Board of Revision and Appeal hereinbefore mentioned, shall stand and be acted upon for three years.

(G) After the said Board of Assessment shall have completed the assessment of persons and property in said City of Seaford, and shall have made their report to the City Council, their duties as members of said Board of Assessment shall be completed, and no other or further duty in respect of the assessment of persons or property in said City shall devolve upon them. They shall receive such compensation as shall be fixed and allowed by the City Council.

(H) Each third year following the year A. D. 1941, at the first regular meeting of the City Council, following the election held on the First Monday in March of such third year, or as soon thereafter as may be possible, the City Council shall appoint three qualified freeholders of said City resident therein, to compose the Board of Assessment, for the general assessment of persons and property in said City of Seaford as hereinabove provided, subject to the same duties, requirements and conditions as hereinbefore set forth.

The Compensation of the above assessors shall be fixed by Council.

(I) At the first regular meeting of the City Council following the election held in said City of the First Monday in March in each year, when, under the provisions hereof, no Board of Assessment shall be appointed, or as soon after said regular

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meeting as may be possible, the City Council shall appoint a qualified freeholder of said City to make an annual assessment of persons subject to capitation tax, personal property, and improvements on real estate not included in the assessment made by the Board of Assessment. Such assessor shall make strict inquiry, and shall assess all personal property subject to assessment and taxation, and shall add to the assessment list all persons subject to capitation tax, and shall remove therefrom the names of persons who have died or who have removed from said City, and shall assess at the actual value all buildings, or other improvements on real estate made since the last general assessment of the Board of Assessment.

(J) All of the provisions of this Act relative to the completion of assessments, the posting of transcripts of the assessment list, the sitting of the City Council as a Board of Revision and Appeal and the posting of notices of the time and place of hearing appeals from the assessment, shall apply to the annual assessment made by said assessor; but the City Council shall not at the time of hearing appeals from the annual assessment, hear or determine any matter relating to the assessment of real estate except with respect to the valuation of buildings or improvements thereon and farm lands plotted into building lots not included in the last general assessment.

(K) The compensation of the assessor of the scrap assessment shall be fixed by the City Council.

(L) The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the City, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the City Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector of Taxes as in case of other taxes and the Council shall have authority to cause the same to be removed.

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(M) The Council shall determine and fix a rate of taxation which will produce approximately the amount of money necessary to defray the expenses of the City for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

### TAXATION AND COLLECTION THEREOF.

Section 24. The City Council after having ascertained the sum necessary to be raised for the purpose of this Act, which sum shall not in any year exceed Thirty Thousand Dollars, clear of all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of May, or as soon thereafter as convenient, cause to be delivered to the City Manager, a list containing the names of the taxables, as well the owners of real estate as those now\* owning real estate, and opposite the name of each the amount of the real estate, his city poll or per capita and assessable personal property, and the tax on the whole valuation and assessment, and the rate per hundred dollars, which list shall be signed by the Mayor of said City. The City Manager immediately after receiving said list, and in collecting the same, shall have all the powers conferred by law upon the Receiver of Taxes and County Treasurer of Sussex County as set forth in Art. IV Chapter 45 of the Revised Code of Delaware, 1935, and shall be bound to follow the procedure therein set forth in enforcing the collection of taxes. In the collection of said taxes, the City Manager, shall make an abatement of five per centum on all taxes paid before the First day of August; on all taxes paid after the First day of August and before the First day of January, there shall be no abatement; and on all taxes paid thereafter, there shall be added one per centum per month until the same shall be paid. The Council shall have power to make just allowances for delinquencies in the collection of taxes.

### NEW STREETS.

Section 25. The City Council shall have power, upon the

\*So enrolled.

## CITIES AND TOWNS—SEAFORD

application, by petition, of five freeholders of the City to locate, lay out and open any new street or streets, lane or lanes, alley or alleys, or widen any street, lane or alley heretofore laid out or hereafter to be laid out in said City, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which five or more freeholders may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the City Manager out of the moneys of said City, upon warrants drawn upon him by order of the Council aforesaid.

Whenever the City Council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open and widen the same, and to furnish a general description of the location thereof; also the amount of the compensation or damages allowed to each, and if such owner be not a resident within the City, to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said City, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of compensation or damages allowed by the City Council as aforesaid, he or she may, within ten days after such notice as aforesaid, appeal from the said assessment of compensation or damages by serving written notice upon the Mayor of the City to the effect that he or she is dissatisfied with the amount of said compensation or damages, and that it is his or her intention to make written application to one of the Judges of the Superior Court of this State, resident in Sussex County, for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute said appeal, such owner shall within fifteen days after serving said notice upon the Mayor

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as aforesaid, make written application to said Judge of the Superior Court of this State resident in Sussex County for the appointment of such a commission; and thereupon the said Judge shall issue a commission, under his hand, directed to five freeholders of the said County, three of whom shall be residents of the City of Seaford, and two of whom shall be non-residents of said City, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said City Council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said Judge at a time therein appointed. The freeholders named in such commission, being first duly sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Judge, who shall deliver said return to the City Council, which shall be final and conclusive. The said Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the City Council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or is or are absent from the City during the said period of one month, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or lands may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Judge aforesaid, if the damages shall be increased the cost of the appeal shall be paid by the City Manager out of any money in his hands belonging to the City; but if said damages shall not be increased, the cost of appeal shall be paid by the party appealing. The said freeholders shall, severally, receive and be allowed for each days actual service the sum of Five Dollars. After the damages shall be fixed and ascertained by the freeholders, the City Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements, or,

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upon the payment of the costs only, may abandon the proposed improvements.

## CURBING AND PAVING.

Section 26. (A) Whenever the said City Council shall have determined that any paving, graveling, curbing or any or either or all of them shall be done, they shall notify the owner or owners of the land along or in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner or owners to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner or owners neglecting to comply with said notice for the space of thirty days, the said Council may proceed to have the same done, and when done the City Manager, shall as soon as convenient thereafter, present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in the City of Seaford, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said City of Seaford, such bill may be sent by mail to such owner or owners directed to him, her or them at the post office nearest his, her or their residence. If such bill be not paid by the owner or owners of such lands within sixty days after the presentation thereof as aforesaid, then it shall be the duty of the said City Council to issue a warrant in the name of the City of Seaford, under the hand of the Mayor of the City and seal of said City, directed to the City Manager of The City of Seaford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the City Manager of the City of Seaford, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the City of Seaford, at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be neces-



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sary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said City sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said City Manager of the said City of Seaford, after ten days' notice to such owner or owners as aforesaid, and after posting five or more notices of sale in at least five public places in the City of Seaford, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said City of Seaford, or if there be no newspaper printed in the said City of Seaford, then in a newspaper printed anywhere in Sussex County, to sell the lands and tenements of such owner or owners along or in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with costs, and a deed from the City Manager of said City of Seaford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises along or in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid; provided that within thirty days after the completion of said improvements a certificate under the corporate seal of the City of Seaford, signed by the Mayor, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien with the name or names of the owner or owners shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate, or a duly certified copy thereof shall be evidence in all Courts of law and equity in this State. Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said office of the Recorder of Deeds within ninety days after the approval of this Act. It shall be the duty of the City Manager of the said City from the purchase money of the said goods

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and chattels or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of said sale to the parties entitled thereto, and to retain for the use of said City the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown, to the credit of the said owner or owners. The City Manager of the said City shall be entitled to receive five dollars for every sale of personal property under this Section, and ten dollars for every sale of real estate under this Section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice, required by this Section, to one co-owner shall be notice to all, and in case no owner shall reside in said City, notice served upon the occupier or tenant shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the City, it shall be sufficient to send notice by mail to any owner or owners of said premises, directed to him, her or them at the post office nearest his, her or their place or places of residence; the provisions hereinbefore contained in this Section shall apply to any order made by the City Council in respect to any pavement, sidewalk or curb heretofore made or done, which the said Council may deem insufficient or to need repairing. The said Council, in addition to the provisions of this Section hereinbefore contained, shall have power and authority to enforce by ordinance, all the requirements of this Section, by imposing such fines and penalties as shall, in the judgment of said Council, be necessary and proper.

(B) In addition to the remedies herein provided for the collection of bills relative to the curbing and paving of properties, or for the collection of taxes or any other debt or demand due the City of Seaford, it shall be lawful for the City Council in the name of the City of Seaford, to institute an action before any Justice of the Peace of the County of Sussex if the amount of the demand be Five Hundred Dollars or less, or before the

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Superior Court of the State of Delaware, if the amount of the demand be more than Five Hundred Dollars, and thereupon to obtain judgment for the amount of such demand or debt, and to collect the same in the manner now or hereafter provided for the collection of judgments in the State of Delaware.

### CONDEMNATION FOR PUBLIC PURPOSES.

Section 27. The City shall have the power to acquire lands, tenements, property or interests therein, by condemnation for the purposes of providing sites for public buildings, parks, sewers, sewage disposal plants and water works, whether within or without the limits of the City, the procedure for which shall be substantially the same as herein provided in the case of condemning land for streets and highways, with the necessary changes as to detail.

### GOOD GOVERNMENT.

Section 28. That the said Council of The City of Seaford for the good government and welfare of said City, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural and artificial curiosities, moving pictures, merry-go-rounds, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the City; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said City, and prevent and remove all encroachments on said streets, avenues, highways, lanes, or alleys; to regulate, clean and keep in repair the streets, highways,

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avenues, parks, lanes and alleys, wharves and docks in said City; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, lane or alley in said City, or in digging up any street, avenue, highway, lane or alley for the purpose of laying down pipes, or for any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of said City, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to level, grade, flag or reflag, curb, or re-curb, gutter or re-gutter, pave or repave, macadamize, gravel, or shell the streets, avenues, highways, lanes and alleys of said City, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said City, which shall be by said City Council deemed dangerous or unwholesome, or when such digging down, draining, filling up or fencing shall be deemed necessary, to carry out any improvement authorized by this Act, to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any porch, step, platform, or bay window, cellar door, gate, aerie, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, sidewalk, lane, alley or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to regulate, protect and improve the public grounds of said City; to provide lamps and to light the streets and public places of every description in said City; to make and regulate wells, pumps,

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aqueducts and cisterns in the public streets; to restrain the running at large of horses, cattle, swine, goats, and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prescribe and regulate the places of vending and exposing for sale wood, hay, straw and other articles from wagons or other vehicles, to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said City; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts are performing work or furnishing materials for the City shall be made and executed; to abate or remove nuisances of every kind, at the expense of those maintaining the same, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business, or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental in the opinion of the Council or local Board of Health to the health of the inhabitants of the City, to cleanse, remove or abate the same, under the directions of the Council. To regulate and control the manner of building or materials used therein or removal of dwelling houses or other buildings, and to provide for granting permits for the same; to establish a building line for buildings hereafter to be erected; provided that such building line for buildings shall not be established more than twenty feet back from the front line of the lots. To exempt from taxation for municipal purposes for a period not to exceed ten years any manufacturing industries which may hereafter be located in said City of Seaford. To prohibit within certain limits to be from time to time prescribed by ordinances, the building or erection of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be danger-

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ous; to prohibit the deposit of ashes in unsafe places, to authorize any City Officer or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to compel the erection or maintenance of proper and adequate fire-escapes on all public buildings; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of fire-arms in said City; to regulate or prohibit the use of candles and light in barns, stables, and other buildings. To establish, regulate and control a suitable sewer and drainage system for said City; to regulate or prohibit swimming or bathing in the river in front of or contiguous to said City; or in the water within the limits of said City; to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases; for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said City. The City Council shall have power to enact ordinances not in conflict with the laws of the State of Delaware, as it may deem necessary and beneficial for the safety, regulation and control of pedestrians, automobile and animal driven traffic over the streets, to define, prevent and abate nuisances within the City and the use of the streets in connection with the operation of public utilities outside of the City, to levy and collect taxes on gas and water mains, underground conduits, telephone, telegraph, electric current or other poles or erections of like character in said City, together with the wires thereon strung and to this end may at any time direct the same to be included in or added to the City Assessment with the authority of Council to cause such mains, conduits, poles and wires to be removed and suit to be instituted to collect the taxes so levied, in the event the owner or lessees thereof refuse or neglect to pay such taxes; Council may enact ordinances to prevent, abate or regulate electrical or other interferences with radio reception in said City. Council shall have power upon inspection to condemn any existing building or structure that it deems to be a fire menace and

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to cause the same to be torn down or removed. To contract with, or to grant franchises, concessions or rights of any person, persons, firm, partnership or corporation who may apply for the privilege of erecting wharves or piers, or for the use of any street, highway, avenue, lane, alley, or other City property, for the construction and operation of steam, motor or electric railways, electric light power and water plants and distribution system. To make and establish ordinances pertaining to the manufacture and sale of electric current in said City, such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said Council, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said City and its inhabitants.

The City Council shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said City at any regular or special meeting. The Council shall have and it is hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this Act, or of the ordinances which they may enact in pursuance hereof, such fines and penalties which may be imposed, either by this Act or the Ordinances enacted as aforesaid, may be collected before the Mayor, Alderman or any Justice of the Peace of said City, and in default of payment, said Mayor, Alderman or Justice of the Peace may commit to the City lock-up or to the public jail of Sussex County for any time not exceeding thirty days, or until such fines and cost shall be paid; and all ordinances so made, established and published shall be in full force and effect immediately upon the publication of them by said Council.

All prosecutions for the violation of ordinances shall be before the Mayor, Alderman or before any Justice of the Peace

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of the State of Delaware, resident in the City of Seaford, and shall be in the name of the State of Delaware.

It shall be the duty of the warden of said Sussex County jail to receive and lock-up in said jail any person committed to his custody under the provisions of this Act, or under the provisions of any ordinance of the City Council. The City of Seaford shall pay for the board of all persons committed to jail for violations of the Charter or Ordinances of the City of Seaford.

The fees for the arresting officers and the appropriate officer before whom the trial is conducted shall be the same as are at present allowed to Constables and Justices of the Peace of Sussex County.

## TREES.

Section 29. Trees being among the chief beauties of the City and their preservation requiring that they be treated with special care and intelligence, the Council is empowered to create a Tree Commission for the trees in the streets, and other public places of the City, and to appropriate annually an amount of money adequate for their care and preservation. The Tree Commission may be given authority to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever, and to combat the pest and diseases to which they are subject, and when necessary to employ tree experts, provided that they do not exceed the appropriation made by the Council.

## USE OF TOWN MONEY.

Section 30. The City Council shall have the power and authority to use the money in the treasury of said City, or of any portion thereof, for the improvement, benefit, protection, ornament, and the best interest of the said City as it may deem advisable and to use the City money to accomplish and carry into effect all acts and things which it has power to do by virtue of



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the Constitution, Laws of Delaware, this Act and all lawful ordinances and resolutions of Council. In the general performance of their duties the acts, doings and determination of a majority of the Council of said City shall be as good and binding as the acts, doings and determination of the whole. In case of vacancy or vacancies in the City Council, the remaining members, until such vacancy or vacancies shall be filled as hereinafter provided, shall have the same power and authority as the whole. A majority of the Council shall constitute a quorum for the transaction of business.

### OBSTRUCTIONS, NUISANCES AND UNSANITARY CONDITIONS.

Section 31. The City Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated whether in the street, squares, lanes, or alleys, or on the sidewalks or in any other public or private place within the limits of said City either on its own inspection, or upon the written complaint of any citizen of said City, stating the character and location of the obstructions, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of Council, either upon inspection or upon such information, or both, shall determine that such obstructions, nuisance, or unsanitary condition exists and ought to be removed or abated, as the case may be, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition and Council shall thereupon give notice in writing, signed by the Mayor to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, to remove or abate the same and if such person or persons refuse or neglect for the space of two days after such notice is mailed to remove or abate the stated condition, Council shall have power and authority to cause such obstruction, nuisance or unsanitary condition to be removed or abated; and for

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this purpose Council may issue a warrant in the name of the City of Seaford, under the hand of its Mayor, and the Seal of the City, and directed to any Constable of Sussex County, commanding him forthwith to remove or abate such obstruction, nuisance or unsanitary condition, whereupon the Constable to whom said warrant may be delivered, shall forthwith proceed to remove or abate the same and for such purpose he shall have full power and authority to enter into and upon any lands and premises in said City, and to take with him such assistance, implements, horses, carts, wagons, automobiles, trucks, or other things, as may be necessary and proper, and to do and perform all matters and things right, proper and necessary to be done for the removal or abatement of such obstruction, nuisance or unsanitary condition. The costs of all the necessary work, labor and proceedings of the City in the removal or abatement of such obstruction, nuisance or unsanitary condition shall be determined by Council upon the completion of the work, and if such amount be not paid to the City Manager, for the use of the City, by the person or persons causing or responsible for such obstructions, nuisance or unsanitary condition, within ten days after a bill stating the amount of such costs is presented or mailed to such person or persons, at their last and best known post office address, then Council may proceed to collect the same out of the goods and chattels, lands and tenements of such person or persons, and it shall be the duty of Council to issue a warrant in the name of the City of Seaford under the hand of the Mayor, and the Seal of the City, directed to the Alderman or any Justice of the Peace of the City, commanding him that of the goods and chattels, land and tenements of such person or persons he shall cause to be levied and make the amount of said bill, together with all costs. It shall be the duty of the Alderman or a Justice of the Peace, as soon as convenient thereafter, and after ten days written notice to such person or persons deposited in the mails and directed to such person or persons at his or their last and best known post office address, and after posting five or more notices of sale in at least five of the most public places in said City at least ten days before the day of sale, to first sell the goods and chattels of such person or persons at

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public auction in said City, or so much thereof as may be necessary to pay the amount of said bill with all costs. If not\* goods or chattels of such person or persons can be found in said City, or the goods and chattels found and sold as aforesaid be not sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said Alderman or Justice of the Peace, after further notice of ten days, given to said person or persons in the same manner as aforesaid, for the sale of goods and chattels, and after posting five or more notices of sale in at least five of the most public places in said City, for at least ten days before the day of sale, and after causing such notice of sale to be published once, in a newspaper published in Sussex County, to sell the land and tenements of such person or persons, or so much thereof as may be sufficient to satisfy the amount of said bill and all costs, and a deed from the Alderman or Justice of the Peace of said City shall be made and shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or lesser estate, as if the same were executed by the person or persons whose lands and tenements were sold as aforesaid. The claim for the expenses of the City in removing or abating such obstruction, nuisance or unsanitary condition, and all costs, shall be a lien on the premises where such obstruction, nuisance or unsanitary condition exists, and said lien shall relate back to the time when the first notice to remove or abate shall have been served upon such person or persons and shall have priority over any lien, encumbrance or conveyance suffered or made by such person or persons after the mailing of said notice. It shall be the duty of the Alderman or Justice of the Peace, out of the purchase money from the sale of said goods and chattels, or lands and tenements, to pay all costs arising from said proceedings and sale to the parties entitled to such costs, to retain and pay to the City Manager, for the use of the City, the amount of the said bill to the City, and the residue of said purchase money, if any, shall be at once deposited in some Bank in the City of Seaford to the credit of the owner or owners of said goods and

\*So enrolled.

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chattels, or lands and tenements. The Alderman or Justice of the Peace shall be entitled to receive ten dollars for every sale of personalty under this Section and twenty dollars for every sale of real estate under this Section, together with such additional sum as may be allowed by Council for the keeping and care of such personal property, for selling the same, and for said advertising, all of which shall be a part of the costs aforesaid to be paid out of the purchase money. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in said City, said written notice deposited in the mail in a sealed envelope and addressed to such owner at his or her last and best known post office address shall be deemed proper notice. Council in addition to the provisions of this Section hereinbefore set forth shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing such fines and penalties as shall be, in the judgment of Council, necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purposes of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said City, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

## POWER TO BORROW MONEY AND ISSUE BONDS.

Section 32. The City Council may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the City of Seaford to provide funds for the erection, the extension, the enlargement, the purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public; for the construction, repair or improvement of highways, streets or lanes or the paving, curbing or erection of gutters along the same; for the construction of\* repair of sewers or sewage disposal equipment; or to

\*So enrolled.

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defray the cost or the share of the City of the cost of any permanent municipal improvement; provided, however, that the borrowing of the money therefor shall have been authorized by the City Council and shall have been approved by the electors in the manner and at the time following:

(A) Council by resolution shall propose to the electors of the City by resolution that the stated amount of money shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and other pertinent facts relating to the loan which are deemed pertinent by the City Council and in their possession, and shall fix a time and place for hearing on the said resolution.

(B) Notice of the time and place of the hearing on the resolution authorizing said loan shall be printed in a newspaper published in the City and/or distributed in circular form at least one week before the time set for said hearing.

(C) A second resolution shall then be passed by Council ordering a special election to be held not less than thirty days and not more than sixty days after said hearing to borrow the said money, for the purpose of voting for or against the proposed loan. The passing of the second resolution calling the special election shall ipso facto be considered Council's determination to proceed in the matter in issue.

(D) The notice of the time and place of holding the said special election shall be printed in two issues of a newspaper in the City within thirty days prior to the election, and/or distributed in circular form at least fifteen days prior to the election or both at the discretion of the Council.

(E) At the special election, every owner of property whether individual, partnership, or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

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(F) The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots at not less than five days prior to the date of the special election.

(G) The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver the same to the Council, which said certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

The form of bond or certificate of indebtedness, the interest rate, the time of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council after said special election. The bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be prescribed by the Council for at least one month before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bonds at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the City of Seaford shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

The bonded indebtedness shall not at any time exceed in the aggregate the total sum of Fifteen (15%) per centum of the value of the real property situate within the limits of the City as shown by the last assessment preceding the creation of the said indebtedness.

In the event the City of Seaford should construct or acquire any plant, machinery, appliances or equipment for the supply of electricity or gas for light, heat or power purposes, authority is hereby granted the City of Seaford to furnish electricity or gas for light, heat or power purposes to the outlying communities provided that this authority shall not exceed a distance

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of One-half Mile beyond the limits of said City and provided that such extension will not incur indebtedness in excess of the bonded limit of said City and to do all things necessary to carry out this authority.

## MUNICIPAL ZONING REGULATIONS.

Section 33. For the purpose of protection against fire, promoting health, safety, morals or the general welfare of the community, the City Council is hereby empowered to adopt ordinances to regulate and restrict the height, number of stories, size of buildings and other structures, the density of population, and the location and use of buildings, structures and lands for trade, industry, residence or other purposes, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of any building and the kind and grade of materials used in the construction thereof.

The City Council, in order to avail itself of the powers conferred by this section, shall appoint a commission of three members to be known as the Zoning Commission in accordance with Section 6, Par. 6233 of Chapter 179, Revised Code of the State of Delaware, 1935.

The City Council shall further provide for the appointment of a Board of Adjustment which shall consist of the City Manager, the Mayor and the City Solicitor. The said board shall have all the powers and shall be bound by the same procedure as set forth in Section 7, Par. 6234, of Chapter 179, Revised Code of the State of Delaware, 1935.

Upon the passage of this Act before any building or structure of any kind, or alteration or additions to any building are constructed in the City of Seaford, a permit must be secured from the City Manager. The City Council is hereby empowered to enact ordinances establishing fees in relation thereto suffi-

## CITIES AND TOWNS—SEAFORD

cient only to defray the cost in all actions taken pursuant to this Section.

## FLOATING DEBT.

Section 34. The City Council shall have full power and authority to anticipate revenue by borrowing upon the faith and credit of the City of Seaford, the sum or sums of money, not exceeding Ten Thousand Dollars, (\$10,000.00) in any one fiscal year, when in the opinion of the majority of Council the needs of said City demand it. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the City of Seaford, duly authorized by resolution of Council, and signed by the Mayor and attested by the City Manager, either with or without the corporate seal of the City affixed as is requested by the bank or person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum of money borrowed on the faith and credit of the City of Seaford as aforesaid in any fiscal year shall be paid out of the general funds of the City, at the minimum rate of twenty-five per centum per fiscal year and shall be paid at the end of four fiscal years following the first fiscal year which said money was borrowed with interest thereon.

## SURVIVAL OF POWER AND VALIDATING SECTION.

Section 35. This Act shall operate to amend, revise, and consolidate, "An Act to Re-Incorporate the Town of Seaford," being Chapter 153, Volume 29, Laws of Delaware, and the various amendments and supplements thereto, and to repeal all such parts of said Act and it's amendments and supplements as are manifestly inconsistent with the provisions of this Act. All powers conferred upon or vested in the Town of Seaford and or the Town Council of the Town of Seaford by any act or law of the State of Delaware not in conflict with the provisions of this Charter, are hereby expressly conferred upon, and vested



## CITIES AND TOWNS—SEAFORD

in the City of Seaford and or the City Council of the City of Seaford, precisely as if each of the said powers was expressly repeated in this Charter. All ordinances and resolutions heretofore lawfully enacted or adopted by the Town Council of the Town of Seaford and in force at the time of the approval of this Charter shall continue in full force and effect until the same or any of them shall be repealed, modified or altered by the City Council of the City of Seaford under the provisions of this Charter; all the acts and doings of the Council of said Town, or of any officer of said Town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of said Town, prior to the approval of this Act, are hereby ratified and confirmed; all taxes, debts, fines or penalties and forfeitures due the Town of Seaford shall be deemed to be due the City of Seaford, and all debts due from the Town of Seaford shall be deemed to be due from the City of Seaford, and the same shall remain unimpaired until paid; and the power, right and authority to collect taxes and rentals imposed under the provisions of this Act, and the processes which may be employed hereunder, shall be deemed to apply and to extend to all unpaid taxes and rentals imposed under the Charter of the Town of Seaford; the bonds given by or on account of any official of the Town of Seaford shall not be impaired by or affected by the provisions of this Act, but the City of Seaford shall succeed to all the benefits of said bonds; all valid laws heretofore passed relating to or concerning the Town of Seaford or authorizing the borrowing of money and the issuing of bonds on the credit of said Town shall be and remain valid and good as heretofore, and be unaffected and unimpaired by this Act.

If any part of this Act shall be held unconstitutional, such holding shall not in any wise invalidate the remaining provisions of this Act. This Act shall be deemed and known to be a public Act.

Approved April 15, 1941.

## CHAPTER 185

## CITIES AND TOWNS—SELBYVILLE

AN ACT TO AMEND CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE", BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED ANNUALLY BY THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE BY MEANS OF TAXATION.

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

Section 1. That the words and figures "Ten Thousand Dollars (\$10,000.00)", as they appear in the 5th line of Section 8, Chapter 122, Volume 38, Laws of Delaware, be and they are hereby stricken out, and that there be substituted in lieu thereof the words and figures "Fifteen Thousand Dollars (\$15,000.00)".

Approved April 15, 1941.

## CHAPTER 186

## CITIES AND TOWNS—SELBYVILLE

AN ACT TO AMEND CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE, BY PROVIDING THAT WATER RENTS SHALL BE A LIEN OF\* REAL ESTATE.

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

That Section 12, Chapter 166, Volume 37, Laws of Delaware, being an Act entitled "An Act to Reincorporate the Town of Selbyville", be and the same is hereby amended by adding at the end of said Section 12 the following provisions, which shall hereafter be known as "Section 12 (a)", "Section 12 (b)", and "Section 12 (c)", respectively:

Section 12 (a). All water rents laid or imposed by the Mayor and Council of the Town of Selbyville which remain unpaid and in arrears for thirty days after they become due, shall be and constitute a lien upon the lands and premises of the owner of the property to which the water was furnished, and such liens shall have preference and priority over all liens of recognizance, mortgage or judgment on such lands and premises, created or suffered by said owner, although such other lien or liens shall be of a date prior to the time of the attaching of such lien for water rents. In case of the sale under execution process of any lands and premises upon which such liens for water rents shall exist, such liens shall be transferred to the fund arising from such sale in the hands of the officer making the same and the said real estate so sold shall be discharged therefrom.

Section 12 (b). That the lien for water rents shall re-

\*So enrolled.

## CITIES AND TOWNS—SELBYVILLE

main a lien for the period of five years and no longer, from the expiration of thirty days after said water rents become due and payable.

Section 12 (c). The Mayor and Council of the town of Selbyville, in collecting water rents out of real estate upon which there is a lien under the provisions of this Chapter, shall proceed in the manner now by law prescribed for the collection of taxes out of real estate by the Mayor and Council of the town of Selbyville.

Approved April 15, 1941.

## CHAPTER 187

## CITIES AND TOWNS—SELBYVILLE

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE", BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, AND AUTHORIZING THE ANNEXATION OF CERTAIN CONTIGUOUS TERRITORY TO THE SAID TOWN.

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

Section 1. That Chapter 166, Volume 37, Laws of Delaware, be and the same is hereby amended, by striking out and repealing Section 5 of said Chapter, and by inserting in lieu thereof the following new Section, to be known as Section 5:

"Section 5. That said Corporation shall have power to annex any contiguous territory within one-half mile of its present corporate limits and to extend and apply to such territory all laws, ordinances, resolutions, rules, and regulations in force within said Town, so far as the same may be legally applicable.

"Provided, nevertheless, before any such contiguous territory shall be so annexed to said Town, the said 'The Mayor and Council of the Town of Selbyville' shall adopt a resolution describing and defining accurately the territory proposed to be annexed and shall give notice that the aforesaid resolution has been passed, by publishing a copy thereof in one newspaper in said Town, and if there shall be no newspaper published in said Town, then by posting a copy of said resolution in five or more of the most conspicuous places in said Town. Such notices, whether published or merely posted, shall contain, in addition to a copy of the resolution as aforesaid, an announcement of a certain date and hour within sixty days after the date of passage of the said resolution, but not earlier than ten days after the posting of the aforesaid notices, at which date and hour there shall be a hearing held, and any citizen either of the Town of Selbyville or of the territory proposed to be

## CITIES AND TOWNS—SELBYVILLE

annexed may appear at said hearing and show cause, if any he may have, why the proposed annexation should not be made. After the said hearing, if the Council of the Town of Selbyville, two-thirds of all the members concurring therein, shall vote in favor of the annexation, then the said territory described and defined in the original resolution shall thereupon become part of said Town."

Approved April 17, 1941.

## CHAPTER 188

## CITIES AND TOWNS—SELBYVILLE

## AN ACT TO ENABLE THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE TO REFUND CERTAIN BONDS.

WHEREAS, by a certain Act of the General Assembly of the State of Delaware, entitled: "An Act authorizing the Commissioners of the Town of Selbyville to borrow money and issue bonds for street improvement", approved April 27, 1927, "The Commissioners of the Town of Selbyville", a municipal corporation of the State of Delaware, were authorized to borrow a sum of money not exceeding Thirty Thousand Dollars (\$30,000.00), and to issue bonds to secure the same; and

WHEREAS, under the said Act bonds to the amount of Thirty Thousand Dollars (\$30,000.00) were issued; and

WHEREAS, of the said issue, bonds to the amount of Nine Thousand Dollars (\$9,000.00) remain unpaid and outstanding; and

WHEREAS, it is now proposed to refund the said bonds thus authorized and issued and outstanding; now therefore

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

Section 1. That "The Mayor and Council of the Town of Selbyville", formerly "The Commissioners of the Town of Selbyville", a municipal corporation of the State of Delaware, be and they are hereby authorized and empowered to borrow upon the credit of the said corporation a sum of money not exceeding the sum of Nine Thousand Dollars (\$9,000.00), which shall be applied and expended for the purpose of refunding the said outstanding bonds. The Mayor and Council of the said Town, for the purposes aforesaid, shall have the power and authority

## CITIES AND TOWNS—SELBYVILLE

and are hereby directed to issue bonds of the said corporation of such denominations as they shall deem best, bearing interest at a rate not exceeding four percentum per annum, payable semi-annually on the first days of July and January respectively, in each year, at such Bank or Trust Company as the said Commissioners shall designate.

Section 2. That the said bonds shall be dated July 1, 1941, and at least One Thousand Dollars (\$1,000.00) of the said bonds shall be payable on July 1, 1943, and One Thousand Dollars (\$1,000.00) thereof on July first in each year thereafter, until all of the said bonds shall have been redeemed.

Section 3. That the said Mayor and Council of the said Town shall direct and effect the publication and printing of the said bonds, and shall prescribe the form of said bonds, which shall be signed by the President, and countersigned by the Treasurer, of the said corporation, and shall be sealed with the corporate seal of the said corporation, and shall be exempt from all State, County and Municipal taxes. The said Mayor and Council shall negotiate the sale and delivery of the said bonds, and the moneys arising from the sale of said bonds shall be deposited, to the credit of the said corporation, in such Bank or Trust Company as the said Mayor and Council shall designate, to be used for the purpose of carrying into effect the provisions of this Act.

Section 4. That the payment of such bonds and the interest thereon may be made by the said Mayor and Council of the said Town out of any moneys in the Treasury of the said Town at the time when such payments are made.

Section 5. That the faith and credit of the said "The Mayor and Council of the Town of Selbyville", a corporation as aforesaid, are hereby pledged for the payment of the bonds authorized to be issued under this Act.

Section 6. That this Act shall be deemed and taken to be a public Act and shall be published as such.

Approved May 6, 1941.



## CHAPTER 189

## CITIES AND TOWNS—WYOMING

## AN ACT CHANGING THE CORPORATE NAME OF "THE COMMISSIONERS OF WYOMING" TO "THE TOWN OF WYOMING" AND ESTABLISHING A CHARTER THEREFOR.

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

## NAME AND TERRITORIAL LIMITS

Section 1. The municipal corporation of the State of Delaware now known as "The Commissioners of Wyoming" shall hereafter be known as "The Town of Wyoming".

The Boundaries of The Town of Wyoming are hereby established and declared to be as follows:

BEGINNING at a point in the division line of lands of Libby, McNeil and Libby and lands of Joshua Hudson and which point is approximately nine hundred and fifteen (915) lineal feet from the center line of the concrete highway leading from the Town of Wyoming to the Kent County Almshouse; thence running in a northerly direction along said division line, crossing said concrete highway and continuing in a northerly direction along the western boundary line of lands of Lewis G. Jenkins; thence continuing in a northerly direction with the run of a branch to the middle of the channel of an arm of a mill pond, known as "Robert J. Lindale mill pond", to a point in the middle of the mouth of said arm of said pond where said arm joins the main body of said pond; thence by a right angle line crossing said mill pond to a point a short distance above the mill dam on the north side of said mill pond near the entrance of the Wyoming Milling Co., mill pond race; thence along the north side of the said mill race and the lands dividing the Wyoming Milling Co., property from lands of Carl B. Scull until arriving at the West side of the public road leading from

## CITIES AND TOWNS—WYOMING

Wyoming to Dover, said road being on the West side of land of the Delaware Railroad Company; thence along the West side of said road in a southerly direction until arriving at a point in the middle of the Wyoming Milling Co. mill stream; thence with said mill stream following the several meanderings thereof in the direction of Howell's mill pond to a point in the head waters of the said Howell's mill pond in range with the eastern boundary line of lands of George Lundgreen; thence with the said eastern boundary line to the public road leading from Wyoming to the concrete highway leading from Camden to Dover; thence along the north side of said road in a westerly direction until arriving at a point in range with the eastern boundary line of lands of David Harry; thence crossing the last aforesaid road and following the said eastern boundary line of the said David Harry lands to another public road or street called Center Street leading east into the town of Camden; thence along the north line of said Center Street in a westerly direction to a corner of lands of said David Harry; thence in a southerly direction and crossing said Center Street and along the east line of Caesar Rodney Avenue and continuing across Camden-Wyoming Avenue in a southerly direction along the east line of the concrete highway leading from Wyoming to Willow Grove to a point in the south line of a street or road leading from Camden to Willow Grove and in a line of lands of Lizzie S. Allee; thence in a westerly direction crossing said road from Wyoming to Willow Grove and continuing in said direction across lands formerly owned by Fred T. Herbert, Sr., and now owned by The First National Bank of Dover, lands of Thomas C. Downham, lands of John W. Jones, and lands of Libby, McNeil and Libby, and arriving at the point of beginning.

The Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot, when so made and approved by the Council, and signed by the President and Secretary of Council, and sealed with the Town Seal, and when recorded in the office of the Recorder of Deeds of the State of Delaware, in and for Kent County, at Dover, shall be deemed to be a true map and plot of the Town, and the same, or

## CITIES AND TOWNS—WYOMING

the record thereof or a duly certified copy of said record, shall be evidence in all Courts of law and equity of this State.

### GENERAL POWERS

Section 2. (A) The inhabitants of the Town of Wyoming, within the limits and boundaries referred to in Section 1 of this Act, or within the limits and boundaries hereafter established, shall be and they are hereby created a body politic and corporate in Law and Equity by the Corporate name of "The Town of Wyoming", hereinafter called The Town, and under that name shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued; plead and be impleaded in all Courts of law and equity in the State of Delaware, and elsewhere, by said corporate name, may hold and acquire by purchase, gift, devise, lease or by condemnation real property and personal property within or without its boundaries for any municipal purposes, in fee simple or for lesser estate or interest, and may sell, lease, hold, manage and control such property as its interest may require, subject however to other sections of this Act.

As hereinafter provided in Section 22 of this Charter relating to power to issue Bonds, the Town shall have all other powers and functions requisite to or appropriate, for the government of the Town, its peace and order, its sanitation, beauty, the health, safety, convenience, comfort, and well being of its population and the protection and preservation of property, public and private; and all actions, suits, and proceedings shall be brought in the name of "The Town of Wyoming".

(B) The enumeration of particular powers by this Charter shall not be held to be exclusive, but in addition to the powers enumerated herein, it is intended that the Town of Wyoming shall have, and may exercise, all powers as may be implied therefrom or necessary to the reasonable exercise of such enumerated powers. All powers of the Town of Wyoming shall be ex-

## CITIES AND TOWNS—WYOMING

exercised as prescribed by this charter, or, if not prescribed herein, by ordinance or resolution of the Town Council.

### STRUCTURE OF GOVERNMENT

Section 3. The Government of the Town and the exercise of the powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Town Council. The Town Council shall consist of five members, who shall be citizens of the State of Delaware and residents and non-delinquent taxables of the said Town above the age of twenty-one years, three of whom at least shall be freeholders, within the said Town in their own name, at the time of their nomination and election, provided, however, that any married man, resident of said Town, whose wife is a freeholder of said Town, may be elected a member of said Council, although he may not be the owner in his own right, in any real estate within said Town. No compensation shall be paid to Councilmen.

### ELECTION IN GENERAL

Section 4. The present commissioners of the Town of Wyoming shall by this Act be appointed to serve and shall act as Councilmen of said Town from and after the passage hereof until Councilmen are duly elected; and that at the annual election held on the last Saturday in February, 1942, after the passage of this Act as provided for in Section 5 of this Act, five Councilmen shall be elected, two of whom shall be elected for one year, two for two years, and one for three years; and thereafter the successor of every Member of the Town Council shall be elected by the qualified voters as defined in Section 5 of this Act to serve for a term of three years.

### MANNER OF HOLDING ELECTIONS AND MAKING NOMINATIONS

Section 5. (A) The annual municipal elections shall be held on the last Saturday in the month of February from one o'clock P. M. until four o'clock P. M., at such place as shall be

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determined by the Council, due notices of which shall be given by posting notices thereof in five public places within the limits of the Town of Wyoming, not less than ten days before the day of the annual election.

(B) Said members of the Council shall be nominated as follows, viz:

At least ten days before the day of the election nominations shall be filed with the Secretary of the Council. Said nominations shall be in writing signed by the nominee or by five other citizens of the Town, of which at least two of whom shall be freeholders, which nominations shall be presented to the Council by the said Secretary at the meeting to be held at the usual meeting place, which shall not be later than eight o'clock in the evening of the last day for filing said nominations. Council shall cause to be printed or typed ballots, at least as many in number as the number of citizens in said Town entitled to vote at the elections. Said ballots shall contain the names of all persons nominated under headings designating the offices for which nominated, and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the polls, and every citizen calling for a ballot shall receive one from the persons holding the election. Voters may also prepare for themselves ballots, either printed or written, provided that such ballots, do not contain a name or names other than those nominated as aforesaid.

(C) Every election shall be held under the supervision of an Election Board consisting of three qualified voters of said Town to be appointed for that purpose by the Council at least two weeks before the election, but if at the opening of the election there shall not be present the three qualified voters so appointed, or any one of them, in such case, the persons entitled to vote at such election, and then present shall appoint, by viva voca vote, a qualified voter or voters to act. The three persons composing the Election Board shall be Judges of the election and shall decide upon the legality of the votes offered; keeping a list of all voters voting.

## CITIES AND TOWNS—WYOMING

(D) Every citizen of the said Town of the age of twenty-one years, or upwards, who has within twelve months of said election paid a Town Tax which has been assessed within twelve months, shall have a right to vote, and persons arriving at the age of twenty-one years since the last Town assessment shall have a right to vote. The voters shall not vote for more candidates than are to be voted for at the election and in voting shall cross out the names of all candidates which he or she does not desire to vote for.

(E) Upon the close of the election the votes shall be read and counted publicly, and the persons having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated or until his successors are duly elected and qualified. In case of a tie, the three persons holding the Election shall, by a majority vote, decide which of the candidates so tied shall be elected.

(F) The Election Board shall enter in a Book to be provided for that purpose, a minute of the election, containing the names of the persons chosen, shall subscribe the same, and shall give to the persons elected certificates of the Election, which Book, containing such minutes, shall be preserved by the Council, and shall be evidence in any Court of Law and Equity. All ballots cast and the records of the Elections shall be preserved in the custody of the Election Board for a period of ten days.

ORGANIZATION AND ANNUAL MEETING  
OF COUNCIL

Section 6. On the first Monday following the annual election each year, the Council shall meet and the newly elected officers shall assume the duties of office. Before entering upon the duty of their office, the newly elected members shall be sworn by a Notary Public, a Justice of the Peace or by a hold-over Member of the Council to faithfully and impartially perform their duties. At this annual meeting the Council shall organize and

## CITIES AND TOWNS—WYOMING

thereafter shall hold meetings at such time as hereinafter provided.

### SPECIAL MEETING, WAIVER OF NOTICE

Section 7. Special meetings shall be called by the Secretary upon the written request of the President of Council or upon the written request of any two members of Council, stating the day, hour and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the President and to each member of Council of the day, hour and place of such special meeting and of the subject or subjects proposed to be considered thereat. Such notices of the Secretary must be deposited in the U. S. mail in the main post office in the Town of Wyoming at least forty-eight hours prior to the time set for such special meeting, provided, however, that a written waiver of such notice, signed by the President and all other members of Council prior to or immediately upon the convening of such special meeting, shall make such forty-eight hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any other business at the meeting, if the waiver so states. The Town Council of the Town of Wyoming shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at regular meeting.

### QUORUM

Section 8. That in the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determination of all of the members of Council, but if a less number be present at any regular or properly called special meeting, they may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance adopted by a ma-

## CITIES AND TOWNS—WYOMING

majority of the entire Council. No ordinance, resolution, motion, order or other act of Council, except as immediately hereinabove provided for, shall be valid unless it received the affirmative vote of a majority of all members elected to Council.

### RULES AND MINUTES OF COUNCIL

Section 9. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the Yeas and Nays shall be taken upon the passage of every ordinance and resolution, and shall be entered in the Journal with the text of the ordinance or resolution.

### VACANCIES

Section 10. In case of vacancy created in the Members of Council either by death, resignation, loss of residence in the Town of Wyoming, or otherwise, the Council shall fill such vacancy for the residue of the whole term; provided, however, if a vacancy shall be created in the office of Councilman, the unexpired term of which office shall be for more than one year, the Council shall appoint some suitable person to serve until the next annual election at which time there shall be elected a suitable person to fill the unexpired term of said office.

### DISQUALIFICATION

Section 11. If any Councilman shall, during his term of office, lose his residence in said Town, or his citizenship in the State of Delaware, or be found guilty of any crime or misdemeanor, he shall forthwith be disqualified to act as a Member of Council, and his office shall be deemed vacant and shall be filled by Council, as aforesaid.

### CONTRACTS WITH MEMBERS

Section 12. It shall be unlawful for the said Council to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the Town of Wyoming with



## CITIES AND TOWNS—WYOMING

any member of the Council or with any partnership in which any member of Council is a partner, or with any corporation in which any member of Council is a director or stockholder or with any firm or company in which any member of Council is pecuniarily interested, except with the unanimous consent of the entire Council, and such contract shall be absolutely null and void without such unanimous consent.

### REGULAR MEETINGS OF COUNCIL

Section 13. The Council of the Town of Wyoming shall hold regular meetings once a month at such times as may be prescribed by the ordinance and resolution at the Town Hall, or at such other suitable place in said Town as the Council may select, but in the event of a temporary change in the place of meeting, notice shall be posted in some suitable public place plainly stating the new place of meeting selected by Council, and the day and hour of such meeting.

### OFFICERS

Section 14. (A) The Council shall, at the annual meeting held on the first Monday next following the annual election, organize by the election of a President, a Secretary, and a Treasurer. The Council shall elect a Collector of Taxes, a Town Solicitor, an Assessor, an Auditor, and a Police Officer and may elect an Alderman at such meeting or at any other meeting of Council when deemed advisable to do so. The President of the Council shall be a Member of the Council. The Town Solicitor, Assessor, Police Officer, Collector of Taxes and Alderman may or may not be members of the Town Council. The Council shall also elect and appoint any such other officers, employees and agents of the Town which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer may be removed at any time by the Town Council for sufficient cause.

(B) The Council shall by ordinance fix the salaries and compensation of employees, officers and agents of the Town and

## CITIES AND TOWNS—WYOMING

the time and manner of his or her payment; which salaries or compensations shall not be increased during the terms of said office. No officer, employee or agent of the Town shall in any form have, take, or receive from the Town any compensation in any form in addition to the salary or compensation fixed by Council.

(C) The Council shall cause to be kept a full and complete record of all officers appointed and employees and agents hired by the Town containing the names of such officers, employees, and agents, the dates and term of their appointment or employment, the salary or compensation and the date of the termination of service.

## DUTIES AND POWERS OF PRESIDENT

(D) The duties of the President of the Council shall be to preside at all meetings of Council; to have general superintendence of municipal affairs, provided, however, that such general superintendency shall in all cases be subordinate to the authority of all committees and appointees as selected by Council for the superintendency or conduct of any specified municipal activity to receive complaints of nuisances and all complaints or violations of Laws and Ordinances and present the same to Council at its first meeting thereafter for action of Council and to cause such infractions or violations of the Law or Ordinances, as require immediate action, to be proceeded on before the Town Alderman or any Justice of the Peace of Kent County. The President shall issue and sign all licenses for every exhibition within the Town, or licenses for any other purpose for which, under the Laws of Delaware, or the Ordinances of said Town, a license therefor is required.

The President shall sign all warrants on the Treasurer for the payment of any Town money and shall perform such other duties as may be prescribed by resolution or ordinance of Council. If the President be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him by this Act, or any

## CITIES AND TOWNS—WYOMING

other Law, or any resolution or ordinance now or thereafter adopted or enacted by Council, shall be exercised and performed by the Member of Council chosen by Council as acting President for the period of such incapacity.

The President shall have the same right as other Councilmen to vote on all matters and may at any time appoint another Councilman to preside if he desires to make a motion, move the adoption of a resolution, second either, or debate any question from the floor, and may thereafter immediately resume his duties, as presiding officer.

## SECRETARY

(E) The Secretary shall record all the proceedings of the Council and keep a correct journal of the same in a book to be provided for that purpose; and shall file and keep in a safe place the Seal of the Town and all papers, and documents, relative to the affairs of the Town, and deliver the same to his successor in office. The Secretary shall attest the seal of the Town when authorized by Council, and shall perform such duties and have such other powers as may be prescribed by ordinance. All records, books, papers and documents in the custody of the Secretary shall be always open for the inspection of Council and the public under such regulations as Council may prescribe.

## ALDERMAN

(F) The Alderman shall be sworn or affirmed to perform the duties of his office with fidelity. In absence or disability or otherwise, the Council, at any meeting, may appoint a citizen as acting Alderman. The Alderman or Acting Alderman shall have all powers of a Justice of the Peace within said Town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the limits of the Town so far as to arrest and hold to bail, or fine and imprison offenders; of all fines, penalties and forfeitures prescribed by this Charter, ordinances enacted hereunder, or any law of the State of Delaware, of all neglects, omissions or defaults of the

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Police Officer or other Town officer, agent or employee; provided, that he shall impose no fine or penalty in excess of that fixed by the ordinance and shall not commit to prison for a longer term than thirty days. The jails of Kent County may be used for imprisonment under the provisions of this Charter, provided, that the Council shall pay for the board of persons committed for breaches of ordinances which are not breaches of the general law.

The Alderman shall also have jurisdiction in suits of civil nature for the collection of taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses of abatement of nuisances, and all other matters which may arise in the proper government and control of the Town under the provisions of this Charter; and within his jurisdiction he shall have all the powers and authority, and shall be subject to all the limitations of the Justice of the Peace of Kent County, except as herein otherwise provided; and his fees shall be the same as those of a Justice of the Peace for like service. For any service or duty for which no fee is provided by law, such fee shall be established by ordinance.

Upon the expiration of his term of office, or upon resignation or removal from office, the Alderman shall forthwith deliver to his successor all books, papers, documents, and other things belonging or appertaining to his office, and shall pay over to the Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payment for the space of five (5) days, he shall be deemed guilty of a misdemeanor and upon conviction in the Court of General Sessions of the State of Delaware shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or shall suffer both fine and imprisonment at the discretion of the Court.

At every regular monthly meeting of the Council, the Alderman shall report in writing all fines imposed by him, and all fines and penalties and other money received by him during the preceding month belonging to the Town. He shall pay all

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such moneys to the Treasurer within ten (10) days after making report thereof to the Council; and for failure to make report to the Council, or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor, and shall be punished, upon conviction, as hereinabove provided.

The Alderman shall keep a docket in which all his official acts shall be entered, which shall be open to public inspection and examination at all times.

## TREASURER

(G) The Treasurer shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

The Town Treasurer, before entering upon the duties of his office, shall be sworn or affirmed to faithfully and honestly perform the duties of his office, which oath or affirmation shall be administered by the President, or acting President of Council.

The Town Treasurer, before entering upon the duties of his office, shall also give bond to the Town of Wyoming, with sufficient surety to be approved by Council, in the sum of Two Thousand Dollars (\$2,000.00), conditioned for the faithful discharge of the duties of his office and for the payment to his successor in office of all sums of money belonging to said Town, which may remain in his hands upon the settlement of his accounts, to which bond and condition shall be annexed a warrant of Attorney for the confession of judgment.

The Treasurer shall pay all orders drawn on him by order of said Council and signed by the President thereof, out of any moneys in his hands belonging to said Town. He shall settle his accounts with said Council annually by the end of the fiscal year, and at such other times as Council may require.

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## COLLECTOR OF TAXES

(H) The Collector of Taxes shall be a citizen and resident of the said Town above the age of twenty-one years at the time of his appointment.

It shall be the duty of the Town Collector to collect all Town and Sewer Taxes and to pay the same to the Town Treasurer as herein otherwise provided. The Council may appoint such person or persons to collect the water rents of said Town and all other kinds of Town Revenue as they deem advisable and require such bond or bonds as deemed proper.

The Town Collector, before entering upon the duties of his offices, shall give bond to the Town of Wyoming, with sufficient surety to be approved by Council, in the sum of One Thousand Dollars (\$1,000.00), conditioned for the faithful performance of the duties of his office and the payment to the Treasurer of said Town of all moneys collected by him belonging to said Town from taxes, and for the settlement of his accounts with the Treasurer of the Town at the end of each fiscal year, and at such other times as Council may require, to which bond and condition there shall be annexed the usual full warrant of attorney for confession of judgment for said penalty.

## AUDITOR

(I) The Auditor shall be a resident and taxable of the Town and it shall be his duty to audit the accounts of the Town and all of its officers whose duty involves the collection, custody and payment of the moneys of the Town. He shall audit the books of the Alderman and the records of all fines, penalties and costs imposed or collected by either of them pursuant to any judgment, order or decree made. The Auditor on or before the last business day in the month of February next following his appointment shall make and deliver a detailed report of all and every of the accounts, records and books by him examined and audited, which copies of said report shall be posted in five public places in the Town. The Auditor in the performance of his

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duties shall have access to all records of Council and records of the officers of the Town; and is authorized and empowered to employ such clerks or accountants as in his judgment may be necessary for the proper performance of his duties.

### TOWN SOLICITOR

(J) At the annual meeting, the Council shall elect a Town Solicitor for the Term of one year or until his successor shall have been duly chosen and qualified. The Town Solicitor shall be a member of the Bar of Kent County. It shall be his duty to give legal advice to the Council and other officers of the Town, and to perform other legal services as may be required of him by the Council.

### POLICE OFFICER

(K) The Council may appoint a Police Officer whenever the Council may deem it wise to do so; and the Council shall from time to time make rules and regulations as may be necessary for the control of the Police Officer. The Police Officer shall be subject to the direction of the Council, and may be removed by the Council at any time. He shall preserve peace and order, and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State; and he shall have such other duties as the Council shall from time to time prescribe and be entitled to the same fees and costs as a Constable of Kent County, in addition to compensation allowed by Council.

The Police Officer shall be vested within the town limits with all the powers and authority of a Constable of Kent County and shall have the power to make arrests for all motor vehicle and traffic violations within the limits of said town. In the case of pursuit of an offender his authority and power shall extend to any part of the State of Delaware. Every person sentenced to imprisonment by the Alderman or a Justice of the Peace of Kent County shall be delivered by the Police Officer to the County Jail of Kent County, or lock-up of the Town, to be there impris-

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oned for the term of the sentence. In the case of any arrest at a time when the Alderman or a Justice of the Peace shall not be available to hear and determine the charge, the person arrested may be delivered to the Kent County Jail, or to the lock-up of the Town, for imprisonment until such reasonable time thereafter as shall enable the Alderman or Justice of the Peace to hear and determine the charge against such person.

It shall be the duty of the Police Officer to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town, or the noisy conduct of any person in the same, and upon view of the above, or upon the view of the violation of any ordinances of the Town, relating to the peace and good order thereof, the Police Officer shall have the right and power to arrest without warrant and to take the offender before the Alderman or any Justice of the Peace of Kent County for hearing.

## ASSESSOR AND ASSESSMENT OF TAXES

Section 15. The Assessor shall be a resident of said Town and over the age of twenty-one years. He shall be sworn or affirmed by a Justice of the Peace or by the Alderman or by a Notary Public to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assessment of property and persons subject to taxation situated within the Town.

1. In the year 1942 and every fourth year thereafter, there shall be a true, just and impartial valuation and assessment of all the real property subject to County taxation within the Town, locating each parcel of real property by street and number, or other description, and also an assessment of all the male residents of the Town above the age of twenty-one years, whether owners or not owners of either real or personal property within its limits.

2. All assessments shall be made and completed by the Assessor prior to the first day of April. The assessment made in the year 1942 and in every fourth year thereafter shall be



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known as the General Assessment. In other years, there shall be made a scrap assessment, as hereinafter provided.

3. The scrap assessment shall value and assess all taxable real property in the Town not already valued and assessed by the General Assessment then in force, and all improvements made upon said real property since said General Assessment and all male residents of the Town above the age of twenty-one (21) years and not already assessed, and said assessment shall omit the names of those who have removed from the Town or who have died. In the year that a scrap assessment is made, the General Assessment then in force as supplemented or modified by the scrap assessment, shall constitute the assessment of the year.

4. The Assessor shall make and deliver to the Council as soon as the assessments are made such numbers of copies thereof as the Council shall direct.

5. The real property of the Assessor shall be assessed by the Council.

6. The Council shall, prior to the fifteenth day of April in each year, cause a copy of the General Assessment, or scrap assessment as made in said year, to be posted in two public places, in the Town, and there to remain for the space of ten (10) days for public information. Attached to said copies shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal; and the notices of the posting of the copies of the assessment and the places where the same are posted and the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be posted in at least five public places in the Town.

7. At the time and place designated in the notice aforesaid, the Council shall sit as a Board of Revision and Appeal to correct and revise the assessment, and to hear appeals concerning the same. They shall have full power and authority to alter,

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revise, add to, and take from the said assessment. The decision of a majority of the Council shall be final and conclusive with respect to the amount of the valuation; and no member of Council shall sit on his own appeal.

8. The assessment, as revised and adjusted by a majority of the Council, shall be the basis for the levy and collection of the taxes for the Town.

9. The Council shall also have the right to levy and collect taxes upon all telephone, telegraph, power poles, or other erections of like character erected within the limits of the Town, together with the wires and appliances thereto or thereon attached, that are now assessable and taxable, and to this end, may at any time direct the same to be included in or added to the Town Assessment. In case the owner or lessee of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, the said taxes may be collected by the Collector of Taxes as in case of other taxes.

10. No farm lands hereby included within the limits of the Town of Wyoming shall be subject to any Town tax unless the same shall be laid out as building lots and unless the same shall front upon some public street of the Town of Wyoming which shall be laid out and improved; and all farm lands within the aforesaid limits which shall be laid out as building lots and which shall front upon some public street of the Town of Wyoming laid out and improved shall be subject to be taxed to the depth of three hundred (300) feet from said street line for Town purposes. The Council shall be sole judges of what lands are, and what lands are not "farm lands" within the meaning of this Charter.

11. The General Assessment made and in force under the Charter of the Town of Wyoming and the amendments thereto shall continue in force and effect until the next General Assessment to be made in the year 1942.

12. The Council shall determine and fix a rate of taxation

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which will produce approximately the amount of money necessary to defray the expenses of the Town for the current year, including interest on bonded indebtedness and for redemption of maturing bonds and for maintenance of a sinking fund.

13. The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Five Thousand Dollars (\$5,000.00) in any one year clear of all delinquencies and expenses of collection, provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in all respects as provided for in Section 5 of this Act, may raise by taxation any amount above and exceeding the sum of Five Thousand Dollars (\$5,000.00). At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation" and another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised; when, however, any sum in excess of Five Thousand Dollars (\$5,000.00) shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum when in order to authorize any such increase a new referendum shall be necessary and whenever any increased sum shall be authorized at any referendum said sum shall represent the maximum amount authorized to be raised from year to year by taxation until an increase shall have been authorized by referendum duly held as aforesaid.

## COLLECTION OF TAXES

Section 16. On or before the fifteenth day of May in each year, the Council shall deliver to the Collector of Taxes a list containing the names of the taxables of the Town, opposite the name of each the amount of his real property assessment, and his poll assessment, and the tax upon the whole of his assessment, and the rate per hundred dollars. Attached to said tax

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list shall be a warrant, under the seal of the Town of Wyoming, signed by the President and attested by the Secretary, commanding the Collector of Taxes to make collection of the taxes as stated and set forth in the tax list.

All taxes laid or imposed by the Council of the Town of Wyoming, shall be and constitute a lien upon all the real estate of the taxable against or upon whom such taxes are laid or imposed of which such taxable was seized at any time after such taxes shall have been levied and imposed, situate in the Town of Wyoming, and such lien shall have preference and priority to all other liens of record on such real estate created or suffered by the said taxable although such other lien or liens be of a date prior to the time of the attaching of such lien for taxes; provided that the lien for town taxes shall remain a lien for the period of three years from the fifteenth day of May of the year in which such tax shall have been imposed and no longer.

All taxes when and as collected by the Collector of Taxes shall be paid to the Town Treasurer and all taxes shall be due and payable at and from the time of the delivery of the tax list to the Collector of Taxes. A discount shall be allowed by the Collector of Taxes of three per cent on every tax paid before the first day of July in each year; no discount shall be allowed by the Collector of Taxes on taxes paid after the first day of July, and to every tax paid after the thirtieth day of September in each year, there shall be added and collected one per centum for every month or fraction of a month after the said thirtieth day of September that the tax remains unpaid. Before exercising any of the powers herein given for collection of taxes, notices shall be given to the taxable of the amount due.

The Collector of Taxes shall have the following powers for the collection of taxes;

- (a) By distraint of the goods and chattels of the taxable.
- (b) At any time after the delivery of the tax list and warrant, the Collector of Taxes may, in the name of the Town

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of Wyoming, institute suit before any Justice of the Peace of the State of Delaware, in any of the Counties of the State, or before the Alderman of the Town, for the recovery of the unpaid tax, in any action of debt, and upon judgment obtained, may issue writs of execution as in case of other judgments recovered before a Justice of the Peace.

The said execution shall constitute a lien upon all the personal property of the taxable within the County where the judgment shall have been obtained, which, by virtue of such execution, shall be levied upon within thirty (30) days after the issuance thereof, and such lien shall have priority over all other liens against the said personal property created or suffered by the taxable, except such liens thereon, which may have been created in respect to County Taxes, although such other liens be of a date prior to the time of the attachment of said tax lien.

(c) At any time after the delivery of the tax list and warrant, the Collector of Taxes may notify in writing the person, firm or corporation by whom any taxable is employed, that the tax of said employee is due and unpaid. The notice shall be signed by the President of the Council and shall contain the correct name of the taxable as it appears upon the tax list, the amount of the tax due and the penalty added, if any; and thereupon it shall be the duty of the employer to take from the wage, salary, or other money then due the taxable the amount of the tax due and owing from the employee, and charge the same against him, and to pay the same to the Collector of Taxes within ten (10) days. The Collector of Taxes shall give to the employer a certificate of payment which shall be allowed in any suit or accounting between the employer and taxable. If any employer, being notified as aforesaid, and having in his hands money belonging to the taxable, shall neglect or refuse to comply with the provisions hereof, such employer shall become personally liable for the amount of the tax of the persons as to whom notice was given, and the amount thereof may be recovered from such employer in any action of debt before any Justice of the Peace or Alderman, as aforesaid. This process shall be deemed to be in the nature of a garnishment proceeding.

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(d) The Collector of Taxes may make a complaint under oath before any Justice of the Peace of Kent County, or before the Alderman, that the tax of any taxable is due and unpaid, and that he has been unable to make collection of a tax by any of the methods for the recovery of taxes prescribed in this Charter, and thereupon a warrant shall be issued for the arrest of such taxable and if, after hearing, it shall be found that the tax of the person arrested is due and unpaid, and if the taxable shall thereupon fail to pay the tax, together with accrued costs, he shall be committed to the Jail of Kent County, until the tax, penalty, costs and charges are paid, but not to exceed the term of thirty (30) days.

(e) For the purpose of collecting the tax of any taxable, and without the necessity of first employing the other remedy herein provided, the Collector of Taxes is empowered to sell the lands and tenements of a taxable, or the lands and tenements of a taxable alienated subsequent to the levy of the tax. The Collector of Taxes shall present to the Superior Court of Kent County wherein the lands and tenements are situated, a petition in which shall be stated:

- (1). The name of the taxable.
- (2). The year for which the tax was levied.
- (3). The rate of tax.
- (4). The total amount due.
- (5). The date from which the penalty for non-payment, if any, shall commence, and the rate of such penalty.
- (6). A short description of the lands and tenements proposed to be sold sufficient to identify the same.
- (7). A statement that a bill of said tax has been mailed to the taxable at his last known post office address and that it has been found impractical to collect the said tax by any of the

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other remedies as herein above provided. The petition shall be signed by the Collector of Taxes and shall be verified before a Notary Public.

The Court thereupon shall make an order for the sale of said lands and tenements returnable at the next succeeding term of said Court; Sales of lands and tenements shall be advertised by posting hand bills in at least five public places in the Town of Wyoming and publishing the notice of said sale in a newspaper published in Kent County. The notices shall contain the day, hour and place of sale and a short description of the premises sufficient to identify the same, and the hand bills shall be posted at least ten days before the day fixed for sale, and the newspaper advertisement shall be published at least one week before the day of sale.

Each sale of lands and tenements shall be returned to the Superior Court aforesaid at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If it be approved, the Collector of Taxes shall make a deed to the purchaser which shall convey the title of the taxable or of his alienee; if it be set aside, the Court may order another sale, and so on until the tax due is collected. The petition, return and deed, shall be presumptive evidence of the regularity of the proceeding.

No sale shall be approved by the Court if the owner be ready at Court to pay the taxes, penalty and costs, and no deed shall be made until the expiration of one year from the date of sale, within which time the owner, his heirs, executors or assigns, shall have power to redeem the lands on payment to the purchaser, his heirs or assigns of the costs, the amount of the purchase money and twenty per centum interest thereon, and the expense of the deed, provided, that if the purchaser refuses to accept the same, or in the event the purchaser, or his heirs or assigns, cannot be located within the State of Delaware, then, in either event, it shall be lawful for the owner, his heirs, executors or assigns, to pay the amount of redemption to the Collector of Taxes making the sale, taking from him a good and

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lawful receipt therefor and such receipt shall be considered for all intents and purposes, as a valid and lawful exercise by the owner, his heirs, executors or assigns, of his or their power to redeem the land so sold.

After satisfying the tax due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land, or upon the refusal of said owner to accept the same, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in the Town of Wyoming, either to the credit of the owner, or in a manner by which the fund may be identified.

In sales of lands for the payment of taxes, the following costs shall be allowed to be deducted from the proceeds of sale, or chargeable against the owner:

## TO THE PROTHONOTARY

For filing and recording petition.....\$1.00

For filing and recording return of sale..... 1.50

In addition, the costs of printing hand bills and publication of the advertisement of sale shall be chargeable as costs.

The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser.

If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

If any person is assessed for several parcels of lands and tenements in the same assessment, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that land alienated by the taxable shall not be sold until other property of the taxable shall have been disposed of.



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If the Collector of Taxes shall be unable by the thirty-first day of December of each year of the date of tax list to collect the tax of any taxable, he is empowered, having first paid the amount thereof to the Town, to collect said tax from such taxable for his own use by any of the processes of law herein prescribed within the space of one further year, from said thirty-first day of December, after which the said tax shall be extinguished and all authority to the Collector of Taxes under said tax list and warrant shall cease.

During the month of February next following the date of the tax list and warrant, the Collector of Taxes shall make full, final and complete settlement with the Treasurer and Council. The Council shall fix such time and place during the said month for settlement with the Collector of Taxes of which he, the said Treasurer, shall have due notice. At said settlement, the Council shall allow to the Collector of Taxes all taxes which shall have been impossible to collect by reason of errors in the assessment lists or otherwise, and not through the default or neglect or delay of the Collector of Taxes, and said settlement shall be final and conclusive, and no other allowance in any form shall be made to the Collector of Taxes by the Council. Upon the conclusion of the said settlement, the Collector of Taxes shall forthwith pay over to the credit of the Town the aggregate amount of the taxes found to be due the Town, and upon his failure or neglect to do so, it shall be the duty of the Council to proceed to collect the same from the Collector of Taxes and/or his surety.

The lien of any town taxes upon property may be extended as provided in Section 1418, Article 6, Chapter 79, Revised Code of Delaware, 1935, and the Collector shall have the same powers conferred by said Section upon the Receiver of Taxes and County Treasurer for Kent County but no sale shall be made as provided in said Section except upon direction of Council.

Section 17. The provision of Article 6 of Chapter 79 of the Revised Code of the State of Delaware, 1935, not inconsistent

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herewith, shall be deemed to apply to all taxes under the provisions of this Act.

## ENUMERATION OF SPECIFIC POWERS OF COUNCIL

Section 18. The Town Council shall have power to enact ordinances to preserve the health of the Town and to prevent the introduction and spread of infectious or contagious diseases, to define, prevent and abate nuisances; to ascertain and fix the boundaries, of streets, squares, lanes, alleys and sidewalks, to repave and improve the same, to alter, extend or widen any street, square, lane, alley or sidewalk and to open, lay out, improve and repair new streets, squares, lanes, alleys, and sidewalks, subject, however, to the provisions and restrictions in that behalf herein otherwise contained; to regulate and fix the ascents and descents of all streets, lanes, alleys and sidewalks and the drainage, repaving and improvement of foot pavements and to prescribe the width and materials thereof as hereinafter set forth; to regulate and provide for the improvement of existing and the construction of new gutters and curbs, subject, however, to the provisions and restrictions in that behalf otherwise herein contained; to prescribe the extent and nature of and to alter or remove steps, bay windows, porches, awnings, drains, sheds, cellar doors, posts and pillars and all inlets to lots and buildings; to regulate the construction of and repair to chimneys and to provide for the keeping of the same cleaned and in a safe condition as to fire and other hazards; to regulate or prevent the storage of gasoline, naphtha, oil, gunpowder or any other inflammable, combustible or dangerous substance and materials; to define, investigate, prevent, abate and remove fire and explosion hazards, both within and without buildings in the said Town; to improve, extend, construct and maintain water mains, fire hydrants and other proper instruments for the prevention and combating of conflagrations and to expend through its own channels or through those of some fire company in said Town such sum or sums of money from the unappropriated funds of the Town, from time to time, as Council may deem necessary and expedient for the proper protection from fire of the lives and property of the inhabitants of the Town;

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to enact such ordinances, not in conflict with the Laws of the State of Delaware, as it may deem necessary and beneficial for the safety, regulation and control of pedestrians, automobiles, and animal drawn traffic over the streets, squares, lanes, and alleys and other public places of the Town, including power to make and enforce any and all parking and non-parking regulations; to enact such ordinances and police regulations as it shall deem necessary and beneficial for the order, protection and good government of said Town; to enact ordinances in relation to the keeping of dogs; to provide for a registration fee therefor and to regulate or prevent their running at large; to enact ordinances to regulate or prevent the keeping of pigs and hogs in said Town, or in its judgment, in the more thickly populated parts of said Town; to employ from time to time skilled surveyors to make plots and maps showing the limits of said Town and ascents, descents and limits of all streets, lanes alleys, and sidewalks and the building lines upon the same, to show the location, depth and grade of all sewers and water mains and generally to do and perform all other matter of a cognate nature as may be deemed necessary by Council.

The Town Council shall have superintendence and oversight of all roads, streets, squares, lanes and alleys now opened or hereafter to be opened, within the limits of the Town, and no overseer, or similar official, shall be appointed by the Levy Court of Kent County, but said Levy Court shall annually appropriate for the repairs and upkeep of the roads and streets in said Town the sums of money provided for by the Laws of the State of Delaware now in force or hereafter enacted and said Levy Court shall make orders for the payment therefor to the Treasurer of the Town for the use of said Town.

The Town Council shall have full power and authority to enact ordinances to prevent, suppress and regulate all bonfires, the firing of firearms and the setting off and exploding of fire crackers, fire works, torpedoes and all explosives at any places in said Town.

The Town Council shall have power and authority to levy

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and collect license fees, annually, for such various amount or amounts as Council shall from time to time, fix, from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of said Town and shall have authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in said Town and supplying the inhabitants thereof with any form or manner of services for any valuable consideration; to regulate the operation of public utilities within the Town and the use of the streets in connection with the operation of public utilities outside of the Town, or the use of the streets by common carriers, either passenger or freight or both, and to require that licenses from the Town be secured and to determine the amount or amounts to be paid therefor, provided, that this power shall not be deemed to apply to steam utilities; to levy and collect taxes on gas and water mains, underground conduits, telephone, telegraph, electric current or other poles or erections of like character in said Town, together with the wires thereon strung, and to this end may at any time direct the same to be included in or added to the Town assessment, with the authority of Council to cause such mains, conduits, poles and wires to be removed and suit to be instituted to collect the taxes so levied, in the event the owner or lessee thereof refuse or neglect to pay such taxes; Council has power to enact ordinances to prevent, abate or regulate electrical or other interferences with radio reception in said Town.

Council shall have the power to enact ordinances for fire protection and to this end may prohibit the use of building materials that Council may deem would create a fire hazard in the section to be used and may zone or district the Town and make particular provisions for particular zones or districts with regard to building and building materials, and may forbid any building except for which a building permit therefor has been obtained from and as prescribed by Council. This provision shall be deemed to include new buildings, or rebuildings or additions to or alterations of existing structures of any kind. Council shall have power upon inspection to condemn any existing

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building or structures that it deems to be a fire menace and to cause the same to be town down or removed; Council shall have power to establish a building line for buildings to be erected, provided that such building line shall not be established more than ten feet back from front line of the lots.

The Town Council shall be vested with power and authority to prescribe fines, or penalties, or both, for violations of any of the provisions of this Act, or of the ordinances now in force, or which may hereafter be enacted in pursuance of any power hereof or of any power which may not be enumerated herein, provided, that no ordinance or other Act of Council shall provide any fine of more than One Hundred Dollars, exclusive of costs, nor any penalty by way of imprisonment, in excess of thirty days, but Council may provide for both fine and imprisonment, not in excess of said limits.

## USE OF TOWN MONEY

Section 19. The Town Council of said Town shall have full power and authority to use the money in the Treasury of said Town or any portion thereof, from time to time, for the improvement, benefit, protection, ornament and best interests of the said Town, as Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do, by virtue of the Laws of Delaware, this Act and all lawful ordinances and resolutions of Council. In the general performance of its duties and particularly in the expenditure of moneys of the said Town, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, doings and determinations of all the members of Council.

## FISCAL YEAR, ANNUAL STATEMENT

Section 20. The fiscal year of the said Town shall begin the first day of March in each year and shall end with the next succeeding last day of February. The Town Council shall cause a full and correct annual statement of the receipts and disburse-

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ments of all Town moneys for the fiscal year next preceding to be posted in five public places in The Town of Wyoming, at least ten days prior to the annual Town election.

### EXEMPTION OF PROPERTY FROM TAXATION

Section 21. The Town Council of said Town shall have power by an ordinance, or by a resolution, to relieve, release, exonerate and exempt the real property of any person, firm, association or corporation engaged in any manufacturing business within the limits of said Town and employing no less than six persons.

No property shall be exempt from taxation aforesaid until such an ordinance is enacted or such a special resolution adopted and the period of such exemption shall be only such as is set forth in said ordinance or resolution, and shall not be in excess of ten years, and shall only be revocable upon the breach of a condition contained in such ordinance or resolution.

### POWER TO BORROW MONEY AND ISSUE BONDS

Section 22. (A) The Council of the Town of Wyoming may borrow money and issue bonds or certificates of indebtedness to secure the payment thereof on the faith and credit of the Town of Wyoming to provide funds for the erection, the extension, the enlargement or the repair of any plant, machinery, appliances or equipment for the furnishing of water, to the public, for the construction or repair or improvement of highways, streets, or lanes or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the costs of the Town of Wyoming of any permanent municipal improvements, providing, however, that the borrowing of the money therefor shall be authorized by the Town Council and shall have been approved in the manner following:

(B) 1. Council by resolution shall propose to the electors of the Town by resolution that the stated amount of money

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shall be borrowed for any of the above purposes. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, and shall fix a time and place for hearing on the said resolution.

2. Notice of the time and place of hearing on the resolution authorizing said loan shall be posted in five public places at least one week before the time set for said hearing.

3. A second resolution shall then be passed by Council ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of its determination after said hearing to borrow the said money for the purpose of voting for or against the proposed loan.

4. The notice of the time and place for holding the said special election shall be given the inhabitants by posting notices in five public places for two weeks prior to the election. And the special election shall be conducted by a Board of Electors as herein provided in the case of annual elections.

5. The Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the date of the special election.

6. At the special election, every person who had a right at the next preceding annual Town election shall have one vote for every dollar and fractional part of dollar of tax paid by him or her respectively during the year preceding said election and every owner of property, whether individual, partnership or corporation shall have one vote for every dollar or part of dollar of tax paid by said owner during the year preceding said election and the said vote may be cast either in person or by proxy.

7. The Board of Election shall count the votes for and against the proposed loan; and shall announce the result thereof, shall make a certificate under their hands of the number of votes cast for and against the proposed loan, and shall deliver

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the same to the Council, which said Certificate shall be entered on the minutes of the Council, and the original shall be filed with the papers of the Council.

(C) The form of Bond or Certificate of Indebtedness, the times of payment of interest, the classes, the time of maturity, and provisions as to the registration shall be determined by the Council. The bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper of Kent County for at least two weeks before offering the same for sale. The Council shall provide, in its budget, and in fixing the rate of tax, for the payment of interest and principal of said bond at the maturity or maturities thereof, and a sinking fund therefor. The faith and credit of the Town of Wyoming shall be deemed to be pledged for the due payment of the bonds and interest thereon issued under the provisions hereof, when the same have been properly executed and delivered for value.

(D) The bonded indebtedness of the Town of Wyoming shall not at any one time in the aggregate exceed the total sum of ten per centum of the value of the real property situate within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

OBSTRUCTIONS, NUISANCES AND UNSANITARY  
CONDITIONS

Section 23. The Town Council shall have power and authority to enact ordinances or adopt resolutions to define, prevent, abate and remove all obstructions, nuisances and unsanitary conditions at any time existing or deemed to be contemplated whether in the street, squares, lanes, or alleys, or on the sidewalks, or in any other public or private place within the limits of said Town either on its own inspection, or upon written complaint of any citizen of said Town, stating the character and location of the obstructions, nuisances or unsanitary conditions, and signed by the citizen making the complaint. If a majority of Council, either upon inspection or upon such information, or both, shall determine that such obstruction, nuisance, or un-



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sanitary condition exists and ought to be removed or abated, as the case may be, Council shall enact an ordinance or adopt a resolution, or both, appropriate to the contemplated or existing condition and Council shall thereupon give notice in writing, signed by the President or acting President of Council to the person or persons contemplating or causing such obstruction, nuisance or unsanitary condition, or to the person or persons who are responsible for its existence or continuance, to remove or abate the same and if such person or persons refuse or neglect for the space of two days after such notice is mailed to remove or abate the stated condition, Council shall have power and authority to remove or abate the same in a summary manner and at the expense of the person or persons responsible therefor. Council shall have power and authority to enforce, by ordinance, all the requirements of this Section by imposing fines and penalties as shall be in the judgment of Council necessary and proper which shall be additional to the said expenses and costs of removal or abatement. For all the purpose of this Section, any property, whether dwelling, storehouse, or both, or otherwise, which does not have proper connections with the sewer system of the said Town, if such sewer connections be available for such property, shall be deemed to be in an unsanitary condition under the meaning of this Section, at the discretion of the Council.

## STREETS

Section 24. The Town Council shall have power and authority to locate, lay out, and open new streets and to widen or abandon streets or parts thereof, whenever they shall deem it for the best interest of the said Town. The procedure in every case as aforesaid, shall be as follows: The Council shall, by a majority vote, adopt a resolution favorable to the opening of the new street, or to the widening or altering of a street, or to the vacating or abandoning of a street or any portion thereof, as the case may be, and giving a general description of the street to be opened or widened, or altered, or of the street or part thereof to be vacated or abandoned, as the case may be.

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The said resolution shall also state the day, hour and place when the said Council will sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property. A copy of such resolution shall be posted in five or more public places in the said Town at least five days before the day fixed for the hearing aforesaid.

At the time and place fixed in the said resolution said Council shall hear such residents of the Town or owners of the property affected as shall attend, and it shall at said meeting, or at a subsequent day, as it shall deem proper, adopt a resolution by a majority vote, to proceed with, or to abandon as it shall deem for the best interests of the said Town, the opening of the street or streets, or the widening, altering, vacating or abandoning of the existing street or streets, or part thereof, as the case may be, as contemplated in its prior resolution. And in case the determination of the said Council shall be to proceed with the plan contemplated by the resolution first aforesaid, Council shall award just and reasonable compensation to anyone who will be deprived of property in consequence thereof. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town, on a warrant drawn on him by authority of the Council aforesaid upon delivery of a Deed in fee simple in favor of the Town of Wyoming, and clear of all liens and encumbrances. If anyone who will be deprived of property as aforesaid be dissatisfied with the compensation awarded by the Council aforesaid, he, may, within five days after the award of the Council as aforesaid, appeal from such award by serving written notice to that effect on the Secretary or President of Council. In order to prosecute said appeal such appellant shall within five days, after the expiration of the five days allowed for the appeal as aforesaid, apply to the Judge of the Superior Court for the State of Delaware, resident in Kent County, or in his absence at that time, to the Chief Justice of the said Court, for the appointment of freeholders to hear and determine the matter of compensation to such appellant for any property of which he will be deprived as aforesaid, and thereupon the said Judge or Chief Justice, as the case may be, shall issue a commission

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under his hand directed to five impartial freeholders of Kent County, commanding them to determine and fix the damages which the said appellant will sustain by reason of being deprived of any property as aforesaid, taking into consideration the benefits or advantages that will enure to the said appellant from said new street or otherwise, and to make return of their findings to the said Judge or Chief Justice, as the case may be, at a time appointed in said commission. The said freeholders shall give notice of the day, hour and place when they will meet to view the premises and to assess the damages, if any, as aforesaid. Such notice shall be served upon the appellant personally, or by posting a copy on the premises affected at least five days before the day when they are to view the premises as aforesaid and a copy of such notice shall also be served on the Secretary or the President of Council at least five days before the day of such meeting.

The freeholders named in such commission being first sworn or affirmed on the day and at the hour and place stated in the notice aforesaid, shall view the premises and hear the appellant and his witnesses and the Council and its witnesses, and shall without delay, determine and fix the damages, if any, which the said appellant will sustain by reason of being deprived of any property as aforesaid. Thereupon and without delay the said freeholders shall make return in writing of their proceedings in the premises to the said Judge or Chief Justice, as the case may be, who shall cause the said return to be delivered to the said Secretary or President of Council and such return shall be final and conclusive. The said Judge or Chief Justice shall have power to fill any vacancy among the freeholders. The amount of damages being ascertained as aforesaid, the said Council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or may deposit the same to his credit in any Bank in the Town of Wyoming to the credit of the person or persons entitled thereto within the said period of one month, and thereupon the said Council may carry into effect the plan contemplated in their resolutions aforesaid. In

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the ascertainment and assessment of damages by the freeholders appointed by the Judge or Chief Justice aforesaid, if the damages shall be increased or if the Council shall decide not to take said land, the costs of the appeal shall be paid by the Treasurer of the said Town out of any money in his hands belonging to the Town, but if said damages shall not be increased, the costs of the appeal shall be paid by the party appealing. The fees of the freeholders shall be five dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, Council shall have the option of paying the damages assessed within the term aforesaid and proceed with the improvements, or upon the payment of the costs only, may abandon the proposed improvement.

Whenever the land comprehended or included in any street, or part thereof, vacated or abandoned under this Section if owned by the said Town, the Council may, in its discretion, sell such land at public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto for whatever estate the said Town may have therein.

The word "street" shall be deemed and held to comprehend and include sidewalks, lanes, and alleys for all the purposes of this Section.

## PAVING, GUTTERING, CURBING

Section 25. The Council shall have the power to cause to be paved or repaved the sidewalks of the said Town, or any part or portion thereof, and shall have power to have existing curbs or gutters, or both, repaired or relaid, or new curbs or gutters, or both, constructed, or any part of or portion thereof, in said Town, with such material or materials and of such width or size, and subject to such specifications as it shall determine. Before the exercise of said power in any particular instance, the Council shall adopt an ordinance or resolution stating in

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effect that on a named day and at a named hour and place the Council will meet to consider the question of paving or repaving the sidewalks with a specified material or materials, or repairing existing curbs or gutters, or both, or altering existing curbs or gutters, or both, with any specified material or materials and according to the stated specifications on a named street in front of the property of named owners, and of assessment of the costs thereof against such owners. The said ordinance or resolution shall be published at least one week prior to the meeting aforesaid in at least one issue of a newspaper published in Kent County. The Council shall hold a meeting in said Town in accordance with said ordinance or resolution and thereat shall hear the aforesaid owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.

After such hearing, the Council, either at said meeting or at a subsequent meeting, shall decide whether or not to proceed with the improvements referred to in said ordinance or resolution, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the costs of the improvements aforesaid in front of the real property of the owner or owners named in the aforesaid ordinance or resolution shall be borne by said owners. If said determination shall be that the whole or specified proportion of said costs shall be borne by said owners, then and in such case the said owners shall be compelled to pay the whole or specified proportion of the cost aforesaid, as the case may be, the amount to be paid by the owner of each parcel of property affected to be determined by the lineal frontage of the parcel on the sidewalk to be paved or repaved, or in the gutter to be repaired or laid, or on the curb, to be repaired or constructed, or any or all of said improvements, as the case may be.

When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them, having been done and the costs thereof ascertained, the Council shall ascertain the amount that the owner of each parcel or property aforesaid shall pay as hereinbefore stated, and shall give writ-

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ten notice thereof to such owner, or one of the co-owners, by mailing the same to his last known address. If any such owner shall fail to pay the specified amount within thirty days after the mailing of such notice, the same together with costs may be collected by an action of debt before the Alderman or any Justice of the Peace of Kent County. Writs of execution may issue upon judgment recovered as in like cases of a civil nature and the same proceedings had as on any other judgment before a Justice of the Peace. Upon a return of Nulla bona on an execution issued on said judgment a certified abstract of said judgment shall be filed in the Prothonotary's office for Kent County and said judgment shall become a lien upon the premises affected with same force and effect of any other judgment entered in the Superior Court of the State of Delaware.

The term "Owner" as used in this Section shall be deemed to mean the person or persons who owned the property in question at the time of the adoption or passage of the ordinances or resolutions first in this Section referred to, and any change of ownership thereafter shall not be deemed or held to affect any of the steps or proceedings mentioned in this Section.

## CONSTRUCTING, PAVING, REPAIRING OF STREETS

Section 26. The Town Council of the Town of Wyoming, shall have full power and authority to regrade, redress or otherwise repair and rebuild all existing streets, lanes, alleys, and other public thoroughfares in the Town of Wyoming and to construct, build, pave and in any manner improve all new and existing streets, lanes, alleys and other public thoroughfares now opened or to be hereafter opened for public use in said Town, and in so doing shall use such materials and substances and such methods of construction and shall employ such contractor, engineers, inspectors and others as the Council shall deem expedient and may use different materials and different methods of construction on different streets, or on different parts of the same street, as Council deems advisable. For the purpose of this Section Council shall have full power and authority to expend such part or parts of the money of the said

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Town in the general fund of the Town not otherwise appropriated.

### CONTRACTS

Section 27. The Council is vested with authority on behalf of the Town to enter into contracts for the rendering of personal service to the Town and/or the purchase of supplies and doing of work for any municipal purpose for the Town, provided:

A. No contract shall be made by Council for any purposes, the contract price of which is in excess of \$3,000, without public competitive bidding; and

B. The contract shall be awarded to the lowest responsible bidder, but Council may reject any and/or all bids for any cause by it deemed advantageous to the Town; and

C. All formal contracts shall be signed by the President of the Council with the Seal of the Town attached attested by the Secretary.

### WATER SYSTEM

Section 28. The Town Council is hereby vested with full power and authority to provide for the Town of Wyoming an ample supply of pure water and to purchase, lease, erect, construct, maintain, operate and control wells, reservoirs, pumping machines and stations, water mains, fire hydrants and all other instruments for the collection, storage, conveyance and distribution of water, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations in regard to the use for public or private purposes of water furnished by the Town, and the amounts to be paid by the users thereof, and to fix fines, or penalties, or both for any wilful or negligent injury or damage to, or interference with the water system of the Town. The Council may, at its

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option, furnish water from the Town system to places and properties outside the Town limits upon such special terms, charges and conditions as it shall deem wise.

The Council may, by condemnation proceedings, take private land, or the right to use private lands, under, over or on the surface thereof, for the proper operation or extension of the water system. The proceedings by condemnation under this Section shall be the same as prescribed in Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## SEWER SYSTEM

Section 29. The Town Council is hereby vested with full power and authority to provide, construct, extend, maintain, manage and control a sewer system for the health, sanitation and convenience of the inhabitants of the said Town, on, over, under or through the lands of any person. The Council shall have power to enact ordinances, rules and regulations regarding the sewers and the sewer system of the Town and the use thereof, and the amounts to be paid by the users thereof, and to fix fines or penalties, or both, for any wilful or negligent injury or damage to or interference with the said sewers or sewer system of the Town. The Council may, at its option, furnish, sewer facilities to places and properties outside of the Town limits upon such special terms, charges and conditions as it shall deem wise. The Council may require any property in the Town, for which there is any available sewer, to be connected with the sewer system and may compel the owner of such property to pay the cost of such connection and the tapping fee therefor.

The Council may, by condemnation proceedings, take private land, or the right to use private land, under, over or on the surface thereof, for the proper operation or extension of the sewers and sewer system of the Town. The proceedings by



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condemnation under this Section shall be the same as prescribed by Section 24 of this Act, for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## ELECTRIC CURRENT, POWER PLANT, FRANCHISES

Section 30. The Council shall have power to make contracts for the purchase of heat, light, water and electric current with any responsible persons, firms, or corporations for all municipal purposes.

The Town Council shall also have full power and authority at any regular or special meeting, by a majority vote, to enact ordinances or adopt resolutions granting franchise to any responsible person, firm, association or corporation, and for such terms of years as shall seem wise to said Council, to use the present and future streets, squares, alleys, and lanes of the said Town for purposes of furnishing light, heat, power, gas or water, or any or all of them to said Town and to the persons, firms, or corporations residing therein and for the purpose of transmitting light, heat, power, gas and water, or any or all of them through, over, across or under said streets, squares, alleys and lanes to points outside of the limits of said Town; and such franchise or franchises to contain such restrictions, conditions and stipulations as shall to said Council seem wise, and said Council, by a majority vote, at any regular or special meeting, shall also have full power and authority to enter into contracts with any responsible persons, firms, associations or corporations for the furnishing of light, heat, power, gas or water, or any or all of them, or for the furnishing of electric current, either at wholesale or retail, to said Town, or to persons, firms, and corporations residing therein, or adjacent thereto.

## DRAINAGE

Section 31. The Town Council of said Town shall have the full jurisdiction and control within the limits of said Town of

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the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town, and may pass ordinances for the opening of gutters, drains and sewers within said Town limits and the regulating and maintaining, cleaning and keeping the same and the natural water courses, runs and rivulets within the said Town limits open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided in case of the water and sewer systems of the said Town and as prescribed by Section 24 of this Act for the opening and laying out of new streets, and the resolutions referred to in said Section 24 shall be changed and modified to cover the cases contemplated by this present Section.

## ORDINANCES

Section 32. The Council is hereby vested with the authority to enact ordinances or resolutions relating to any subject within the powers and functions of the Town, or relating to the government of the town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protections and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

All ordinances or resolutions of general character relating to the government of the Town shall not be of force and effect until the same shall have been posted in at least two public places in the Town.

It shall be the duty of the Council to compile the ordinances of the Town, to have a reasonable number of copies printed for the use of the officials of the Town and for public information; and from time to time, upon the enactment of new ordin-

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ances, or the amendment of existing ordinances, to enroll the same in the minutes of the Council, and to keep copies thereof in a book to be provided for that purpose, so that the same may be readily examined; and also to furnish the Alderman with copies thereof as they are enacted and published.

## HEALTH

Section 33. A. The board of health for said Town of Wyoming shall consist of three members appointed by the Council to serve for one year and one of whom shall be a practicing physician in said Town; they shall report to the Council in writing whatever is deemed by the board to be injurious to the health of the people of the town and shall make recommendations to Council of whatever may contribute to useful, sanitary information.

## FIRE

. B. The Council shall have the power to adopt all measures requisite or appropriate for protection against fire, and to appropriate money for the purpose of fire equipment, whether owned by the Town or by a Volunteer Fire Company.

## ZONING

C. For protection against fire, the Council may adopt ordinances to zone or district the Town and to make particular provisions for particular zones or districts with regard to buildings and building materials; to prohibit the use of building materials that may be deemed to create a fire hazard, and this power shall embrace new buildings or additions to or alterations of existing structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a fire menace, and to require or cause the same to be torn down, removed, or so altered as to eliminate the menace of fire; to prescribe the height and thickness of walls of any building and the kind and grade of materials used in the construction thereof; to establish a building line for buildings to be erected, provided that such

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building line shall not be established more than ten feet back from front line of the lots.

The Council may adopt zoning ordinances limiting and specifying districts and regulating thereon buildings and structures according to their construction and according to the nature and extent of the business to be carried on therein.

The powers to be exercised under and by virtue of this provision shall be deemed to have been exercised under the police power and for the general welfare of the inhabitants.

## BUILDING INSPECTION PERMITS

D. The Council may provide for the issuance of building permits, and may forbid the construction of any new building, or the addition to, or alteration, or repair of any existing building unless a building permit has been obtained therefor.

Should any person, firm or corporation hereafter desire to erect any building or buildings within the corporate limits of said Town for the purpose of conducting therein the business of canning fruits, vegetables, meats, oysters, etc., or for the manufacture or manipulation of phosphate, fertilizers or manures of any kind, he or they before erecting such buildings or building, or engaging in such business, shall make an application in writing for permission therefor to said Council. And should said Council determine that such building will not endanger the other property of the Town, and said business will not jeopardize the health of or be offensive to the citizens thereof, the Council shall have authority to grant a permit to erect such buildings and conduct such business.

The Council shall have full power to fix and determine the placing and replacing of poles or other structures within the Town limits for the carrying of telegraph, telephone, power or other wires, and the attachments thereto, and to cause existing poles or structures to be removed whenever the same shall be deemed to be obstructions or detrimental to the beauty of the

## CITIES AND TOWNS—WYOMING

Town, or when such poles or structures are so placed as to inconvenience persons or render property less desirable. This power shall extend as well to the location as to the relocation of such poles and structures, wires, and attachments, and may be exercised from time to time as occasion shall arise.

### LICENSES

Section 34. The Council shall have the right to grant or refuse licenses for boxing exhibitions and other sports, to circuses, theatrical, or minstrel companies, or like things, and exhibits or parades thereof, or the posting of bills for the advertisement thereof; to pool or billiard rooms and other places of amusement; to peddlers or canvassers; to any person having only a temporary place of business for selling or offering for sale goods, wares and merchandise; to peddlers of meats, fish, oysters or vegetables and the location of wagons or stalls, provided that the Council shall not have the power to permit, by the license, interference with any place of business or with the convenience of public travel; to provide for the payment of taxes, fines, penalties, and forfeitures by performance of labor for the Town by those who may owe taxes, fines, penalties or forfeitures, and to make proper regulations and rules therefor.

### TREES

Section 35. Trees being among the chief beauties of the Town, and their preservation requiring that they be treated with special care, the Council is empowered to take necessary or appropriate action to prevent injuries to trees from electric wires or from any other source or cause whatsoever.

### PENALTIES

Section 36. The Council shall have the power to enact ordinances, rules and regulations and to fix the penalties for violations, thereof relating to the use of streets, highways, lanes, and alleys, the parking of vehicles thereon, with the

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power to prohibit parking on streets, or portions thereof, entirely or within certain hours, or for certain lengths of time.

### FINES AND IMPRISONMENT

Section 37. No fine shall be imposed in a sum exceeding One Hundred Dollars (\$100.00) exclusive of costs; and no term of imprisonment shall be imposed for violation of any rules, regulation or ordinance, or other offense or for failure to pay any fine or penalty imposed, in excess of a period of thirty days.

### FLOATING DEBT

Section 38. The Town Council of said Town shall have full power and authority to borrow upon the faith and credit of the Town of Wyoming, the sum or sums of money, not exceeding One Thousand Dollars (\$1000.00) in any one fiscal year, when in the opinion of the majority of Council the needs of said Town demand it. Said Council may secure said sum or sums of money by promissory notes or certificates of indebtedness of the Town of Wyoming, duly authorized by resolutions of Council, and signed by the President, or by the acting President, of the Council and by the Secretary, either with or without the corporate seal of the Town, affixed as is requested by the bank or person advancing the money on said notes or certificates, and no officer nor member of Council shall be personally liable for the payment of such notes or certificates because it is signed by them as officers of the Council, and is authorized by the resolution of the Council. Provided, however, any sum or money borrowed on the faith and credit of the Town of Wyoming as aforesaid in any fiscal year shall be paid out of the general funds of the Town, at the minimum rate of twenty-five per centum per fiscal year and shall be paid at the end of four fiscal years following the first fiscal year which said money was borrowed with interest thereon.

### SURVIVAL OF POWER AND VALIDATING SECTION

Section 39. That the Act entitled "An Act to reincorporate

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the Town of Wyoming", passed at Dover, March 30th, 1905, and the several Acts and parts of Acts therein and thereby repealed, all other Acts and parts of Acts inconsistent with or supplied by this Act, are hereby repealed and made null and void saving and excepting, however, from the effect of such repeal all Acts and the parts of Acts relative to The Town of Wyoming, not inconsistent herewith or supplied hereby, and excepting, however, also from the effect of such repeal, and expressly declaring that all the ordinances of The Town of Wyoming, heretofore enacted or adopted and now in force in pursuance of any Laws of this State, shall continue in full force and effect until expressly repealed, altered or amended by the Council of said Town. That all Acts and doings of the Council of said Town, or of any officers of said Town lawfully done or performed under the provisions of any Law of this State or of any ordinances of the Council of said Town, are hereby ratified and confirmed.

That all debts, fines, or penalties and forfeitures due to said The Town of Wyoming, all debts due from The Town of Wyoming to any person or persons whomsoever, or to any firm, association, or corporation, are hereby declared to be wholly unaffected and unimpaired by this repeal and shall continue in full force until the same shall be fully paid and discharged according to the terms thereof. That all powers conferred by Law upon the Collector of Taxes for the collection of all taxes in the said Town, heretofore assessed and uncollected shall continue in full force and effect until all said taxes shall be fully collected and paid, and the official bonds of said Collector, and of all other bonded officers not employees of said Town, shall be unaffected and unimpaired by this repeal, and they and their sureties therein shall continue liable for any breaches of any conditions of said bonds, and that all proceedings theretofore commenced for the collection of any penalty, fine, forfeiture or debt due to the said Town, under any Law or Ordinance, shall not be affected or impaired by the repeal, but the same may be prosecuted to judgment and execution until the sum be fully paid, liquidated and discharged.

Section 40. If any part of this Act shall be held unconstitu-

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tional, such holding shall not in anywise invalidate the remaining provisions of the Act.

Section 41. This Act shall be deemed and taken to be a public Act.

Approved May 12, 1941.



# Education

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## CHAPTER 190

### FREE PUBLIC SCHOOLS LEAVE OF ABSENCE GRANTED IN CERTAIN CASES

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO FREE PUBLIC SCHOOLS, BY PROVIDING FOR GRANTING LEAVE OF ABSENCE TO SUPERINTENDENTS, PRINCIPALS, TEACHERS AND OTHER EMPLOYEES, IN CERTAIN CASES.

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

Section 1. That Chapter 71 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding to 2650. Sec. 28. thereof, the following new paragraph: "In the case of a regularly appointed and employed principal, teacher or other employee, as the case may be, who is called to the service of, or voluntarily enters the Armed Forces of the United States of America, or the National Guard of the State of Delaware when in continuous active service, the Board of School Trustees which has a contract with such principal, teacher or other employee is authorized, empowered, and directed to grant to such principal, teacher or other employee, a leave of absence which shall cover the period of said service, not to exceed three years, or until the term of service to which he has been called is terminated, and upon the completion of said leave of absence to reinstate such principal, teacher or other employee in the position which he held at the time that the leave of absence was granted; and the contract with the said principal, teacher or other employee shall continue in force under the same conditions as if the said principal, teacher or other employee had been in the continuous service of the said Board of School Trustees during the period of the leave of absence, provided, such

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regularly appointed and employed principal, teacher or other employee, as the case may be, shall have received a certificate of satisfactory completion of Service. The persons who may be appointed to replace the said principals, teachers or other employees shall be appointed only for the period covered by said leave of absence."

Section 2. That the said Chapter 71 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by adding to 2667. Sec. 45. thereof the following new paragraph: "In the case of a regularly appointed superintendent, principal, teacher or other employee, as the case may be, who is called to the service of or voluntarily enters the Armed Forces of the United States of America or the National Guard of the State of Delaware when in continuous active service, the Board of Education which has a contract with such superintendent, principal, teacher or other employee is authorized, empowered, and directed to grant to such superintendent, principal, teacher, or other employee a leave of absence which shall cover the period of said service, not to exceed three years, or until the term of service to which he has been called is terminated, and upon the completion of such leave of absence to reinstate such superintendent, principal, teacher or other employee in the position which he held at the time that the leave of absence was granted; and the contract with the said superintendent, principal, teacher, or other employee shall continue in force under the same conditions as if the said superintendent, principal, teacher, or other employee had been in the continuous service of the said Board of Education during the period of the leave of absence, provided, such regularly appointed superintendent, principal, teacher, or other employee as the case may be, shall have received a certificate of satisfactory completion of Service. The persons who may be appointed to replace the said superintendents, principals, teachers, or other employees shall be appointed only for the period covered by said leave of absence."

Section 3. That the said Chapter 71 of the Revised Code

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of Delaware, 1935, be and the same is hereby further amended by inserting in 2629. Sec. 7 thereof between paragraphs (C) and (D) the following new paragraph: "In the case of regularly employed professional and clerical assistants of the State Board of Education who are called to the service of or voluntarily enter the Armed Forces of the United States of America or the National Guard of the State of Delaware when in continuous active service, the State Board of Education which has employed such professional and clerical assistants is authorized, empowered and directed to grant to such professional and clerical assistants a leave of absence which shall cover the period of said service, not to exceed three years, or until the term of service to which he has been called is terminated, and upon the completion of said leave of absence to reinstate such professional and clerical assistants in the positions which they held at the time that the leave of absence was granted, provided, such regularly employed professional or clerical assistants shall have received a certificate of satisfactory completion of Service. The persons who may be appointed to replace the said professional and clerical assistants shall be appointed only for the period covered by said leave of absence."

Approved May 15, 1941.

## CHAPTER 191

FREE PUBLIC SCHOOLS  
SMYRNA SPECIAL SCHOOL DISTRICT AUTHORIZED TO  
BORROW \$20,000. AND TO ISSUE BONDS THEREFOR.

AN ACT AUTHORIZING SMYRNA SPECIAL SCHOOL DISTRICT  
TO BORROW TWENTY-THOUSAND DOLLARS (\$20,000.00)  
AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF  
REDEEMING AND REFUNDING OUTSTANDING BONDS OF  
SAID DISTRICT.

WHEREAS, Smyrna Special School District has heretofore issued bonds in the amount of Sixty-five Thousand Dollars (\$65,000.00) under and by virtue of the authority of an Act of the General Assembly of the State of Delaware entitled: "SCHOOL LAWS OF THE STATE OF DELAWARE", approved June 24, 1920, being Chapter 48, Volume 31, Laws of Delaware; and

WHEREAS the outstanding bonds of the aforesaid issue, being Series of 1921, were redeemed and the bonded indebtedness refunded pursuant to Act of the General Assembly of the State of Delaware entitled: "AN ACT AUTHORIZING SMYRNA SPECIAL SCHOOL DISTRICT TO BORROW FIFTY THOUSAND DOLLARS (\$50,000.00) TO REDEEM CERTAIN BONDS ISSUED AND OUTSTANDING UNDER THE AUTHORITY OF CHAPTER 48, VOLUME 31, LAWS OF DELAWARE", approved April 17, 1929, and being Chapter 219, Volume 36, Laws of Delaware; and

WHEREAS, there remains outstanding of the aforesaid refunding bonds, Series of 1929, bonds in the amount of Twenty Thousand Dollars (\$20,000.00); and

WHEREAS, said outstanding bonds bear interest at the rate of five per centum per annum and it is desirable to redeem said outstanding bonds and to refund the bonded indebtedness evidenced thereby at a lower rate of interest but there being no funds available for the redemption of said outstanding bonds,  
NOW THEREFORE,

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BORROW \$20,000. AND TO ISSUE BONDS THEREFOR.**

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

Section 1. That the Board of Education of Smyrna Special School District be and it is hereby authorized and empowered to borrow on the faith and credit of Smyrna Special School District the sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary to carry out the provisions and purposes of this Act.

Section 2. That the said Board of Education of said Smyrna Special School District is hereby authorized and directed to call Twenty Thousand Dollars (\$20,000.00) of bonds issued under the authority of Chapter 219, Volume 36, Laws of Delaware, for redemption during the year 1941 according to the option for redemption reserved in Smyrna Special School District by the terms of said bonds, Series of 1929, and to pay the said bonds, Series of 1929, with the moneys secured under the provisions of this Act.

Section 3. That the Board of Education of Smyrna Special School District, for the purposes set forth in Section 1 and Section 2 of this Act, shall have full authority to issue bonds of Smyrna Special School District, said bonds to be denominated "SMYRNA SPECIAL SCHOOL DISTRICT REFUNDING BONDS, SERIES OF 1941" and in an amount not exceeding in the aggregate the sum of Twenty Thousand Dollars (\$20,000.00).

The said bonds shall be authorized by a resolution or resolutions of said Board of Education and shall be issued in such denomination or denominations, shall be issued in series or otherwise, shall bear such date or dates, shall mature at such time or times not exceeding fifteen years from their respective dates, shall bear interest at such rate or rates not exceeding

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four per centum per annum, and said interest shall be payable at such time or times, all as said Board of Education shall determine and as shall be set out in the bonds. Both the interest on and the principal of said bonds shall be payable at the Farmers Bank of the State of Delaware at Dover.

Any and all of said bonds may be redeemed at the option of said Board of Education at par and accrued interest at such interest period or periods and after the expiration of such time or times from the respective dates of said bonds, all as shall be determined by said Board of Education and as shall be set out in said bonds, and if said Board of Education shall elect to redeem any or all of said bonds as provided therein, such redemption shall be made pursuant to such notice as shall be determined by said Board of Education and as shall be set out in said bonds. Such notice shall indicate the bonds so called for redemption and said Board of Education shall select the bonds to be called in such manner as said Board of Education shall determine and as shall be set out in said bonds. Any and all bonds maturing or called for redemption shall be surrendered by the holders thereof on the maturity date or on the date fixed for redemption, as the case may be. All interest on bonds maturing or bonds called for redemption shall cease on the maturity date or on the call date, as the case may be.

Section 4. That the Board of Education of Smyrna Special School District shall direct and effect the preparation and sale of said bonds authorized by this Act, at such time or times and on such terms as the said Board of Education may deem expedient and the proceeds of such sales shall be applied to carrying into effect the provisions of this Act.

Section 5. That the form of the bonds authorized by this Act shall be prescribed by the Board of Education of the Smyrna Special School District and said bonds shall be signed by the President and by one of the members of the Board of Education of Smyrna Special School District, and shall be sealed with

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the corporate seal of said District, and shall be exempt from State, County and municipal taxation. Said bonds may or may not have coupons attached, as said Board of Education may deem expedient. As the bonds authorized by this Act shall be paid, the said bonds shall be cancelled as the said Board of Education of Smyrna Special School District shall direct.

Section 6. That the Board of Education of Smyrna Special School District is hereby authorized and required to levy and raise by taxation in each year, a sum of money sufficient to pay all interest accruing on said bonds while any of said bonds shall remain unpaid. Said Board of Education shall also levy and raise by taxation in each year a sum of money sufficient to pay a portion on the principal of said bonds, and shall retire bonds, the value of which shall be determined by the Board of Education, in each and every year so long as any of the bonds authorized by this Act remain outstanding.

Taxes for interest and for redemption of said bonds shall be levied and collected as are other taxes in said Smyrna Special School District, and shall be assessed on the head and on the property of the taxables of said District and shall be in excess of and in addition to the sum or amount heretofore authorized to be raised by said Smyrna Special School District for any and all other purposes.

Section 7. That the faith of Smyrna Special School District is hereby pledged for the payment of any bonds that may be issued under the provisions of this Act.

Section 8. The bonds to be paid by the moneys arising from the sale of the bonds issued under the provisions of this Act shall be cancelled when so paid by writing distinctly on the face of each bond the words "Cancelled and paid" with the date of payment and signed by the President and Secretary of Smyrna Special School District, and the bonds so cancelled shall

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be preserved among the records of said District by the Secretary of Smyrna Special School District.

Section 9. That a statement appearing in the bonds to be issued under the authority of this Act to the effect that such bonds have been duly authorized pursuant to this Act, shall be deemed and held to be conclusive evidence in favor of the holder of any of said bonds that all the terms and conditions of this Act have been fully met and complied with.

Approved February 20, 1941.



## CHAPTER 192

### FREE PUBLIC SCHOOLS REGULATIONS CONCERNING OPERATION OF SCHOOL BUSES

AN ACT MAKING IT UNLAWFUL FOR THE OPERATOR OF ANY SCHOOL BUS TO TRANSPORT SCHOOL CHILDREN UPON ANY HIGHWAY IN THIS STATE, WITHOUT TIRE CHAINS ON ALL REAR WHEELS, WHEN THE HIGHWAYS ARE COVERED WITH SNOW AND ICE, AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ACT.

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

Section 1. That it shall be unlawful for the operator of any School Bus to transport school children upon any of the highways of this State, without tire chains on all rear wheels, when the highways are covered with snow and ice.

Section 2. That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction before any Justice of the Peace or Court of Common Pleas, in this State, shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for a term not exceeding ten days, or by both such fine and imprisonment, in the discretion of the Court.

Approved April 9, 1941.

## CHAPTER 193

FREE PUBLIC SCHOOLS  
TRANSPORTATION OF CHILDREN TO AND FROM  
BRIDGEVILLE COLORED SCHOOL

AN ACT AUTHORIZING AND DIRECTING THE STATE BOARD  
OF EDUCATION TO PROVIDE A BUS OR BUSES FOR THE  
TRANSPORTATION OF COLORED SCHOOL CHILDREN TO  
AND FROM THE BRIDGEVILLE COLORED SCHOOL.

*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, during each school year, a bus or busses for the proper transportation of colored school children of the Bridgeville Colored School District, at Bridgeville, Delaware, to and from the Bridgeville Colored School of the said District, the cost of such transportation to be paid, out of the biennial appropriations for public schools, by the State Treasurer upon proper warrants signed by the proper officers of the State Board of Education.

Approved May 7, 1941.

## CHAPTER 194

UNIVERSITY OF DELAWARE  
RELATING TO PROTECTION OF ABORIGINAL SITES AND  
PERMANENT PRESERVATION OF OBJECTS OF HISTORICAL OR ARCHAEOLOGICAL VALUE FOUND THEREON.

AN ACT TO AMEND CHAPTER 11 OF VOLUME 39 OF THE LAWS  
OF DELAWARE RELATING TO THE PROTECTION OF  
ABORIGINAL SITES.

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

Section 1. That Chapter 11 of Volume 39 of the Laws of Delaware, be and the same is hereby amended by striking out all of Section 3 of the said Act, and by inserting in lieu thereof a new section to be known as Section 3.

"Section 3. All objects of historical or archaeological value or interest found on aboriginal sites owned or controlled by the State of Delaware must be deposited for permanent preservation in the Archaeological Museum of the University of Delaware, except when contrary to the provisions of Section 2, Chapter 11 of said Act."

Section 2. That Chapter 11 of Volume 39 of the Laws of Delaware, be and the same is hereby amended by striking out all of Section 4 of the said Act, and by inserting in lieu thereof a new section to be known as Section 4.

"Section 4. That in order to protect and preserve archaeological and scientific information, matters and objects which are to be found on privately owned lands in the State of Delaware, it is a declaration and statement of Legislative intent that excavations on privately owned lands should be discouraged, except in accordance with and pursuant to the spirit and policy of this Act; and persons having knowledge of the location of aboriginal sites in Delaware, are hereby encouraged to communicate such information to the Curator of the Archaeological Museum of the University of Delaware."

Approved April 9, 1941.

# Fish, Oysters and Game

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## CHAPTER 195

### KILLING OF MUSKRATS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED: "FISH, OYSTERS AND GAME", RELATING TO KILLING OF MUSKRATS.

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

Section 1. That Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended, by adding immediately after the first paragraph of 2842. Sec. 41. thereof, a new paragraph, as follows:

It shall be unlawful to take, capture or kill, in any manner, at any time, within the State of Delaware, any muskrat or muskrats on any public road or highway.

Approved April 1, 1941.

## CHAPTER 196

RELATING TO CATCHING OF ALL KINDS OF FISH AND  
CRABS IN WATERS UNDER JURISDICTION OF  
STATE OF DELAWARE.

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED: "FISH, OYSTERS AND GAME", AS AMENDED BY CHAPTER 286 OF VOLUME 41, LAWS OF DELAWARE, BY PROHIBITING THE CATCHING OF ALL KINDS OF FISH AND CRABS IN WATERS UNDER THE JURISDICTION OF THIS STATE BY MEANS OF TRAWL-NETS AND TRAWLS, DRAG-NETS AND DREDGES OPERATED FROM POWER VESSELS; PENALTY; PROVISION FOR A BOAT TO BE USED IN ENFORCEMENT THEREOF.

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

Section 1. That Section 80 of Article 1, 2881 of Chapter 74, Revised Code of Delaware, as amended by Chapter 286 of Volume 41, Laws of Delaware, be amended by striking out the same, as amended, and inserting in lieu thereof a new Section to be known as Section 80 of Article 1, 2881 of Chapter 74, as follows:

All persons, firms and corporations are prohibited from catching or taking, or attempting to catch or take, from the waters of the Atlantic Ocean within three miles of the coast line of this State, or Indian River Bay, Rehoboth Bay, Assawoman Bay or their tributaries, fish, whether edible or not, or crabs, by means of trawl-nets, drag-nets, fish or crab trawls or dredges operated from any power vessel.

Any person, firm or corporation violating any of the provisions of this Act shall, upon conviction thereof, be fined not less than One Thousand Dollars (\$1,000.00), nor more than Fifteen Hundred Dollars (\$1,500.00), or be imprisoned not less than two nor more than six months, or both.

For the carrying into effect of this provision, the Board of

RELATING TO CATCHING OF ALL KINDS OF FISH AND  
CRABS IN WATERS UNDER JURISDICTION OF  
STATE OF DELAWARE.

Game and Fish Commissioners are directed to secure, at a cost not to exceed Three Thousand Dollars (\$3,000.00), a suitable power boat to be used by the Game and Fish Wardens for the purpose of patrol and police work under the foregoing provisions.

Approved May 13, 1941.

## CHAPTER 197

RELATIVE TO LICENSE FEES FOR BOATS CARRYING  
FISHING PARTIES FOR HIRE AND ESTABLISHING  
OFFICE OF BOAT INSPECTOR.

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO FISH, OYSTERS AND GAME, BY CHANGING THE LICENSE FEES FOR BOATS CARRYING FISHING PARTIES FOR HIRE, AND ESTABLISHING A BOAT INSPECTOR TO INSPECT SAID BOATS.

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

Section 1. That 2884. Sec. 83 of Article 1, Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

2884. Sec. 83. Carrying Fishing Parties For Hire; Business License For Resident; License For Non-Resident Masters; Penalty For Violations; Boat Inspector; Duties and Compensation:—It shall be unlawful for any person, firm or corporation to engage in the business of carrying fishing parties or crabbing parties, for hire, in any boat or boats for the purpose of fishing or crabbing in the waters of the Delaware River, Delaware Bay, and that part of the Atlantic Ocean under the jurisdiction of the State of Delaware, or in any bays, lakes, rivers, ponds or other inland waters in the State of Delaware, without first obtaining an annual license for each boat used in said business from the State Tax Department of the State of Delaware, and shall pay the following license fees therefor, to-wit:

The sum of One Dollar for all boats propelled by oars or outboard motors.

The sum of Two Dollars for each power boat not in excess of eighteen feet.

**RELATIVE TO LICENSE FEES FOR BOATS CARRYING  
FISHING PARTIES FOR HIRE AND ESTABLISHING  
OFFICE OF BOAT INSPECTOR.**

The sum of Eight Dollars for boats over eighteen feet and not in excess of thirty-five feet in length.

The sum of Ten Dollars for boats above thirty-five feet in length, or for boats of fifteen tons and upwards gross tonnage.

The Boat Inspector as hereinafter provided for shall issue a certificate or license to power boats and tags to boats operated exclusively by oars, which certificates and tags shall be carried on the boat for which such certificate or tags are applicable at all times when said boat is in operation.

Such licenses shall expire on the thirty-first day of December of the year issued.

All funds arising from the sale of the aforesaid licenses and from fines imposed for any violations of the provisions of this section shall be deposited by the said State Tax Department into the General Fund of the State of Delaware.

Any person, firm or corporation violating any of the provisions of this Section, shall upon conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars and costs of prosecution. Provided, that, for the violation of any of the provisions of this Section by a non-resident of this State, the minimum fine shall be One Hundred Dollars. If any person shall fail to pay any fine or costs imposed under the provisions of this Section, such person shall be committed to the jail of the County where such conviction is had, for a period not exceeding ninety days, or until such fine and costs are paid. All prosecutions for violations of any of the provisions of this Section shall be in accordance with the provisions of Section 53 of this Chapter.

It shall be unlawful for any non-resident to act or serve as master of any boat or boats engaged in the business of carry-



RELATIVE TO LICENSE FEES FOR BOATS CARRYING  
FISHING PARTIES FOR HIRE AND ESTABLISHING  
OFFICE OF BOAT INSPECTOR.

ing fishing parties, for hire, from the shores of this State for the purpose of fishing in the waters of the Delaware River and Bay, without first obtaining an annual license therefor from the State Tax Department of the State of Delaware. The fee for the license required under this Section shall be One Hundred Dollars, and such license shall expire on the thirty-first day of December of the year issued.

Any person violating the provisions of this Section shall upon conviction thereof forfeit and pay a fine of not less than Fifty Dollars nor more than Two Hundred Dollars, together with costs of prosecution.\* If any person fails to pay any fine or costs imposed under the provisions of this Section, such person shall be committed to the jail of the County where such conviction is had for a period not exceeding ninety days, or until such fine and costs are paid. All prosecutions for violations of any of the provisions of this Section shall be in accordance with the provisions of Section 53 of this Chapter, and of the next preceding paragraph.

The Governor of the State of Delaware shall appoint a Boat Inspector who shall hold office for four years next following his appointment, or until his successor is duly appointed and qualified. It shall be the duty of the Boat Inspector to inspect all boats of any type or size used for carrying fishing parties or crabbing parties for hire in the waters of the Delaware Bay, the Delaware River, and that part of the Atlantic Ocean under the jurisdiction of the State of Delaware, or in any bays, lakes, rivers, ponds or other inland waters within the State of Delaware. It shall also be the duty of the Boat Inspector to make regular inspection during the fishing season and to carefully check the condition of all boats used for carrying fishing parties for hire as aforesaid.

\*So enrolled.

RELATIVE TO LICENSE FEES FOR BOATS CARRYING  
FISHING PARTIES FOR HIRE AND ESTABLISHING  
OFFICE OF BOAT INSPECTOR.

The Boat Inspector shall have the power to revoke the license of any boat found at any time to be unseaworthy, improperly equipped, or otherwise unsafe to be used for carrying persons for hire on the waters where such boat is used.

No person shall be appointed for Boat Inspector who does not have thorough knowledge of boats, boat construction and marine engines commonly used in fishing boats for hire.

Any Boat Inspector may be removed for just cause by the Governor at any time during the term of his appointment. The Inspector shall receive an annual compensation of One Thousand Dollars per annum to be paid monthly by the Treasurer of the State of Delaware from funds in the General Fund not otherwise appropriated. There is hereby appropriated annually from the Treasury of the State of Delaware to be paid out of the General Fund out of moneys not otherwise appropriated, the sum of Five Hundred Dollars, to be used by the said Boat Inspector as a contingent fund from which all expenses of the said Boat Inspector in the performance of his duties shall be paid.

Approved May 8, 1941.

CHAPTER 198

CARP FISHING

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED: "FISH, OYSTERS AND GAME", IN REFERENCE TO CARP FISHING.

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

Section 1. That Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 3014. Sec. 213., the following:

Provided, nevertheless, it shall be lawful for any person to fish for carp, with hook and line at any time, in any of the rivers or creeks of the State of Delaware.

Approved April 1, 1941.

## CHAPTER 199

## CRAB FISHING

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED: "FISH OYSTERS AND GAME", IN REFERENCE TO CRAB FISHING.

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

Section 1. That Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended, by striking out and repealing all of the second paragraph of 3043. Sec. 242 of the said Chapter, and inserting in lieu thereof a new paragraph, as follows:

"It shall be unlawful for any person or persons to take or to attempt to take any crabs from any waters within the State of Delaware by means of any dredge or tongs; provided, however, it shall be lawful for any citizen of the United States to catch and take crabs, of not less than four inches in length, in any of the tidal waters of the State of Delaware without a license; provided that a non-resident shall not use at any time more than four hand lines and shall not take more than fifty crabs of not less than four inches in length on each line in any one day."

Approved May 24, 1941.

CHAPTER 200

MAXIMUM LOAD CAPACITY FOR BOATS CARRYING  
FISHING OR CRABBING PARTIES FOR HIRE

AN ACT FIXING A MAXIMUM LOAD CAPACITY FOR BOATS  
CARRYING FISHING OR CRABBING PARTIES FOR HIRE

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

Section 1. That no boat used for carrying fishing parties or crabbing parties for hire in the Delaware Bay, the Delaware River, or from the Delaware shore into the Atlantic Ocean over which the State of Delaware has jurisdiction, or in any bay, lake, river, pond or other inland waters, shall carry a greater load than the rating of said boat as established by the Boat Inspector for the State of Delaware.

Section 2. It shall be unlawful for the owner, Master, or other person in charge of any boat to permit a load in excess of the maximum established under the provisions of Section 1 hereof.

Section 3. Any person or persons convicted of violating the provisions of this Act shall be fined not less than Ten Dollars nor more than One Hundred Dollars, or be imprisoned for a term not exceeding thirty days, or both fine and imprisonment at the discretion of the Court.

Approved May 13, 1941.

# Regulations Concerning Trade

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## CHAPTER 201

### GENERAL PROVISIONS RESPECTING TRADE FAIR TRADE ACT

AN ACT TO PROTECT TRADEMARK OWNERS, PRODUCERS, DISTRIBUTORS AND THE GENERAL PUBLIC AGAINST INJURIOUS AND UNECONOMIC PRACTICES IN THE DISTRIBUTION OF COMPETITIVE COMMODITIES BEARING A DISTINGUISHING TRADEMARK, BRAND OR NAME, THROUGH THE USE OF VOLUNTARY CONTRACTS ESTABLISHING MINIMUM RESALE PRICES AND PROVIDING FOR REFUSAL TO SELL UNLESS SUCH MINIMUM RESALE PRICES ARE OBSERVED.

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

Section 1. The following terms, as used in this Act, are hereby defined as follows:

- (a) "Commodity" means any subject of commerce,
- (b) "Producer" means any grower, baker, maker, manufacturer, bottler, packer, converter, processor or publisher.
- (c) "Wholesaler" means any persons selling a commodity other than a producer or retailer.
- (d) "Retailer" means any person selling a commodity to consumers for use.
- (e) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust or any unincorporated organization.

## GENERAL PROVISIONS RESPECTING TRADE FAIR TRADE ACT

Section 2. No contract relating to the sale or resale of a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which commodity is in free and open competition with commodities of the same general class produced or distributed by others shall be deemed in violation of any law of the State of Delaware by reason of any of the following provisions which may be contained in such contract :

(a) That the buyer will not resell such commodity at less than the minimum price stipulated by the seller.

(b) That the buyer will require of any dealer to whom he may resell such commodity an agreement that he will not, in turn, resell at less than the minimum price stipulated by the seller.

(c) That the seller will not sell such commodity :

(1) To any wholesaler, unless such wholesaler will agree not to resell the same to any retailer unless the retailer will in turn agree not to resell the same except to consumer for use and at not less than the stipulated minimum price, and such wholesaler will likewise agree not to resell the same to any other wholesaler unless such other wholesaler will make the same agreement with any wholesaler or retailer to whom he may resell; or

(2) To any retailer, unless the retailer will agree not to resell the same except to consumers for use and at not less than the stipulated minimum price.

Section 3. For the purpose of preventing evasion of the resale price restrictions imposed in respect of any commodity by any contract entered into pursuant to the provisions of this Act (except to the extent authorized by the said contract) :

(a) The offering or giving of any article of value in connection with the sale of such commodity,

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(b) The offering or the making of any concession of any kind whatsoever (whether by the giving of coupons or otherwise) in connection with any such sale; or

(c) The sale or offering for sale of such commodity in combination with any other commodity, shall be deemed a violation of such resale price restriction, for which the remedies prescribed by Section 6 of this Act shall be available.

Section 4. No minimum resale price shall be established for any commodity, under any contract entered into pursuant to the provisions of this Act, by any person other than the owner of the trademark, brand or name used in connection with such commodity or a distributor specifically authorized to establish said price by the owner of such trademark, brand or name.

Section 5. No contract containing any of the provisions enumerated in Section 2 of this Act shall be deemed to preclude the resale of any commodity covered thereby without reference to such contract in the following cases:

(a) In closing out the owner's stock for the bona fide purpose of discontinuing dealing in any such commodity and plain notice of the fact is given to the public; provided the owner of such stock shall give to the producer or distributor of such commodity prompt and reasonable notice in writing of his intention to close out said stock, and an opportunity to purchase such stock at the original invoice price;

(b) When the trademark, brand or name is removed or wholly obliterated from the commodity and is not used or directly or indirectly referred to in the advertisement or sale thereof;

(c) When the goods are altered, second-hand, damaged, defaced or deteriorated and plain notice of the fact is given to the public in the advertisement and sale thereof such notice to



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be conspicuously displayed in all advertisements and to be affixed to the commodity;

(d) By any officer acting under an order of court.

Section 6. Wilfully and knowingly advertising, offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of this Act, whether the person so advertising offering for sale or selling is or is not a party to such contract, is unfair competition and is actionable at the suit of any person damaged thereby.

Section 7. This Act shall not apply to any contract or agreement between or among producers or, except as provided in sub-division (c) of Section 2 of this Act, between or among wholesalers or between or among retailers as to sale or resale prices.

Section 8. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Section 9. All Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 10. This Act may be known and cited as the "Fair Trade Act".

Approved April 22, 1941.

## CHAPTER 202

LEGAL HOLIDAYS  
SATURDAY AN OPTIONAL LEGAL BANK HOLIDAY  
IN NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 78, REVISED CODE OF DELAWARE, 1935, ENTITLED "NEGOTIABLE INSTRUMENTS", RELATING TO LEGAL HOLIDAYS, BY MAKING SATURDAY AN OPTIONAL LEGAL BANK HOLIDAY 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. That Chapter 78, Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 3321. Sec. 197, the following new paragraph:

Every Saturday shall be a legal holiday, to be known as Saturday Bank Holiday in New Castle County outside of the City of Wilmington, and all provisions of this Chapter insofar as they apply to other legal holidays, shall be applicable to Saturdays in New Castle County, outside of the City of Wilmington. Nothing in any law of this State shall in any manner whatsoever affect the validity of or render void or voidable, the payment, certification or acceptance of a check or other negotiable instrument or any other transaction of a bank, trust company, person or corporation, in New Castle County, outside of the City of Wilmington, because done or performed on a Saturday provided such payment, certification, or acceptance, or other transaction would be valid if done or performed on a day other than a legal holiday; provided further, that nothing herein shall be so construed as to make it compulsory upon any bank or trust company in New Castle County, outside of the City of Wilmington, which by this law is entitled to be closed on Saturdays, to keep open for the transaction of business, or to perform any of the acts or transactions aforesaid on any Saturday except at its own option.

Approved March 4, 1941.

## CHAPTER 203

### LEGAL HOLIDAYS

#### SATURDAY AN OPTIONAL LEGAL BANK HOLIDAY IN KENT COUNTY

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF DELAWARE, 1935, BY MAKING SATURDAY AN OPTIONAL LEGAL BANK HOLIDAY IN THE COUNTY OF KENT.

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

Section 1. That Chapter 78 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 3321, Sec. 197, a new and additional paragraph as follows:

"That hereafter every Saturday shall be a legal holiday to be known as Saturday Bank Holiday in the County of Kent and that all provisions of this Chapter, insofar as they apply to other legal holidays, shall be applicable to Saturdays in the County of Kent. Nothing in any laws of this State shall in any manner whatsoever affect the validity of or render void or voidable, the payment, certification or acceptance of a check or other negotiable instrument or any other transaction of a bank, trust company, person or corporation, in the County of Kent, because done or performed on a Saturday; provided such payment, certification, or acceptance, or other transaction would be valid if done or performed on a day other than a legal holiday; provided further, that nothing herein shall be so construed as to make it compulsory upon any bank or trust company in the County of Kent, which by this law is entitled to be closed on Saturdays, to keep open for the transaction of business or to perform any of the acts or transactions aforesaid on any Saturday except at its own option."

Approved May 13, 1941.

## CHAPTER 204

WEIGHTS AND MEASURES  
APPOINTMENT OF DEPUTY REGULATORS OF WEIGHTS  
AND MEASURES, AUTHORIZED.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF DEPUTY REGULATORS OF WEIGHTS AND MEASURES FOR EACH OF NEW CASTLE COUNTY, KENT COUNTY AND SUSSEX COUNTY, PRESCRIBING THEIR QUALIFICATIONS AND DUTIES AND PROVIDING FOR THE FURNISHING OF SUPPLIES BY THE LEVY COURTS OF THE RESPECTIVE COUNTIES.

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

Section 1. That the Governor of the State of Delaware shall appoint not more than five persons resident in New Castle County, not more than five persons resident in Kent County, and not more than fifteen persons resident in Sussex County, who shall be known as Deputy Regulators of Weights and Measures, and who shall serve for the same terms as the Regulator of Weights and Measures of the respective counties in which they are appointed.

Section 2. All persons appointed under the provisions of Section 1 hereof shall be of good moral character and shall before entering upon the execution of their respective duties subscribe to the same oath or affirmation as is required of the Regulator of Weights and Measures in the respective counties.

Section 3. The persons so appointed as Deputies shall be under the control and direction of the Regulator of Weights and Measures of the respective counties of which the Deputies are resident.

Whenever any person, firm or corporation having any poultry, produce or other farm products to be weighed and certified, such person, firm or corporation may make application upon the Regulator of Weights and Measures for the county

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APPOINTMENT OF DEPUTY REGULATORS OF WEIGHTS  
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where such commodity to be weighed is located for the assignment of a Deputy to weigh the same, and thereupon the Regulator of Weights and Measures to whom such application shall be made shall designate one or more Deputies under his supervision and direction to proceed accurately and honestly to weigh the commodities whose weight it is desired to be determined or certified, keep accurate account of the said weighing so that accurate totals may be turned over to the person, firm or corporation applying for the services of said Regulator of weights and Measures, and the totals shall be certified to and signed by the Deputy or Deputies who shall have weighed such articles or commodities.

Section 4. For the services rendered, the applicant making the request for such weighing shall pay the sum of two and one-half cents per coop for Poultry; and two and one-half cents per one hundred pounds gross weight for all other articles or commodities, but in no case shall any Deputy receive less than Five Dollars for his services for each place visited. The fees herein provided for shall be for the sole use of the Deputy or Deputies who shall weigh and certify their findings upon the request of the applicant.

Section 5. The Levy Courts of the respective counties shall furnish to the Regulator of Weights and Measures in and for the respective counties such standard weights and supplies as shall be necessary to furnish an accurate check upon the scales used in any weighing operation carried on hereunder.

Approved April 9, 1941.

# Domestic Relations

## CHAPTER 205

### DIVORCE

#### AN ACT TO AMEND CHAPTER 86 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO DIVORCE.

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

Section 1. That Section 10 of Chapter 86 of the Revised Code of Delaware, 1935, being Code Section 3506, be and the same is hereby amended by striking out all of the said Section 10 and substituting in lieu thereof the following Section to be known as 3506, Section 10:

3506. Section 10. JURISDICTION ACQUIRED BY PUBLICATION; WHEN; HOW:—When the defendant cannot be served personally within this State, and when at the time of the commencement of the action the plaintiff is a bona fide resident of this State, an alias summons shall issue to the second term next after issuing the original writ, and the sheriff shall serve the said alias summons personally if the defendant can be personally served at least four weeks prior to the return day of such alias writ. If the defendant cannot be served personally within this State, in such case the sheriff shall publish the said alias summons for one month in such newspapers of the county, one or more, as he may judge best for giving the defendant notice; provided, however, that personal service at any time prior to the return day of the writ shall be sufficient to give jurisdiction. The case may then proceed to trial with or without the defendant's appearance, subject to the provisions of the next succeeding section.

Approved March 12, 1941.

## CHAPTER 206

## DIVORCE

AN ACT TO AMEND CHAPTER 86 OF THE REVISED CODE OF 1935 OF THE STATE OF DELAWARE, AS AMENDED BY CHAPTER 186 OF VOLUME 41 LAWS OF THE STATE OF DELAWARE, RELATING TO DIVORCE AND ESPECIALLY CAUSES FOR DIVORCE A VINCULO MATRIMONII.

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

Section 1. That Chapter 86 of the Revised Code of Delaware, 1935, as amended by Chapter 186, Volume 41, Laws of Delaware be in the same is hereby amended by striking out all of said chapter 186, Volume 41, Laws of Delaware by inserting in lieu thereof the following to be known as 3006. Section 3 (i).

3006. Section 3 (i). When either the husband or wife shall have been adjudged feeble-minded, epileptic, or a chronic or recurrent insane person, and shall have been under the supervision or care of an institution for mental diseases, during a period of five years; provided, however, that along with the requirements as to jurisdiction, residence, summons and service, herein provided, the petitioner shall further request the Judges of the Superior Court to appoint a commission of five persons to inquire into the respondent's mental and physical condition; one of the commission to be the State Psychiatrist, one, a licensed physician who has practiced medicine in the State of Delaware for at least five years, one, an attorney-at-law, who has practiced law in the State of Delaware for at least five years, and the other two, laymen of good character who have been residents in the State of Delaware for at least five years. If the report of the commission, so appointed, shall be that the person is a feeble-minded, epileptic, or a chronic or recurrent insane person, and has been under the supervision or care of an institution for mental diseases for a period of five years, or more, then the Judges of the Superior Court, may, in their discretion, grant a divorce a vinculo matrimonii, making, however, in their

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discretion, such an order upon the petitioner for the support, care and treatment of the said feeble-minded, epileptic, or chronic or recurrent insane person, as they may deem fitting and proper.

Approved May 15, 1941.



## CHAPTER 207

PARENTS AND CHILDREN  
RELATIVE TO ADOPTION PROCEDURE

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 88, ARTICLE 2 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO PARENTS AND CHILDREN AND EFFECTING ADOPTION PROCEDURE", BEING CHAPTER 187, VOLUME 41, LAWS OF DELAWARE, 1937, RELATING TO PARENTS AND CHILDREN.

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

Section 1. That Section 1, 3550. Section 3 of Chapter 187, Volume 41, Laws of Delaware, 1937, be and the same is hereby amended by striking out all of Section 1, 3550. Section 3 and substituting in lieu thereof the following new section:

Section 1. Paragraph 3550, Section 3 of Chapter 88, Article 2 of the Revised Code of the State of Delaware of 1935 is hereby amended by striking out all of said Paragraph 3550, Section 3 of said Chapter 88, Article 2 thereof and by inserting in lieu thereof the following paragraph to be known as Paragraph 3550, Section 3.

3550, Section 3. Proceedings For; Jurisdiction of Orphans' Court; Contents of Petition of Adoption; Investigation:—A resident of this State who is over twenty-one years of age and not married, or a husband and wife residents of this State (if not legally separated) jointly, may petition the Orphans' Court of the county in which the petitioner or petitioners reside for an order authorizing the petitioner or petitioners to adopt a minor child or children not theirs by birth, and, if desired, for authority to change the name of such child or children. A written consent, duly acknowledged, must be given to such adoption by the child or children if of the age of fourteen years or over, and by each of his or her known living parents who is not hopelessly insane or otherwise incapacitated from giving

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such consent, or is not habitually addicted to the use of drugs or intoxicating liquors, or who has not abandoned such child or children, or has not lost custody of the child or children to the order of a court; or if the parents are dead or disqualified, as aforesaid, then by a legal guardian, or if there be no such guardian, then by a suitable person appointed by the Orphans' Court to act in the proceedings as the next friend of such child or children, or the consent may be given by the State Board of Charities. If such parents or guardian join in said petition, it shall be deemed a consent in writing. For the purpose of carrying out the meaning of this Section, the word abandon as hereinbefore referred to and stated shall be and is hereby defined as follows to wit: An abandoned child shall mean a child who is abandoned or deserted in any place by both parents or by the parent having his or her custody, or by any other person or persons lawfully charged with his or her care or custody, and left (1) in destitute circumstances, or (2) without proper food, shelter or clothing, or (3) without being visited or having payments made toward his or her support, for a period of at least one year, by his or her parents, guardian or other lawful custodian without good reason.

The petition shall state the name of the petitioner or petitioners, the place of residence thereof, the name and age of the child or children, whom it is sought to adopt, the name of the parents of such child or children if living and/or known; if the parents are not living and/or are not known, the name of the guardian or person having custody of such child or children at the time of the commencement of the adoption proceedings. Such petition must state that the petitioner or petitioners are financially able and morally fit to have the care, supervision, and training of said child or children whom it is sought to adopt. If it is desired to change the name of said child or children, the petition shall so state. The petition filed in adoption causes shall be in substantially the following form:

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PETITION FOR ADOPTION

To the Hon..... Judge of the Orphans'  
Court of the County of..... Your peti-  
tioners, the undersigned, residents of the county of .....  
.....respectfully apply for an order permitting  
them to adopt as their own child.....  
a minor child aged.....years, who is the child of.....  
.....and who is now.....

Your petitioners represent that they are financially able  
and morally fit to have the care, supervision and training of  
said child, and desire that the name of the said child shall be  
changed to .....

.....  
.....

Petitioners

Address of petitioners:

.....  
.....

Address of Parents and Guardians:

.....  
.....

Address of Child:

.....

I, the undersigned.....of the above  
mentioned child, do hereby consent to the adoption prayed for.

.....

Mother, Father, Legal Guardian, Next Friend,  
State Board of Charities

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Witness ..... Address .....  
.....

I, the undersigned.....the above  
mentioned child, being aged 14 years or over, do hereby consent  
to the adoption above prayed for.

.....  
Child

Witness ..... Address .....  
.....

To the Clerk of the Orphans' Court:

Enter an order of reference to.....  
for investigation and report.

.....  
Judge Orphans' Court

Investigation and Procedure:—Upon the filing of the fore-  
going petition, the Court shall by appropriate order in the form  
of an Order of Reference direct an agent of the State Board of  
Charities or some person accredited by the State Board of Char-  
ities, to make a careful and thorough investigation of the matter  
and report his or her findings in writing to the said Court  
within sixty days from the date of such order of reference and  
in such investigation shall make the inquiries required by the  
act of the General Assembly.

The Order of Reference shall be in the following form:

ORDER OF REFERENCE

In the Orphans' Court of the County of .....  
.....19.....

In the Matter of the Proposed Adoption of an Infant.....  
.....

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This day came.....and  
....., his wife, residents of the  
County of .....and filed their joint petition  
praying leave to adopt a minor child, bearing the name of....  
.....not theirs by birth, under  
the age of twenty-one years, to wit:

of the age of....., the child of.....  
and for a change of name of said child to.....  
to which petition is attached the written consent, duly acknowl-  
edged of .....

Whereupon it is ordered that.....  
.....  
.....  
do make a careful and thorough investigation of this matter,  
and report the findings in writing to the Court within sixty  
days from the date of issuance of this order, and in such in-  
vestigation shall make the inquiries required by the Act of the  
General Assembly.

.....  
Clerk of Orphans' Court

An extension of the time within which to file said report  
by the investigator may be extended by the Judge of the Court  
upon request of said investigator showing the cause or reason  
therefor.

The person so directed to make such investigation shall  
make inquiry, among other things, as to:

- a. Information why the parents or guardian of the child  
or children desire adoption.
- b. Whether or not such parents or guardians have ab-  
dicated control over the child or children, or whether conditions  
would make this advisable.

## PARENTS AND CHILDREN RELATIVE TO ADOPTION PROCEDURE

c. Whether any person, organization, or agency of any sort which has had any part in the negotiations has received or expects to receive any fee in connection therewith except for the due professional performance of legal or medical services.

d. Information regarding the foster home; to include the emotional, moral, financial, intellectual, and health standards of such home, and religious affiliations.

e. Data on the physical and mental conditions of the child or children.

f. Summary on the suitability of the child to the home, including suitability of religious affiliations.

g. Whether the placement is for the best interests of the child.

The report on proposed adoption by the investigator shall be in the following form:

### REPORT ON PROPOSED ADOPTION

To the Hon.....Judge of the  
Orphans' Court of County of.....

Report on the findings of.....  
upon the petition of.....and  
....., his wife, in reference to the pro-  
posed adoption of.....of the age  
of.....as required by the Act of the General  
Assembly.

1. Information why the parents or guardian of the child or children desire adoption.

2. Whether or not such parents or guardians have abdi-

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RELATIVE TO ADOPTION PROCEDURE

cated control over the child or children, or whether conditions would make this advisable.

3. Whether any person, organization, or agency of any sort which has had any part in the negotiations has received or expects to receive any fee in connection therewith except for the due professional performance of legal or medical services.

4. Information regarding the foster home. To include the emotional, moral, financial, intellectual, and health standards of such home, and religious affiliations.

5. Data on the physical and mental conditions of the child or children.

Approved April 2, 1941.

## CHAPTER 208

GUARDIANS AND WARDS  
RELATING TO POWERS OF GUARDIANS

"AN ACT IN RELATION TO POWERS OF GUARDIANS; DISPUTE OF WARD'S TITLE PROHIBITED; EXCEPTION; COURT MAY APPOINT TWO GUARDIANS; BEING AN AMENDMENT TO CHAPTER 89 OF THE REVISED CODE OF THE STATE OF DELAWARE (1935)."

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

Section 1. That Section 2 of Chapter 89 of the Revised Code of Delaware (1935), being Section 3580 of said Code, be and the same is hereby amended by striking out and repealing all of 3580 of Section 2 of said Chapter 89, as contained in the Revised Code of Delaware (1935), and inserting in lieu thereof the following new section to be known and styled as 3580. Section 2:

3580. Section 2. Powers of Guardians; Dispute of Ward's Title Prohibited; Exception; Court May Appoint Two Guardians: A guardian shall have the care of his ward's person, and the possession and management of his real and personal property; and shall have authority to receive all debts, rents and things in action due the ward; to sell personal property of the ward; and the receipts and discharges of the guardian, made in good faith, in the premises shall be valid.

He shall be admitted to sue and defend for his ward.

Neither he, nor his representatives, shall dispute the ward's right to any property which shall come to his possession as guardian, unless such property has been recovered from him or there be a personal action pending on account of it.

Provided, however, that the Orphans' Court may, in its discretion, appoint two persons as guardians of the minor, one to have the care of the person of the minor, and the other to have



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RELATING TO POWERS OF GUARDIANS

possession and management of the property of the minor with all the rights and powers, and subject to all the duties respecting the property of the minor, or the Court may appoint one person guardian with all the rights and powers and subject to all the duties respecting both the person and property of the minor.

Approved April 17, 1941.

# Titles To Real Property

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## CHAPTER 209

### RECORD OF LEGAL INSTRUMENTS NOT PROPERLY ACKNOWLEDGED, MADE VALID

#### 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. 1941, and which by law are directed to be recorded or are entitled to be recorded, and which have been duly executed by the proper party or parties, notwithstanding said instruments have not been acknowledged before an officer authorized by the laws of Delaware to take acknowledgments, or have not been otherwise properly acknowledged, or the acknowledgments of which, including the private examination of any married woman party thereto, have not been taken and certified in conformity with the laws of this State in force at the time each such instrument was executed, shall be and the same are hereby severally made as valid and effective in law as if each said instrument had been correctly acknowledged and the acknowledgment correctly certified; and the said record of each such instrument, or any office copy thereof, or the original instrument itself shall be admitted as evidence in all Courts of this State and shall be as valid and conclusive evidence as if such instrument had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

Approved March 7, 1941.

# Administration Of Estates

## CHAPTER 210

### SETTLEMENT OF PERSONAL ESTATES RELATIVE TO EXECUTION AND RECORDING OF RELEASES AND ACQUITTANCES TO EXECUTORS AND ADMINISTRATORS.

"AN ACT IN RELATION TO THE EXECUTION AND RECORDING OF RELEASES AND ACQUITTANCES TO EXECUTORS AND ADMINISTRATORS; RECORD EVIDENCE; BEING AN AMENDMENT TO CHAPTER 98 OF THE REVISED CODE OF THE STATE OF DELAWARE 1935."

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

Section 1. That Section 74 of Chapter 98 of the Revised Code of Delaware (1935), being Section 3872 of said Code, be and the same is hereby amended by striking out and repealing all of 3872 Section 74 of said Chapter 98 as contained in the Revised Code of Delaware (1935) and inserting in lieu thereof the following new section to be known and styled as 3872. Section 74:

3872. Section 74. Execution and Recording of Releases and Acquittances to Executors and Administrators; Record Evidence: Any release acquittance, or receipt, being executed under hand and seal by any legatee, next of kin, or interested person, of full age, to an executor or administrator, for any property or sum of money due by virtue of a will, or upon a testamentary or administration account passed before the Register, and acknowledged before the Chancellor, or any Judge, Register of Wills, Justice of the Peace, Notary Public of any State or Territory of the United States, or of the District of Columbia, or before any Consul General, Consul, Vice-Consul,

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RELATIVE TO EXECUTION AND RECORDING OF  
RELEASES AND ACQUITTANCES TO EXECUTORS  
AND ADMINISTRATORS.

consular agent or commercial agent of the United States duly appointed in any foreign country, and certified under the hand of such officer and the seal of his office, shall upon being delivered to the Register of Wills in whose office such will or account is recorded or filed, be by him recorded in a book for that purpose, which shall have direct and reversed alphabetical indices; and such record or a duly certified copy thereof under the hand and official seal of such Register of Wills shall be competent evidence in all cases.

Approved April 1, 1941.

# Administration Of Estates

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## CHAPTER 210

### SETTLEMENT OF PERSONAL ESTATES RELATIVE TO EXECUTION AND RECORDING OF RELEASES AND ACQUITTANCES TO EXECUTORS AND ADMINISTRATORS.

"AN ACT IN RELATION TO THE EXECUTION AND RECORDING OF RELEASES AND ACQUITTANCES TO EXECUTORS AND ADMINISTRATORS; RECORD EVIDENCE; BEING AN AMENDMENT TO CHAPTER 98 OF THE REVISED CODE OF THE STATE OF DELAWARE 1935."

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

Section 1. That Section 74 of Chapter 98 of the Revised Code of Delaware (1935), being Section 3872 of said Code, be and the same is hereby amended by striking out and repealing all of 3872 Section 74 of said Chapter 98 as contained in the Revised Code of Delaware (1935) and inserting in lieu thereof the following new section to be known and styled as 3872. Section 74:

3872. Section 74. Execution and Recording of Releases and Acquittances to Executors and Administrators; Record Evidence: Any release acquittance, or receipt, being executed under hand and seal by any legatee, next of kin, or interested person, of full age, to an executor or administrator, for any property or sum of money due by virtue of a will, or upon a testamentary or administration account passed before the Register, and acknowledged before the Chancellor, or any Judge, Register of Wills, Justice of the Peace, Notary Public of any State or Territory of the United States, or of the District of Columbia, or before any Consul General, Consul, Vice-Consul,

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RELATIVE TO EXECUTION AND RECORDING OF  
RELEASES AND ACQUITTANCES TO EXECUTORS  
AND ADMINISTRATORS.

consular agent or commercial agent of the United States duly appointed in any foreign country, and certified under the hand of such officer and the seal of his office, shall upon being delivered to the Register of Wills in whose office such will or account is recorded or filed, be by him recorded in a book for that purpose, which shall have direct and reversed alphabetical indices; and such record or a duly certified copy thereof under the hand and official seal of such Register of Wills shall be competent evidence in all cases.

Approved April 1, 1941.

## CHAPTER 211

SETTLEMENT OF PERSONAL ESTATES  
RELATIVE TO WIDOW'S ALLOWANCE

AN ACT TO AMEND ARTICLE 9, 3876, SEC. 78, CHAPTER 99, OF THE REVISED CODE OF DELAWARE (1935) RELATING TO WIDOW'S ALLOWANCE IN THE SETTLEMENT OF PERSONAL ESTATES.

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

Section 1. That Article 9 of Chapter 99 of the revised code of Delaware (1935) be and the same is hereby amended by striking out and repealing all of 3876, Sec. 78, and inserting in lieu thereof a new Section to be known as 3876, Sec. 78, as follows:

3876. Sec. 78. Widows Allowance:—The widow of any decedent shall be entitled to receive and the executor or administrator shall pay to her as soon as conveniently may be, in the manner hereinafter provided, cash up to the amount of Five hundred Dollars out of the estate of the decedent, which payment shall take priority over all unsecured debts with the exception of taxes, costs of administration, reasonable funeral expenses and reasonable expenses of medicine and medical attendance and for nursing and necessities during the last illness of the decedent. The foregoing provision shall not affect any other rights to which she may be entitled, either under the will of her husband or the provisions of the intestacy laws of this State.

The above allowance to the widow of a decedent shall be of no effect unless and until the said widow shall, within six months from the date of the death of the decedent, notify in writing over her signature the Register of Wills of the County wherein the letters were granted and the executor or administrator of her demand that the sum of Five hundred Dollars aforesaid be set aside for her benefit out of the proceeds of the estate of the decedent.

SETTLEMENT OF PERSONAL ESTATES  
RELATIVE TO WIDOW'S ALLOWANCE

The above allowance shall be considered to be a debt of the estate, and the executor or administrator shall have full power to sell so much of the property of the decedent as will enable him to pay said allowance in the same manner as he may be enabled to do by law for the payment of other debts of the decedent or of the estate.

Unsecured debts, as mentioned in the first paragraph hereof, shall mean those debts which are not protected or secured by valid liens against the particular property out of which the said allowance is to be paid.

Approved April 16, 1941.



# The General Police

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## CHAPTER 212

### GENERAL PROVISIONS RESPECTING THE POLICE EXPLOSIVES

#### AN ACT TO REGULATE THE MANUFACTURE, SALE, DISTRIBUTION, USE AND POSSESSION OF EXPLOSIVES.

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

#### Section 1. DEFINITIONS. As used in this act:

(a) "Explosives" means gunpowders, powders used for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powder and any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion, but shall not include fixed ammunition for small arms, firecrackers or matches, when the individual units contain any of the above-mentioned articles in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

(b) "Person" includes any natural person, partnership, association or corporation.

(c) "Manufacturer" means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive.

## GENERAL PROVISIONS RESPECTING THE POLICE EXPLOSIVES

(d) "Dealer" means any person, not a manufacturer, engaged in the business of buying and selling explosives.

(e) "Licensing authority" means the State Tax Commissioner or other officer designated as a licensing authority by the Governor.

### Section 2. LICENSE.

No person shall manufacture, possess or deal in explosives unless he has obtained a license therefor pursuant to the provisions of Section 3 of this act.

### Section 3. APPLICATIONS FOR LICENSES.

(a) Application for a license to manufacture explosives shall be made to the Licensing Authority in such form as the Attorney General shall prescribe; and shall state, among other things; (1) the name and address of the applicant, (2) the reason for desiring to manufacture explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship. The Licensing Authority shall issue the license applied for unless he finds that either the applicant, or the officers, agents or employees of the applicant, is not sufficiently experienced in the manufacture of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States.

(b) Application for license to engage in the business of dealing in explosives shall be made to the said licensing authority in such form as the Attorney General shall prescribe and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring to engage in the business of dealing in explosives, (3) citizenship, if an individual applicant, (4) if a partnership, the names and address of

## GENERAL PROVISIONS RESPECTING THE POLICE EXPLOSIVES

the partners and their citizenship, and (5) if an association or corporation the names and addresses of the officers and directors thereof and their citizenship. The Licensing Authority shall issue the license applied for unless he finds that either the applicant, or the officers, agents or employees of the applicant, is not sufficiently experienced in the business of dealing in explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States.

(c) Application for license to possess explosives shall be made in writing to the Licensing Authority in such form as the Attorney General shall prescribe and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring the license to possess explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship. The Licensing Authority shall issue the license applied for unless he finds that either the applicant, or the officers, agents, or employees of the applicant, is not sufficiently experienced in the handling of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States.

### Section 4. RECORDS.

Manufacturers and dealers shall keep a record of all explosives shipped, purchased or sold by them, which record shall include the name and address of each consignee, vendor or vendee, the date of each shipment, sale or purchase, and the amount and kind of explosives shipped, sold or purchased. Such record shall be open for inspection by duly authorized agents of the Licensing Authority and by all federal, state and local law enforcement officers at all times.

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### Section 5. SALE TO UNLICENSED PERSONS.

No dealer shall sell, barter, give or dispose of explosives to any person who does not hold a license to possess explosives issued under the provisions of this Act.

### Section 6. REVOCATION; TERM OF LICENSE; FEES.

(a) Any license issued hereunder may be revoked by the official issuing the same on any ground specified herein as a ground for denying an application for such license.

(b) All licenses issued hereunder shall expire on the thirty-first day of May of each calendar year unless sooner revoked.

(c) Each application for a license hereunder shall be accompanied by the fee hereinafter prescribed, which fee shall be returned in the event such application is denied.

The license fees shall be as follows:

Manufacturer's license Five Dollars (\$5.00)

Dealer's License Two Dollars (\$2.00)

Possessor's license One Dollar (\$1.00).

### Section 7. RULES AND REGULATIONS.

The Attorney General may prescribe such rules and regulations as he may deem necessary and proper for carrying out the provisions of this act.

### Section 8. APPEAL.

Any person denied a license or whose license has been revoked by the licensing authority, shall have the right to an appeal to the Superior Court in the County wherein such person

## GENERAL PROVISIONS RESPECTING THE POLICE EXPLOSIVES

shall reside and such Court is hereby vested with jurisdiction to hear and determine the matter.

### Section 9. PENALTIES.

Any person who violates any provision of this act, or any rule or regulation made hereunder, shall, upon conviction, be imprisoned for a term of not more than three years, or shall be fined not more than One Thousand Dollars (\$1,000), or both, in the discretion of the Court.

### Section 10. EXCEPTIONS.

The provisions of this act shall not apply to the armed forces of the United States, the National Guard, the Delaware State Guard or to officers or employees of the United States or of this state who are authorized by the United States or the state to handle explosives.

Nothing contained in this act shall apply to explosives while being transported upon vessels, vehicles or railroad cars, or while being held for delivery, provided such transportation and delivery is subject to and in conformity with the regulations prescribed by the Interstate Commerce Commission or the Bureau of Marine Inspection, Department of Commerce of the U. S. A. and provided further, that nothing in this act shall apply to the receipt, possession and use of signals required for the safe operation of vessels, motor vehicles, railroad cars or aircraft, by the operators of such vessels, motor vehicles, railroad cars and aircraft.

### Section 11. SEVERABILITY.

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and

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EXPLOSIVES

to this end the provisions of this act are declared to be severable.

Section 12. DURATION.

This act, and all lawful regulations made under it, shall be in force until May 15, 1943; provided any violation of the act, committed while the act is in force, may be prosecuted and punished thereafter, whether or not this act is in force at the time of such prosecution and punishment.

Section 13. REPEAL.

All acts and parts of acts inconsistent with the provisions of this act and not expressly repealed herein are hereby repealed to the extent of such inconsistency only.

Section 14. SHORT TITLE.

This act may be cited as the Explosives Act.

Approved April 22, 1941.

## CHAPTER 213

## JAILS AND WORKHOUSES

AN ACT TO AMEND CHAPTER 101 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO JAILS AND WORKHOUSES, BY GRANTING CERTAIN COURTS DISCRETIONARY POWER TO SENTENCE AND COMMIT PRISONERS FROM KENT COUNTY TO THE NEW CASTLE COUNTY WORKHOUSE.

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

Section 1. That Chapter 101 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by striking out 4144, Section 27, thereof and by substituting in lieu thereof the following:

4144, Section 27. Prisoners Shall Be Received In Workhouse; Corporal Punishments There Inflicted:—All persons convicted, in New Castle County, of offenses against the laws of this State and sentenced to a term of imprisonment shall be imprisoned in the New Castle County Workhouse and held pursuant to this Chapter and other Statutes relating thereto. All persons that may be sentenced or committed by any court or magistrate in New Castle County shall be delivered, by the officer having them in charge, to the Warden of said Workhouse or to the person authorized by said Board to receive them.

All judgments or sentences considered and imposed by any court or magistrate sitting in and for New Castle County, upon every person convicted of any crime or misdemeanor, which judgments or sentences shall include, in whole or in part, either the corporal punishment of such convict or the hanging of such convict, shall be carried out and executed by the Board of Trustees of the New Castle County Workhouse, by and through their keepers, officers, agents and servants, and not otherwise.

All persons convicted in Sussex County of offenses against

## JAILS AND WORKHOUSES

the laws of this State and sentenced to a term of imprisonment of ten years or less shall be committed to the custody of the Sheriff of Sussex County and imprisoned in the Sussex County Jail for carrying into effect sentences imposed.

At every term of the Court of General Sessions and at every Court of Oyer and Terminer held in Sussex County, all prisoners, that may be sentenced or committed by said Courts for a term of more than ten (10) years, may, in the discretion of said Court be committed to the custody of the Board of Trustees of the New Castle County Workhouse for carrying into effect sentences imposed.

At every term of the Court of General Sessions and at every Court of Oyer and Terminer held in Kent County, all prisoners, that may be sentenced or committed by said Courts, may, in the discretion of said Court be committed to the custody of the Board of Trustees of the New Castle County Workhouse for carrying into effect sentences imposed.

The Levy Court of Kent County and the Levy Court of Sussex County shall pay for the support and maintenance of the prisoners committed from each of said Counties as by law provided. All the statutory provisions, relating to said New Castle County Workhouse, shall apply to the prisoners sentenced and committed as aforesaid, and said prisoners shall be subject to all the conditions which apply to persons committed to said workhouse from New Castle County.

Approved April 8, 1941.



## CHAPTER 214

## JAILS AND WORKHOUSES

AN ACT TO AMEND 4145 SECTION 28, CHAPTER 101, REVISED CODE OF DELAWARE 1935 BY PROVIDING FOR AN ANNUAL APPROPRIATION FROM THE LEVY COURT OF NEW CASTLE COUNTY FOR THE PAYMENT OF EXPENSES OF THE OPERATION AND MAINTENANCE OF THE NEW CASTLE COUNTY WORKHOUSE

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

Section 1. That 4145 Section 28, Chapter 101, Revised Code of Delaware 1935 be and the same is hereby repealed, and that the following, to be known as 4145, Section 28, Section 28a, Section 28b, Chapter 101, Revised Code of Delaware 1935 be substituted in lieu thereof:

Section 28. All persons convicted of any crime and committed to the custody of the Trustees of The New Castle County Workhouse shall be compelled to labor at some suitable employment eight hours each secular day, unless physically disabled, provided, however, that it shall be unlawful for any prisoner or prisoners confined in the New Castle County Workhouse to be employed at or to work at the labor of repairing, painting, or refinishing any automobile except such automobiles as may be owned by the State of Delaware or some political subdivision thereof. For all overwork each prisoner shall receive credit and be paid. The money earned by overwork may, at the option of the prisoner, be sent to his family, be expended for such articles as he may have in prison under the rules, or may accumulate and be paid to him in lump at the time he is discharged.

Section 28a. The cost of maintenance of prisoners committed to the custody of the Trustees of The New Castle County Workhouse shall be paid for by each of the Counties, New Castle, Kent, and Sussex, from which said prisoners are committed. The cost of maintenance of prisoners so committed from Kent

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County and Sussex County shall be paid by the Levy Court of the County from which said prisoner is committed at a rate not to exceed \$1.00 daily per capita. Such payments are to be made from the General Funds of said Kent and Sussex Counties upon the request of the Trustees.

Section 28b. The Trustees of The New Castle County Workhouse, shall, on or before the first day of June in the year 1941 and on or before the first day of June of each year thereafter, prepare and submit to the Levy Court of New Castle County a budget of the amount estimated to be necessary for the following year for the operation of The New Castle County Workhouse and for the maintenance of prisoners committed thereto from New Castle County. Upon approval by the Levy Court of New Castle County of the budget so submitted, the Levy Court of New Castle County, on the first day of July of each year, shall appropriate from the General Fund of New Castle County the amount of said budget, and shall pay the same to the said Trustees in installments as required and needed by the said Trustees for the operation and maintenance of the said New Castle County Workhouse. From the money so appropriated by and received from the Levy Court, of New Castle County, the Trustees shall provide for the payment of the expenses of the operation of the Workhouse, the maintenance of prisoners committed from New Castle County, as well as payments of interest and principal upon outstanding bonds of the said New Castle County Workhouse. Any unexpended balance of such appropriation for any year shall be noted in the budget for the following year and shall be credited against the appropriation for the following year.

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

Approved April 14, 1941.

## CHAPTER 215

## JAILS AND WORKHOUSES

AN ACT AUTHORIZING THE COURT OF GENERAL SESSIONS OR THE COURT OF OYER AND TERMINER, OF THE STATE OF DELAWARE, SITTING IN AND FOR KENT COUNTY, IN THE DISCRETION OF THE COURT, TO RESENTENCE AND TRANSFER TO THE CUSTODY OF THE BOARD OF TRUSTEES OF THE NEW CASTLE COUNTY WORKHOUSE, PRISONERS COMMITTED TO, AND SERVING TERMS IN, OR HEREAFTER COMMITTED TO, AND SERVING TERMS IN, THE KENT COUNTY JAIL.

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

Section 1. That the Court of General Sessions or the Court of Oyer and Terminer, of the State of Delaware, sitting in and for Kent County, in the discretion of the Court, be and is hereby authorized and fully empowered to resentence and transfer to the custody of the Board of Trustees of the New Castle County Workhouse, prisoners committed to, and serving terms in, or hereafter committed to, and serving terms in, the Kent County Jail.

Section 2. That the Sheriff of Kent County, upon order of the Court, is hereby authorized and directed to bring before the Court, such prisoners as mentioned in Section 1. of this Act, and as ordered by the Court, and upon being resented as aforesaid, the said Sheriff shall deliver the said prisoners to the custody of the Board of Trustees of the New Castle County Workhouse, in accordance with the resentence and order of the Court.

Section 3. That the Levy Court of Kent County shall pay to the said Board of Trustees of the New Castle County Workhouse for the support and maintenance of the prisoners so committed from their respective Counties.

Approved April 8, 1941.

## CHAPTER 216

## JAILS AND WORKHOUSES

AN ACT AUTHORIZING THE APPOINTMENT OF A WARDEN FOR KENT COUNTY JAIL, DEFINING HIS POWERS AND DUTIES, AND PROVIDING FOR THE FORMULATION OF RULES AND REGULATIONS FOR SAID JAIL.

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

Section 1. That the Levy Court of Kent County is hereby authorized and empowered to appoint a Warden for Kent County Jail. Such appointment shall be made during the month of November, A. D. 1942, and said appointment shall become effective on the First Monday in January of 1943.

The person appointed as Warden shall be of good moral character and experienced in the detention and handling of prisoners. He shall occupy the office of Warden of Kent County Jail, and the Levy Court shall provide him with board and living quarters at the said Kent County Jail.

Section 2. The term of office of the said Warden for Kent County Jail shall be for six years, beginning the First Monday in January of 1943. The term of office of each succeeding Warden shall likewise be for six years. Any Warden shall be eligible to succeed himself.

Said Warden shall receive as his salary the sum of Two Thousand Dollars annually, payable at such times and in such sums as the Levy Court shall determine. The Levy Court of Kent County shall require the Warden so appointed to enter into bond with sufficient surety to the Levy Court of Kent County in the sum of Ten Thousand Dollars conditioned for the faithful discharge of his duties as such Warden of Kent County Jail.

Section 3. The Warden of Kent County Jail is hereby authorized and empowered to appoint a Deputy Warden and a

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sufficient number of keepers, not, however, to exceed eight in number. The Warden shall be responsible for the conduct of the Deputy Warden and the keepers so appointed.

The Deputy Warden shall be provided by the Levy Court with board and living quarters at the Kent County Jail, and shall receive for his services the sum of Twelve Hundred Dollars annually, payable as the Levy Court shall determine, and he shall hold office at the pleasure of the Warden.

The keepers shall likewise be appointed by the Warden and they shall receive for their services each the sum of One Thousand Dollars annually, payable as the Levy Court shall determine.

Section 4. The Warden shall formulate rules and regulations for the proper operation and maintenance of said Jail. Copies of such rules and regulations shall be posted at convenient places in the Jail. Before such rules shall become effective, the same shall be approved by one or more of the Judges of the Court of General Sessions of the State of Delaware. Any person charged with violating any rule or regulation shall after five days' notice be given a hearing before one or more of the Judges of the Court of General Sessions, and if such person so charged is found guilty of violating a rule or regulation, he shall be punished in such manner as the said Judge or Judges shall determine.

Section 5. The Levy Court of Kent County shall provide the Warden with a proper and suitable vehicle with which to convey prisoners to and from the County Court House at Dover for trial and other appearances before the Court, and for the transportation of any prisoner or prisoners to the New Castle County Work House when such prisoner or prisoners are committed by the Court thereto. The vehicle to be furnished shall be used for no purpose or purposes other than those herein specified, except as the Judges of the Court of General Sessions resident in Kent County shall direct. The said vehicle shall be operated by one of the keepers of said Jail and the said Warden

## JAILS AND WORKHOUSES

shall be responsible for the safe transportation of prisoners to and from said County Court House, and for the safe delivery to the New Castle County Work House of prisoners sentenced thereto.

Section 6. All prisoners that may be sentenced or committed by a magistrate in Kent County shall be delivered by the officers having them in charge, to the Warden of the Kent County Jail, and all prisoners, that may be sentenced or committed by the Court of General Sessions in and for Kent County and the Court of Oyer and Terminer held in Kent County, shall, except as by law otherwise provided, be committed to the custody of the Warden of the Kent County Jail, for carrying into effect sentences imposed.

The said Warden shall have exclusive charge, control, and custody of all prisoners in the Kent County Jail, and shall safely keep them for the residue of their terms of imprisonment, respectively, or until they be duly discharged.

All judgments or sentences considered and imposed by any court sitting in and for Kent County, upon every person convicted of any crime, which judgments or sentences shall include, in whole or in part, either the corporal punishment of such convict or the hanging of such convict, shall be carried out and executed by the Warden of the Kent County Jail.

Section 7. On and after the First Monday in January, 1943, the board of prisoners shall be furnished by the Warden under the direction and control of the Levy Court of Kent County. All food necessary to properly feed the prisoners shall be purchased by the Warden by and with the approval of the Levy Court of Kent County and all charges therefor shall be paid by the Levy Court of Kent County.

Section 8. Whenever any vacancy shall occur in the office of Warden for any cause or reason whatsoever other than the expiration of the term of office of said Warden a new Warden

## JAILS AND WORKHOUSES

shall be appointed for the unexpired term of six years by a majority of the Judges of the Court of General Sessions of the State of Delaware, not less than three of whom shall occur\* in said appointment

No Warden shall be removed for any cause except upon the verdict of three Judges of the Court of General Sessions of the State of Delaware who shall have power to hear and determine any charges placed against the Warden. Any Warden who shall be removed as a result of the findings by the said Judges of the Court of General Sessions shall be replaced by said Judges as first hereinabove provided in this Section.

Approved May 14, 1941.

\*So enrolled.

## CHAPTER 217

JAILS AND WORKHOUSES  
SUSSEX COUNTY JAIL

AN ACT CREATING A BOARD OF TRUSTEES TO MANAGE AND CONTROL THE PRISON, PRISON FARM, COURTHOUSE AND COURTHOUSE ANNEX OF SUSSEX COUNTY: PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE BOARD, THEIR TERMS OF OFFICE, QUALIFICATIONS AND EXPENSES, THEIR POWERS AND DUTIES; PROVIDING FOR THE PAYMENT OF THE EXPENSE OF SUCH MANAGEMENT AND CONTROL BY THE LEVY COURT OF SUSSEX COUNTY; PROVIDING FOR THE CUSTODY, CARE, CONTROL, LABOR AND COMPENSATION OF PRISONERS IN SAID PRISON; AND PROVIDING FOR A SYSTEM OF BOOKKEEPING AND INVENTORY OF PROPERTY.

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

Section 1. Within thirty days after the approval of this Act, the Judges of the Superior Court and the Court of General Sessions, residing in Sussex County, shall appoint three suitable persons, residing in said County, who shall constitute "The Board of Trustees of the Prison, Prison Farm, Courthouse and Courthouse Annex of Sussex County. Such Board of Trustees may be referred to as "The Board of Trustees of Sussex County".

Section 2. The members of said Board first appointed hereunder shall serve for the terms of one, two and three years, respectively, the terms to be fixed and designated by the appointing Judges; and upon the expiration of the terms of office so fixed, all appointments to said Board shall be for the term of three years, provided however, that if a vacancy shall be created in any manner other than by expiration of term of office, the appointment to fill such vacancy shall be for the unexpired term.

Section 3. At no time shall all of the Trustees be of the



## JAILS AND WORKHOUSES SUSSEX COUNTY JAIL

same political party. No Trustee shall be interested, directly or indirectly, in any contract relating to the property committed to their charge, or in the supplying of goods or services to be used in connection with the management and control of said property; nor shall any member of his or her family be appointed to or hold any office under said Board.

No Trustee shall receive any compensation for services, other than the actual expenses of attending the meetings of the Board, and in inspecting the property committed to the charge of the Board.

Each Trustee, before entering upon his duties of the office, shall take and subscribe the oath of office prescribed by the Constitution of this State.

Section 4. Upon their qualification, and in January of each year thereafter, the Board shall organize by the selection of one of its members as President, and one as Secretary. The President, when present, shall preside over all meetings of the Board; and the Secretary shall keep proper minutes of its proceedings.

Section 5. The said Board shall have full and complete jurisdiction and control over the Prison, Prison Farm and land leased in connection therewith, Courthouse and Courthouse Annex of Sussex County, and over all personal property and equipment used in connection with the property committed to its jurisdiction; and in this connection the Board shall have and assume all of the jurisdiction, powers and duties heretofore exercised by or vested in the Levy Court of Sussex County except as otherwise provided herein.

The Board is authorized to acquire by lease, purchase or otherwise all necessary lands and buildings and all equipment, food, food stuffs, uniforms, clothing, books, ledgers, stationery and all other articles and things necessary for the carrying out of the duties imposed hereby. All contracts and engagements

## JAILS AND WORKHOUSES SUSSEX COUNTY JAIL

for the erection or repair of buildings, or for the purchase of equipment and supplies, where the probable amount shall be in excess of fifty dollars, shall be submitted to public bidding after due advertising, and shall be awarded to the lowest responsible bidder, unless for reasons deemed expedient by the Board approved by the appointing Judges.

Section 6. The Board is authorized to appoint, fix their terms of service and their compensation, and for cause deemed sufficient by the Board and said Judges, to dismiss all Wardens, deputies, guards, keepers, farm overseers, janitors, physicians, chaplains, and other necessary agents and servants; and it may provide the Warden of the Prison and such other deputies or assistants as it shall deem proper with food and living quarters at the Prison Farm.

Section 7. The Board shall, with the approval of said Judges, make and promulgate rules and regulations for the proper care, maintenance and operation of the Prison, Prison Farm, Courthouse, Courthouse Annex, and other property and equipment; for the behavior, care and custody of the prisoners committed to said prison; for the working of said prisoners on the Prison Farm, or elsewhere, and for compensating prisoners for their labor if it shall be deemed expedient, the payment of such compensation to be made to said prisoners during their term, withheld until the term of imprisonment shall have expired, or paid from time to time to their dependent families.

Section 8. The Board, with the advice of the Farm Overseer, shall determine the crops to be planted and grown on the Prison Farm, or land held under lease, and the acreage for each crop. The produce of the Prison Farm, or the proceeds from the sale thereof, shall be used, so far as shall be deemed expedient, to feed the prisoners committed to said prison.

Section 9. The Board shall immediately for the current year, and not later than the first day of March in each year thereafter, prepare a budget of proposed expenditures for the

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care, operation and maintenance of the property committed to its charge, and for the feeding of prisoners, taking carefully into account in the preparation thereof, the probable income from the property. The Board shall have the power to require of any officer of the County or Judge having an office in the Courthouse or Courthouse Annex a detailed account of books, stationery, or other supplies necessary for the office. The budget, when signed by at least two members of the Board, shall be presented to the Levy Court of Sussex County, to be included in the annual budget of the Levy Court, and the amount thereof levied and collected as a part of the County Tax. The amount required by said budget shall be paid to the Board from time to time as it may deem proper. All money received by the Board, whether from the Levy Court, or from the sale of produce or crops of said Prison Farm, or from the sale of any property whatsoever, shall be deposited in some banking institution of the County designated by it to the credit of said Board; and all checks drawn from said deposit shall be for the purposes of this Act, and shall be signed by the President and countersigned by the Secretary. Any balance remaining to the credit of the account at the end of any fiscal year shall be considered in the preparation of the budget for the ensuing year. In the event that any emergency shall render the amount of the annual budget insufficient for any year a statement of the additional amount of money required, signed by all of the members of the Board and approved by said Judges, shall be presented to the Levy Court of Sussex County and shall be paid to said Board by said Levy Court.

Section 10. The Board is authorized and directed to install a suitable system of bookkeeping, by which will be shown all of the money received by it, and from what source, and all money expended by it and for what purpose. Each year the Board shall prepare and submit to the said Judges a statement of all receipts and expenditures, the amount of produce grown on said farm, and the amount sold, properly classified, the monies received therefrom, or the value thereof used in the feeding of

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SUSSEX COUNTY JAIL**

prisoners, and a full and complete inventory of all animals, farm machinery and equipment, and all other specific articles of personal property used in connection with the care, maintenance and operation of the property in its charge.

Section 11. All prisoners duly committed to said prison shall be deemed to be in the custody of said Board, and from and after the approval of this Act all persons sentenced shall be committed to the custody of said Board. Corporal and capital punishments shall be executed by the Warden of the Prison.

Section 12. All acts or parts of acts inconsistent herewith are repealed but only to the extent of such inconsistency.

Approved April 21, 1941.

## CHAPTER 218

## STRAYS

AN ACT TO AMEND CHAPTER 104 OF THE REVISED CODE OF DELAWARE, 1935, RELATIVE TO STRAYS, PROVIDING FOR THE RESPONSIBILITY OF OWNER OF LIVESTOCK ACCIDENTALLY ESCAPING FROM ENCLOSURES.

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

Section 1. That Chapter 104 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new section after 4186. Sec. 5. of said Chapter, to be known as 4186 A. Sec. 5 A. as follows:

4186 A. Sec. 5 A. No owner or other person in charge of cattle or other livestock shall be responsible in any action by reason of such cattle or other livestock accidentally escaping from their enclosure and straying on any public highway of this State unless such owner or other person in charge thereof shall have intentionally allowed the same to escape or unless he shall be guilty of negligence in the care of such cattle or other livestock.

Approved May 21, 1941.

## CHAPTER 219

## DITCHES

AN ACT PROVIDING FOR THE COLLECTION OF DITCH TAXES  
BY THE COUNTY TREASURER AND RECEIVER OF TAXES  
OF THE SEVERAL COUNTIES OF THE STATE OF DELA-  
WARE.

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

Section 1. That on and after the passage and approval of this act, all ditch taxes levied and assessed by any ditch company, whether created under the provisions of Article 2 of Chapter 65 of the Revised Code of Delaware, 1935, or under the provisions of Chapter 105 of the Revised Code of Delaware, 1935, or by special act of the Legislature, shall be collected by the County Treasurer and Receiver of Taxes in the county wherein the district of said ditch company is situated. It shall be the duty of each ditch company, in each year after its assessment has been made and its tax rate fixed, to then execute its warrant with a duplicate of the assessment list to such Receiver of Taxes and County Treasurer, which warrant shall be delivered not later than the first day of May in each year, and it shall then be the duty of said Receiver of taxes to collect such taxes, within a period of ninety days from the date of said warrant, in the same manner as provided by law for the collection of taxes for other purposes, and the said Receiver of Taxes shall be allowed two percentum of the money so collected by him in making such collection, and after deducting the two percentum from the total amount of said duplicate, the balance of the money so collected, with respect to each ditch company, shall be deposited in a Bank by such Receiver of Taxes in separate accounts to the credit of each such ditch company, on or before the expiration of ninety days from the date of said warrant; and said moneys so collected and deposited shall be withdrawn from said separate accounts only upon warrants drawn by the proper officers of the respective ditch companies.

Section 2. That all acts or parts of acts, inconsistent with

## DITCHES

the provisions of, or any of the provisions of, this Act, be and the same are repealed only to the extent of any such inconsistency.

Approved April 21, 1941.

# Courts

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## CHAPTER 220

UNLAWFUL FOR MEMBERS OF THE JUDICIARY, INCLUDING JUDGES OF THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, JUDGES OF THE COURTS OF COMMON PLEAS, AND JUSTICES OF THE PEACE TO BE A CANDIDATE FOR ANY ELECTIVE OFFICE DURING TERM OF OFFICE, ETC.

AN ACT MAKING IT UNLAWFUL FOR ANY MEMBER OF THE JUDICIARY OF THIS STATE, INCLUDING THE JUDGES OF THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, TO BE A CANDIDATE FOR ANY ELECTIVE OFFICE DURING HIS TERM OF OFFICE, AND UNTIL, SIX MONTHS AFTER HE CEASES TO BE A MEMBER THEREOF.

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

Section 1. That it shall be unlawful for any member of the Judiciary of this State, including Justices of the Peace, Judges of the Courts of Common Pleas, and Judges of the Municipal Court of the City of Wilmington, to be a candidate for any elective office during his term as a member thereof, and until six months thereafter.

Section 2. That all acts or parts of acts inconsistent with the provisions, or any of the provisions, of this act, be and the same are hereby repealed to the extent of any such inconsistency.

Approved April 1, 1941.



## CHAPTER 221

## GENERAL PROVISIONS CONCERNING COURTS

AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE BY REPEALING 4246 SEC. 12 THEREOF RELATING TO THE OFFICE OF COURT STENOGRAPHER, AND TO PROVIDE FOR COURT STENOGRAPHERS, OFFICE STENOGRAPHERS, AND A CONTINGENT FUND FOR THE LAW COURTS OF THIS STATE.

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

Section 1. 4246 Sec. 12 of the Revised Code is repealed, and in lieu thereof it is provided as follows:

4246, Sec. 12. The law Judges of the State are authorized to appoint, and to remove at pleasure, two skilled and competent stenographers, to be designated as Court Reporters, whose duties shall be to attend the Sessions of the Superior Court, the Court of Oyer and Terminer, the Court of General Sessions, the Orphans' Courts, and at hearings conducted by the said Judges or any of them in term time or vacation, and under the orders of the Courts or Judge, to report all evidence, opinions and other matters;

To appoint, and to remove at pleasure, an additional skilled and competent stenographer, also to be designated as Court Reporter, whose duties shall be, when directed so to do by the Chief Justice, or in his absence by any of the said Judges, to attend the sessions of said courts and at hearings as aforesaid, and under the orders of said courts, or Judge, to report all evidence, opinions and other matters; and, when directed as aforesaid, to assist the several Judges in the preparation of orders, decrees and opinions;

To employ, and to remove at pleasure three competent Office Stenographers, one to be attached to said courts in each of the Counties, whose duties shall be to render to the several Judges

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such clerical, stenographic or typewriting service as shall be required of them.

The Court Reporters, before entering upon their duties, shall take and subscribe the oath of office as required by the Constitution.

The Court Reporters and Office Stenographers shall severally receive as compensation for their services, to be paid in equal monthly installments by the State Treasurer, such amounts of the Contingent Fund herein provided and established as the said Judges shall, from time to time, determine.

The said Judges shall certify to the State Auditor and State Treasurer the names and addresses of the several persons appointed as Court Reporters and office Stenographers, the several dates of their appointments, and the monthly compensations to be paid to them as shall have been determined.

The said Judges are empowered to adopt rules and regulations with respect to the charges to be made by Court Reporters for furnishing to attorneys or other interested persons transcriptions of evidence, opinions or records of trials, arguments or hearings; and with respect to the purchase of supplies and equipment, the presentation of bills and vouchers for the payment thereof, and for other necessary expenses of the Courts.

If, by reason of illness or other proper cause, any of the Court Reporters shall be unable to perform the duties assigned to him, and it shall be necessary for the transaction of the business of the Courts or Judges thereof to employ a substitute, the Judges are authorized to designate and appoint a suitable and competent stenographer to serve as a temporary Court Reporter for such time and for such compensation as they shall determine. Such substitute Court Reporter shall take the same oath of office as is required of a Court Reporter, and his acts shall have the same force and effect as if done by an official Court Reporter.

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For the payment of the compensations of the Court Reporter, Office Stenographers, office supplies and equipment and other necessary expenses of the Courts, the sum of Sixteen Thousand Dollars (\$16000.00) is appropriated.

Approved May 31, 1941.

## CHAPTER 222

## SUPREME COURT

AN ACT TO AMEND 4236 CHAPTER 108 SECTION 2 AND 4261 CHAPTER 110 SECTION 1 OF THE REVISED CODE OF 1935 AND TO AUTHORIZE THE SUPREME COURT TO ESTABLISH TERMS BY RULE.

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

Section 1. 4236 Chapter 108, Section 2 of the Revised Code of Delaware of 1935 be and the same is hereby amended by striking out the last paragraph thereof and inserting in lieu thereof the following:

The Supreme Court is authorized and empowered to establish terms of said Court by general rules.

Section 2. 4261 Chapter 110, Section 1 of the Revised Code of Delaware of 1935 be and it is hereby amended by striking out said section and inserting in lieu thereof the following:

4261 Section 1, Power to Make Rules:—

The Supreme Court is authorized and empowered to establish terms by general rule and, by general rule or, where said court shall deem it best for the advancement of justice, by special order to fix the time of an otherwise regulate the return of any and all process issued out of said Court, and to make rules and orders for the trial, hearing and determination of causes and proceedings in said Court.

Approved April 7, 1941.

## CHAPTER 223

## JUVENILE COURT—KENT AND SUSSEX COUNTIES

AN ACT TO AMEND CHAPTER 116 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 204, VOLUME 41, LAWS OF DELAWARE, AND RELATING TO THE COMPENSATIONS OF A PROBATION OFFICER OR OFFICERS, AND FOR THE EXPENSES OF THE JUVENILE COURT OF KENT AND SUSSEX COUNTIES INCURRED IN CONNECTION WITH THE WORK AND ACTIVITIES OF SAID PROBATION OFFICER OR OFFICERS.

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

Section 1. That Chapter 116 of the Revised Code of Delaware, 1935, as amended by Chapter 204, Volume 41, Laws of Delaware, shall be and the same is hereby further amended by striking out all of 4353 A, Section 38A of said Chapter 116 of the Revised Code of Delaware, 1935, and inserting in lieu thereof the following to be known as 4353 A, Section 38A.

4353 A, Sec. 38 A. The compensation of the probation officer or officers for the said Juvenile Court shall be fixed by the Judge of the said Court, provided that the total compensation to be paid to the Probation Officer or Officers shall not exceed Twenty-four Hundred (\$2400.00) Dollars annually. The actual travelling expenses incurred by any Probation Officer while in the performance of his duty shall be paid upon approval thereof by the Judge of said Court. The actual expenses of said Court, including mileage, shall also be paid by the Levy Court of Kent County and the Levy Court of Sussex County as hereinafter provided; provided, however, that the total expenses of said Court, including travelling expenses, shall not exceed the sum of One Thousand (\$1000.00) Dollars during any twelve month period.

All salaries and all expenses, including travelling expenses, authorized and provided for in Paragraph 1 of this Section shall

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be paid by the Levy Court of Kent County or by the Levy Court of Sussex County, for the probation officer named for said county, upon the presentation of an itemized statement showing such claim or claims approved by the Judge of the said Juvenile Court.

Approved May 9, 1941.

## CHAPTER 224

## COURT OF CHANCERY

"AN ACT IN RELATION TO INVESTMENTS BY TRUSTEES, GUARDIANS, AND OTHER FIDUCIARIES AND TO PROPERTY TAKEN OVER BY THEM, BEING AN AMENDMENT TO CHAPTER 117 OF THE REVISED CODE OF THE STATE OF DELAWARE AS AMENDED BY CHAPTER 259, VOLUME 37, LAWS OF DELAWARE."

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

Section 1. That Section 35 of Chapter 117 of the Revised Code of Delaware (1935), being section 4401 of said Code, as amended by Chapter 149, Volume 42, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of 4401, Section 35 of said Chapter 117, as contained in the Revised Code of Delaware (1935) and as contained in Chapter 149, Volume 42, Laws of Delaware, and inserting in lieu thereof the following new section to be known and styled as 4401, Section 35:

4401. Section 35. TRUST SECURITIES DESIGNATED. Trustees, Guardians and other fiduciaries may invest the funds of their trusts as follows:

(A) In accordance with the provisions pertaining to investments contained in instruments under which they are acting.

(B) In the absence of any such provisions, then in securities of the following classes:

(1) Bonds and other interest-bearing obligations of the United States for the payment of interest and principal of which the faith and credit of the United States are pledged and interest-bearing obligations of any debtor or promisor for the payment of interest and principal of which the faith and credit of the United States Government are pledged.

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(2) Bonds and other interest-bearing obligations of the State of Delaware and of any other State of the United States and of the District of Columbia for which the faith and credit of any such State or District are pledged to provide for the payment of the interest and principal thereof; provided the State or the District, as the case may be, shall not have been in default of interest or principal payments on any of its obligations for more than six months during any time within five years prior to the date of purchase.

(3) Bonds and other interest-bearing obligations of any county of the State of Delaware, for which the faith and credit of any such county are pledged to provide for the payment of the interest and principal thereof.

(4) Bonds and other interest-bearing obligations of any county of any state in the United States, outside of Delaware, for which the faith and credit of such county are pledged to provide for payment of interest and principal thereof, provided that the county shall have a population of not less than fifty thousand (50,000) persons according to the most recent Federal census, and at the time of purchase the net debt shall not exceed three per cent (3%) of the taxable valuation and that the direct and local net debt shall not exceed twelve per cent (12%) of the taxable valuation and provided the county shall not have been in default of interest or principal payments on any of its obligations for more than six months during any time within five years prior to the date of purchase. The phrase "direct and local net debt" shall be construed to mean the combined bonded debt of the county and of all political subdivisions within the county, less sinking funds and self-supporting water and other utility debt.

(5) Bonds and other interest-bearing obligations of any school district of the State of Delaware issued pursuant to the authority of the law relating thereto and for which the faith and credit of any such district are pledged to provide for the payment of the interest and principal thereof.



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(6) Bonds and other interest-bearing obligations of any incorporated city or town of the State of Delaware for which the faith and credit of any such city or town are pledged to provide for the payment of the interest and principal hereof.

(7) Bonds and other interest-bearing obligations of any incorporated city of any state of the United States (other than the State of Delaware) for which the faith and credit of the city issuing the same are pledged to provide for the payment of the interest and principal thereof; provided that at the date of purchase of such obligation the city issuing the same shall have a population of not less than seventy-five thousand (75,000) persons, according to the most recent Federal census, and shall have a total net debt (determined in accordance with the law applicable to such city defining its total net debt) of not more than ten per cent (10%) of the most recent assessed valuation of the taxable property in such city; and provided the city shall not have been in default of interest or principal payments on any of its obligations for more than six months during any time within five years prior to the date of purchase.

(8) Bonds and other interest-bearing obligations of the Dominion of Canada for which the faith and credit of the Dominion of Canada are pledged to provide the payment of interest and principal thereof and interest-bearing obligations of any debtor or promissor for which the faith and credit of the Dominion of Canada are pledged to provide the payment of interest and principal thereof.

(9) Bonds of natural persons or corporations secured by first mortgage on improved and productive real estate, located in Delaware (including buildings occupied by owner) provided that the amount of said mortgage does not exceed sixty per cent (60%) of the value of the property covered thereby as determined at the date of investment.

(10) Bonds of corporations incorporated in one or more

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states of the United States, secured by mortgage upon the whole or a part of the physical properties of such corporations, the earnings available for fixed charges of which, after depreciation and taxes, for the period of five fiscal years immediately preceding the date of the purchase, have averaged, in the case of railroad corporations, one and thirty-five one hundredths (1.35) times; in the case of public utility corporations, one and eight-tenths (1.8) times; and in the case of other corporations, three (3) times the total fixed charges (including therein interest on funded debt, on bank loans and other forms of floating debt, amortization charges, and discounts on securities sold); provided, however, that in each year of such five year period the earnings after depreciation and taxes shall be, in the case of railroad corporations, at least equal to, and in the case of public utility corporations, at least one and one-half ( $1\frac{1}{2}$ ) times, the total fixed charges as above defined; 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.

(11) Mortgage bonds, the principal and interest of which have been assumed or guaranteed by corporations whose own mortgage bonds qualify under clause numbered (10) hereof; provided, however, that no default has occurred in the payment of interest of such bonds for a period of five years next preceding date of purchase thereof.

(12) Equipment trust obligations, issued in connection with the purchase of new standard gauge equipment for use on railroads incorporated in one or more states of the United States, secured by an instrument vesting title to such equipment in a trustee free of any prior encumbrance; provided, however, that the maximum amount of such obligations so issued shall not exceed eighty per cent (80%) of the cost of such equipment, and that such obligations shall mature within fifteen years from

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the date of issue in approximately equal annual or semi-annual installments, beginning not later than three years after the date of issue.

(13) Unsecured obligations of industrial corporations, including finance 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 warrants to purchase stock and shall be protected by restrictions prohibiting 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 One Hundred Million Dollars (\$100,000,000);

(b) The total secured debt of the corporation shall have been not greater than ten per cent (10%) of the total unsecured debt of the corporation; and

(c) The net working capital of the corporation shall have been at least equal to the total of the secured debt and unsecured debt, other than current debt, of the corporation, and provided further that the net earnings available for fixed charges of the corporation after depreciation, depletion and taxes, for a period of five fiscal years immediately preceding the date of the purchase, shall have averaged three (3) times total fixed 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 available for fixed charges shall have been at least two (2) 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 deter-

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mined, for the purposes of this Act, by assuming such fixed charges to have been the same as at the date of purchase.

(14) Preferred stocks of any industrial corporation incorporated in one of the states of the United States, listed on the New York Stock Exchange, which stocks shall not be convertible into any other class of stock, shall have prior participation in earnings and in distribution of assets on dissolution over all other classes of stock, and the dividends upon which shall be fully cumulative, provided that as of the close of the corporation's last fiscal year preceding the date of purchase the total assests of the corporation after deducting depreciation and other reserves, patents and good will, shall have been not less than One Hundred Million Dollars (\$100,000,000) and shall be at least ten (10) times the total funded debt of the corporation, the net working capital of the corporation shall have been not less than one and one-half ( $1\frac{1}{2}$ ) times its total funded debt other than current debt, and the net earnings available for fixed charges of the corporation after depreciation, depletion and taxes for the period of five fiscal years immediately preceding the date of the purchase shall have averaged four (4) times fixed charges and preferred dividend requirements, and that in the latest of such five fiscal years and in each of three out of the remaining four such fiscal years net earnings available for fixed charges shall have been at least three (3) times such fixed charges and preferred dividend requirements, but if the corporation shall not have had fixed charges and preferred dividend requirements in any one or more of the five fiscal years immediately preceding the date of purchase, the coverage ratios of fixed charges and preferred dividend requirements for such years, as hereinabove required, may be determined, for the purposes of this Act, by assuming such fixed charges and preferred dividend requirements to have been the same as at the date of purchase, which preferred stocks may be purchased to the extent of thirty per cent (30%) in the aggregate of the principal of the trust, and that for the purposes of this paragraph the value of the principal of the trust may be determined by the latest valuation or appraisal thereof made by the trustee, guard-

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ian or other fiduciary within twelve months preceding the date of such purchase, adjusted for subsequent additions to and withdrawals from the principal of the trust.

(15) Common stocks of any industrial corporation incorporated in one of the states of the United States, listed on the New York Stock Exchange, and upon which dividends shall have been paid in each of the ten years prior to the date of purchase, the net working capital of which corporation shall have been not less than two (2) times its total funded debt, other than current debt, at the close of the fiscal year immediately preceding the date of the purchase of such stock, and common stocks of any bank having a capital and declared surplus of not less than Fifty Million Dollars (\$50,000,000) and whose principal office and place of business is in the City of New York, which common stocks of such industrial corporations and such Banks may be purchased to the extent of ten per cent (10%) in the aggregate of so much of the principal of the trust as shall not exceed Twenty-five Thousand Dollars (\$25,000) in value and thirty per cent (30%) in the aggregate of the principal of the trust as shall exceed Twenty-five Thousand Dollars (\$25,000) in value, if any, and any one such stock may be purchased to the extent of five per cent (5%) in the aggregate of the principal of the trust, and for the purposes of this paragraph the value of the principal of the trust may be determined by the latest valuation or appraisal thereof made by the trustee, guardian or other fiduciary within twelve months preceding the date of such purchase, adjusted for subsequent additions to and withdrawals from the principal of the trust.

(16) Such stocks, bonds and securities as may be approved by the Court having jurisdiction.

(17) A bank or trust company authorized to act 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 any one or more of the classes described in paragraphs (1) to (16), both inclusive, of

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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 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, provided, however, that nothing contained in paragraphs (14) and (15) of this subdivision (B) of this Section 35 shall constitute any limitation upon the amount of funds that may be invested by a trustee, guardian or other fiduciary in a fractional undivided interest in a common fund as provided for in this paragraph (17).

(C) The foregoing specification of the classes of securi-

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ties in which trustees, guardians and other fiduciaries may invest funds shall not be construed to relieve such trustees, guardians and other fiduciaries from the duty of exercising reasonable care in selecting securities within such classes.

(D) Nothing contained in this section shall be interpreted as prohibiting a trustee, guardian or other fiduciary from taking over (other than by purchase) from any source whatsoever (including property taken in exchange in connection with reorganizations and other financial readjustments of corporations) property of any kind, including securities not within any of the classes specified in subdivision (B) hereof; but a trustee, guardian or other fiduciary 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, however, that in case a trustee, guardian or other fiduciary is acting under authority of an instrument, the terms and provisions of such instrument shall be controlling as to the power and duty of such trustee, guardian or other fiduciary.

(E) Securities and/or other property which at the time they were acquired or invested in by a trustee, guardian or other fiduciary were in conformity with the law of the State of Delaware and which later cease to be in conformity with the law of the State of Delaware may, nevertheless, be retained by such trustee, guardian or other fiduciary without liability for any loss or depreciation until in the exercise of due care it shall become no longer wise so to do.

Approved April 17, 1941.

## CHAPTER 225

## COURT OF CHANCERY

"AN 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 Section 35A of Chapter 117 of the Revised Code of Delaware, 1935, as amended by Chapter 206 of Volume 41 Laws of Delaware, and as further amended by Chapter 150 of Volume 42 Laws of Delaware, be and the same is hereby further amended by striking out all of Section 35A of said Chapter, as contained in said Chapter 206 of Volume 41 and as contained in Chapter 150 of Volume 42, and inserting in lieu thereof the following:

Section 35A: If any part of the funds of a trust shall be invested in bonds or other obligations for the payment of money, the cost of such bonds or obligations as of the date of the purchase thereof by the trustee, if purchased, or the market value of such bonds or obligations as of the date of acquisition thereof by transfer from an executor or administrator or a donor, if such bonds or obligations shall have been acquired by the trustee by such transfer, shall, unless otherwise provided in the instrument creating such trust, be treated as principal, regardless of their face value, and, unless otherwise provided in the instrument creating such trust, the trustee of such trust may but shall not be required to amortize and charge against the income of such bond or other obligation the amount, if any, by which the principal value so determined shall exceed the face value of such bond or other obligation.

Upon the sale, call or exchange of any such bond or other obligation purchased or otherwise acquired as above provided at a value in excess of the face value thereof, the gain or loss resulting from such sale, call or exchange shall, unless other-



## COURT OF CHANCERY

wise provided in the instrument creating such trust, inure to or fall upon the principal of such trust, provided that such portion of any such gain as does not exceed the amounts if any previously charged against income from such bond or other obligation for amortization, shall be credited to the income of the trust, and provided further that in the event non-interest-bearing bonds or obligations shall have been purchased on a discount basis, the discount when received shall be income.

Approved April 17, 1941.

## CHAPTER 226

## COURT OF CHANCERY

AN ACT TO AMEND CHAPTER 117 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO ADDITIONAL OFFICERS ATTACHED TO THE COURT OF CHANCERY.

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

Section 1. That Section 46 of Chapter 117 of the Revised Code of the State of Delaware, 1935, being Code Section 4412 of said Code be and the same is hereby amended by striking out all of said Section 46 and substituting in lieu thereof the following new section, to be known as 4412, Section 46.

4412. Sec. 46. STENOGRAPHERS; COURT OFFICERS:

APPOINTMENT; REMOVAL; DUTIES:—There shall be attached to the Court of Chancery not more than four skilled and competent stenographers who shall be officers of the Court and whose duty it shall be to attend the sessions of the Court of Chancery and the Orphans' Court in the several counties and the Chancellor, the Vice Chancellor or the Judges of the Orphans' Court in Chambers for the hearing of causes or petitions, and who shall report all evidence, opinions and other matters as the said Chancellor, Vice Chancellor or Judges of the Orphans' Court may order.

Each of the said stenographers shall be appointed by the Chancellor and shall be subject to be removed at his pleasure and another appointed in the place of any such stenographer who may be so removed.

Before entering upon his duties any such stenographer shall be duly sworn as other court officers.

One of the said stenographers shall be designated by the Chancellor as Chief Stenographer and shall receive as compen-

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sation for his services such sum as may be approved by the Chancellor, not exceeding Three Thousand Dollars for each and every year. Each of the said stenographers other than the Chief Stenographer shall receive as compensation for his services such sum as may be approved by the Chancellor, not exceeding Twenty-seven Hundred Dollars for each and every year.

Approved February 7, 1941.

## CHAPTER 227

## ORPHANS COURT

AN ACT TO AMEND CHAPTER 118 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE ORPHANS' COURT BY CONFERRING UPON SAID COURT OR ANY JUDGE THEREOF JURISDICTION TO APPOINT GUARDIANS OF THE PROPERTY OF AGED PERSONS RECEIVING OLD AGE COMPENSATION OR WHO ARE INMATES IN THE STATE WELFARE HOME, PERMITTING THE WAIVER OF GUARDIANS' BONDS WITH SURETY, PROVIDING FOR A WAIVER OF COURT COSTS AND PROVIDING FOR THE SALE OF THE PROPERTY OF ANY SUCH AGED PERSON WHO IS AN INMATE OF THE STATE WELFARE HOME TO DEFRAY THE EXPENSES INCURRED IN THE CARE AND SUPPORT OF SUCH INMATE.

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

Section 1. That Chapter 118 of the Revised Code of Delaware, 1935, be and the same hereby is amended by adding immediately following 4422 Section 7 of said Chapter a new section to be known as 4422A Section 7A as follows:

4422A Section 7A. The Orphans' Court or any Judge thereof shall also have authority upon the application of the State Old Age Welfare Commission to appoint guardians of the property of aged persons who are receiving old age assistance under the provisions of Chapter 54, or who are inmates of the State Welfare Home. Such guardianships shall continue until the death of such aged person or until the Orphans' Court or Judge thereof shall otherwise order. The Orphans' Court or Judge thereof shall have power to appoint as such guardian any state officer or agency or any member, officer, or employee of any state agency. The Orphans' Court or Judge thereof may by Order provide that the guardian so appointed need not give bond either with or without surety as otherwise required by law.

## ORPHANS COURT

The Orphans' Court or Judge thereof shall have power upon the appointment of a guardian for an aged person who is an inmate of the State Welfare Home to provide by Order for the sale of all or any part of the property of such inmate, to defray the expenses incurred by the State Old Age Welfare Commission in the care and support of such inmate. The proceeds derived from any such sale shall be paid to the State Old Age Welfare Commission to reimburse it for the expenses incurred or to be incurred in the care and support of such inmate. Any such sale of the property of an inmate of the State Welfare Home for whom a guardian has been appointed by this section shall be made only to such extent and in such manner as to give effect to the provisions of Section 31 of Chapter 54 of the Revised Code of Delaware, 1935, with respect to the liability of the property of an inmate of the State Welfare Home for the expense incurred in the support and care of such inmate.

No fees shall be payable to the Orphans' Court or to any clerk thereof in respect of any proceeding under this section or any proceeding in respect of the guardianship of the property of an aged person who is receiving old age assistance, or who is an inmate of the State Welfare Home. The Orphans' Court shall have power to make and promulgate such rules with respect to practice and procedure under this section as may be necessary to give effect hereto.

Approved April 8, 1941.

## CHAPTER 228

## ORPHANS COURT

AN ACT TO AMEND CHAPTER 118 OF THE REVISED CODE OF  
THE STATE OF DELAWARE OF 1935 AND TO EMPOWER  
THE COURT TO DISPENSE WITH SURETY ON GUARDIANS'  
BONDS UNDER CERTAIN CIRCUMSTANCES

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

Section 1. That 4423, Section 8 of Chapter 118 be amended  
by striking out said section and inserting in lieu thereof the  
following:

4423. Section 8. GUARDIANS; APPOINTMENT OF  
IN VACATION AT CHAMBERS; PROCEEDINGS:—It shall  
be lawful for the Chancellor, Vice-Chancellor or a Judge of the  
Orphans' Court, to appoint guardians for minors, in vacation, at  
chambers upon petition, and to make all orders for such appoint-  
ments as are now made in like cases by the Orphans' Court;  
and the Clerk of the said Court shall file and record all such  
petitions and orders in the same manner as if they had been  
presented to, and made by, the said Court. But no entry of the  
appointment of a guardian shall be made until the guardian  
shall have given bond as surety, as the law required, subject to  
the provisions of the following paragraph.

When the estate of a minor consists wholly or partly of  
cash, if it shall appear to the Court that such disposition of such  
case is advisable, the Court may, on application, or of its own  
motion, order the cash or any part thereof forming such estate  
of such minor to be deposited in a bank, savings bank or trust  
company in the State of Delaware to be designated in said order,  
such deposit to be withdrawn only on further order of the  
Court and in such case, if the Court shall so order, the guardian  
of such minor may be relieved of giving surety to account for  
any cash so deposited or income credited thereon by any such  
bank, savings bank or trust company. The Court shall have

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power at any time, in any such case to require that bond with surety be given, to be approved by the Court.

Section 2. That 4425, Section 10 of Chapter 118 be amended by striking out said section and inserting in lieu thereof the following:

4425. Section 10 of Chapter 118. GUARDIANS; BOND OF; NO ENTRY OF APPOINTMENT UNTIL GIVEN; EXCEPTIONS; EXCEPT THE RECORD OF; CERTIFICATE OF APPROVAL:—Every person appointed guardian shall, unless surety is dispensed with under the provisions of Section 8 of the Chapter, become bound with surety to the ward in a penal sum to be fixed by the Court, by a joint and several obligation, to be, with a security, approved by the Court, with condition that if the said

guardian of  
shall duly render according to law, just and true accounts of guardianship, and if the said

, his executors and administrators, upon the determination or ceasing of the guardianship, shall deliver and pay to the said

, his executors and administrators, all the property belonging to him in the possession of the said

, and all that shall be due to him in said  
, and if the said

shall in all things faithfully perform and fulfill his duties as guardian as aforesaid, then this obligation shall be void. The condition may be adapted to the case of several guardians, or a female guardian, or ward, by the requisite variation from said form. Unless surety shall be dispensed with under the provisions of Section 8 of this chapter, no entry of the appointment of a guardian shall be made until such bond be given and approved; and a note thereof, with the penalty of the bond, and the surety or sureties shall be subjoined to the record of appointment; but no certificate of approval shall be necessary to the validity of the bond.

Approved April 2, 1941.

# Justices of the Peace

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## CHAPTER 229

### GENERAL POWERS, DUTIES AND JURISDICTION IN CRIMINAL CASES

AN ACT TO AMEND CHAPTER 119 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO JUSTICES OF THE PEACE, IN REGARD TO COLLECTION AND PAYMENT OF FINES, COSTS, PENALTIES AND FORFEITURES.

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

Section 1. That Chapter 119 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of 4459, Sec. 14 thereof and inserting in lieu thereof the following section to be known as 4459. Sec. 14:

4459. Sec 14 (a) All fines, costs, penalties, charges and emoluments imposed or levied by Justices of the Peace, including those costs now levied for constables, shall be for such amount or amounts, as are now or may be hereafter provided by law, and all such amount or amounts imposed or levied as aforesaid shall be collected by the Justice of the Peace imposing the same for which a proper receipt shall be given to the person paying the same. Every and all amount or amounts so collected shall be entered daily in a ledger prescribed by the Levy Court of the respective Counties, showing the purpose for which the amount or amounts were collected, the name of the person or persons paying the same, and such other information as the Levy Court may require. The ledger so maintained shall be open to the inspection of the Levy Court, the County Treasurer, and the County Comptroller, or their or other authorized agents at all times. All fines and penalties collected as aforesaid for each calendar month shall be paid over by the Justices of the



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Peace to the County Treasurer of the respective counties within fifteen days after the first day of the next succeeding calendar month. Provided, however, that each Justice of the Peace shall pay to the State Treasurer within fifteen days after the first day of the next succeeding calendar month the amounts collected from fines, penalties and forfeitures for violations of the Motor Vehicle Laws and the laws regarding Fish, Oysters and Game in accordance with the provisions of Chapter 165 of the Revised Code of Delaware, 1935, and of Chapter 74 of the Revised Code of Delaware, 1935, and provided further that any such fines or forfeitures which by the Laws of this State are due and payable to municipalities thereof, shall be paid by each Justice to the municipality entitled thereto.

(b) Upon imposing any fine, the Justice of the Peace shall charge a constable or other Peace Officer present with the defendant, and enter the officer's name on his docket, and if the fine and costs be not paid to the Justice of the Peace, the constable or other Peace Officer, shall convey said defendant to jail, for which a commitment shall be a sufficient warrant.

Section 2. Any Acts or parts of Acts inconsistent herewith are hereby repealed to the extent of such inconsistency only.

Approved May 9, 1941.

## CHAPTER 230

JUSTICES JURISDICTION IN CIVIL CASES FOR DEBT  
EXECUTION

AN ACT TO AMEND CHAPTER 121, REVISED CODE OF DELAWARE, 1935, ENTITLED "JUSTICES' JURISDICTION IN CIVIL CASES FOR DEBT," RELATING TO EXECUTION; BY CHANGING THE TIME WHEN THE EXECUTION IS RETURNABLE.

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

Section 1. That Chapter 121, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 4509. Sec. 20 thereof and inserting in lieu thereof the following new section, to be known and styled as 4509. Sec. 20.

4509. Sec. 20. Execution; by Whom Issued; Date; When Returnable; Return of "No Goods" When; Form Of; Attachment Clause; Form Of; Date of Garnishee's Appearance; Exemptions as to Answer; Variations of Forms Prescribed; When Execution May be Directed to Sheriff:—Process of execution may be issued by the justice rendering a judgment, or by any other justice of the same County, with whom the docket containing such judgment may be deposited, or a duly certified transcript of the record of such judgment shall be filed.

It shall bear date of the day it is issued, and shall be made returnable on a day certain, not more than sixty, nor less than thirty days, thereafter; but a return of "no goods" may be made after two days from its date. It shall be according to this form:

".....County, SS.                      The State of Delaware.

To any constable of said County, greeting:

We command you that you levy and make of the goods and

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chattels of A.B., in your bailiwick, the sum of .....  
 which C.D., on the .....day of.....19..  
 by the judgment of E.F., one of our justices of the peace for  
 the said County, recovered against him, with legal interest from  
 the....., and the further sum of.....  
 for costs of suit, with your fees on this process (and that for  
 want of sufficient goods and chattels of A.B., you levy and make  
 said sums, or any unsatisfied balance thereof, of the goods and  
 chattels of G.H., surety of record, for the payment of the judg-  
 ment aforesaid in your bailiwick;) and that you return this  
 execution, with your doings hereon plainly set forth, to.....  
 one of our justices of the peace for the County aforesaid, on  
 .....the.....day of.....

Witness the hand and seal of the  
 L.S. Justice last named.....day of  
 .....A. D. 19...."

If there be no surety of record, the above clause relative to such surety shall be omitted; and it may be omitted if the creditor so direct, and no objection shall ever be taken by the defendant to such omission.

A clause for attaching debts owing to the defendant, may be added to the execution, if requested, as follows:

"And we further command you to summon any garnishees of the said A.B., found in your bailiwick, to appear before .....one of our justices of the peace for the County aforesaid, at his office in ..... on the ..... day of .....19...., at ..... o'clock, in the .....to answer what goods, chattels, rights, credits, money, or effects of the said A.B., may be in their hands respectively."

The day fixed for the garnishees' appearance shall not be less than five days from the date, nor shall it be after the return day of the execution.

## JUSTICES JURISDICTION IN CIVIL CASES FOR DEBT EXECUTION

But no garnishee summoned on any execution, or other attachment, shall be bound to plead, or answer, touching any credits, money, or rights, arising from any agreement, or contract, for personal labor, hire, or service of the defendant, which came to his hands after he was so summoned to answer.

The above form, and all forms prescribed by law shall be varied to suit the case of several plaintiffs, or defendants, or of female plaintiffs, or defendants, or of several sureties, or bail, or of parties being in a representative character.

And whenever the principal amount of the judgment shall exceed fifty dollars, inclusive of interest, but exclusive of costs of suit, the execution may be directed to the Sheriff.

Approved March 7, 1941.

# Civil Actions, Pleading and Practice

## CHAPTER 231

### SURVIVANCY OF ACTIONS

#### AN ACT TO AMEND CHAPTER 127 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO SURVIVAL OF ACTIONS.

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

Section 1. That Chapter 127 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 4637. Sec. 2 of the said Chapter 127, and by inserting in lieu thereof a new Section to be styled 4637. Sec. 2., as follows:

4637. Sec. 2. Causes of Action Which Survive; How Brought or Prosecuted: Proviso:—In all personal actions, except actions for defamation, malicious prosecution, or any injury to the person, or upon penal statutes, the cause of action shall survive to and against the executors, or administrators, of the person to, or against whom, the cause of action accrued. Accordingly, all actions, so surviving, may be instituted, or prosecuted, by, or against, the executors, or administrators, of the original party. But this provision shall not affect the survivorship among the original parties to a joint cause of action.

Approved April 17, 1941.

## CHAPTER 232

PLEADING AND PRACTICE IN CIVIL ACTIONS  
AFFIDAVIT OF DEMAND

AN ACT TO REPEAL ALL OF CHAPTER 151, VOLUME 42, LAWS OF DELAWARE, 1939 ENTITLED "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:*

Sec. 1. That all of Chapter 151, Volume 42, Laws of Delaware, 1939, be and the same is hereby repealed.

Approved April 2, 1941.

## CHAPTER 233

### WITNESSES AND EVIDENCE EXAMINATION AND CROSS-EXAMINATION

AN ACT TO AMEND 4688, SECTION 3 OF CHAPTER 129 OF THE REVISED CODE OF DELAWARE OF 1935 AND PROVIDING FOR THE SCOPE OF EXAMINATION AND CROSS-EXAMINATION.

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

Section 1. That 4688, Section 3 of Chapter 129 of the Revised Code of Delaware of 1935 be and it is hereby repealed and the following inserted in lieu thereof:

4688, Section 3. A party to the record in any action or judicial proceeding may interrogate any unwilling or hostile witness by leading questions. Such party may call an adverse party or person for whose immediate benefit any action or judicial proceeding is prosecuted or defended, or an officer, director or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also and may be cross-examined by the adverse party only upon the subject matter of his examination in chief.

Approved April 2, 1941.

## CHAPTER 234

## JURIES

## COMPENSATION OF JURY COMMISSIONERS

AN ACT TO AMEND 4723. SEC. 3, CHAPTER 131, REVISED CODE OF DELAWARE, 1935, BY FIXING THE COMPENSATION TO BE PAID TO JURY COMMISSIONERS.

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

Section 1. That 4723. Sec. 3, Chapter 131, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

4723. Sec. 3. Jury Commissioners; Appointment; By Whom; When; Number Of: Qualifications; Territorial Jurisdiction Of: Compensation; How Paid; Oath Of:—The Law Judges of the State shall annually, in the month of March of each year, appoint two suitable persons, both of whom shall not at any time, be of the same political party, in each County of this State to be Jury Commissioners for the County in which they shall, respectively reside. They shall each receive for their services the sum of Three Hundred (\$300.00) Dollars per annum to be paid quarterly by the Treasurer of the County wherein they reside upon warrants drawn by the Superior Court sitting in and for said County. Said Commissioners shall, before entering upon their duties, be severally sworn to faithfully and impartially discharge their duties as such commissioners.

Approved February 14, 1941.



# Crimes and Punishments

## CHAPTER 235

### OFFENSES AGAINST PRIVATE PROPERTY DEGREES OF LARCENY

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO OFFENSES AGAINST PRIVATE PROPERTY BY PROVIDING FOR DIFFERENT DEGREES OF LARCENY AND PROVIDING PENALTIES THEREFOR; PROVIDING FOR PROCEEDINGS WITHOUT INDICTMENT BY GRAND JURY OR TRIAL BY PETIT JURY IN CERTAIN CASES; VESTING JURISDICTION IN THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, THE COURTS OF COMMON PLEAS AND THE JUSTICES OF THE PEACE IN CERTAIN CASES; PROVIDING ACCUSED SHALL NOT BE ENTITLED TO ACQUITTAL UPON TRIAL FOR FELONY BY PROVING OFFENSE MISDEMEANOR BUT THAT JURY MAY RENDER VERDICT OF MISDEMEANOR; FIXING VALUE OF THINGS BEING THE SUBJECT OF LARCENY; 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 (two-thirds of all the members elected to each branch of the Legislature concurring therein):*

SECTION 1. That Chapter 150 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5200 Section 20 and by inserting in lieu thereof the following new Section:

5200. Section 20. (a) Whoever shall feloniously steal, take, and carry away any goods, chattels, or effects, money, bank

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notes, or bills, promissory notes, bills of exchange, cheques, orders or bonds for the payment of money, or any obligations or written securities for the payment of money, or delivery of goods, or merchandise, or any warrants of attorney, or other instruments, authorizing the receiving of any money, or any certificates of bank stock, or of funded debts of the United States, or any releases, or receipts, discharging or acquitting any debts or demands, (to the value of Twenty-five Dollars (\$25.00) or upwards, shall be deemed guilty of grand larceny and felony, and shall, at the discretion of the court, be whipped with not more than twenty lashes and shall be imprisoned not exceeding three years.

(b) Whoever shall unlawfully steal, take, and carry away any such goods, chattels, or effects, money, bank notes, or bills, promissory notes, bills of exchange, cheques, orders, bonds, obligations, written securities, warrants of attorney, certificates, releases, receipts or other instruments, to the value of less than Twenty-five Dollars (\$25.00) shall be deemed guilty of petit larceny and a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding One Hundred Dollars (\$100.00) or imprisoned for a term not exceeding one year or both in the discretion of the court.

(c) The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with the Court of General Sessions to inquire of, hear, try, and finally determine all offenses under Paragraph (b) of this section committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State. The Courts of Common Pleas for the respective counties and the several Justices of the Peace shall have like concurrent jurisdiction to inquire of, hear, try, and finally determine all such offenses, except those committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this state.

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(d) The proceedings under paragraph (c) of this section shall be without indictment by Grand Jury, or trial by petit jury; provided, however, that every person convicted of petit larceny in any Court of Common Pleas, in any Magistrate's Court, or in the Municipal Court of the City of Wilmington, shall have the right to an appeal to the Court of General Sessions of the County. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the Judge or Magistrate before whom such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five (5) days from the time of conviction.

(e) Upon the trial of any person for grand larceny and felony the accused shall not be entitled to an acquittal upon proof that the goods, chattels, or effects, or other things being the subject of larceny, are under the value of Twenty-five Dollars (\$25.00), but it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty of petit larceny and a misdemeanor against the person indicted, if the evidence shall warrant such findings; and when such verdict shall be found, the court shall impose a fine on the person so found guilty of petit larceny and a misdemeanor, not exceeding One Hundred Dollars (\$100.00) or shall imprison him for a term not exceeding one year or both in the discretion of the court.

(f) In all prosecutions under this section the value of promissory notes, bank notes, bills of exchange, cheques, bonds, and other evidences of debt shall be deemed the sum of money due thereon or secured thereby and remaining unsatisfied; the value of obligations or written securities for the delivery of goods or merchandise shall be deemed the market value or replacement cost of such goods or merchandise; the value of warrants of attorney or other instruments, authorizing the receiving of money, shall be deemed the sum of money to be received thereunder; and the value of releases or receipts, discharging or acquitting any debts or demands, shall be deemed the amount of the debts or demands discharged or acquitted thereby, and with

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respect to all other things being the subject of larceny, the value shall be the market value or replacement cost provided that the testimony of the owner, lessee, mortgagee, conditional vendee or bailee of the property alleged to be the subject of the larceny or any agent, servant, or employee of such owner, lessee, mortgagee, conditional vendee or bailee as to market value or replacement cost shall in all cases be competent evidence.

**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 February 14, 1941.

## CHAPTER 236

OFFENSES AGAINST PRIVATE PROPERTY  
RELATIVE TO RECEIVING STOLEN GOODS AND  
PROVIDING PENALTIES

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO OFFENSES AGAINST PRIVATE PROPERTY BY MAKING RECEIVING STOLEN GOODS A MISDEMEANOR IN CERTAIN CASES; PROVIDING PENALTIES; PROVIDING FOR PROCEEDINGS WITHOUT INDICTMENT BY GRAND JURY OR TRIAL BY PETIT JURY IN CERTAIN CASES; VESTING JURISDICTION IN THE MUNICIPAL COURT OF THE CITY OF WILMINGTON, THE COURTS OF COMMON PLEAS AND THE JUSTICES OF THE PEACE IN CERTAIN CASES; PROVIDING ACCUSED SHALL NOT BE ENTITLED TO ACQUITTAL UPON TRIAL FOR FELONY BY PROVING OFFENSE MISDEMEANOR BUT THAT JURY MAY RENDER VERDICT OF MISDEMEANOR, FIXING VALUE OF GOODS; 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 (two-thirds of all the members elected to each branch of the Legislature concurring therein):*

SECTION 1. That Chapter 150 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5201 Section 21 and by inserting in lieu thereof the following new Section :

5201. Section 21. (a) Whoever shall buy, receive, or conceal any money, goods, or other things being the subject of larceny, to the value of Twenty-five Dollars (\$25.00) or upwards, which shall have been stolen or taken by robbery, knowing the same to have been stolen or taken by robbery, shall be deemed guilty of felony, and shall be imprisoned not exceeding three years.

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PROVIDING PENALTIES

(b) Whoever shall buy, receive, or conceal any money, goods, or other things being the subject of larceny, to the value of less than Twenty-five Dollars (\$25.00) which shall have been stolen or taken by robbery, knowing the same to have been stolen or taken by robbery, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding One Hundred Dollars (\$100.00) or imprisonment for a term not exceeding one year or both in the discretion of the court.

(c) The Municipal Court of the City of Wilmington shall have concurrent jurisdiction with the Court of General Sessions to inquire of, hear, try, and finally determine all offenses under paragraph (b) of this section committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this State. The Courts of Common Pleas for the respective counties of the several Justices of the Peace shall have like concurrent jurisdiction to inquire of, hear, try, and finally determine all such offenses, except those committed within the corporate limits of the City of Wilmington, and to punish all persons convicted of said offenses, or any of them, agreeable to the laws of this state.

(d) The proceedings under paragraph (c) of this section shall be without indictment by Grand Jury, or trial by petit jury; provided, however, that every person convicted of the misdemeanor under paragraph (b) hereof in any Court of Common Pleas, in any Magistrate's Court, or in the Municipal Court of the City of Wilmington shall have the right to an appeal to the Court of General Sessions of the county. No such conviction or sentence shall be stayed pending appeal unless the person convicted shall give bond in an amount and with surety to be fixed by the Judge or Magistrate before whom such person was convicted, at the time such appeal is taken. Such appeal shall be taken and bond given within five (5) days from the time of conviction.

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RELATIVE TO RECEIVING STOLEN GOODS AND  
PROVIDING PENALTIES**

(e) Upon the trial of any person for any felony under this act, the accused shall not be entitled to an acquittal upon proof that the money, goods, or other things being the subject of larceny, are under the value of Twenty-five Dollars (\$25.00), but it shall be lawful for the Jury to acquit of the felony and to find a verdict of guilty against the person indicted of the offense described in the indictment as a misdemeanor if the evidence shall warrant such finding; and when such verdict shall be found, the court shall impose a fine on the person so found guilty of a misdemeanor, not exceeding One Hundred Dollars (\$100.00), or shall imprison him for a term not exceeding one year or both in the discretion of the court.

(f) In all prosecutions under this section the value of goods and other things being the subject of larceny shall be determined as is now or hereafter provided by law with respect to prosecutions for larceny.

**SECTION 2.** No criminal proceedings commenced prior to the date of approval of this act shall be in any manner affected by this act.

Approved February 14, 1941.

## CHAPTER 237

OFFENSES AGAINST PRIVATE PROPERTY  
ARSON

AN ACT TO AMEND CHAPTER 150 OF THE REVISED CODE OF DELAWARE, 1935, CONCERNING OFFENSES AGAINST PRIVATE PROPERTY AND RELATING TO THE CRIME OF ARSON.

*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 adding a new paragraph to 5181 Section 1 thereof to read as follows:

In framing any indictment for a violation of any of the provisions of this Section, if at the time of the commission of the offense, the dwelling house is unoccupied or vacant it shall be sufficient to allege in the indictment and prove the holder of the record title thereof; and if at the time of the commission of the offense the dwelling house is occupied, it shall be sufficient to allege in the indictment and prove the occupant thereof, whether such occupant be a tenant or otherwise.

Approved April 18, 1941.



## CHAPTER 238

### OFFENSES AGAINST RELIGION, MORALITY AND DECENCY—SABBATH BREAKING

AN ACT TO AMEND CHAPTER 153, SEC. 4 OF THE REVISED  
CODE OF DELAWARE, 1935, BEING CODE SECTION 5253  
THEREOF.

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

Section 1. That 5253. Sec. 4. of Chapter 153 of the Revised  
Code of Delaware, 1935, be and the same is hereby amended by  
striking out the first six paragraphs thereof and substituting  
in lieu thereof the following:

5253. Sec. 4. It shall be unlawful for any person, firm, or  
corporation to engage in, participate in, or attend, outside the  
corporate limits of any incorporated city or town of the State  
of Delaware, any horse racing, public auction, public dance,  
public theatrical performance or public performances of motion  
pictures, with or without sound, on Sunday.

It shall be unlawful for any person, firm, or corporation  
to engage in, participate in, or attend any of the activities men-  
tioned in the preceeding\* paragraph within the limits of any  
incorporated city or town of this State on Sunday before the  
hours of twelve noon and between the hours of six P. M. and  
eight P. M.

The city or town council or other legislative body of any  
incorporated city or town shall have the power to prohibit or  
regulate by ordinances or other legislative act any worldly ac-  
tivity other than those mentioned in the second preceeding\* para-  
graph thereof before twelve noon and between the hours of six  
P. M. and eight P. M. on Sunday.

The city or town council or other legislative body of any

\*So enrolled.

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incorporated city or town shall have the power to prohibit or regulate any worldly activity on Sunday between the hours of noon and six P. M. and between the hours of eight P. M. and midnight on Sunday.

Nothing contained herein shall effect in any way the provisions of Chapters 74 and 176 of the Revised Code of Delaware, 1935, as amended.

The term "theatrical performance" in this section shall not include the reception of broadcast, radio or television programs or any lecture or musical concert.

Any person, firm or corporation who shall violate any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished for the first offense by a fine of not less than Ten Dollars (\$10.00), or more than Fifty Dollars (\$50.00), or by imprisonment of not more than ten (10) days or by both fine and imprisonment in the discretion of the court and for the second and each subsequent offense shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred and Fifty Dollars (\$250.00), or by imprisonment for not more than two (2) months, or by both fine and imprisonment in the discretion of the court.

Section 2. This act shall not be separable, and if any of the provisions hereof shall be held to be invalid the entire act shall be held to be invalid.

Approved March 14, 1941.

## CHAPTER 239

OFFENSES AGAINST RELIGION, MORALITY AND  
DECENCY—OBSCENE LITERATURE

AN ACT AMENDING CHAPTER 153, REVISED CODE OF DELAWARE, RELATING TO OFFENSES AGAINST RELIGION, MORALITY AND DECENCY, BY ADDING NEW SECTIONS THERETO PROVIDING FOR THE REPRESSION OF TRAFFIC IN THE PRODUCTION, SALE OR DISTRIBUTION OF OBSCENE, LEWD AND LASCIVIOUS WRITINGS, DRAWINGS, PHOTOGRAPHS, FILMS AND PRINTED MATERIAL.

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

Section 1. That Chapter 153, Revised Code of Delaware, relating to offenses against religion, morality and decency, be and the same is hereby amended by adding new sections thereto as follows:

5280 A. Sec. 32. Whoever sells, lends, distributes, exhibits, gives away or shows, or offers to sell, lend, distribute, exhibit, give away or show, or has in his possession with intent to sell, lend, distribute, exhibit, give away or show, or knowingly advertises in any manner whatsoever, any obscene, lewd, lascivious, filthy, indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, or any written or printed matter of an indecent, obscene, lewd, lascivious, filthy nature, or any article or instrument of indecent or immoral use or purpose, or purporting to be for indecent or immoral use, or whoever designs, copies, draws, photographs, prints, shows, utters, publishes or in any manner manufactures, produces or prepares any obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, or any article or instrument of indecent or immoral use or purpose, or purporting to be for indecent or immoral use, or whoever writes, prints, publishes or utters or causes to be printed, published or uttered, any advertisement or notice of any kind giving information, directly or indirectly, stating or

## OFFENSES AGAINST RELIGION, MORALITY AND DECENCY—OBSCENE LITERATURE

purporting to do so, where, how, of whom, or by what means any, or what purports to be any, obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story-paper, paper, writing, drawing, photograph, film, figure or image, or any written or printed matter of an indecent, obscene, lewd, lascivious or filthy nature, or any article or instrument of indecent or immoral use or purpose, or purporting to be for indecent or immoral use, can be purchased, obtained or had, is guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than \$250.00, nor more than \$2,500.00, or imprisoned for a term of not less than thirty days, nor more than three years, or by both such fine and imprisonment.

5280 B. Sec. 33. For each subsequent conviction, the Court shall impose a term of not less than six months, nor more than five years, or a fine of not less than \$500.00, nor more than \$5,000.00, or by both such fine and imprisonment.

5280 C. Sec. 34. Prosecution for violation of any of the provisions of 5280 A. Sec. 32 shall be tried in the Courts of this State wherein misdemeanors are triable, and the Municipal Court of the City of Wilmington shall also have concurrent jurisdiction over all violations of said section occurring within the corporate limits of the City of Wilmington.

5280 D. Sec. 35. Any person or officer authorized to issue warrants in criminal cases, may, within the limits of his jurisdiction, issue his warrant for the search of any house, store, automobile, or place, to search for the following property or articles: books, magazines, pamphlets, newspapers, story-papers, papers, writings, drawings, photographs, films, figures or images, or any written or printed matter of an indecent, obscene, lewd, lascivious or filthy nature, or any article or instrument of indecent or immoral use or purpose, or purporting to be for indecent or immoral use.

5280 E. Sec. 36. The application or complaint, shall be in writing, and shall be signed by the complainant and verified

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by his oath or affirmation. It shall designate the house, store, automobile or place, to be searched, and the owner, or occupant thereof (if any), and shall describe the things or person sought, as particularly as may be; and shall substantially allege the offense committed by or in relation to such person or thing, or the cause for which said search is to be made, and that the complainant has probable cause to suspect, and does suspect that the same is concealed in the house, store, automobile or place designated.

5280 F. Sec. 37. The warrant may be directed to any proper officer for service; it shall recite the essential facts alleged in the complaint, and may be made returnable before the person issuing it, or any Court or Justice of the Peace. The warrant shall direct the person or thing searched for, if found, and the person in whose custody or possession the same may be found, to be dealt with according to law.

5280 G. Sec. 38. A search warrant issued pursuant to the provisions of this Act shall not authorize the person executing it to search any dwelling house in the night-time, unless the person issuing the warrant shall be satisfied that it is necessary in order to prevent the escape or removal of the person or thing to be searched for; and then the authority shall be expressly given in the warrant.

5280 H. Sec. 39. That nothing in this Act shall be construed as interfering with the rights, privileges, and duties of the medical profession in advising or publishing or illustrating the use of methods and instruments for any of their patients.

5280 I. Sec. 40. All Acts or parts of Acts inconsistent herewith are hereby repealed.

5280 J. Sec. 41. If any word, section, paragraph, clause, or sentence of this Act shall be declared invalid by any Court of competent jurisdiction, the remaining sections, paragraphs, clauses, and sentences shall in no wise be affected, the General

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Assembly hereby declaring that it is intended to enact the sections, paragraphs, clauses or sentences not affected by any Court ruling.

Approved May 21, 1941.

# Additional Boards, and Commissions

## CHAPTER 240

### STATE BOARD OF CHIROPODY

AN ACT TO AMEND CHAPTER 157 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO AN ANNUAL CERTIFICATE OF REGISTRATION, THE FEE FOR SAID ANNUAL CERTIFICATE OF REGISTRATION, THE FAILURE TO OBTAIN A RENEWAL OF THE CERTIFICATE OF REGISTRATION, HOW IT MAY BE RESTORED, THE PRINTED BLANK FORMS TO BE MAILED TO REGISTRANTS, THE MANNER IN WHICH THE BLANK FORMS ARE FILLED IN, AND THE PAYMENT OF THE FEE UPON THE RETURN OF THE COMPLETED FORMS TO THE BOARD.

*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 adding thereto a new section to be known as 5398 A. Sec. 14 A. to-wit:

5398 A. Sec. 14A. For the purpose of correcting and revising the register of legal practitioners of chiropody, as kept by the said State Board of Examiners, it shall be the duty of each person to whom a certificate to practice chiropody in this State is granted, to procure from the Secretary of the said Board, on or before the thirtieth day of June, 1941, and on or before the thirtieth day of June annually thereafter, an annual certificate of registration; such annual certificate of registration shall be issued by the Secretary of said Board upon payment of the fee of Three Dollars. All annual certificates so issued shall be prima facie evidence of the right of the holders to practice chiropody, as the certificates shall designate, in this State during the time for which they are issued, and the same

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shall be exposed to public view in the operating room of the holder. Any annual certificate to practice chiropraxy heretofore granted or that may be hereafter granted by the said Board, shall be cancelled if the holder thereof fails to secure renewal of the annual certificate herein provided for within a period of sixty days after the thirtieth day of June, 1941, and annually thereafter, provided that the certificate to practice or annual certificate thus cancelled may at the discretion of the said Board be restored upon payment of a fee of Five Dollars, with such further examination of the holder as to his or her competence and ability to practice, as the Board may determine. It shall be the duty of the Secretary of the said Board to mail, on or before the thirtieth day of June, 1941, and on or before the same date annually thereafter, to each person whose name appears on the register of the said Board, a printed blank form, to be properly filled out by the holder of such certificate to practice, or annual certificate, and returned by such holder to the Secretary of the Board, together with a fee of Three Dollars.

Approved April 18, 1941.



## CHAPTER 241

## STATE HOUSING BOARD AND HOUSING AUTHORITY

AN ACT TO AMEND CHAPTER 160 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO HOUSING, BY PROVIDING THAT HOUSING AUTHORITIES, THEIR PROPERTY AND SECURITIES SHALL BE EXEMPT FROM TAXATION AND ASSESSMENTS, BUT TO AUTHORIZE CERTAIN PAYMENTS IN LIEU OF TAXES; BY PROVIDING FOR THE EXEMPTION OF THE REAL PROPERTY OF HOUSING AUTHORITIES FROM EXECUTION SALE; AND BY PROVIDING FOR THE FORM AND SALE OF BONDS AND OTHER OBLIGATIONS OF HOUSING AUTHORITIES.

*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, entitled "State Housing Board and Housing Authority" be and the same is hereby amended by adding immediately after 5471, Section 48, thereof, as part of the Housing Authority Law, the following new sections, to-wit:

5471A. Sec. 48A. Tax Exemption and payments in Lieu of Taxes: The property of an authority is declared to be public property used for essential public purposes and such property and an authority shall be exempt from all taxes and assessments of the city, the county, the State or any political subdivision thereof; provided, however, that in lieu of such taxes an authority may agree to make payments to such city or county for improvements, services and facilities furnished by such city or county for the benefit of a housing project, but in no event shall such payments exceed the amount last levied as the annual tax of such city or county upon the property included in said project prior to the time of its acquisition by the authority. Bonds and other obligations of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities, and together with interest thereon and income there from, shall be exempt from taxes.

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5471B. Sec. 48B. Exemption of Property from Execution Sale: All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against an authority be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of bondholders or other obligees of an authority to pursue any remedies for the enforcement of any pledge or lien given to them on its rents, fees or revenues or any mortgage of, or agreement to sell, a project or projects given as security for any bonds or other obligations of the authority.

5471C. Sec. 48C. Form and Sale of Bonds: Bonds, notes and certificates of indebtedness of an authority may be issued in one or more series, may bear such date or dates, may mature at such time or times from their respective dates, may bear interest at such rate or rates not exceeding six per centum (6%) per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be subject to such terms of redemption, with or without a premium, may be declared or become due before the maturity date thereof, may provide for the replacement of mutilated, destroyed, stolen, or lost bonds, may be authenticated in such manner and upon compliance with such conditions, may be payable from such income of the authority upon such terms, may be secured in such manner, may provide for such rights and remedies upon their default, and may contain such other covenants, terms and conditions (including, without being limited to the foregoing) as may be provided by resolution or resolutions of the authority or any trust indenture authorized thereby. Notwithstanding the former tenor thereof, and in the absence of an express recital on the face thereof that the bonds or notes are non-negotiable, all bonds of an authority shall at all times be, and shall be treated as negotiable instruments for all purposes. Such bonds, notes and certificates shall

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be sold at not less than par at public sale held after notice published once at least five days prior to such sale in a newspaper having a general circulation in the city or county and in a financial newspaper published in the City of Wilmington, Delaware, or in the City of New York, New York; provided, that such bonds and other obligations may be sold to the Federal Government or any agency thereof at private sale at not less than par.

Section 2. That notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 3. That insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Section 4. That this Act shall become effective from and after its passage and approval by the Governor.

Approved April 15, 1941.

## CHAPTER 242

## 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 OF VOLUME 38 LAWS OF DELAWARE AS AMENDED, BEING CHAPTER 163 OF THE REVISED CODE OF DELAWARE OF 1935 AS AMENDED.

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

Section 1. That 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 (said Act being Chapter 163 of the Revised Code of Delaware of 1935 as amended), be and it is hereby further amended by striking out all of Sections 10, 11 and 15 of said Act, as amended (being respectively Sections 5505, 5506 and 5510 of said Revised Code, as amended), and inserting in lieu thereof the following new sections to be known as Sections 10, 11 and 15, respectively:

SECTION 10. Racing under this Act shall be limited to animals of the equine species. No racing under this Act shall be held between the hours of sundown and sunrise, nor shall a license be issued by the Commission for flat racing on a track less than one mile in circumference. No steeple chase race

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shall be run in the infield of a track less than one mile in circumference.

Every license issued under this Act shall contain a condition that all running races or race meetings conducted thereunder shall be subject to the reasonable rules and regulations, from time to time prescribed by the Jockey Club, a corporation organized under the laws of the State of New York, and that all steeple chase races, or steeple chases shall be subject to the reasonable rules and regulations from time to time prescribed by the National Steeple Chase and Hunt Association, a corporation organized under the laws of the State of New York. Any rule or regulation of such Jockey Club or National Steeple Chase and Hunt Association may be modified or abrogated by the said Racing Commission, upon giving such Jockey Club or National Steeple Chase and Hunt Association an opportunity to be heard.

Said Commission may make rules governing, restricting or regulating the rate or charge by a licensee for admission, or for the performance of any service, or the sale of any article on the premises of such licensee.

No race shall be authorized or permitted for a purse, stake or reward of less than Seven Hundred Dollars (\$700.00) (plate value, if any, shall be considered as a part of the purse, stake or reward) except in the event of a split race, in which case the purse, stake or reward shall be equally divided.

No salary, fee or compensation exceeding the sum of Two Thousand Dollars (\$2,000.00) shall be paid in any calendar year by any person or persons, association or corporation licensed as hereinbefore provided, except to officials or employees actively engaged in the operations incident to the holding of the race meeting or in the maintenance of the racing plant.

All proposed extensions, additions or improvements to the buildings, stables, improvements on tracks or property, owned or leased by the licensee under this Act, shall be subject to the approval of the Commission. Said Commission shall have power

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to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any corporation, person or persons, or association licensed under the provisions of this Act to conduct racing meets. The Commission may at any time require the removal of any employee or official employed by any licensee hereunder. The Commission shall also have the power to require that the books and financial or other statements of any person, corporation or association, licensed under the provisions of this Act, shall be kept in any manner which to the Commission may seem best, and the Commission shall also be authorized to visit, to investigate, and to place expert accountants and such other persons as it may deem necessary, in the offices, tracks, or places of business of any such person, corporation or association, for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with, and the salaries and expenses of such expert accountants or other persons shall be paid by the person, corporation, or association to whom they are assigned. The said Commission shall have the authority to issue, under the hand of its Chairman and the seal of the Commission, subpoenas for the attendance of witnesses and the production of books, papers and documents, before the Commission, and to administer oath or affirmation to such witnesses whenever in the judgment of the said Commission it may be necessary for the effectual discharge of their duties. If any person shall refuse to obey any such subpoena, or to testify, or to produce any books, papers and documents, then any member of the Commission may apply to the Superior Court of the County in which he or the Commission may be sitting, and, thereupon, the said Court shall issue its subpoena requiring such person to appear and to testify, or to produce such books, papers and documents. Any person failing to obey or refusing to obey a subpoena of the said Court shall be deemed guilty of contempt of court, and shall be punished accordingly. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

SECTION 11. Every person or persons, association or corporation licensed to hold racing meets within the State of

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Delaware as hereinabove provided shall pay to the Commission a tax of twenty cents (20c) on each admission on each day of any such meet, excepting admissions of persons performing any duty or work in connection with the holding of the meet. The licensee may if it desires collect such amount from each ticket holder in addition to the amount or amounts charged for such ticket of admission. Accurate records and books shall at all times be kept and maintained by the licensee showing the number of admissions, employees of the licensee excepted, on each racing day of each horse racing meet. The Commission, or its duly authorized representative or representatives, shall at all reasonable times have access to the admission records of any licensee for the purpose of examining and checking the same, and ascertaining whether or not the proper amount has been, or is being, paid the State of Delaware as herein provided. The Commission may also, from time to time, require sworn statements of the number or numbers of such paid admissions and prescribe blanks upon which such reports shall be made.

Every person or persons, association or corporation, licensed to hold racing meets within the State of Delaware, as hereinbefore provided, shall on or before the first day of December of each year return to the Commission a full statement, under oath, of their receipts from all sources whatsoever during the calendar year, and of all expenses and disbursements, all itemized in the manner and form as shall be directed by the Commission, and with such allowances as may be approved by the Commission showing the net revenue from all sources derived by such person or persons, association or corporation, engaged in or conducting horse racing. The cost of any alterations, additions, changes or improvements made or proposed upon the property owned or leased by any such person and used by it for the convenience and comfort of the public and of the horse owners with the approval of the Commission shall be deducted as running expenses in such statements.

The Commission shall allow a licensee to reserve from its earnings after provision for the taxes and charges provided by

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the statutes of the State of Delaware for the use of the State, a reasonable annual depreciation on the buildings and equipment used in the holding of racing meets within the State of Delaware which sum so allowed as depreciation may be used by the licensee in the retirement of his or its funded debt and/or preference stock. From any net revenue resulting after the payment of the taxes and charges provided by the statutes of the State of Delaware for the use of the State, and after the deductions for operating expenses and depreciation charges and the payment of Federal taxes, if any, the Commission shall allow a licensee a sum not to exceed 4% of the capital investment of the licensee in his or its track, grandstand and equipment employed in holding racing meets as return on said investment. All net revenue of the licensee remaining shall be set aside and employed by the licensee for working capital, for the retirement of outstanding debt and/or preference stock, for the maintenance and development of purses, stakes and rewards, and for the maintenance and improvement of the tracks and buildings of the licensee.

Any licensee failing or refusing to pay the amount found to be due by the Commission as the tax on admissions shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) in addition to the amount due the Commission. All fines up to the amount found to be due the Commission and paid into Court by a licensee found guilty of violating this Section, shall be transmitted and paid over by the Clerk of the Court to the Commission.

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



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wagers or bets on horse races within the enclosure of any race meeting licensed and conducted under this Act, but not otherwise, under such regulations as the Commission shall prescribe.

The Commission shall have power to prescribe regulations governing the granting of applications for licenses, the granting of licenses, and the conditions under which any licensee may conduct, sell, or make any such pool.

The 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 its

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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 and one-half per cent ( $3\frac{1}{2}\%$ ) 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, such odd cents to be calculated upon the basis of each dollar wagered.

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 ( $1\frac{1}{2}\%$ ) of the total contributions to all pari-mutuel or totalizator pools. The appropriation and use of the money constituting such further commission of one and one-half per cent ( $1\frac{1}{2}\%$ )

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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 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

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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.

In addition to the commissions permitted to the Licensee under the provisions of the foregoing paragraphs of this section (amounting in all to four and one-half per cent ( $4\frac{1}{2}\%$ ) of such total contributions to the said pari mutuel or totalizator pools), the Licensee shall have the right to retain further commissions of not exceeding two per cent ( $2\%$ ) of such total contributions to the said pari mutuel or totalizator pools, or in its discretion any part of such additional two per cent ( $2\%$ ), and to use such further commissions of two per cent ( $2\%$ ) or part thereof for any lawful corporate purpose.

For the purpose of making any of the calculations of amounts payable to the State of Delaware and to the Licensee under this Section, no Federal taxes, if any, shall be deducted from the amount of total contributions before applying the percentages specified in this section.

Approved February 13, 1941.

## CHAPTER 243

### MOTOR VEHICLES

AN ACT AUTHORIZING MOTOR VEHICLE COMMISSIONER TO MAKE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY AND PROPER IN ORDER TO CONFORM TO THE RULES AND REGULATIONS OF THE INTERSTATE COMMERCE COMMISSION AND TO ESTABLISH A MORE UNIFORM MOTOR VEHICLE CODE AND MORE UNIFORM TRAFFIC RULES AND REGULATIONS.

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

Section 1. That 5541, Section 3, Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Paragraph (b) of said Section and inserting in lieu thereof a new paragraph, to be known as Paragraph (b) of said Section, as follows:

(b) The Vehicle Commissioner is hereby authorized to adopt and enforce such administrative rules and regulations and to designate such agencies as may be necessary to carry out the provisions of this Chapter; he is further authorized and empowered to adopt and enforce such rules and regulations relative to equipment, weight, size and operation of motor vehicles, provided such rules and regulations are not contrary to a positive law, as may be necessary and proper in order to conform to the Rules and Regulations of the Interstate Commerce Commission and in order to establish a more uniform Motor Vehicle Code and more uniform traffic rules and regulations. He shall also provide suitable forms for applications, registration cards, license number plates and all other forms requisite for the purposes of this Chapter, and shall prepay all transportation charges thereon.

Approved March 19, 1941.

## CHAPTER 244

## MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES, BY CHANGING THE METHOD AND TIME OF REGISTRATION AND INSPECTION THEREOF, BY PROVIDING FOR REGISTRATION PLATES AND PERMANENT NUMBER PLATES THEREFOR, BY CHANGING THE METHOD OF TITLING THEREOF AND CHANGING THE METHOD OF FILING LIENS WITH RESPECT THERETO, BY PROVIDING FOR TEMPORARY REGISTRATION PERMITS THEREOF, BY PROVIDING REGISTRATION AND OTHER FEES, AND BY PROVIDING FOR CANCELLATION, RECISION, SUSPENSION AND EXPIRATION OF REGISTRATION THEREOF.

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

SECTION 1. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5545. Section 7 of said Article and by inserting in lieu thereof the following:

5545. Section 7. REGISTRATION AND TITLE. (a) It shall be unlawful for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered and for which a certificate of title has not been issued or applied for or for which current registration plates have not been issued as provided in this Article or for which the appropriate fees have not been paid when and as required by this Article, except that when application accompanied by the proper fee has been made for registration and certificate of title for a vehicle the same may be operated temporarily pending complete registration upon displaying a duplicate application duly verified or other evidence of such application, or otherwise under rules and regulations promulgated by the Department.

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(b) Every motor vehicle, trailer, semi-trailer, and pole trailer when driven or moved upon a highway shall be subject to the provisions of this act with respect to registration, certificate of title, and inspection except:

(1) Any such vehicle driven or moved upon a highway in conformance with the provisions of this Act relating to manufacturers, transporters, dealers, or non-residents, or under a temporary registration permit issued by the department as hereinafter authorized;

(2) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another;

(3) Any vehicle owned by the Government of the United States and plainly marked to indicate such ownership and identify the particular vehicle.

SECTION 2. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5546. Section 8 of said Article and by inserting in lieu thereof the following:

5546. Section 8. APPLICATION FOR REGISTRATION AND CERTIFICATE OF TITLE. (a) Every owner of a vehicle desiring registration hereunder shall make application to the department for the registration thereof and issuance of a certificate of title for such vehicle upon the appropriate form or forms furnished by the department. Every such application shall bear the signature of the owner written with pen and ink and said signature shall be acknowledged by the owner before a person authorized to administer oaths. Said application shall contain:

(1) The name and address of the owner. When the owner is an individual, the address shall be the bona fide residence of the individual. When the owner is a partnership, as-

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sociation, trust or corporation, the address shall be that of the principal office thereof wherever located, together with the address of the principal office within the State of Delaware, if any.

(2) A description of the vehicle including, insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the serial number of the vehicle, the engine or other number of the vehicle and whether new or used, and, if a new vehicle, the date of sale by the manufacturer or dealer to the person intending to operate such vehicle;

(3) A statement of the applicant's title and of all liens or encumbrances upon said vehicle, the names and addresses of all persons, firms or corporations, having any interest therein, the nature of every such interest, and the name and address of the person, firm or corporation, to whom the certificate of title shall be delivered by the department;

(4) Such further information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

When such application refers to a new vehicle purchased from a dealer the application shall be accompanied by the bill of sale or other written statement of the sale by the dealer, which bill of sale or statement shall show any lien upon said vehicle retained by the dealer.

(b) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed, or a foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this State the owner shall surrender to the department all registration cards, and certificates of title or other evidence of such foreign registration or ownership as may be in his possession or under his control, except where in the course of interstate operation of a vehicle registered in an-



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other state it is desirable to retain registration of said vehicle in such other State, such applicant need not surrender but shall submit for inspection said evidences of such foreign registration or ownership and the department upon a proper showing may register said vehicle in this State, but shall not issue a certificate of title therefor.

(c) In the event that the owner of a motor vehicle for which registration is applied, rents, or intends to rent, such motor vehicle without a driver, such fact shall be stated in the application and the Department shall not register such vehicle until and unless the owner shall produce evidence to the Department of his financial ability to respond in damages as follows (provided however, that such evidence may consist of insurance carried as provided in Section 21 of this Article) :

(1) If he apply for registration of one motor vehicle, in the sum of a least Five Thousand Dollars for any one person injured or killed and in the sum of Ten Thousand Dollars for any number more than one injured or killed in any one accident.

(2) If he apply for the registration of more than one motor vehicle then in the foregoing sums for one motor vehicle and Five Thousand Dollars additional for each motor vehicle in excess of one; but it shall be sufficient for the owner to demonstrate his ability to respond in damages in the sum of One Hundred Thousand Dollars for any number of motor vehicles.

The Department shall cancel the registration of any motor vehicle rented without a driver whenever the Department ascertains that the owner has failed or is unable to comply with the requirements of this section.

(d) Where the engine of a motor vehicle which has been registered under the provisions of this Act is replaced by a new or used engine, on which the engine number has been destroyed, removed, covered, altered, or defaced, it shall be the duty of the owner of such motor vehicle to apply to the Department, on a

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form furnished by the Department, for a special number to be placed on said engine. The application shall be accompanied by the certificate of title issued for said motor vehicle and shall contain a description of such motor vehicle and facts pertaining thereto, as the Department may require. Said application shall be sworn to by the owner before a notary public or other officer empowered to administer oaths. Upon receipt of such an application, the Department shall issue to the owner a special number for said motor vehicle and a corrected certificate of title and, when such special number has been placed on the engine, it shall become and thereafter be the lawful engine number of said motor vehicle.

SECTION 3. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by adding immediately following 5546. Section 8 of said Article a new section to be known as 5546A. Section 8A, as follows:

5546A. Section 8A. TEMPORARY REGISTRATION PERMITS. The Department may, in its discretion, grant temporary or limited registration permits, in no case to be valid for more than fifteen (15) days and may issue appropriate certificates or other evidence therefore as follows:

(1) When application for a certificate of title has been made accompanied by the proper fee, temporary permit without additional fee may be issued pending action upon such application by the Department.

(2) During suspension of registration because of failure of the vehicle upon inspection to meet the legal performance requirements or equipment standards a temporary permit without additional fee may be issued to allow the vehicle to be driven away to be repaired and returned for inspection, or to be driven to a storage place.

(3) When a registration has expired, a temporary permit may be issued upon the payment of a fee of One Dollar in ad-

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dition to the regular fee for re-registration so that the vehicle may be driven to a place for repair, if necessary, and to an inspection station preparatory to re-registration.

(4) For the movement of unregistered vehicles by persons entitled to move the same, when it is not proposed to secure a certificate of title or a transfer of title to such vehicle, a temporary permit may be issued for which a fee of One Dollar shall be charged.

(5) For moving vehicles of which the ownership has been transferred by process of law as provided in Section 15 of this Article a permit may be issued without charge.

SECTION 4. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5547. Section 9 of said Article and by inserting in lieu thereof the following:

5547. Section 9. REGISTER OF APPLICANTS TO BE KEPT BY THE DEPARTMENT. The Department shall file each application received and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the vehicle therein described, and the owner thereof, in suitable books or on index cards as follows:

(1) Under a distinctive registration number assigned to the vehicle, hereinafter referred to as the registration number. Such registration number may consist of a numerical figure or figures, or of a letter or letters with a numerical figure or figures;

(2) Under the name of the owner;

(3) Under the engine number and name of the vehicle.

SECTION 5. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby

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is amended by repealing 5548. Section 10 of said Article and by inserting in lieu thereof the following:

5548. Section 10. DEPARTMENT TO ISSUE CERTIFICATE OF TITLE AND REGISTRATION CARD. (a) The department upon registering a vehicle shall issue a registration card and a certificate of title.

(b) The registration card shall be delivered to the owner and shall contain the date issued, the name and address of the owner, the registration number assigned to the vehicle, such description of the vehicle as may be determined by the Motor Vehicle Commissioner, the period for which the vehicle is registered, a form for endorsement of notice to the department upon transfer of the vehicle, and a space in which the signature of the owner must be placed to validate the card.

(c) Excepting the period of registration the certificate of title shall contain upon the face thereof the identical information required upon the face of the registration card and in addition thereto, a statement of the owner's title and of the liens and encumbrances upon the vehicle therein described as noted in the application, and whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement. Said certificate shall bear thereon the seal of the Department.

(d) The certificate of title shall also contain a space for the signature of the owner in order to validate the same and forms for assignment of title or interest and warranty thereof by the owner with a space for notation of liens and encumbrances upon the vehicle at the time of a transfer.

(e) The certificate of title shall be delivered to the registered owner unless another person has been named to receive the certificate in the application, in which event the certificate shall be delivered to such person.

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SECTION 6. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5550. Section 12 of said Article and by inserting in lieu thereof the following:

5550. Section 12. NUMBER AND REGISTRATION PLATES TO BE FURNISHED BY THE DEPARTMENT.

(a) The Department shall also furnish for each vehicle registered one number plate for a motorcycle, trailer, or semi-trailer, and two number plates for each other motor vehicle. The Department shall also furnish registration plates as hereinafter provided. Upon the termination of the lawful use of any such plates, they shall be returned to the Department.

(b) Each number plate shall have displayed thereon the registration number assigned to the vehicle, the name of this State, which may be abbreviated. In case of vehicles registered for a gross rate of more than five thousand (5000) pounds the number plate may also show the gross weight for which the vehicle is registered. At least one of the said number plates for each vehicle shall also show, in the manner determined by the Department and as hereinafter provided, the period or expiration thereof for which the vehicle has been registered and the required registration fee paid. Each number plate and the identifying letters and numerals thereon, except the registration period or expiration thereof, shall be of sufficient size to be plainly readable at a distance of one hundred (100) feet during daylight. Upon the transfer of a vehicle or upon the expiration of registration for any other cause, the number plates assigned to a vehicle shall remain attached thereto.

(c) Such number plates shall be of such design, size, material, and colors as the Department may determine and at least one thereof shall be so constructed that registration plates, to be furnished by the Department as provided in this Section, may be conveniently attached or affixed thereto and, when necessary, detached and removed therefrom.

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(d) The Department shall furnish for each vehicle registered and upon the payment of the required fees, a registration plate or plates to be attached or affixed to the number plate or plates as provided by sub-section (c) hereof. Such registration plates shall be of such design, size, material and color and shall bear such legend or inscription as the Department may determine, showing the period or expiration date thereof, which expiration date shall be as provided in Section 14 of this Article.

(e) There may also be attached to any number plate an additional removable plate of a size and design approved by the Department, which additional plate may show such other date as the Department may approve, provided, however, that no number plate shall have attached thereto any advertising matter, any fictitious numbers, signs, or symbols, or any legend of any character, not approved by the Department.

(f) Upon written application the Department shall furnish without charge, to any state elective or constitutional officer (excepting Justices of the Peace) including members of both branches of the General Assembly, to the members of the Judiciary, (excluding Justices of the Peace and including the Judge of the District Court of the United States for the District of Delaware and the Judges of the Circuit Court of Appeals for the Third Circuit, resident in Delaware), and to the Representatives and Senators of the State of Delaware in the Congress of the United States, a set of special plates for each motor vehicle owned by him and on which the required registration fee has been paid, but not to exceed two sets of plates for each individual, which plates shall bear the initials of the individual and a designation of his office and which plates shall supercede,\* during his term of office and while such motor vehicle is owned by him, the regular number plates assigned to such motor vehicle; provided that at all times the necessary registration fee or fees have been paid for such motor vehicle.

(g) The Department shall issue for every passenger mo-

\*So enrolled.

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tor vehicle, rented without a driver, the number of plates of the same type as issued for private passenger vehicles.

(h) It shall be unlawful for any person to use or exhibit in a manner or at a time not authorized by this section, or by the rules and regulations of the Department with respect thereto, any number or registration plates, or accessory plates, or to display or use any unauthorized design, symbol, or legend on or attached to any such plates.

SECTION 7. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5551. Section 13 of said Article and by inserting in lieu thereof the following:

5551. Section 13. DISPLAY OF PLATES. (a) Number plates assigned to a motor vehicle, other than a motorcycle, shall at all times be attached thereto, one in front and the other in the rear. The number plate assigned to a motorcycle, trailer or semi-trailer shall at all times be attached to the rear thereof.

(b) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than twelve (12) inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

SECTION 8. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5552. Section 14 of said Article and by inserting in lieu thereof the following:

5552. Section 14. REGISTRATION PERIOD AND RENEWAL. (a) A vehicle may be registered for a period of twelve (12) months or six (6) months and the effective date of any registration shall be considered the first day of the calendar quarter in which the vehicle is registered and the required

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fees paid, provided, however, that any time within three (3) months prior to the expiration of the period for which a vehicle is registered, the registration thereof may be renewed to extend from the date of expiration for an additional period of six (6) months or of one (1) year and in such event the effective date of the renewed registration shall be considered the first day of the calendar quarter following the period for which the vehicle is currently registered.

(b) Upon registering a vehicle the Department shall furnish a registration plate or plates as provided by Section 12 of this Article, and upon renewing the registration of any vehicle or upon re-registering any vehicle, the Department shall furnish a new registration plate or plates showing the new registration period or the expiration date thereof and shall issue a new registration card or appropriately endorse the new registration period on the original card.

(c) The registration of a vehicle shall expire at midnight on the last day of the period for which it is registered and the vehicle shall not thereafter be operated upon the highways of this State until it has been re-registered according to law, provided, however, that the provisions of this paragraph shall not apply to the operation of vehicles under temporary or limited permits or certificates as otherwise provided by this Article.

SECTION 9. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5553. Section 15 of said Article and by inserting in lieu thereof the following:

5553. Section 15. EXPIRATION OF REGISTRATION, AND CANCELLATION OF TITLE. (a) Whenever the owner of a vehicle registered under the provisions of this Act, transfers or assigns his title or interest thereto, the registration of such vehicle shall expire.

(b) An owner upon transferring a registered vehicle shall endorse the name and address of the transferee and the



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date of transfer upon the registration card issued for such vehicle and shall immediately give or send such card to the Department or an authorized representative thereof, except as provided by subparagraph (d) of this Section.

(c) The transferee before operating or permitting the operation of such vehicle upon a highway, shall apply for a transfer of title, shall obtain the registration of the vehicle as upon original registration, shall submit the vehicle to inspection and shall obtain new registration plates as provided in this Article, provided, however, the transferee may, before operating or permitting the operation of such vehicle upon a highway, apply for and obtain, upon the payment of a fee of One Dollar (\$1.00), a transfer of title and registration and upon any such application the Department shall issue to the transferee without additional fee or inspection a new certificate of title and a new registration card which card shall show the same period for which such vehicle was originally registered by the owner and thereafter the transferee may operate such vehicle for the remainder of the period for which it was originally registered and the same registration plate or plates shall remain affixed to the number plate or plates of such vehicle.

The provisions of this paragraph shall not apply to the operation of vehicles, as provided under subparagraph (d) of this Section, or under temporary or limited permits or certificates as otherwise provided by this Article.

(d) If the transferee be a dealer the owner upon transferring a registered vehicle shall properly endorse the registration card and deliver it together with the certificate of title properly assigned to the dealer who shall immediately report such transfer to the Department and after reporting such transfer the dealer may operate such vehicle upon the highways during the period for which it is currently registered without dealer's plates, solely for the purposes of testing, demonstrating or selling the same, but upon the sale of such vehicle the dealer shall endorse the name and address of the purchaser and the date of transfer upon the said registration card and shall imme-

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diately give or send said card to the Department or an authorized representative thereof and the purchaser or transferee of the dealer shall before operating or permitting the operation of such vehicle upon a highway, comply with the provisions of subparagraph (c) of this Section.

(e) Whenever any person, firm or corporation carrying on the business of wrecking or dismantling motor vehicles for resale of parts thereof, shall purchase or otherwise acquire any such vehicle, whether registered or unregistered, for the sole purpose of wrecking or dismantling the same in order to resell the parts thereof, the owner upon transferring any such vehicle shall, in addition to forwarding to the Department the registration card issued for such vehicle as provided by subparagraph (b) of this Section, remove the number plates, and if the vehicle is registered, the registration plates, therefrom, and shall immediately give or send such plates and registration card to the Department or an authorized representative thereof, together with a report that the transferee of such vehicle acquired the same for the sole purpose of wrecking or dismantling such vehicle in order to resell the parts thereof. The said report shall contain the name and address of such transferee and the date of transfer. If the Department is satisfied that the transferee acquired such vehicle for the purposes aforesaid, the title to such vehicle shall be cancelled by the Department and such vehicle shall not thereafter be re-titled or registered in this State.

(f) 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 and inspection thereof, and a transfer of title therefor, except that the widower or widow, the child or children of any deceased person, and the immediate members of the deceased's family, residing in the household, after giving due and proper notice to the Department in such manner and on

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such form as may be provided therefor by the Department, may operate such vehicle and the current registration thereof shall continue in full force and effect until normal expiration thereof at which time the registration of such vehicle shall expire; and excepting further that 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 one hundred twenty-five (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 for it and obtaining a temporary or limited permit for such operation as provided by this Article.

SECTION 10. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5554. Section 16 of said Article and by inserting in lieu thereof the following:

5554. Section 16. OPERATION OF VEHICLES UNDER SPECIAL PLATES. (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways solely for purposes of transporting, testing, demonstrating, or selling the same without registering each such vehicle upon condition that any such vehicle display thereon, in the manner prescribed in Section 12 of this Article, a special plate or plates issued to such owner as provided by this Section.

(b) A transporter of motor vehicles may operate or move any vehicle of like type upon the highways solely for the purpose of delivery upon displaying in like manner thereon, special plates issued to such transporter as provided in this Section.

(c) The provisions of this Section shall not apply to work or service vehicles owned by a manufacturer, transporter, or dealer.

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(d) Every manufacturer, transporter, or dealer shall keep a written record of the vehicles upon which such special 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.

(e) No manufacturer or transporter of or dealer in motor vehicles, trailers, or semi-trailers shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway without the same being registered in accordance with the provisions of this Article, and without there being displayed thereon a number plate or plates and a registration plate or plates, as provided by this Article, except as otherwise authorized by this Section.

(f) Any manufacturer, transporter, or dealer may make application to the Department upon the appropriate form for a certificate and for one or more pairs of special plates or single special plates as appropriate to various types of vehicles of the types subject to registration hereunder. The applicant shall also submit such proof of his status as a bona fide manufacturer, transporter, or dealer as may be required by the Department.

(g) The Department, upon approving any such application, shall issue to the applicant a certificate containing the applicant's name and address and other appropriate information.

(h) The department upon approving any such application shall also issue special plates of a design, size, material, and color determined by the Department. Each plate or pair of plates so issued, however, shall contain a number or symbol distinguishing the same from other plates issued under Section 12 of this Article.

(i) All special plates issued hereunder shall expire at midnight on the thirty-first day of December of each year, and may be extended for the ensuing year by the person to whom

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such plates were issued upon application to the department and payment of the fees provided by this Chapter.

SECTION 11. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5558. Section 20 of said Article and by inserting in lieu thereof the following:

5558. Section 20. DEPARTMENT TO SUSPEND REGISTRATION UPON NOTICE OF THEFT OR EMBEZZLEMENT. Whenever the owner of any motor vehicle, trailer, or semi-trailer, which has been stolen or embezzled shall file an affidavit of the fact thereof with the Department, the Department shall forthwith suspend the registration of such vehicle and shall not transfer the title of or re-register the same until it has been notified that the owner has recovered such vehicle. Notice given as herein provided shall be effective for the current registration period, but if during that time such vehicle is not recovered a new affidavit to like effect may be filed with the Department and such notice shall be effective for a further period of twelve (12) months. Thereafter like notices may be given effective from year to year thereafter. Every owner who has filed an affidavit of theft or embezzlement, shall immediately notify the Department of the recovery of such vehicle and upon failure so to do within thirty (30) days after such recovery shall be punished as provided in Section 32 of this Article.

Section 12. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5561. Section 23 of said Article and by inserting in lieu thereof the following:

5561. Section 23. WHEN REGISTRATION SHALL BE REFUSED. The Department shall not grant an application for the registration of a motor vehicle in any of the following events:

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

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

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

(d) When the vehicle is in an unsafe and unfit condition to be operated upon the highways of this State and when it is not equipped in the manner provided by law.

SECTION 13. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5562. Section 24 of said Article and by inserting in lieu thereof the following:

5562. Section 24. INSPECTION, RECISION OR SUSPENSION OF REGISTRATION. (a) The Department shall provide and maintain one or more places in each county of the state, together with such facilities and such number of qualified inspectors as may be required for registration purposes. The inspection herein provided shall be for the purpose of determining whether such vehicle is in a safe and fit condition to be operated upon the highways of the State, and whether it is equipped in the manner provided by law.

(b) Before the Department shall register, renew the registration of or re-register a motor vehicle required to be registered under the provisions of this Article, such vehicle shall first be inspected by the Department and determined to be safe and fit for operation and found equipped according to law, provided, however, the Department may waive the inspection requirement of this paragraph with respect to the registration of new motor vehicles.

(c) At any time and notwithstanding the possession of current registration plates, as provided by this Article, the Motor Vehicle Commissioner, or any authorized agent of the

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Department, or any State Police Officer may, upon reasonable cause, require the owner or operator of a vehicle to stop and submit such vehicle and the equipment to such further inspection and test with reference thereto as may be appropriate. In the event such vehicle is found to be in an unsafe condition or lacking the required equipment, or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy thereof to the Department, said notice shall require that such vehicle and its equipment be placed in safe condition and in proper repair and adjustment and/or that proper equipment be obtained, and that a certificate of inspection and approval for such vehicle be obtained within five (5) days thereafter.

(d) Every owner or driver upon receiving any such notice shall comply therewith and shall within said five (5) days secure an endorsement upon such notice by an inspector of the Department that such vehicle is in safe condition, and properly equipped, and its equipment in proper repair and adjustment, and shall then forward said notice to the Department; provided, however, no person shall operate any such vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return such vehicle to the residence or the place of business of the owner or driver if within a distance of twenty (20) miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Chapter.

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

(f) The Department shall rescind, cancel, or suspend the registration of any motor vehicle if it shall be determined by the said Department that such motor vehicle should not have been

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registered in the State of Delaware, or that the person to whom the registration card or registration or number plates therefor have been issued is not the owner of the vehicle or that such person shall have made or permitted to be made illegal use of said motor vehicle, provided an appeal may be taken by the said persons from any such decision of said Department, to the Superior Court of the County wherein the said registrant resides.

(g) The Department shall rescind, cancel, or suspend the registration of any motor vehicle and shall rescind, cancel, or suspend, and shall take up, the current registration plates of any motor vehicle which shall be determined by said Department at any time, upon inspection in pursuance of the provisions of this Section to be unsafe or unfit to be operated, or to be not equipped as required by law.

SECTION 14. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5563. Section 25 of said Article and by inserting in lieu thereof the following:

5563. Section 25. VIOLATIONS OF REGISTRATION PROVISION. It shall be unlawful for any person, firm or corporation to commit any of the following acts:

(a) To operate, or for the owner thereof knowingly to permit the operation upon a highway of any motor vehicle, trailer, or semi-trailer which is not registered or which does not have attached thereto and displayed thereon the number plate or plates assigned thereto by the Department, and unexpired registration plate or plates, subject to the exemptions allowed in Section 15, 16 and 18 of this Article or under temporary or limited permits as otherwise provided by this Article.

(b) To display, or cause or permit to be displayed, or to have in possession, any registration card, number plate, or registration plate, knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.



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(c) To lend to, or knowingly to permit the use by one not entitled thereto, any registration card, number plate, or registration plate, issued to the person so lending or permitting the use thereof.

(d) To fail, or refuse to surrender to the Department upon demand, any registration card, number plate, or registration plate, which has been suspended, cancelled, or revoked as provided in this Article.

(e) To use a false or fictitious name or address in any application for the registration or inspection of any vehicle or for any renewal or duplicate thereof, or for any certificate or transfer of title, or knowingly to make a false statement, or knowingly to conceal a material fact, or otherwise commit a fraud in any such application.

(f) To drive or move, or for the owner to cause or knowingly to permit to be driven or moved on any highway, any vehicle or combination of vehicles, which is in such unsafe condition as to endanger any person, or which is equipped in any manner in violation of this Chapter; provided, however, the provisions of this Chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as herein made applicable.

(g) To do any act forbidden or fail to perform any act required under this Article.

SECTION 15. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5564, Section 28\* of said Article and by inserting in lieu thereof the following:

5564. Section 26. REGISTRATION, TITLE, AND OTHER FEES. (a) There shall be paid to the Department for the registration of motor vehicles required to be registered under this Act the registration and title fees as provided by this section.

\*So enrolled.

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(b) At the time of application for the registration of a motor vehicle, and prior to the issuance of the current registration plates required by this Article, there shall be paid to the Department registration fees according to the following schedule:

(1) For the registration of any motorcycle, Four Dollars (\$4.00).

(2) For the registration of each motor vehicle, the use of which is for pleasure or for the chief purpose of carrying persons, (excepting motor vehicles used for hire), 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, One Dollar and Fifty Cents (\$1.50) for each five hundred (500) pounds or fraction thereof over and above five thousand (5,000) pounds. 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.

(3) For the registration of other motor vehicles, excepting those propelled by Diesel engines, 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, Two Dollars (\$2.00) for each five hundred (500) pounds or fraction thereof over and above five thousand (5,000) pounds. The gross load weight shall be the weight of the chassis, body, equipment, and maximum allowable load as specified by the application.

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(4) For the registration of motor vehicles propelled by Diesel engines, twice the amount of the fee otherwise payable in respect of such vehicle by this Section.

(5) Whenever the Department shall be furnished with satisfactory evidence of the destruction of a motor vehicle, either complete or to such an extent as to render it impossible to operate the same as a motor vehicle, during the period for which the same has been registered, and if the owner thereof shall desire to register another motor vehicle of the same class during the period for which such destroyed motor vehicle was registered, such owner shall be entitled to a credit on such new registration fee of the unexpired portion of the registration fee of such destroyed motor vehicle from the date of such new registration.

(c) All convertible vehicles shall be registered as commercial vehicles and the registration fee shall be ascertained upon the basis of the gross load as provided by this Section; provided, however, that it shall be determined which is the greater, the gross load weight as a carrier of persons, or the gross load weight as a carrier of property, and the greater load weight so ascertained shall be the basis for ascertaining the required registration fees. All town cars or suburbans shall be registered as commercial vehicles and the application for registration shall show the maximum load to be transported therein.

(d) The registration fees for vehicles provided by this Section shall be for a period of twelve (12) months but if a vehicle is registered for a six (6) months' period, as provided by Section 14 of this Article, the applicant shall pay to the Department one-half of the registration fee established by this Section and an additional fee of One Dollar (\$1.00).

(e) Number and registration plates shall be the property of the State of Delaware and shall be furnished by the Department for each registered motor vehicle without additional cost to the owner, provided, however, that whenever number or regis-

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tration plates shall be lost, destroyed or effaced in such a manner as not to comply with the provisions of Section 12 of this Article new plates shall be furnished by the Department, and the owner shall pay to the Department the sum of One Dollar (\$1.00) for each plate so furnished. The Department shall pay the sum of Fifty Cents (50c) per plate for each number plate returned to the Department in accordance with the provisions of Section 15 (e) of this Article.

(f) The fee for issuing a Certificate of Title or transferring a title to a vehicle shall be One Dollar (\$1.00).

(g) The fee for duplicates of certificates of title, certificates of registration, or other certificates or permits relating to motor vehicles shall be fifty cents (50c).

(h) The fee for temporary or limited permits shall be One Dollar (\$1.00).

(i) Manufacturers, transporters, and dealers shall pay to the Department for each calendar year the sum of Eight Dollars (\$8.00) for each set of special plates issued in pursuance of the provisions of Section 16 of this Article.

SECTION 16. That Article 2 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by repealing 5565. Section 27 of said Article and by inserting in lieu thereof the following:

5565. Section 27. EXEMPTIONS FROM REGISTRATION FEES. All motor vehicles of the State of Delaware or any governmental agency thereof, or of any Fire Department, Fire Engine Company, Police Department, or any County or incorporated city or town thereof, used exclusively in the performance of the principal's official's, employee's, or agent's respective functions or duties, and all motor ambulances owned and used by any agency in this State for charitable purposes or for the benefit of any hospital or hospitals in this State, and

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all motor vehicles owned by any veteran's organization and used by such organization in charitable or public welfare work, must be registered, but shall be exempt from the payment of registration fees, and the Motor Vehicle Commissioner is hereby directed to furnish, without cost, number and registration plates for all such vehicles, of such design as will distinguish them from other plates for which fees are paid, provided, however, that nothing herein contained shall be construed as exempting such vehicles from the requirement of inspection.

SECTION 17. That Article 3 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by adding at the end of 5575. Section 37 of said Article a new paragraph designated (f) as follows:

(f) Whenever a dealer purchases or otherwise acquires a previously registered vehicle the dealer shall immediately notify the Department, giving the name of the former owner and a sufficient description of the vehicle to identify the same.

SECTION 18. That Article 3 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is amended by adding immediately following 5575. Section 37 of this Chapter a new section to be known as 5575A. Section 37 A as follows:

5575A. Section 37 A. Any person, association of persons, firm or corporation, and every agent or officer thereof participating in the transaction, who shall assign, transfer, or set over, or cause to be assigned, transferred, or set over, to any person, association of persons, firm or corporation, the title to any motor vehicle for which a certificate of title is required by this Chapter, or who shall sell to any such person, association of persons, firm or corporation a motor vehicle for which a certificate of title is required by this Chapter, without disclosing to such assignee, transferee, or purchaser the existence of all existing liens and encumbrances in any form upon such

## MOTOR VEHICLES

motor vehicle, the holder or holders of such liens or encumbrances, and the true amount thereof with all charges and interest due in respect thereof at the time of such assignment, transfer or sale, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 49 of this Article.

SECTION 19. This Act shall become effective on and after the First day of July, A. D. 1941, provided, however, nothing in this Act shall be construed to affect or invalidate the current registration of or the registration plates assigned to or the inspection requirements for any motor vehicle which shall have been registered in accordance with the law of this State existing immediately prior to the approval of this Act, provided further, however, that if any such vehicle shall be transferred or if and when the registration thereof shall expire or terminate for any reason or cause whatsoever, it shall be unlawful for the transferee or the owner thereof to operate or permit the operation of such vehicle upon the highways without first registering the same in accordance with the provisions of this Act, and any such transferee, owner or other person violating the provisions of this Section shall be punished as provided by Section 32, Article 2, Chapter 165 of the Revised Code of Delaware, 1935, and provided further, that upon the first application for registration, under the provisions of this Chapter, of each motor vehicle registered at the time this Act becomes effective and to which number plates have then been assigned, number plates bearing the same number as that borne by each motor vehicle at the time of such application shall be assigned to each motor vehicle for which registration is sought under this Chapter.

SECTION 20. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed insofar as such inconsistency does occur.

Approved May 22, 1941.

## CHAPTER 245

## MOTOR VEHICLES

AN ACT TO FURTHER AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES, AS AMENDED BY CHAPTER 168, VOLUME 42, LAWS OF DELAWARE, IN REFERENCE TO NUMBER PLATES TO BE FURNISHED TO THE MEMBERS OF THE GENERAL ASSEMBLY.

*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, relating to motor vehicles, as amended by Chapter 168, Volume 42, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of paragraph (d) of 5550. Sec. 12, of the said Chapter 165 of the said Code, as amended as aforesaid, and inserting in lieu thereof, a new paragraph (d), as follows:

(d) Beginning with the year 1941, the Department shall furnish to the members of the General Assembly of this State two motor vehicle registration plates to each member of the Senate and to each member of the House of Representatives. The said plates shall be of the same size as the number plates provided for in paragraph (b) or 5550. Sec. 12, of said Chapter 165, as amended as aforesaid, and shall have displayed thereon the initials of the member of the General Assembly to whom said plate shall be assigned as the owner of the motor vehicle displaying such registration plate, also the name of this state, which may be abbreviated, and the date of expiration of such registration plates. The plates for the members of the Senate shall also have the word "Senator" displayed thereon, and the registration plates for the members of the House of Representatives shall have the word "Representative" displayed thereon.

Section 2. That all acts or parts of acts manifestly inconsistent with the provisions, or any of the provisions, of this

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act, be and the same are hereby repealed only to the extent of any such inconsistency.

Approved February 17, 1941.



CHAPTER 246

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 228 VOLUME 41, LAWS OF DELAWARE, IN RELATION TO OPERATOR'S AND CHAUFFEUR'S LICENSES.

*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 by Chapter 228, Volume 41, Laws of Delaware, be and the same is hereby further amended by striking out and repealing paragraph (a) of 5592, Section 54 of said Chapter, and by inserting in lieu thereof the following:

(a) An operator's license shall not be issued to any person under the age of sixteen years. A chauffeur's license shall not be issued to any person under the age of eighteen years nor to any person eighteen years of age or older who has not had at least one year's previous experience as an operator of a motor vehicle.

Approved April 14, 1941.

## CHAPTER 247

## MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO MOTOR VEHICLES BY PROVIDING FOR THE SUSPENSION OR REVOCATION OF THE LICENSE OF ANY PERSON CONVICTED OF THE OFFENSE OF DRIVING VEHICLE WITHOUT CONSENT OF OWNER.

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

Section 1. That 5606 Sec. 68 (a) of the Revised Code of Delaware, 1935, be amended by adding at the end of Paragraph 5 thereof a new paragraph to be known as Paragraph 6, to read as follows:

6. That such person has violated the provisions of 5566 Sec. 28 of this Chapter.

Approved March 19, 1941.

CHAPTER 248  
MOTOR VEHICLES

AN ACT TO AMEND 5622 SECTION 84 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO STOPPING OF MOTOR VEHICLES AT GRADE CROSSINGS, DRAWBRIDGES AND IN OBEDIENCE TO AUTOMATIC SIGNAL SYSTEMS.

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

Section 1. That 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5622 Section 84 thereof and by substituting in lieu thereof a new Section to be known as 5622 Section 84 of said Chapter.

5622 Sec. 84. Grade Crossings, Drawbridges and Automatic Signals Must Be Obeyed:—Whenever any person driving a vehicle approaches a highway and railway crossing, a drawbridge, or automatic signal system controlling the flow of traffic, and a clearly visible and positive signal gives warning of the approach of a railway train or car, a boat, or vehicle, such person shall bring the vehicle to a complete stop and it shall be unlawful to proceed until he can do so safely.

Approved March 19, 1941.

## CHAPTER 249

## MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY REPEALING 5623, SEC. 85 AND 5624, SEC. 86 THEREOF RELATING TO SPEED LIMITATIONS OF MOTOR VEHICLES AND BY SUBSTITUTING IN LIEU THEREOF TWO NEW SECTIONS TO BE KNOWN AS 5623, SECTION 85 AND 5624, SECTION 86, PROVIDING FOR SPEEDS OF MOTOR VEHICLES ON THE PUBLIC HIGHWAYS AND STREETS OF THE STATE OF DELAWARE; AND REGULATING THE MAXIMUM SPEEDS AND WEIGHTS ON ELEVATED STRUCTURES.

*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 and repealing 5623, Sec. 85 and 5624, Sec. 86 thereof and by substituting in lieu thereof the following new sections to be known as 5623, Sec. 85 and 5624, Sec. 86 of said chapter.

5623, Sec. 85. SPEED RESTRICTIONS—(A) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) Notwithstanding the provisions of paragraph (A) hereof, where no special hazard exists, the following speeds shall be lawful, but any speed in excess of said limits shall be absolute evidence that the speed is not reasonable or prudent and that it is unlawful:

I Passenger Vehicles and Self Propelled Passenger Buses

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1. Twenty-five miles per hour in any business district;
2. Thirty-five miles per hour in any residence district;
3. Fifty miles per hour under other conditions on two lane roads;
4. Fifty-five miles per hour under other conditions on four lane undivided roads and on dual highways.

### II Motor Truck and Motor Truck Tractors with a Maximum Gross Weight Greater Than Eight Thousand Pounds

1. Twenty miles per hour in any business district;
2. Twenty-five miles per hour in any residence district;
3. Forty miles per hour under other conditions.

(C) The driver of every vehicle shall, consistent with the requirements of the provisions of paragraph (A) hereof, drive at appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest when travelling upon any narrow or winding roadway and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(D) Establishment of State Speed Zones—Whenever the State Highway Department shall determine upon the basis of an engineering and traffic investigation that any absolute speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said State Highway Department may determine and declare a reasonable and safe absolute speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway.

## MOTOR VEHICLES

(E) When local Authorities May Alter Absolute Limits—  
(a) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the absolute speed permitted under this section is greater than is reasonable or safe under the conditions found to exist, such local authority subject to sub-paragraph (c) of this paragraph shall determine and declare a reasonable and safe absolute speed limit, which shall be effective when appropriate signs giving notice thereof are erected.

(b) Local authorities in their respective jurisdictions may in their discretion, but subject to sub-paragraph (c) of this paragraph, authorize by ordinance higher absolute speeds than those stated in paragraph (B) of this section upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections provided signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in paragraph (A) of this section or in any event to authorize by ordinance a speed in excess of fifty miles per hour.

(C) Alteration of absolute limits on State highways or extension thereof in any municipality by local authorities shall not be effective until such alteration has been approved by the State Highway Department, except within the corporate limits of the City of Wilmington, to which this sub-paragraph (c) shall not apply.

(F) Minimum Speed Regulation—No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law.

Police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent wilful disobedience to this provision and refusal to comply with

## MOTOR VEHICLES

directions of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor.

(G) Charging Violations—In every charge of violation of any speed regulation in this act the complaint, also the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven, also the absolute speed applicable within the district or at the location.

5624, Sec. 86. SPECIAL SPEED AND WEIGHT LIMITS ON ELEVATED STRUCTURES—(a) No person shall drive a vehicle over any bridge or elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(b) No person shall drive a vehicle over any bridge or elevated structure constituting a part of a highway when such vehicle's gross weight (including carried load) is greater than the maximum weight which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(c) The State Highway Department upon request from any local authorities, or upon its own initiative may, conduct an investigation of any public bridge, causeway, or viaduct, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles travelling at the speed otherwise permissible under this act or withstand vehicular gross weights (including carried load) permissible under 5655, Section 117, Chapter 165 of the Revised Code of Delaware, 1935, the State Highway Department shall determine and declare the maximum speed or gross weight (including carried load) of vehicles, which such structure can withstand and shall cause or permit suitable signs stating such maximum speed or gross weight (including carried load) and maintained at a distance of 100 feet beyond each end of such structure. The findings and determinations of

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the State Highway Department shall be evidence of the maximum speed or gross weight (including carried load) which can with safety to any such structure be maintained thereon.

(H) Defining "Business District" and "Residence District":—(a) Business District: the territory contiguous to and including a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

(b) Residence District: the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistencies.

SECTION 3. This act shall become effective thirty days after the approval thereof by the Governor.

Approved April 22, 1941.



## CHAPTER 250

### MOTOR VEHICLES

AN ACT TO AMEND 5634 SECTION 96 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO SIGNALS FOR STARTING, STOPPING AND TURNING ALL MOTOR VEHICLES.

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

Section 1. That 5634 Sec. 96. (b) be amended by striking out the last paragraph thereof and inserting in lieu thereof the following:

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn.—hand and arm extended horizontally.
2. Right turn.—hand and arm extended upward and move with a sweeping motion from the rear to the front.
3. Stop or decrease of speed.—hand and arm extended downward.

Approved March 19, 1941.

## CHAPTER 251

## MOTOR VEHICLES

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO MOTOR VEHICLES STOPPING ON HIGHWAY.**

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

Section 1. That 5641 Sec. 103 Paragraph (a) be amended by striking out Paragraph (a) of 5641 Sec. 103 of said Chapter and by inserting in lieu thereof the following:

5641. Sec. 103. Stopping on Highway:—(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than twenty feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of two hundred feet in each direction upon such highway.

Approved March 19, 1941.

## CHAPTER 252

## MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY REPEALING 5642 SECTION 104 AND BY SUBSTITUTING IN LIEU THEREOF A NEW 5642 SECTION 104 AND PROVIDING PENALTY.

*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 5642 Sec. 104 thereof and inserting in lieu thereof the following:

5642 Sec. 104. Stopping, Standing, or Parking Prohibited in Specified Places:—(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic controlled device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet of a fire hydrant;
5. On a crosswalk;
6. Within twenty feet of a crosswalk at an intersection;
7. Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone or island and the adjacent curb

## MOTOR VEHICLES

or within thirty feet of points on the curb immediately opposite the ends of a safety zone or island, unless the State Highway Department or the governing authority of any City or Town indicates a different length by signs or markings;

9. Within fifty feet of the nearest rail or railroad crossing, unless the State Highway Department or the governing authority of any City or Town indicates a different length by signs or markings;

10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted;

11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;

12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

14. At any place where official signs prohibit stopping as provided in Section 136 of this Chapter.

(b) No person shall move a vehicle not owned by such person into such prohibited area or away from a curb such distance as is unlawful.

Section 2. Every person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Three Dollars (\$3.00) nor more than Twenty-five Dollars (\$25.00).

Section 3. All acts or parts of acts inconsistent with the

## MOTOR VEHICLES

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

Approved March 14, 1941.

## CHAPTER 253

## MOTOR VEHICLES

AN ACT TO AMEND 5646 SECTION 108 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO MOTOR VEHICLES; REQUIRING DRIVERS TO REPORT ACCIDENTS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and hereby is amended by striking out and repealing the first paragraph of 5646 Section 108 thereof and by substituting in lieu thereof the following:

5646 Sec. 108. Duty To Report Accidents:—The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of Twenty-five Dollars (\$25.00) or more shall at once forward a report of such accident to the nearest State Highway Police Station except that when such accident occurs within the City of Wilmington such report shall be made at once to the Department of Public Safety in that City.

Approved March 19, 1941.

CHAPTER 254

MOTOR VEHICLES

AN ACT TO AMEND 5653 SECTION 115 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY PROVIDING FOR MAXIMUM HEIGHT.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing Paragraph (b) of 5653 Section 115 and by substituting in lieu thereof the following:

(b) No vehicle unladen or with load shall exceed a height of twelve (12) feet and six (6) inches.

Approved March 19, 1941.

## CHAPTER 255

## MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF  
THE STATE OF DELAWARE 1935, RELATING TO THE  
WEIGHTS AND LOADS 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 5655, Sec. 117, Paragraph (e), of the Revised Code of the State of Delaware 1935, relating to weights of vehicles and loads, be and the same hereby is amended to read as follows:

(e) The gross weight of a trailer and load shall not exceed Twenty-two Thousand (22,000) pounds.

Approved March 19, 1941.



CHAPTER 256

MOTOR VEHICLES

AN ACT TO AMEND 5666 SECTION 128 OF CHAPTER 165 OF  
THE REVISED CODE OF DELAWARE, 1935, RELATING TO  
MOTOR VEHICLES BY PROVIDING FOR AMBER CLEAR-  
ANCE LIGHTS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing Paragraph (e) of 5666 Section 128 thereof and by substituting in lieu thereof the following:

(e) Every motor vehicle, other than any road-roller, road machinery or farm tractor, having a width at any part in excess of eighty (80) inches shall carry two clearance lamps on the left side of such vehicle, and two on the right side of such vehicle. One light on each side at front displaying an amber light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle and one light on each side located at the rear of the vehicle and displaying a red light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle provided that any combination of vehicle and semi-trailer having a length of over thirty-three (33) feet shall display a green light on each side of said semi-trailer at intervals of not over ten (10) feet.

Approved March 19, 1941.

## CHAPTER 257

## MOTOR VEHICLES

AN ACT TO AMEND 5680 SECTION 142 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY PROVIDING PENALTY FOR VIOLATION OF THE PROVISIONS OF SECTION 108 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 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5680 Section 142 thereof and by substituting in lieu thereof the following:

5680 Sec. 142. Penalty For Violations of Provisions of Sections 82 to 106 Inclusive and 108, 110, and 114 to 117 Inclusive, and 119 to 123 Inclusive, and 132, 133 and 138 and 139:— Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 83 to 106 inclusive, or 108, or 110, or 114 to 117 inclusive, or 119 to 123 inclusive, and 132, 133, 138 or 139, of this Chapter shall be punished for the first offense by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not less than ten (10) days, nor more than thirty (30) days, or both such fine and imprisonment and for each subsequent like offense shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or by imprisonment for not less than fifteen (15) days nor more than thirty (30) days, or by both such fine and imprisonment; provided, however, that all second offenses under Sections 83 to 106 inclusive, and that all second or subsequent offenses under Section 117, as amended, shall, before being punishable as such, have been committed within twelve (12) months after the commission of the first offense.

Approved March 19, 1941.

## CHAPTER 258

### MOTOR VEHICLES

AN ACT TO AMEND 5682, SECTION 144 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES; PROVIDING PENALTY FOR FAILURE TO STOP IN EVENT OF ACCIDENT INVOLVING INJURIES OR DEATH.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and hereby is amended by striking out and repealing 5682 Section 144 thereof and by substituting in lieu thereof the following:

5682 Sec. 144. Penalty For Failure To Stop In The Event Of Accident Involving Injury or Death:—Every person convicted of violating Section 107 of this Chapter, relating to the duty of the driver of a motor vehicle in the event of certain accidents, shall be punished by imprisonment for not less than thirty (30) days nor more than five (5) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. The Commissioner shall revoke the operator's or chauffeur's license of every person so convicted.

Approved March 19, 1941.

## CHAPTER 259

## MOTOR VEHICLES

## AN ACT TO AMEND 5689 SECTION 151 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO TRACTION ENGINES AND TRACTORS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing 5689 Section 151 thereof and by substituting in lieu thereof the following:

5689 Sec. 151. Terms Traction Engine and Tractor Defined; May Have Attached Vehicle For Carrying Water or Fuel:—(a) The terms "traction engine" or "tractor" as used in this Article shall apply to all self-propelled engines equipped with metal or pneumatic tired wheels operated or propelled by any form of engine, motor or mechanical power, used primarily for agricultural purposes, road grading, and transporting the machinery and appliances, which, when at rest, they operate with their own power; and excluding engines which move or are operated upon, or are guided by a track.

(b) A traction engine or tractor shall as hereinafter provided, be allowed or permitted to have attached thereto and hauled over the public streets, roads and highways of this State any vehicle with metal or pneumatic tires used for carrying water and fuel for the use of said traction engine or tractor, road graders, stone crushers, sawmills, grain and seed threshers and other agricultural machinery or equipment not self-propelled.

Approved March 19, 1941.

## CHAPTER 260

### MOTOR VEHICLES

#### AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES, AND INCREASING THE SPEED LIMIT FOR TRACTION ENGINES OR TRACTORS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 5702. Sec. 164. thereof, and by inserting in lieu thereof a new Section, to be styled 5702. Sec. 164. as follows:

“5702. Sec. 164. Speed Limit:—No traction engine or tractor equipped with rubber tires, shall be operated over the streets, roads or highways of this State at a rate of speed greater than twenty miles per hour; and no traction engine or tractor equipped with rubber tires, shall be operated over the streets, roads of highways of this State at a rate of speed greater than fifteen miles per hour if such traction engine or tractor is towing any vehicle or implement; and no traction engine or tractor equipped with metal tired wheels and cleats, shall be operated over the streets, roads or highways of this State at a rate of speed greater than three miles per hour.”

Approved February 24, 1941.

## CHAPTER 261

## MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MOTOR VEHICLES BY AUTHORIZING THE VEHICLE COMMISSIONER TO ISSUE DRIVER'S LICENSE AND/OR OWNER'S REGISTRATION UNDER CERTAIN CONDITIONS WITHOUT PROOF OF FINANCIAL RESPONSIBILITY.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding after 5711 Section 173 a new Section to be known as 5711-A Section 173-A as follows:

5711-A Section 173-A. The said Vehicle Commissioner may issue a driver's license and/or owner's registration to a driver and/or owner of any motor vehicle whose driver's license and/or owner's registration has been suspended or revoked and who has failed to submit to said Vehicle Commissioner satisfactory proof of financial responsibility as required by this Chapter, after a period of three (3) years from the date such proof was required as the result of conviction of any of the offenses referred to in Section 167 of this Act, without the necessity of requiring evidence of such financial responsibility, provided no action shall be pending nor any judgment shall remain unsatisfied arising out of the operation of a motor vehicle against the person, firm or corporation applying for a driver's license and/or owner's registration under the provisions of this Section. Upon receiving any such application the Vehicle Commissioner shall make or cause to be made a full and complete investigation of such applicant and if in the discretion of the Vehicle Commissioner such application should be approved a driver's license or owner's registration or both, as the case may be, may be issued to such applicant without requiring such applicant to file proof of financial responsibility.

Approved April 14, 1941.

CHAPTER 262  
MOTOR VEHICLES

AN ACT TO AMEND 5761 SECTION 42 OF CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO LIMITATION OF THE LOAD TRUCKS MAY CARRY ON THE STATE HIGHWAY AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

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

Section 1. That 5761 Section 42 of Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new paragraph at the end of said Section as follows:

Any person convicted for a violation of this Section shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or imprisonment for not less than ten (10) days nor more than thirty (30) days for each conviction.

Approved March 19, 1941.

## CHAPTER 263

## STATE HIGHWAY DEPARTMENT

## RELATIVE TO UNIFORMS FOR TRAFFIC OFFICERS

AN ACT TO AMEND CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, IN RELATION TO UNIFORMS FOR TRAFFIC OFFICERS BY REPEALING 5748 SECTION 29 THEREOF AND BY SUBSTITUTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS 5748 SECTION 29 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 166 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 5748 Section 29 thereof and by substituting in lieu thereof a new Section to be known as 5748 Section 29 of said Chapter.

5748 Sec. 29. The Superintendent of State Police shall, subject to the approval of the State Highway Commission, prescribe the specifications for the standard uniforms to be used by the State Police.

Any person not a member of the State Police who shall, directly, or indirectly wear, use, or order to be worn or used, copy or imitate in any respect or manner the standard uniform of the State Police currently approved by the State Highway Commission shall be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment.

Approved March 14, 1941.



## CHAPTER 264

## STATE HIGHWAY DEPARTMENT

AN ACT TO AMEND AND SUPPLEMENT CHAPTER 166 OF THE REVISED CODE OF DELAWARE OF 1935 BY AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO ACQUIRE, PURCHASE, SELL AND CONVEY REAL PROPERTY IN FEE SIMPLE.

*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 of 1935 be and the same is hereby amended and supplemented by adding thereto immediately following 5759. Sec. 40, a new paragraph to be known as 5759 A. Sec. 40 A as follows:

5759 A. Sec. 40 A. The Department is hereby invested with full power and authority to acquire by gift, devise, grant or purchase such real property as in its judgment is needed for the highway system of the State and to hold the title thereto in fee simple in the name of The State of Delaware; and when any property heretofore or hereafter acquired is no longer needed to sell the same, granting and conveying to the purchaser thereof a fee simple title thereto. The foregoing provisions shall not apply to any property acquired by condemnation.

Section 2. That Chapter 166 of the Revised Code of Delaware of 1935 be and the same is hereby amended by repealing and striking out the second sentence of the second paragraph of 5730. Sec. 11 and inserting in lieu thereof the following:

"Whenever any property shall be so acquired by the Department, the title to such property shall be in the State for the purposes for which it was acquired."

Approved March 19, 1941.

## CHAPTER 265

STATE HIGHWAY DEPARTMENT  
ROBERT KIRKWOOD HIGHWAY

AN ACT NAMING AND DESIGNATING "STATE HIGHWAY NUMBER 2" IN NEW CASTLE COUNTY AS "ROBERT KIRKWOOD HIGHWAY".

*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, State Highway Number 2 in New Castle County extending from Wilmington via Elsmere and Newark to Delaware-Maryland line, known as State Highway Number 2, shall be known and designated as the "Robert Kirkwood Highway".

Approved May 9, 1941.

## CHAPTER 266

## REGIONAL PLANNING

AN ACT TO AMEND CHAPTER 168 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "REGIONAL PLANNING", BY PROVIDING FOR REORGANIZATION OF THE REGIONAL PLANNING COMMISSION OF NEW CASTLE COUNTY AND FOR THE ALTERATION, ENLARGEMENT AND EXTENSION OF ITS DUTIES, POWERS AND FUNCTIONS.

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

Section 1. That 5787 to 5802, inclusive, being Sections 1 to 16, inclusive, of Chapter 168 of the revised Code of Delaware, 1935, be and the same are hereby repealed and new sections substituted in lieu thereof, as follows:

5787. Sec. 1. WORDS AND PHRASES CONSTRUED:—

The words and phrases used in this Chapter, unless the same shall be inconsistent with the context, shall be construed as follows: (1) "Commission" shall refer to and mean "Regional Planning Commission of New Castle County" created by this Chapter; (2) "District" shall refer to and mean "Regional Planning District of New Castle County" created by this Chapter; (3) "Levy Court" shall refer to and mean "Levy Court of New Castle County"; (4) "Recorder's Office" shall refer to and mean "Recorder of Deeds in and for New Castle County"; (5) "Road" shall include any "road", "street", "highway", "bridge", "viaduct", "tunnel", "parkway", "freeway" or other public thoroughfare; (6) "Subdivision" shall mean the division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided that the definition of subdivision shall not include a partition of exclusively agricultural land into parcels none of which is less than ten acres in area.

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## 5788. Sec. 2. PURPOSES; PORTIONS OF NEW CASTLE COUNTY AFFECTED; REGIONAL PLANNING COMMISSION OF NEW CASTLE COUNTY:—

For the purpose of promoting the public health, safety, morals, comfort, convenience, prosperity, and general welfare in that portion of New Castle County which is not included within the corporate limits of any City or Town, unless any territory within such corporate limits is included upon request made by the governing body or authority of any such City or Town, a department to be known as the Regional Planning Commission of New Castle County is hereby created to perform the duties set forth in this Chapter with the right to exercise all powers granted to it in this Chapter and all powers incident thereto; and the said area in which said Commission shall exercise jurisdiction, shall be known as Regional Planning District of New Castle County.

## 5789. Sec. 3. MEMBERS; TERMS; VACANCIES; COMPENSATION; EXISTING MEMBERS:—

On and after the effective date of this Act the said Regional Planning Commission of New Castle County shall consist of nine members as follows:

The Chief Engineer of the Street and Sewer Department of the City of Wilmington, The Chief Engineer of the Board of Water Commissioners of the City of Wilmington, The Engineer and Superintendent of the Board of Park Commissioners of the City of Wilmington, the County Engineer of New Castle County (formerly and sometimes now called "County Road Engineer of New Castle County"), and five members to be appointed during the month of June, A. D. 1941, one of whom shall be appointed by the State Highway Department of the State of Delaware, one of whom shall be appointed by the State Board of Health of the State of Delaware, two of whom shall be appointed by the Levy Court of New Castle County, and one of whom shall be appointed by the Mayor of The Mayor and Council of Wilmington.

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The terms, as members of the Commission, of the Chief Engineer of the Street and Sewer Department of the City of Wilmington, Chief Engineer of the Water Commissioners of the City of Wilmington, Engineer and Superintendent of the Board of Park Commissioners of the City of Wilmington, and County Engineer of New Castle County, shall come to an end at the end of the respective terms for which they were chosen as such Chief Engineer of the Street and Sewer Department of the City of Wilmington, Chief Engineer of the Water Commissioners of the City of Wilmington, Engineer and Superintendent of the Board of Park Commissioners of the City of Wilmington and County Engineer of New Castle County. The members of the Commission appointed by the State Highway Department and by the State Board of Health shall serve at the pleasure of said State Highway Department and said State Board of Health, respectively.

The members first appointed by the said Levy Court shall be appointed for the terms of one year and three years, respectively, and the member first appointed by the said Mayor shall be appointed for a term of two years. Thereafter, said members appointed by the said Levy Court and by the said Mayor shall be appointed for the term of three years as follows:

During the month of June, A. D. 1942, and every third year thereafter, the said Levy Court shall appoint a member to said Commission. During the month of June, A. D. 1943, and every third year thereafter, the said Mayor shall appoint a member to said commission. During the month of June, A. D. 1944 and every third year thereafter, the said Levy Court shall appoint a member to said Commission. The members so appointed shall be resident of New Castle County and their terms of office shall commence on the first day of July following their appointment. When any vacancy occurs in said Commission, either by death, resignation, expiration of term of office, removal, or otherwise, of any person so appointed, the vacancy shall be filled for the unexpired term by the body or person which appointed the member to the office in which such vacancy occurred. The members

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of said Commission shall serve without compensation, but shall be paid their necessary expenses incurred in the performance of their duties. Each member shall serve until his successor is appointed and qualified.

Any member of said Commission serving as such at the time when this Act shall take effect and whose term does not expire on or before the first day of July, A. D. 1941, shall continue to be a member of said Commission until the expiration of his term of office.

5790. Sec. 4. ORGANIZATION; OATH; RULES; RECORDS; OFFICE; SPECIAL SURVEYS; SECRETARY, OTHER ASSISTANCE:—

On the second Monday in July of each year the said Commission shall convene and organize by selecting a chairman. Before entering upon the duties of the office, each member shall take and subscribe the oath or affirmation as prescribed by the Constitution. The Commission may create and fill such other offices in addition to Chairman as it may determine. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The Public Building Commission for the City of Wilmington and New Castle County shall provide suitable and convenient office space for the use and occupancy of the Commission, and the Levy Court of New Castle County shall furnish and supply all necessary equipment for the said office.

The Commission shall appoint a Secretary who shall serve for such time, and perform such duties and receive such compensation as the Commission may prescribe. He shall give bond if required by the Commission in such amount as the Commission may require. The Commission may appoint, discharge at pleasure and fix the compensation of such employees and staff or may contract for the services of such persons, firms, or corporations as, from time to time, in its judgment may be neces-

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sary to the exercise of its powers under this Chapter, and may require any employee to give bond with surety approved by it in a sum to be fixed by the Commission.

The said Levy Court of New Castle County, or the Mayor or Council of the City of Wilmington may, from time to time, upon request of the Commission and for the purpose of special surveys, assign or detail to the Commission any members of the administrative staffs or agencies of said County or City, or may direct any such staff or agency to make for the Commission special surveys or studies requested by the Commission.

5791. Sec. 5. MASTER PLAN; AMENDMENT OF PLAN; APPROVAL:—The Commission shall make or cause to be made and adopt and may, from time to time, amend, extend, add to or carry into greater detail, a master plan for the development of the District. Such master plan, including maps, plats, charts and descriptive matter, shall show the Commission's recommendations for the development of the District, which may include, among other things, such matters as the location, arrangement, character and extent of roads, public reservations, railways, parks, parkways, playgrounds, civic centres, water supplies, waterways, waterfronts, beaches, docks and wharves, forests, squares, aviation fields, airways, wildlife refuges, open development areas and other ways, grounds and open spaces, sewers and sewage disposal, drainage, the general location of public, including Federal, buildings and other public properties, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated (excepting, however, privately owned public utilities engaged in furnishing light, heat, power, transportation, or communication by telephone, or by telegraph or otherwise, as to which the provisions of this act shall not apply), the preservation and development of forest and natural scenery, the general location and extent of water conservation works, the general location and extent of housing and community projects and developments, the major uses of land, the distribution and density of popula-

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tion and other factors of urban, suburban, rural and regional planning.

As the work of making the said master plan progresses, the Commission may, from time to time, adopt a part or parts thereof, any such part to cover one or more sections of the District or one or more of the aforesaid or other functional subjects matter to be included in the plan. Before adopting the plan or any substantial part thereof or any substantial extension, enlargement or amendment thereof or addition thereto, the Commission shall hold at least one public hearing thereon, at least fifteen days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the District. The adoption of the plan or any part thereof or amendment, extension, enlargement or addition thereof or thereto shall be by resolution of the Commission carried by the affirmative votes of not less than five members of the Commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the map, plan or descriptive matter by the identifying signature of the Chairman and Secretary of the Commission. Whenever the said Commission shall have adopted a master plan or any part thereof or any amendment, extension, enlargement or addition thereof or thereto, it shall submit the said master plan or part thereof or such amendment, extension, enlargement or addition thereto to the said Levy Court for its approval. If said master plan, part thereof, or amendment, extension, enlargement or addition thereto, shall pertain to the road system of or any road in New Castle County, said master plan or part thereof of such amendment, extension, enlargement or addition thereto shall also be submitted to the State Highway Department for its approval as to the roads shown thereon. The failure of either the said Levy Court or the said State Highway Department to act upon the said master plan or part thereof or any such amendment, extension, enlargement, or addition thereof within sixty days after the same shall have been submitted to the said Levy Court or State Highway Department, shall be deemed an approval of the



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said master plan or part thereof or amendment, extension, enlargement or addition thereto, unless the said Levy Court or State Highway Department shall notify the Commission in writing that a longer period, but not exceeding thirty additional days, is required for consideration thereof.

## 5792. Sec. 6. COOPERATION WITH OTHER AGENCIES:—

The said master plan may cover areas within the corporate limits of any City or Town in New Castle County, to the extent that such areas shall be deemed, in the judgment of the Commission, to be related to the planning of the District; provided, however, that the master plan shall have no legal effect in such areas except as in pursuance of a request for the inclusion of such area within the District as provided in Section 2. The Commission shall encourage the cooperation of the Cities and Towns within New Castle County in any matter concerning the said master plan and, if requested, shall advise the governing body or authority of any City or Town in New Castle County with respect thereto.

Upon the request of the said Levy Court or the Mayor or the Council of the City of Wilmington or the said Highway Department or the said State Board of Health or any other State, County or Municipal agency, board, department, commission or authority, it shall be the duty of the Commission, upon such terms as may mutually be agreed upon to prepare plans and supply information relating to any of the matters set forth in this Chapter.

In exercising the powers conferred by this Act the Commission is further empowered to act in conjunction and cooperation with representatives, agencies or officers of the United States Government, the State of Delaware, any other State, or any County, City or Town within or without the State of Delaware.

## 5793. Sec. 7. SUBMISSION OF PROPOSED ACTION

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TO COMMISSION:—From and after the time when the Commission shall have adopted the master plan of the District or any part thereof and such master plan or any part thereof shall have been approved by the said Levy Court, then and thenceforth no road, park or other public way or ground, no public (including Federal or State) building or structure, and no public utility, whether publicly or privately owned (excepting, however, privately owned utilities exempted from the provisions of this act by 5791. Sec. 5. hereof), shall be located, constructed or authorized in the District or in the part thereof covered by such master plan or part thereof, until and unless the proposed location and extent thereof shall have been submitted to and approved by the Commission; provided, however, that in the event of disapproval, the Commission shall communicate its reasons to the State, federal, county or minicipal board, body or official proposing to and having the authority to determine the location and extent of such public way, ground, building, structure or utility and thereupon such board, body or official shall have the power to overrule such disapproval by a vote of not less than two-thirds of its entire membership and upon such overruling, such board, body or official in charge of the proposed construction or authorization may proceed therewith. The widening, extension, relocation, narrowing, vacation, abandonment or change of use of any road, park or other public way or ground in the District, or the acquisition or sale of any land in the District by any public board, body or official shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within forty days from and after the date of official submission to it shall be deemed an approval, unless a longer period be granted by the submitting board, body or official.

5794. Sec. 8. SUBDIVISION PLATS; RECORDING; FEES; REGULATIONS; No plat of any subdivision of land within the District shall be received or recorded by the Recorder of Deeds in and for New Castle County or filed for recording in the said Recorder's office until the said plat shall have been submitted to and approved by the Commission and such approval

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be endorsed in writing on the plat by its Chairman or Secretary. The filing or recording of a plat of a subdivision without the approval of the Commission shall be void and shall, upon demand of the Commission, be expunged from the records.

On the basis of the estimated cost of the services to be rendered by it in connection with the consideration of subdivision plats and the work incident thereto, the Commission may fix the scale of fees to be paid to it for its subdivision work and may from time to time amend such scale. In the case of each subdivision plat submitted to the Commission, the fee thus fixed shall be paid before said plat is approved or disapproved, but such fees shall not exceed the actual cost to the Commission of the services and shall be paid by the person requesting the Commission's approval.

Every plat of any subdivision shall be prepared upon cloth of such size and character, with such notations, information and markings, and accompanied by such data and information as the Commission may, by regulation, prescribe. Every subdivision shall have such permanent markers, boundary stones or stations as the Commission shall prescribe, which shall be shown and designated on the plat thereof. The Commission shall prescribe the procedure for the submission of subdivision plats and action in respect thereto.

### 5795. Sec. 9. ADOPTION OF REGULATIONS GOVERNING SUBDIVISION OF LAND WITHIN DISTRICT; PUBLIC HEARING:—

In exercising the powers granted to it by Sections 8, 9 and 10 of this Chapter the Commission shall adopt regulations governing the subdivision of land within the District. Such regulations shall provide for the harmonious development of the District; for the coordination of roads within the subdivision with other existing planned or platted roads or with other features of the District, or with the Commission's master plan or with the official Map of the District; for adequate open spaces for traffic, recreation, light and air, and for school sites; for the

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conservation of or production of adequate transportation, water, drainage and sanitary facilities; for the avoidance of population congestion; for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or welfare by reason of the lack of water supply, drainage or other public services or necessitate an excessive expenditure of public funds for the supply of such services; or for other benefits to the health, comfort, safety, convenience and welfare of the present and future population of the District.

Such regulations shall include provisions as to the extent and manner in which roads shall be graded and improved, curbs, gutters and sidewalks shall be built, water, sewer and other utility mains, piping, connections and other facilities shall be installed and trees shall be planted as a condition precedent to the approval of a plat. The regulations of the Commission may provide for the tentative approval of a plat previous to such improvements and installations; but any such tentative approval shall not be entered on the plat or entitle the plat to filing or record. In lieu of the completion of such improvements prior to the approval of the final plat, the Commission may require a bond with surety satisfactory to it to secure to the Commission the actual construction and installation of such improvements and installations at a time and according to specifications fixed by or in accordance with the regulations of the Commission. The Commission is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

Before adoption of its subdivision regulations or any substantial amendment thereof, a public hearing thereon shall be paid\* by the Commission, thirty days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the District.

5796. Sec. 10. APPROVAL OR DISAPPROVAL OF SUBDIVISION PLAT BY COMMISSION; HEARING:—

\*So enrolled.

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The Commission shall approve or disapprove a subdivision plat within forty days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Commission upon demand; provided, however, that such period may be extended by mutual agreement between the Commission and the applicant for the Commission's approval. The grounds of disapproval of any plat shall be stated upon the records of the Commission and a copy of such statement shall be furnished to the applicant. No plat shall be acted upon by the Commission without affording a hearing thereon, notice of the time and place of which shall be sent by registered mail to said applicant not less than five days before the date fixed therefor; provided, however, that in his application applicant may waive the requirement of such hearing and notice.

### 5797. Sec. 11. APPROVAL NOT AN ACCEPTANCE OF DEDICATION OF ROAD OR LAND:—

The approval of a plat by the Commission shall not in and of itself be deemed to constitute or effect an acceptance by the public of the dedication of any road or land shown on the plat.

### 5798. Sec. 12. UNLAWFUL TO DISPOSE OF LAND IN UNAPPROVED SUBDIVISION:—

The promotion or negotiation of the sale, or the agreement to sell or lease, or the conveyance or the lease or other disposition, of any land within any subdivision within the District unless and until a plat of such subdivision has been approved by the Commission and filed or recorded in the Recorder's Office, is hereby declared a misdemeanor and punishable as other misdemeanors are punishable under Section 16 of this Chapter, and the description of such lands by metes and bounds in the instrument of conveyance or other document used in the process of selling, leasing, conveying or other disposition shall not exempt the transaction from such penalties or from the remedies provided in this Chapter. The Commission may enjoin such

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prohibited sale conveyance, agreement, lease or other disposition by court action.

5799. Sec. 13. UNLAWFUL TO RECORD OR TO FILE FOR RECORDING:—

The receipt for filing or recording or the recording by the said Recorder's office or the filing for recording in said Recorder's office of any plat of a subdivision of land within the District which shall not have received the approval of the Commission duly endorsed on the plat is hereby declared a misdemeanor and punishable as other misdemeanors are punishable under Section 16 of this Chapter.

5800. Sec. 14. OFFICIAL MAP OF THE DISTRICT; AMENDMENTS; PERMITS; PROHIBITIONS AND RESTRICTIONS:—

There is hereby established an Official Map of the District. The Commission shall be the maker and custodian of said map. Said map shall show the locations and lines of the roads within the District existing and established by law as public roads at the time of the preparation and setting up of the map by the Commission; also the locations of the lines of roads on subdivision plats which shall have been approved by the Commission at or previous to said time. The map shall be deemed made and shall be in effect as the official map when the aforesaid road lines shall have been placed thereon.

The Commission shall cause the said Map and all amendments thereof to be recorded in the office of the Recorder of Deeds in and for New Castle County. Thereafter there shall be placed upon the official map from time to time and become a part thereof the lines of the roads in accordance with and as shown upon each subdivision plat as approved by the Commission.

The Levy Court may order, from time to time, other additions or modifications of the Official Map; provided, however, that before taking any such action, said Levy Court shall hold

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a public hearing thereon, notice of the time and place of which shall be given not less than thirty days previous to the time fixed therefor by one publication in a newspaper of general circulation in the District, and, insofar as their addresses appear in a current directory for the District or on county official records, by mail to the record owner of the land on or abutting which the proposed road lines are located; and provided further that such proposed addition to or modification of the Official Map shall first be submitted, for approval or disapproval, to the Commission, and, in the event of such Commission's disapproval, the order for such addition or modification shall require the favorable vote of not less than two-thirds of the entire membership of the Levy Court. Any road line location determined by the Commission's surveys authorized by Section 15 of this Chapter, shall be deemed approved by the Commission. The Commission shall place the road lines thus ordered by the Levy Court upon the Official Map and they shall become a part thereof.

The placing of any road or road line upon the Official Map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any road or the taking or acceptance of any land for road purposes.

From and after the time when the Official Map shall have been recorded, no building shall be erected within the District on any lot of three acres or less in area and no permit shall be issued for the erection of any such building unless the road giving access to such lot shall have been duly placed on the Official Map.

The governing body of any City or Town within the District or the said Levy Court or any State, County, District, Municipal or local board, body, bureau, board, department or official authorized by law to accept, construct, establish, lay out, open, improve, grade, pave, curb or light or lay or to authorize or construct water mains or sewers or other utilities or facilities or connections in, on, over or under any road in the District shall not accept, construct, establish, lay out, open, improve, grade, pave, curb or light any such road within the District or

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lay, construct, or authorize any water mains or sewers or other utilities or facilities or connections to be laid in any road within the District unless and until such road shall have been duly placed on the Official Map.

No building or part thereof shall be constructed within the lines of any road existing or proposed as shown upon the Official map; provided, however, that the Board of Adjustment shall have the power upon an application filed with it by the owner of any such land, by a vote of not less than a majority of its members, to grant a permit for a building or part thereof within such mapped road location in any case in which such Board finds, upon the evidence and arguments presented to in\* upon such appeal (a) that the entire property of the applicant of which such mapped road location forms a part cannot yield a reasonable rate to the owner unless such permit be granted, and (b) that the interest of the District in preserving the integrity of the Official Map and the interest of the owner of the property in the use of his property and in the benefits of the ownership thereof, the grant of such permit is required by considerations of justice and equity. Before taking any action upon the appeal, the Board shall give a hearing at which the parties in interest shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be given to the applicant by mail at the address specified by him in his appeal petition and by one publication in a newspaper of general circulation in the District. In the event that the Board grants a building permit upon any such application, it shall specify the exact location, ground, area, height, and other details as to the extent, character and duration of the building or part thereof for which the permit is granted and may impose other reasonable requirements as a condition under a Zoning Law applicable to the District, the Commission shall act in lieu of such board with regard to any application under the provisions of this paragraph and shall follow the procedure with respect to such appeal which is specified in said paragraph. The owner or any other person claiming to be affected by the

\*So enrolled.



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action of the Commission may, within thirty days after the date of such action, appeal to the Levy Court, whereupon the Commission shall certify its finding with respect to such action to the Levy Court, which shall have the power to affirm or overrule the decision of the Commission.

### 5801. Sec. 15. AUTHORITY TO GO UPON LAND; ACCESS TO RECORDS; SURVEYS:—

In the performance of the functions and duties of the Commission, any member thereof or any employee or agent thereof shall have the right to enter and go upon, at reasonable times (Sundays and holidays excluded) between the hours of 8 a. m. and 5 p. m. any lands in the district, either public or private, and to make surveys and to place and maintain necessary monuments and markers thereon, but such entry shall be made with due care and regard for the protection and preservation of property. Any restraint or hindrance offered to such entry, examination, survey or placing or maintenance of monuments or markers by an owner or tenant or agent of said owner or tenant shall be a misdemeanor punishable under Section 16 of this Chapter. In the performance of the functions and duties of the Commission, any member thereof, or any employee or agent thereof shall have free access, without expense, to all State, County, Municipal and other public records.

The Commission is empowered in pursuance of the development and carrying out of its master plan, to make from time to time surveys for the exact location of the lines of future roads, road relocations, road extensions, road widenings or narrowings in the District or any portion thereof, and to make plats of the areas thus surveyed, showing the Commission's recommendations for the exact locations of such future road lines.

### 5802. Sec. 16. VIOLATIONS OF CHAPTER; REMEDIES FOR VIOLATIONS; PENALTIES FOR VIOLATIONS:—

The construction, reconstruction, erection, structural alteration or use of any building or other structure or the use of any

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land in violation of any of the provisions of this Chapter or any of the provisions of any regulation enacted or adopted under this Chapter or of any decision made under this Chapter or under such regulation is hereby declared to be a misdemeanor. The issuance of any permit for any act or purpose which would be in violation of any such provision or decision is hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the Commission, the said Levy Court, the said Mayor and Council of Wilmington, any public official or any municipality or political subdivision within the District, or any neighboring property owner or occupier who would be specially damaged by any such violation, may institute injunction, mandamus or any other appropriate action or proceeding to prevent such unlawful construction, reconstruction, erected\*, alteration or use, and any court of competent jurisdiction is hereby granted jurisdiction to issue restraining orders and temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

Every act or omission designated as a misdemeanor in this Chapter shall be punishable before any Justice of the Peace or the Court of Common Pleas for New Castle County, and the offender shall, upon conviction, be subject to a fine not exceeding One Hundred Dollars. Where such act or omission is of a continuing nature or is persisted in, in violation of the provisions of this Chapter or of any regulation enacted or decision made under the powers granted in this Chapter, each and every day during which such act or omission continues or is persisted in shall be deemed a separate misdemeanor.

Section 2. This Act shall take effect on the first day of June, A. D. 1941.

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

Approved May 21, 1941.

\*So enrolled.

## CHAPTER 267

## COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY

## AN ACT TO AMEND CHAPTER 169 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, IN RELATION TO COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY.

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

Section 1. That Section 6 of Chapter 169 of the Revised Code of the State of Delaware, 1935, being Code Section 5812, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof a new section to be known as 5812, Section 6.

5812. Sec. 6. The writs, rules and processes of said Court shall be served and executed by the Sheriff of New Castle County and his deputies, by any constable for New Castle County, and also, in the case of criminal actions, by police officers of the City of Wilmington and officers of the State Police.

Any such constable, sheriff, or deputy sheriff making any arrest, serving any writs, rules, processes or warrants, or otherwise serving said Court, shall receive the same fees as are allowed by law to constables for such services performed on writs issued by Justices of the Peace.

The fees and mileage provided for in this section shall be taxed as part of the costs of each proceeding, and shall be paid by the Clerk of the said Court to such constable, sheriff, or deputy sheriff when said costs are paid; provided, however, that in all criminal actions brought before said Court of Common Pleas such fees and mileage charges, if the costs are not paid by the defendant in such proceedings, shall be paid by the Levy Court of New Castle County upon bills presented therefor, which shall be approved by the Judge of said Court of Common Pleas.

## COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY

Section 2. That Section 9 of Chapter 169 of the Revised Code of Delaware, 1935, being Code Section 5815 of said Code, be and the same is hereby amended by striking out all of said section and substituting in lieu thereof a new section as follows:

5815. Sec. 9. All civil actions in the Court shall be begun by filing a statement of the plaintiff's claim without the issuance of any formal writ. The said statements shall consist of a concise recital of the facts which the plaintiff claims gave rise to his cause of action, divided into paragraphs, consecutively numbered, as is now the practice in bills filed in the Court of Chancery. Only one averment of fact as far as possible shall be included in one paragraph. Where the plaintiff's claim is based upon a written contract or other writing, a copy thereof shall be annexed to the statement of claim or reason given for the failure so to do. This statement may be filed by the plaintiff or his counsel. All statements shall be verified by the affidavit of the plaintiff or some responsible person for him, excepting counsel or said counsel's clerk or secretary, and shall be signed by the plaintiff or his counsel and shall be filed in duplicate.

The Clerk of said Court shall thereupon issue a summons under the seal of the Court requiring the defendant to appear and file an answer to plaintiff's claim within ten (10) days after service of the statement upon him in person or by leaving a copy of said summons and statement at his usual place of abode in the presence of some adult person at least ten (10) days before the day of appearance. In default of filing of an answer within ten (10) days the plaintiff may take judgment against the defendant as of course. In order to prevent judgment as aforesaid, the defendant must file within ten (10) days of the service of the summons and statement, either personally or by copy as aforesaid, an answer which shall consist of a series of numbered paragraphs corresponding to the paragraphs of the plaintiff's statement of his claim and shall contain an admission or denial of every fact averred, provided that if the defendant alleges himself to be ignorant as to the facts averred in any

## COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY

paragraph, he may so state and place the plaintiff upon proof of the same, as if they had been denied. All facts which the defendant does not deny or aver himself to be ignorant of and demand proof as aforesaid shall be deemed to be admitted.

The answer may be filed by the defendant or his counsel. All answers shall be verified by the affidavit of the defendant or some responsible person for him, excepting counsel or said counsel's clerk or secretary, and shall be signed by the defendant or his counsel. If the defendant has filed an answer, the case shall be at issue without any formal pleas unless he sets up new matter in separately numbered paragraphs in addition to those answering plaintiff's averments; in which case, plaintiff may, within five (5) days, reply to the same in the same manner and all new matter so averred and not denied by plaintiff, or of which he does not declare himself to be ignorant and demand proof, shall be deemed to be admitted. The case shall then be at issue. Plaintiff may move for judgment for want of a sufficient answer for all or a portion of the claim, provided, however, that the defendant in any action commenced in the said Court of Common Pleas may remove the same to the Superior Court of the State of Delaware in and for New Castle County, by filing with the Clerk of said Court of Common Pleas a motion for such removal and by depositing with him the amount necessary for the commencement of an action in the said Superior Court, whereupon the said cause with the records thereof shall be removed to said Superior Court, and the said deposit paid over to the Prothonotary of New Castle County, and the cause proceeded with as if begun anew in the said Superior Court; provided further, however, that the motion for such removal must be filed and the deposit made as aforesaid before the expiration of the time for the filing of an answer as hereinbefore provided.

When a case is at issue, it shall be the duty of the Judge of the said Court to arrange the trial thereof as promptly as possible, and notify counsel with as little delay as possible; provided, however, that upon application for an extension of time for

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filing an answer or a reply to new matter, the Court may in its discretion, for good cause shown, extend the time for filing such answer or reply to any matter; whenever the last day for filing a statement of claim, answer, a reply to any matter, for giving an appeal bond, or a bond in foreign attachment cases, shall fall upon the Sabbath Day or upon a legal holiday, such statement of claim, answer, or reply to any matter may be filed and such appeal bond or foreign attachment bond, may be given on the next succeeding secular or business day.

Section 3. That Section 10 of Chapter 169 of the Revised Code of Delaware, 1935, being Code Section 5816, be and the same is hereby amended by adding at the end of the said Section the following additional paragraphs:

Witnesses attending the Court shall receive the sum of Two Dollars (\$2.00) for each day of attendance and three cents (3c) per mile going and returning.

In criminal cases, fees shall be taxed as a part of the costs of such proceedings and shall be paid to the person so entitled thereto when costs are paid; provided, however, that in all criminal cases the County Treasurer shall, upon the production of a Certificate of Attendance certified by the Court, pay the fees for witnesses on behalf of the State and on behalf of a person tried and acquitted in the Court.

Section 4. That Section 13 of Chapter 169 of the Revised Code of Delaware, 1935, being Code Section 5819, be and the same is hereby amended by adding to the end of the said Section the following paragraphs:

He shall before entering upon the duties of said office give bond to the State of Delaware in the sum of Two Thousand Dollars (\$2,000.00) with approved surety to faithfully perform and execute all the duties of his office during his continuance therein, said bond to be approved by the Judge; and should the Clerk so appointed fail to give bond as required within ten (10) days

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from the date of his appointment, the Judge shall make a new appointment. The said bond shall be recorded in the Office for the Recording of Deeds in and for New Castle County and the Recorder of Deeds shall preserve the original thereof in his office.

The Clerk may take bail from the persons arrested when the Court is not in session, subject to revisions by the Court. He shall perform such other duties as shall be assigned to him from time to time by the Judge. In case of sickness or inability of the Clerk to serve, the Judge may appoint a Deputy Clerk to serve in the absence of the Clerk, which said Deputy Clerk shall have the same powers and duties as the Clerk and shall give like bond as provided in the preceding paragraph. Said Deputy Clerk shall receive a salary of Five Dollars (\$5.00) per diem for the period during which he serves, said salary to be paid by the Levy Court of New Castle County.

Approved April 14, 1941.

## CHAPTER 268

## COURT OF COMMON PLEAS FOR KENT COUNTY

AN ACT TO AMEND CHAPTER 170 OF THE REVISED CODE OF DELAWARE, 1935 WITH REFERENCE TO THE COURT OF COMMON PLEAS FOR KENT COUNTY, BY INCREASING THE SALARY OF THE JUDGE OF SAID COURT.

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

Section 1. That Chapter 170 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out of 5824, Section 3 of said Chapter the words "Three Thousand Six Hundred Dollars" where they occur in line four (4) of said 5824, Section 3 and substituting in lieu thereof the words "Four Thousand Dollars".

Approved April 18, 1941.



## CHAPTER 269

## DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED DELAWARE WORKMEN'S COMPENSATION LAW, BY EXTENDING THE PROVISIONS FOR PAYMENTS THEREUNDER.

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

SECTION 1. That 6072 Section 2 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of subsection (c) thereof and substituting in lieu thereof the following:

(c) That injury was caused in any degree by the negligence of such employee.

SECTION 2. That 6073 Section 3 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said section and substituting in lieu thereof a new section to be known as 6073 Section 3 as follows:

6073 Sec. 3. Every employer and employee, adult and minor, except as in this Chapter expressly excluded, shall be deemed to be bound by the provisions of this chapter respectively to pay and to accept compensation for personal injury or death by accident arising out of and in the course of employment, regardless of the question of negligence and to the exclusion of all other rights and remedies.

SECTION 3. That 6074 Section 4 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said section.

SECTION 4. That 6075 Section 5 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said section.

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SECTION 5. That 6076 Section 6 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said section.

SECTION 6. That 6078 Section 8 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of subsection (a) thereof and subsection (b) thereof and substituting in lieu thereof new subsections to be known as subsection (a) and subsection (b), respectively, as follows:

(a) No compensation shall be paid for any injury which does not incapacitate the employee for a period of three (3) days from earning full wages, but if incapacity extends beyond the period of three (3) days compensation shall begin on the fourth day after such incapacity.

(b) During the first thirty (30) days of the injury the employer shall furnish reasonable surgical, medical, and hospital services, medicine, and supplies, as and when needed, unless the employee refuses to allow them to be furnished by the employer. The cost of such services, medicines, and supplies shall not exceed Two Hundred Dollars (\$200.00). If the employer shall, upon application made to him, refuse to furnish reasonable surgical, medical, and hospital services, medicines and supplies, the employee may procure the same and shall receive from the employer the reasonable cost thereof within the above limitations.

SECTION 7. That 6079 Section 9 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said section and substituting in lieu thereof a new section to be known as 6079 Section 9 as follows:

6079 Section 9. If death results from the injury within one year, the employer shall pay the reasonable expenses of the last sickness and burial of an injured employee, not exceeding One Hundred and Seventy-five Dollars (\$175.00), but without

## DELAWARE WORKMEN'S COMPENSATION LAW

deduction of any amount theretofore paid for compensation or for medical expenses.

SECTION 8. That 6080 Section 10 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said section and substituting in lieu thereof a new section to be known as 6080 Section 10 as follows:

6080 Section 10. Total disabilities, compensation for; Schedules for Partial Disabilities; Schedules for; Death; Compensation to Dependents:—The following schedule of compensation is hereby established for injuries resulting in total disability: (a) For the first four hundred and fifty (450) weeks of total disability, sixty per centum (60%) of the wages of the injured employee as defined by this chapter; but the compensation shall not be more than Eighteen Dollars (\$18.00) per week nor less than Eight Dollars (\$8.00) per week; provided that if at the time of injury the employee receives wages of less than Eight Dollars (\$8.00) per week, then he shall receive the full amount of such wages per week as compensation. Nothing in this paragraph (a) shall require the payment of compensation after disability shall cease.

(b) For disability for work partial in character (except the particular cases mentioned in the next succeeding subsection (c) of this section) sixty per centum (60%) of the difference between the wages received by the injured employee before the injury and the earning power of the employee thereafter, but such compensation shall not be more than Eighteen Dollars (\$18.00) per week. This compensation shall be paid during the period of such partial disability for work, not, however, beyond three hundred (300) weeks.

(c) For all permanent injuries of the following classes, the compensation regardless of the earning power of such injured employee after such injury shall be as follows:

For the loss of an arm, sixty per centum (60%) of wages during two hundred and twenty (220) weeks;

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For the loss of a foot, sixty percentum (60%) of wages during one hundred and fifty (150) weeks;

For the loss of a leg, sixty percentum (60%) of wages during two hundred and twenty (220) weeks;

For the loss of an eye, sixty percentum (60%) of wages during one hundred and twenty-five (125) weeks;

For the loss of two or more of such members, not constituting total disability, sixty percentum (60%) of wages during the aggregate of the period specified for each;

For the loss of a thumb, sixty percentum (60%) of wages during sixty (60) weeks;

For the loss of a first finger, commonly called index finger, sixty percentum (60%) of wages during thirty-five (35) weeks;

For the loss of a second finger, sixty percentum (60%) of wages during thirty (30) weeks;

For the loss of a third finger, sixty percentum (60%) of wages during twenty (20) weeks;

For the loss of a fourth finger, commonly called little finger, sixty percentum (60%) of wages during fifteen (15) weeks;

The loss of the first phalange of the thumb or any finger shall be considered to be equal to the loss of one-half of such thumb or finger and compensation shall be for one-half of the period, and compensation for the loss of one-half of the first phalange shall be for one-fourth of the period:

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb, providing, however, that in no case shall the amount received for more than one finger

### DELAWARE WORKMEN'S COMPENSATION LAW

exceed the amount provided in this schedule for the loss of a hand;

The loss of three fingers, or two fingers and a thumb of the same hand shall be considered as the loss of one-half of the hand, and compensation shall be paid for such loss for a period of one hundred (100) weeks;

For the loss of a great toe, sixty per centum (60%) of wages during thirty (30) weeks;

For the loss of one of the toes, other than the great toe, sixty per centum (60%) of wages during ten (10) weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be for one-half of such period;

The loss of more than one phalange shall be considered as the loss of the entire toe;

For the loss of a fractional part of the vision of an eye, the compensation shall be for such percentage of the total number of weeks allowed for the total loss of the use of an eye under this subsection (c) as the loss suffered bears to the total loss of an eye.

In all other cases in this class, or when the usefulness of a member or any physical function is permanently impaired, the compensation shall bear such relation to the number of weeks stated in the above schedule as the disabilities bear to those produced by the injury named in the schedule. Unless the Board shall otherwise determine from the facts, the loss of both hands, or both arms, or both feet, or both legs, or both eyes, or an injury to the spine resulting in permanent and complete paralysis of both legs, or both arms, or one leg and one arm, or an injury to the skull resulting in incurable imbecility or insanity, shall constitute total disability for work, to be compensated according to the provisions of subsection (a) of this section.

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Amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot. Amputation at or above the knee shall be considered as the loss of a leg. Amputation between the palmer surface of the hand and the shoulder shall be considered as the loss of an arm, and compensation shall be paid for such injury for a period of two hundred and twenty (220) weeks. Amputation for fifty percentum (50%) of the palmer surface of the hand shall be considered as the loss of the hand and compensation shall be paid for a period of two hundred (200) weeks. Total loss of the use of a hand, arm, foot, leg, or eye, shall be considered as the equivalent of the loss of such hand, arm, foot, leg, or eye. This compensation shall not be more than Eighteen Dollars (\$18.00) per week, nor less than Eight Dollars (\$8.00) per week; provided that if at the time of injury the employee receives wages of less than Eight Dollars (\$8.00) per week, then he shall receive the full amount of such wages per week as compensation. Compensation for the foregoing permanent-partial injuries shall be paid in addition to the compensation provided for in subsection (a) and subsection (b) of this section.

(d) Should the employee die as a result of the injury, no reduction shall be made for the amount which may have been paid for medical, surgical, and hospital services, and medicines, nor for the expense of last sickness and burial as hereinbefore provided. Should the employee die from some other cause than the injury as herein defined, the liability for compensation, expense of last sickness, and burial of such employee, shall cease.

(e) If an employee, having previously sustained a permanent injury from any cause, whether in line of employment or otherwise, shall sustain any other permanent injury, he shall be entitled to compensation for the subsequent injury in the same amount, and only in the same amount, as though the previous injury had not occurred; provided that if the subsequent injury shall be sustained in the employment of the same employer, and in the course of work of the same classification as the previous injury, then the amount of compensation to which the

## DELAWARE WORKMEN'S COMPENSATION LAW

employee shall be entitled shall be the amount which would be payable if both such injuries were the result of one accident, less the amount equal to the compensation fixed in this chapter for the previous injury.

(f) For the complete loss of hearing of one ear, the employee shall receive compensation at the rate of sixty per centum (60%) of his weekly wages for a period of fifty-two (52) weeks.

For the complete loss of hearing in both ears, the employee shall receive sixty per centum (60%) of his weekly wages for a period of one hundred and four (104) weeks.

SECTION 9. That 6081 Section 11 of Chapter 175 of the Revised Code of Delaware, 1935, be amended by striking out and repealing the entire section and substituting a new section to be known as 6081 Section 11 as follows:

6081 Section 11. Death, Compensation For; Schedules; To Whom Paid; Terms Construed; Effect of Re-Marriage or Death; Basis of Compensation:—In case of death, compensation shall be computed on the following basis and distributed to the following persons:

1. To the child or children, if there be no widow nor widower entitled to compensation, twenty-five per centum (25%) of wages of deceased, with ten per centum (10%) additional for each child in excess of two, with a maximum of sixty-five per centum (65%) to be paid to their guardian;

2. To the widow or widower, if there be no children, twenty-five per centum (25%) of wages, provided that the minimum amount payable shall not be less than Seven Dollars (\$7.00) per week;

3. To the widow or widower, if there be one child, fifty per centum (50%) of wages;

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4. To the widow or widower, if there be two children, fifty-five percentum (55%) of the wages;

5. To the widow or widower, if there be three (3) children, sixty percentum (60%) of wages;

6. To the widow or widower, if there be four or more children, sixty-five percentum (65%) of wages;

7. Such compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children and the Board may from time to time apportion such compensation between them in such way as it deems best. The Board, in its discretion, may require payments to be made direct to a minor who has been injured and may also require payments to be made to the person caring for any dependent minor, when, in the opinion of the Board, the expense of securing the appointment of a guardian would be disproportionate to the amount of compensation payable to such minor.

8. If there be neither widow, widower, nor children, then to the father and mother, or the survivor of them, if dependent to any extent upon the employee for support at the time of his death, twenty percentum (20%) of the wages.

9. If there be neither widow, widower, children, nor dependent parent, then to the brothers and sisters, if actually dependent to any extent upon the decedent for support at the time of his death, fifteen percentum (15%) of wages for one brother or sister, and five percentum (5%) additional for each additional brother or sister, with a maximum of twenty-five percentum (25%); such compensation to be paid to their guardian.

Compensation shall be payable under this section to or on account of any child, brother, or sister, only if and while such child, brother, or sister is under the age of sixteen (16) years. No compensation shall be payable under this section to a widow,



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unless she was living with her deceased husband at the time of his death or was then actually dependent upon him for support, but in such case, compensation shall be distributed to the persons who would be dependents in case there were no widow. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support.

The terms "child" and "children" shall include step-children and adopted children and children to whom the deceased stood in loco parentis, if members of the decedent's household at the time of his death, and shall include posthumous children, but shall not include married children. Should any dependent of a deceased employee die, or should the widow or widower remarry, or should the widower become capable of self-support, the right of such dependent or such widow or widower to compensation under this section shall cease.

If the compensation payable under this section to or on account of any person shall for any cause cease, the compensation of the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased. The wage upon which death compensation shall be based shall not in any case be taken to exceed Thirty Dollars (\$30.00) per week nor to be less than Ten Dollars (\$10.00) per week, provided, however, that the minimum amount payable to a widow or widower, entitled to compensation shall not be less than Seven Dollars (\$7.00) per week. Subject to the provision of subsection (d) of the last preceding section, this compensation shall be paid during three hundred and twelve (312) weeks and in case of children entitled to compensation under this section, the compensation of each child shall continue after such period of three hundred and twelve (312) weeks until such child reaches the age of sixteen (16) years, at the rate of fifteen percentum (15%) of wages if there be but one child, with ten percentum (10%) additional for each additional child, with a maximum of sixty-five percentum (65%).

## DELAWARE WORKMEN'S COMPENSATION LAW

Children are not entitled to compensation during the period that compensation is payable to their mother or father, except as herein provided.

SECTION 10. That 6114 Section 44 of Chapter 175 of the Revised Code of Delaware, 1935, as amended by Chapter 241 of Volume 41 Laws of Delaware, be further amended by adding and inserting to the schedule of compensable occupational diseases the following occupational diseases: Dermatitis, silicosis, poison ivy and oak poison.

SECTION 11. That 6118 Section 48 of Chapter 175 of the Revised Code of Delaware, 1935, as amended by Chapter 243, Volume 41 Laws of Delaware, and as amended by Chapter 244, of Volume 41 Laws of Delaware be amended and repealed by striking out all of said Section 48 and substituting in lieu thereof a new section to be known as 6118 Section 48 as follows:

6118. Sec. 48. Chapter Not Applicable, When; Exceptions; Election of State of Delaware, Levy Court Etc. By Whom Exercised:—This Chapter shall not apply to the employer and employee in any employment in which less than three employees are engaged; nor to farm laborers and domestic servants, nor to their respective employers, nor to officers and servants of the State of Delaware, nor to any governmental agency created by it, excepting officers and servants of the State of Delaware, officers and servants of the County of New Castle, officers and servants of the Mayor and Council of Wilmington, officers and employees of the City of Dover, officers and employees of the Mayor and Council of New Castle, officers and employees of the City of Milford, a municipal corporation of the State of Delaware, and excepting officers and employees of the Mayor and Council of Middletown, a municipal corporation of the State of Delaware, and excepting officers and employees of the Board of Public Works of Lewes who shall have been either elected for a term of office of fixed and definite duration or to complete the unexpired portion of any such term; provided, however, that the Mayor and Council of Wilmington shall at all times apply to the Board for a certificate of self-insurance.

## DELAWARE WORKMEN'S COMPENSATION LAW

The election of the State of Delaware to be bound by the compensatory provisions of the chapter shall be made by and be under the control of the Governor. The election by the County of New Castle shall be made by and be under the control of the Levy Court of New Castle County; the election of the Mayor and Council of Wilmington shall be made by and be under the control of the Mayor and Council; the election of the said City of Dover shall be made by and be under the control of the said Council; the election of the Mayor and Council of New Castle shall be made by and be under the control of the Council of said municipal corporation; the election by the City of Milford shall be by and be under the control of the City Council of the said municipal corporation; and the election by the Mayor and Council of Middletown shall be by and under the control of the said Mayor and Council of Middletown and the said election by the Commissioners of Lewes shall be by and be under the control of the Board of Public Works of Lewes.

In any and all cases where any employer of less than three (3) employees carries insurance to insure the payment of compensation to such employees, or any of them, or their or either of their dependents, then in any and all such cases such employer, employers, employee, and employees shall come under the provisions of Chapter 175 of the Revised Code of Delaware, 1935, and all of the provisions thereof shall apply with the same force and effect as in cases where three (3) or more employees are engaged, as provided in the aforesaid Chapter.

Approved May 26, 1941, 12 o'clock noon.

## CHAPTER 270

## DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, WITH RESPECT TO DELAWARE WORKMEN'S COMPENSATION LAW BY CHANGING THE TERMS OF OFFICE OF THE MEMBERS APPOINTED TO THE INDUSTRIAL ACCIDENT BOARD.

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

Section 1. That 6093. Sec. 23. of Chapter 175, Revised Code of Delaware, 1935, be amended by repealing the Second Paragraph of said Code Section, No. 6093. Sec. 23. and substituting in lieu thereof the following:

Each person appointed under the provisions of this section shall hold office until his successor is appointed and qualified. Each member, before entering upon the duties of his office, shall take the Constitutional oath required of State officers. Said Board shall provide itself with a seal for authentication of its orders, awards and proceedings, upon which shall be inscribed the words — "Industrial Accident Board — Delaware — Seal."

Approved May 3, 1941.

## CHAPTER 271

## DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE DELAWARE WORKMENS COMPENSATION LAW OF 1917, AS AMENDED, BY PROVIDING FOR THE APPLICATION THEREOF TO OFFICERS AND EMPLOYEES OF "THE TOWN OF CLAYTON".

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

SECTION 1—That 6118, Section 48, of Chapter 175, Revised Code of Delaware, 1935, as amended, be amended by adding at the end of the first paragraph thereof the following words, to-wit:—

"and excepting officers and employees of THE TOWN OF CLAYTON, a municipal corporation of the State of Delaware, who shall have been neither elected for a term of office for a fixed and definite duration or to complete the unexpired portion of such term".

SECTION 2—That 6118, Section 48, of Chapter 175, Revised Code of Delaware, 1935, be further amended by adding at the end of the second paragraph thereof the following words, to-wit:—

"and the said election by THE TOWN OF CLAYTON shall be by and under the control of the Town Council of said municipal corporation".

Approved April 9, 1941.

## CHAPTER 272

## 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 OF 1917, AS AMENDED, BY PROVIDING FOR THE APPLICATION THEREOF TO OFFICERS AND EMPLOYEES OF "THE TOWN OF SMYRNA."

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

SECTION 1.—That 6118, Section 48, of Chapter 175, Revised Code of Delaware, 1935, as amended, be amended by adding at the end of the first paragraph thereof the following words, to-wit:—

"and excepting officers and employees of "THE TOWN OF SMYRNA," a municipal corporation of the State of Delaware, who shall have been neither elected for a term of office for a fixed and definite duration or to complete the unexpired portion of such term."

SECTION 2.—That 6118, Section 48, of Chapter 175 Revised Code of Delaware, 1935, be further amended by adding at the end of the second paragraph thereof the following words, to-wit:—

"and the said election by THE TOWN OF SMYRNA shall be by and under the control of the Mayor and Town Council of the said municipal corporation."

Approved April 18, 1941.

## CHAPTER 273

## DELAWARE WORKMEN'S COMPENSATION LAW

AN ACT TO AMEND CHAPTER 175, REVISED CODE OF DELAWARE, 1935, RELATING TO DELAWARE WORKMEN'S COMPENSATION LAW, BY MAKING THE SAME APPLICABLE TO THE OFFICERS AND EMPLOYEES OF THE COMMISSIONERS OF LEWES, A MUNICIPAL CORPORATION OF THE STATE OF DELAWARE.

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

Section 1. That Section 48, Chapter 175 of the Revised Code of Delaware, 1935, be and the same is hereby amended by changing the "period" at the end of the first paragraph of said Section to a "semi-colon" and adding thereafter the following words, to-wit: "and excepting officers and employees of the Commissioners of Lewes, a municipal corporation of the State of Delaware."

Section 2. That said Section 48, Chapter 175 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by changing the "period" at the end of the second paragraph of said section to a "semi-colon", and by adding thereafter the following words, to-wit: "and the election by the Commissioners of Lewes shall be made by and be under the control of the Commissioners of Lewes."

Approved March 14, 1941.

## CHAPTER 274

## ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO TARIFF OF LICENSES, FOR THE SALE OF ALCOHOLIC LIQUOR, WINES AND BEER.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out Paragraph 6 of 6145 Section 16 thereof and inserting in lieu thereof the following:

6145. Section 16. (6) No "person" may purchase and receive from the Commission, or from any "manufacturer" or importer, any "alcoholic liquor" without paying to the Commission a tax on such "alcoholic liquor" purchased and at the following rates:

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

For each "gallon" of "wine", excepting sacramental wines . . . Twenty-five cents (\$0.25)

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

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

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



## ALCOHOLIC LIQUORS, WINES AND BEER

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

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

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

Approved May 8, 1941.

## CHAPTER 275

## ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO "ALCOHOLIC LIQUOR, WINES AND BEER", IN REFERENCE TO APPLICATIONS FOR 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 adding immediately after sub-paragraph (2) of 6147. Sec. 18, a new and additional sub-paragraph to be styled (2A), as follows:

(2A) The application must be accompanied by certificates of the publishers of two newspapers (if so many there be) published in the county in which the license is to operate, from which certificates it shall appear that the applicant has caused to be published in said newspaper at least three times within the period of two weeks immediately preceding the filing of said application with the Commission, a notice setting forth the intention of the applicant to make such application, the nature of the license to be applied for, and the premises to which said license is to apply. The provisions of this sub-paragraph 2A shall not apply to applications for licenses to sell "alcoholic liquor" at "gatherings of persons".

Section 2. That Chapter 176 of the revised Code of Delaware, 1935, as amended by Chapter 188, Volume 42, Laws of Delaware, be and the same is hereby further amended, by striking out and repealing all of 6150. Sec. 21. thereof, 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

## ALCOHOLIC LIQUORS, WINES AND BEER

so notify the applicant, stating the cause for refusal, and returning the amount paid by the applicant.

If the Commission has determined to grant an application, but before the issuance of the license applied for and within ten days of the filing of said application, a protest against the issuance of said license, signed by at least ten residents of the neighborhood where the license is to operate, has been filed with the Commission, then a hearing shall be held to consider said application and protest, of which hearing ten days' notice, together with a recital of the protest, shall be sent by registered mail to the address of the applicant, and a notice of the time of the hearing shall be sent to each of the persons who signed the protest; such hearings shall be conducted by the Commission and a record of such hearing shall be made and kept by the Commission. The said record shall include the evidence, the Commission's findings of fact and the Commission's decision, together with a brief statement of the reasons therefor. It shall show the manner in which the Commission construed the law and applied it to the facts. The Commission's decision shall be final and conclusive unless within ten days after notice thereof the parties to such hearing shall appeal to the Court of General Sessions of the county in which the license would operate. In every such appeal the cause shall be decided by the Court from the record, without the aid of a jury; and the Court may affirm, reverse or modify the Commission's decision. The Commission's findings of fact shall not be set aside unless the Court shall determine that the record contains no substantial evidence that would reasonably support the said findings. If the Court finds that additional evidence should be taken, the Court may, in its discretion, take the additional evidence or remand the cause to the Commission for completion of the record. If the Court finds that the Commission has made an error of law, the Court shall reverse or modify the Commission's decision and render an appropriate judgment.

Approved April 1, 1941.

## CHAPTER 276

## ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO RETALIATORY TAXATION AND REGULATION WITH REGARD TO THE 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 6159 Sec. 30 of Chapter 176 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding to the end of (20) a new section to be known as 6159 Sec. 30 (21) as follows:

6159 Sec. 30 (21) When by the laws of any other state, any other or greater taxes, licenses, fees, or other obligations are imposed on alcoholic beverages manufactured in the State of Delaware and being sold and dispensed in such other state, or on the manufacturers of alcoholic beverages located in the State of Delaware doing business in such State or upon their agents therein, than the law of the State of Delaware imposes on alcoholic beverages imported from such other State being sold and dispensed in this State or on the manufacturer of such alcoholic beverages or their agents doing business in this State, so long as such laws continue in force in such other state, the same taxes, licenses, fees, or other obligations of whatever kind shall be imposed upon all such alcoholic beverages and the manufacturers of such alcoholic beverages of such other state doing business within this State and upon them for their agents here, provided nothing herein shall be held to repeal any duty, condition or requirement now imposed by law upon such manufacturers of alcoholic beverages of other states transacting business in this State.

Approved May 21, 1941.

CHAPTER 277

ALCOHOLIC LIQUORS, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, IN RELATION TO ALCOHOLIC LIQUORS, WINES AND BEER BY EXTENDING THE TIME DURING WHICH A HOLDER OF A LICENSE FOR THE SALE OF "SPIRITS OR WINES" IN A STORE, MAY SELL OR DELIVER THE SAME.

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

Section 1. That Chapter 176 of the Revised Code of the State of Delaware, 1935, be and the same is hereby amended by striking out sub-paragraph (3) of 6162 Sec. 33, and by inserting in lieu thereof a new sub-paragraph (3) of 6162 Sec. 33, as follows:

(3) It is forbidden for any holder of a license for the sale of "spirits or wines" in a store to sell or to deliver the same on any holiday as hereinafter named, or to sell or deliver beer on Sunday or on Christmas day, or in any territory where an election is held during the hours of the day upon which the polling at such election takes place, or between the hours of twelve o'clock midnight and nine o'clock in the morning of any other day.

Approved March 4, 1941.

## CHAPTER 278

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

AN ACT TO AMEND CHAPTER 258, VOLUME 41, OF THE LAWS OF DELAWARE, 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 MONIES FOR THE PAYMENTS OF COMPENSATION TO CERTAIN UNEMPLOYED PERSONS, PROVIDING PROCEDURE AND ADMINISTRATIVE DETAILS FOR THE DETERMINATION, PAYMENT AND COLLECTION OF SUCH CONTRIBUTIONS, AND THE PAYMENT OF SUCH COMPENSATION PROVIDING FOR COOPERATION WITH THE FEDERAL GOVERNMENT AND ITS AGENCIES, CREATING CERTAIN SPECIAL FUNDS IN THE CUSTODY OF THE STATE TREASURER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT", BY DEFINING THE TERMS "AGRICULTURAL LABOR", AS USED THEREIN, AND "FARM".

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

That Section 2, subsection (i) (6) (1), of the Act be and the same is hereby amended by striking out said Section 2, subsection (i) (6) (1), of said Chapter, and inserting, in lieu thereof, a new section to be known as Section 2, subsection (i) (6) (1), in the following words:

(6) The term employment shall not include:

(1) Agricultural labor; which, for the purposes of this Act, shall include all services performed—

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

(a) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(b) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and and\* its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(c) In connection with the production or harvesting of maple sirup or maple sugar, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(d) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(e) As used in the foregoing subsection, the term "farm"

\*So enrolled.

# UNEMPLOYMENT COMPENSATION COMMISSION LAW

includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Approved May 9, 1941.



CHAPTER 279

UNEMPLOYMENT COMPENSATION COMMISSION LAW

AN ACT TO AMEND AN ACT KNOWN AS THE UNEMPLOYMENT COMMISSION LAW, BEING CHAPTER 258, VOLUME 41, LAWS OF DELAWARE, 1937, AS AMENDED, BY EXCLUDING CERTAIN SERVICES FROM THE MEANING OF THE TERM EMPLOYMENT.

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

That Subsection 6 of Section i, Section 2, Paragraph 2 of Chapter 258, Volume 41, Laws of Delaware, 1937, as amended, be further amended by adding thereto a new Subsection to be known as Subsection 10 of Subsection 6 of Subsection i of Section 2:

10. Service performed by an individual for an employer as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employer is performed for remuneration solely by way of commissions.

Approved February 5, 1941.

## CHAPTER 280

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

AN ACT TO AMEND AN ACT KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW," BEING CHAPTER 258 OF THE LAWS OF DELAWARE, 1937, AS AMENDED, BY CHANGING THE DEFINITION OF EMPLOYMENT, PROVIDING FOR BENEFITS AFTER TERMINATION OF MILITARY SERVICE, CHANGING THE CONDITIONS OF ELIGIBILITY FOR BENEFITS, CHANGING THE PERIODS OF DISQUALIFICATION FOR CERTAIN CAUSES, PROVIDING FOR PAYMENT OF BENEFITS TO INDIVIDUALS RECEIVING FEDERAL OLD AGE INSURANCE BENEFITS UNDER CERTAIN CONDITIONS, PROVIDING AN ADDITIONAL PENALTY FOR FALSE STATEMENTS BY A CLAIMANT, REVISING THE ASSESSMENT OF BENEFIT WAGES UNDER CERTAIN CONDITIONS, PROVIDING A METHOD OF RECOVERY AND RECOUPMENT OF BENEFITS WHEN PAID TO AN INDIVIDUAL NOT THERETO ENTITLED, MAKING CERTAIN CHANGES IN THE PROVISIONS RELATIVE TO BASING FUTURE RATES ON BENEFIT EXPERIENCE, PROVIDING A PENALTY OF FIVE DOLLARS FOR EMPLOYING UNITS WHO DO NOT FILE REPORTS FIVE DAYS AFTER THEY BECOME DUE, PERMITTING THE COMMISSION TO DELEGATE TO THE EXECUTIVE DIRECTOR THE POWER TO MAKE PRELIMINARY DETERMINATIONS ON ALL QUESTIONS RELATING TO THE LIABILITY OF EMPLOYING UNITS FOR CONTRIBUTIONS, ELIMINATING A SPECIAL "EMPLOYMENT SERVICE ACCOUNT" IN THE UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND, GIVING A NEW PROCEDURE FOR THE HANDLING OF THE SAID UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND AND STATING AS A POLICY OF THIS STATE THAT MONEYS IMPROPERLY SPENT FROM SUCH FUND WILL BE REPLACED BY SPECIFIC APPROPRIATION FROM THE GENERAL FUNDS OF THIS STATE, RESTATING COMPLETELY THE PROVISIONS RELATIVE TO "COLLECTION OF CONTRIBUTIONS," RESTATING THE PROVISIONS VOIDING A WAIVER OF RIGHTS AND THE PENALTIES WITH RESPECT

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THERETO, CHANGING THE BASIC JURISDICTION IN PROSECUTION OF CASES RELATING TO FRAUDULENT CLAIMS FOR BENEFITS, AND BY RESTATING AND ENLARGING THE COMMISSION'S POWER TO ENTER INTO RECIPROCAL ARRANGEMENTS WITH OTHER STATES TO PROTECT THE BENEFIT RIGHTS OF WORKERS WHO WORK IN MORE THAN ONE STATE.

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

Section 1. That Section 2(i) (3) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 2(i) (3) and inserting in lieu thereof the following:

Sec. 2(i) (3). Services covered by an arrangement pursuant to section 18 of this Act between the Commission and the agency charged with the administration of any other State or Federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this State, shall be deemed to be employment if the Commission has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

Section 2. That Section 2(i) (6) of Chapter 258 of the Laws of Delaware, 1937, as amended, (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 (i) (6) (11), reading as follows:

Sec. 2(i) (6) (11). Service covered by an arrangement between the Commission and the agency charged with the administration of any other State or Federal unemployment compensation law pursuant to which all services performed by an

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's State.

Section 3. That Section 3 of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by adding thereto the following new and additional paragraph or subsection:

Sec. 3(f). Benefits after Termination of Military Service.

(1) Notwithstanding any inconsistent provisions of this Act the benefit rights of trainee shall be determined in accordance with the following provisions of this subsection for the periods and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this Act shall continue to be applicable in connection with such benefits.

(2) The term "military service" as used in this subsection means active service in the land or naval forces of the United States, but the service of an individual in any reserve component of the land or naval forces of the United States who is ordered to active duty in any such force for a period of thirty days or less shall not be deemed to be active service in such force during such period.

(3) The term "trainee" as used in this subsection means an individual who entered military service after April 1, 1940, who continued such service for not less than ninety consecutive days and whose military service was terminated on or before April 1, 1943.

(4) With respect to any trainee, the first benefit year following the termination of his military service shall be the one year period beginning on the day next following the date of such termination.

(5) (A) With respect to a benefit year as defined in paragraph (4) of this subsection, the base period of a trainee with

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respect to whom a benefit year had been current upon the date of his entry into military service shall be the base period applicable to such benefit year plus all completed and uncompleted calendar quarters occurring subsequent to the last day of such base period but prior to the date of his entry into military service, and the base period of a trainee with respect to whom no benefit year was current upon the date of his entry into military service shall be the four completed calendar quarters immediately preceding the date of his entry into such service and the uncompleted calendar quarter, if any, subsequent to the last day of such four completed calendar quarters but prior to the date of his entry into such service.

(5) (B) With respect to the first benefit year as defined in section 2(c), which commences subsequent to the date of termination of a trainee's period of military service but within the five completed calendar quarters next succeeding such date of termination, the base period shall be all completed and uncompleted calendar quarters occurring subsequent to such date of termination and prior to the first day of such next following benefit year, exclusive however of the completed calendar quarter and the uncomputed calendar quarter (if any) immediately preceding the first day of such next following benefit year; but if the base period with respect to any such next following benefit year as defined in section 2 (c) includes less than four calendar quarters (and for the purposes of this exception and uncompleted calendar quarter shall be deemed to be a completed calendar quarter) (i) the maximum total amount of benefits otherwise payable with respect to such next following benefit year shall be increased by the difference if any between the maximum total amount of benefits payable with respect to the trainee's benefit year as defined in paragraph 4 of this subsection and the total amount of benefits actually paid with respect to the same benefit year provided that the total amount of benefits so payable with respect to such next following benefit year shall not exceed the highest amount of benefits payable to any individual during any benefit year under Section 3 (e) of this act, and (ii) the qualifying wage re-

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quirement for such next following benefit year shall be an amount having the same relation to the amount provided in section 4(e) as the number of calendar quarters in such base period bears to four.

(6) The provisions of section 4(d) of this Act with respect to waiting period shall not be applicable to a benefit year as defined in paragraph (4) of this subsection.

(7) An otherwise eligible trainee shall be entitled during a benefit year as defined in paragraph (4) of this subsection to a total amount of benefits equal to whichever is the lesser of (i) that fraction of his base period wages that would be controlling under Section 3(e) of this act and (ii) the product obtained by multiplying his weekly benefit amount by 4 times the number of completed and uncompleted calendar quarters included within the base period applicable to such benefit year, except that such total amount of benefits shall be reduced by the total amount of benefits, if any, paid to him with respect to weeks of unemployment beginning within the benefit year, if any, current as of the date of his entry into military service.

(8) If under an Act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a trainee shall be disqualified for benefits with respect to any week beginning within a benefit year as defined in paragraph (4) of this subsection until he has exhausted all his rights to such payments from the United States.

Section 4. That Section 4(d) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out the words "two weeks" in the first sentence thereof and substituting in lieu thereof the words "one week";

and

By striking out the second sentence thereof, which states "Such weeks of employment need not be consecutive."

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Section 5. That Section 4(d) (1) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 4(d) (1) and inserting in lieu thereof the following:

Sec. 4(d) (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.

Section 6. That Section 5(a) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 5(a) and inserting in lieu thereof the following:

Sec. 5(a) For the week in which he has left his most recent work voluntarily without good cause and for not less than two or more than seven weeks of continuous unemployment which immediately follow such weeks, as determined according to the circumstances in each case. Benefit wages related to wage credits earned in such employment shall not be considered in determining the future contribution rate of any individual employer under Section 7(c) of this act.

Section 7. That section 5(b) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 5(b) and inserting in lieu thereof the following:

Sec. 5(b) For the week in which he has been discharged for misconduct connected with his most recent work and for not less than two or more than seven weeks which immediately follow such week as determined according to the circumstances in each case. Benefit wages related to wage credits earned in such

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

employment shall not be considered in determining the future contribution rate of any individual employer under Section 7(c) of this act.

Section 8. That section 5(e) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 5(e) (2) and inserting in lieu thereof the following:

Section 5(e) (2) For any week with respect to which he is receiving or has received remuneration in the form of a primary insurance benefit under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress. If the amount of such payment for any week is less than the weekly benefit that would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

Section 9. That Section 5 of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by adding thereto the following new and additional paragraph or subsection:

Sec. 5(f) Any individual who has made a false statement to the Commission for the purpose of obtaining benefits to which he was not lawfully entitled shall be disqualified for benefits for a period of one year from the date on which the said false statement was made. Provided, however, that this disqualification shall not apply to cases in which it shall appear to the satisfaction of the Commission that the said false statement was made by reason of a mistake or misunderstanding of law or of fact and without fraudulent intent.

Section 10. That Section 6(b) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby



## UNEMPLOYMENT COMPENSATION COMMISSION LAW

amended by striking out the last sentence thereof and substituting in lieu thereof the following:

Sec. 6(b) If an appeal is duly filed, benefits with respect to the period prior to the final decision of the Commission shall be paid only after such decision: Provided, that if an appeal tribunal affirms a decision of a deputy, or the Commission affirms a decision of an appeals tribunal, allow benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, any assessment of benefit wages that may have been made with respect to such award shall be cancelled.

Section 11. That Section 6 of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by adding thereto the following new and additional paragraph or subsection:

Sect. 6(j) Recovery and Recoupment. Any person, who by reason of his fraud, has received any sum as benefits under this Act to which he was not entitled shall, in the discretion of the Commission, be liable to repay such sum to the Commission for the unemployment compensation fund or to have such sum deducted from any future benefits payable to him under this Act. Any person who, other than by reason of his fraud, has received any sum as benefits under this Act, to which he was not entitled, shall be liable to repay such sum and shall, in the discretion of the Commission, be liable to have such sum deducted from any future benefits payable to him. In any case in which recoupment from future benefits is permissible under this subsection, the Commission, before resorting thereto, shall issue an order for recoupment stating the grounds thereof, such order shall be subject to the provisions of this section with respect to notice to claimant and appeal by him the same manner and to the same extent as an original determination upon a claim for benefits. In any case in which under this subsection a claimant is liable to repay to the Commission any sum for the

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

unemployment compensation fund, such sum shall be collectible without interest in the name of the Commission.

Section 12. That Section 7(c) (1) of Chapter 258 of the Laws of Delaware, 1937, as amended (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) (1) and inserting in lieu thereof the following:

Sec. 7(c) (1) (A) The Standard rate of contributions payable by each employer shall be 2.7 per centum.

(B) No employer's rate shall be reduced below the standard rate for any calendar year unless and until his account could have been chargeable with benefit wages throughout the thirty-six consecutive calendar months ending on December 31 of the preceding calendar year.

Section 13. That Section 7(c) (2) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out the first paragraph thereof and inserting in lieu thereof a new first paragraph reading as follows:

Sec. 7(c) (2) For the year 1942 and each calendar year thereafter, each employer's rate for any calendar year shall be determined on the basis of his record as of December 31 of the preceding calendar year. Variations from the standard rate of contributions shall be determined in accordance with the following requirements:

Section 14. That Section 7(c) (2) of Chapter 258 of the Laws of Delaware, 1937, as amended (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 7(c) (2) (f), reading as follows:

Sec. 7(c) (2) (F) No employer's rate for the period of twelve months commencing January first of any calendar year

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

shall be less than two and seven-tenths per centum (2 7/10%) unless all contributions due on wages paid for employment for such employer during pay periods ending prior to October 1 of the preceding year have been paid by December 31 of such preceding year.

Section 15. That Section 7(c) of Chapter 258 of the Laws of Delaware, 1937, as amended, (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 7(c) (4), reading as follows:

Sec. 7(c) (4) The Commission (i) shall promptly notify each employer of his rate of contributions as determined for any calendar year pursuant to this section. Such determination shall become conclusive and binding upon the employer unless, within 15 days after the mailing of notice thereof to his last known address or in the absence of mailing, within 15 days after the delivery of such notice, the employer files an application for review and redetermination, setting forth his reasons therefor. If the commission grants such review, the employer shall be promptly notified thereof and shall be granted an opportunity for a fair hearing, but no employer shall have standing, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability to his account of any benefits paid in accordance with a determination, redetermination or decision pursuant to section 6 of this Act except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for him and only in the event that he was not a party to such determination, redetermination or decision or to any other proceedings under this Act in which the character of such services was determined. The employer shall be promptly notified of the Commission's denial of his application, or of the Commission's redetermination, both of which shall become final unless within 15 days after the mailing of notice thereof to his last known address or in the absence of mailing, within 15 days after the delivery of such notice, a peti-

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

tion for judicial review is filed in the Superior Court of the County in which the employer's place of business is located. In any proceeding under this subsection the findings of the Commission as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. No additional evidence shall be received by the court but the court may order additional evidence to be taken before the Commission and the Commission may, after hearing such additional evidence, modify its determination, and file such modified determination, together with a transcript of the additional record, with the court. Such proceedings shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under Section 6 of this Act and the Workmen's Compensation Law of this State. An appeal may be taken from the decision of the Superior Court to the Supreme Court of the State of Delaware in the same manner, but not inconsistent with the provisions of this Act, as is provided in civil cases; (ii) may provide by regulation for periodic notification to employers of benefits paid and chargeable to their accounts or of the status of such accounts, and any such notification, in the absence of an application for redetermination filed in such manner and within such period as the Commission may prescribe, shall become conclusive and binding upon the employer for all purposes. Such redeterminations, made after notice and opportunity for hearing, and the Commission's findings of fact in connection therewith, may be introduced in any subsequent administrative or judicial proceedings involving the determination of the rate of contributions of any employer for any calendar year and shall be entitled to the same finality as is provided in this subsection with respect to the findings of fact made by the Commission in proceedings to redetermine the contribution rate of an employer.

Section 16. That Section 11(g) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by adding thereto the following new and additional paragraph:

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If any employing unit required to file with the Commission any report, with respect to persons in its employ, shall neglect or refuse to do so within five days after the time when such reports should have been filed, the said employing unit shall be subject to a specific penalty of Five Dollars, which shall be in addition to any other penalties provided for in this Act.

Section 17. That Section 11 of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by adding thereto the following new and additional paragraph or subsection:

Sec. 11 (1) (1) The Commission may delegate to the Executive Director the power to make preliminary determinations on all questions relating to the liability of employing units for the contributions mentioned in this Act, but such administrative rulings shall be subject to review by the Commission if the employing unit affected thereby shall appeal to the Commission. Such appeals shall be taken in the manner and within the time prescribed by the Commission. The person taking the appeal shall be designated as the complainant. The Commission shall hear such appeals within a reasonable time.

(2) Formal hearings shall be conducted according to the rules prescribed by the Commission, and a record of such hearings shall be made and kept by the Commission. The said record shall include the evidence, the Commission's findings of fact, and the Commission's decision together with a brief statement of the reasons therefor. It shall show the manner in which the Commission construed the law and applied it to the facts.

(3) The Commission's decision shall be final and conclusive as to the liability of the said employing unit unless, within ten days after notice thereof, the complainant shall appeal to the Superior Court for the county in which the complainant resides. In every such appeal the cause shall be decided by the Court from the record, without the aid of a jury; and the Court

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may affirm, reverse, or modify the Commission's decision. The Commission's findings of fact shall not be set aside unless the Court shall determine that the record contains no substantial evidence that would reasonably support the said findings.

(4) If the Court finds that additional evidence should be taken, the Court shall remand the case to the Commission for completion of the record.

(5) If the Court finds that the Commission has made an error of law, the Court shall reverse or modify the Commission's decision and render an appropriate judgment.

(6) The Superior Courts for the several counties of the State of Delaware are hereby vested with jurisdiction to hear and determine all appeals taken pursuant to this Act; and by appropriate rules to prescribe the procedure in such appeals. Until such rules shall have been prescribed, the rules of Court governing appeals from the Industrial Accident Board shall be applicable.

(7) The decision of the Court shall be in writing, and the Prothonotary shall file a certified copy thereof with the Commission.

(8) Costs may be awarded by the Court in its discretion; and when so awarded the same amount of costs shall be allowed, taxed and collected, as are allowed, taxed and collected, for like services in the said Court.

Section 18. That Section 12(b) of Chapter 13 of the Laws of Delaware, 1937, as amended, (known and cited as the Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 12(b) and inserting in lieu thereof a new Section 12(b) reading as follows:

Sec. 12(b) FINANCING: All moneys received by this State under the said Act of Congress entitled "An Act to pro-

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vide 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. 49c), as amended, shall be paid into 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 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 subdivision of this State or with any private non-profit organization, and as a part of any such agreement, the commission may accept moneys, services or quarters as a contribution to the unemployment compensation administration fund.

Section 19. That Section 13 of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said section, except the caption "UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND," and inserting in lieu thereof a new section 13, as follows:

Sec. 13(a) SPECIAL FUND. There is hereby created in the State treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited or paid into this fund shall be continuously available to the commission for expenditure in accordance with the provisions of this Act, and shall not lapse at any time or be transferred to any other fund. All moneys in this fund which are received from the Federal government or any agency thereof or which are appropriated by this State for the purposes de-

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scribed in section 12 of this Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this Act. The fund shall consist of all moneys appropriated by this State, all moneys received from the United States of America, or any agency thereof, including the Social Security Board, and all moneys received from any other source for such purpose, and shall also include any moneys received from any agency of the United States or any other State as compensation for services or facilities supplied to such agency, any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the employment security administration fund or by reason of damage to equipment or supplies purchased from moneys in such fund, and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this Act. 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, except that moneys in this fund shall not be commingled with other State funds, but shall be maintained in a separate account on the books of a depository bank. The State treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the unemployment compensation administration fund provided for under this Act. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the unemployment compensation administration fund shall be deposited in said fund.

(b) **REIMBURSEMENT OF FUND.** If any moneys received after June 30, 1941, from the Social Security Board under title III of the Social Security Act, or any unencumbered balances in the Unemployment Compensation Administration Fund as of that date, or any moneys granted after that date to



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this State pursuant to the provisions of the Wagner-Peyser Act, or any moneys made available by this State or its political subdivisions and matched by such moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act, are found by the Social Security Board, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by the Social Security Board for the proper administration of this Act, it is the policy of this State that such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this State to the Unemployment Compensation Administration Fund for expenditure as provided in subsection (a) of this section. Upon receipt of notice of such a finding by the Social Security Board, the Commission shall promptly report the amount required for such replacement to the Governor and the Governor shall at the earliest opportunity, submit to the Legislature a request for the appropriation of such amount. This subsection shall not be construed to relieve this State of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of title III of the Social Security Act.

Section 20. That Section 14 of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said section, except the caption "COLLECTION OF CONTRIBUTIONS", and inserting in lieu thereof a new section 14 as follows:

Sec. 14(a) INTEREST ON PAST-DUE CONTRIBUTIONS: Contributions unpaid on the date on which they are due and payable, as prescribed by the Commission, shall bear interest at the rate of one-half of one per centum per month from and after such date until payment plus accrued interest is received by the Commission. Interest collected pursuant to this subsection shall be paid into the unemployment compensation fund. Provided, however, that the Commission shall have the power and authority to waive the payment of interest for a period of not more than six months in cases where it shall ap-

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pear to the satisfaction of the Commission that the delayed payment was caused by a reasonable doubt as to liability and the employer was not negligent in applying for a determination of the question of liability. And provided, further, that no interest shall be charged in cases where the Commission shall have ascertained that an amount equal to the amount of the delayed payment had previously been paid by the employer into the unemployment trust fund of another State. The word "State", as used in this paragraph, includes the District of Columbia and any Territory of the United States of America.

(b) **COLLECTION:** If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by civil action in the name of the Commission, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review arising under the workmen's compensation law of this State.

(c) **ARBITRARY ASSESSMENT:** If any employing unit shall neglect or refuse to make any contribution report required by the rules and regulations of the Commission, for a period of thirty days after the date on which the said contribution report should have been made, or if any contribution report which has been made by an employing unit shall be deemed by the Commission to be incorrect, the Commission shall have the power and authority to make an estimate and determination of the liability of such employing unit from any information which the Commission may have or may obtain and, according to such estimate and determination so made, to assess the said employing unit for the contributions, interest and penalties due from the said employing unit and to give notice of such assessment and determination, by registered mail, and to make demand upon the said employing unit for payment. Such assessment and determination shall be final and conclusive as to such em-

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playing unit's liability and the amount thereof, unless the said employing unit shall protest such assessment and determination within fifteen days after the mailing of the notice thereof. If any employing unit protests the said assessment and determination, the said employing unit, upon its written request, shall be heard by the Commission. Such hearing shall be conducted according to the procedure prescribed by the Commission. Immediately after the said hearing the Commission shall notify the said employing unit of its findings, and the assessment and determination then made, if any, shall be final and conclusive as to the liability of said employing unit, upon the issuance of such notice.

(d) The contributions, penalties and interest due from the employer under the provisions of this chapter, from the time they shall become due, shall be a debt of the employer to the unemployment compensation fund. Such debt, whether sued upon or not, shall be a lien on all the property of the debtor for a period of 2 years and shall be given preference as a first lien in any distribution of the assets of the employer, whether in bankruptcy, insolvency, execution process, in the distribution of the estate of any employer, or otherwise. Provided, however, that such lien shall not be effective against any purchaser or mortgagee for value if such purchaser or mortgagee, prior to the acquisition of any interest in the property or assets, shall make a requisition, in writing, upon the Commission for a statement of the contributions, interest and penalties due from the said employer and the Commission shall within ten days after the receipt of such requisition shall neglect or fail either to make certification under its seal and the hand of its Executive Director to such prospective purchaser or mortgagee of the amount due by the employer, or to file within said period of ten days a certificate of debt covering the liability of the said employer in accordance with the provisions of subsection (e) of this section. And further provided that such lien shall be subordinated only to the liens provided for under Article 2 of Chapter 133 of the Revised Code of 1935 of Delaware, and Chapter 65, Paragraph 2889, Section 57, of said code.

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(e) As an additional or alternative remedy the Commission may issue, under its seal and the hand of its Executive Director, to the Prothonotary of the Superior Court in and for any county of the State of Delaware, a certificate that any employer is indebted under the provisions of this chapter in an amount which shall be stated in such certificate; and thereupon the Prothonotary to whom such certificate shall have been issued shall immediately enter upon his record of docketed judgments the name of such employer, the name of the Commission, the amount of the debt so certified, a brief description of the said employer's liability under this chapter, and the date of making such entries. The making of such entries shall have the same force and effect in all respects as the entries of docketed judgment in the office of such prothonotary, and the Commission shall have all the remedies and may take all the proceedings for the collection of the said debt which could be had or taken upon a judgment in an action of law upon debt or contract, but without prejudice to the said employer's right of appeal.

(f) Whenever any employing unit shall acquire the organization, trade or business or substantially all the assets thereof, of another employing unit which was an employer subject to this act, the acquiring employing unit shall give to the Commission written notice of the said acquisition within seven days after the date of the transfer. The said notice shall specify the acquired assets and state the value as of the date of the transfer. If such notice is not duly given, or if the Commission within seven days after the receipt of such notice shall issue a certificate under the provisions of Section 14(e), or shall notify the acquiring employing unit of the amount due by its predecessor in interest, the acquiring employing unit shall hold in trust enough of the acquired assets to pay the said debt; and failing to hold such assets in trust as aforesaid the acquiring employing unit shall become liable for the said debt to the extent of the value of the acquired assets.

(g) PRIORITIES UNDER LEGAL DISSOLUTIONS OR DISTRIBUTIONS: In the event of any distribution of an em-

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ployer's assets pursuant to an order of any court under the laws of this State, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition or similar proceeding, contributions then due or thereafter falling due shall be paid in full prior to all other claims except taxes due the United States or the State of Delaware which by statutory provision are prior liens on the said assets, and claims for wages of not more than \$250 to each claimant earned within six months of the commencement of the said proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898 as amended, contributions then or thereafter due shall be entitled to such priority as is provided by that Act for taxes due to a State of the United States.

(h) The Commission is hereby authorized and empowered to compromise a claim for contributions, interest and penalties due, in cases where the Commission shall have ascertained, upon investigation, that the probable public sale value of the property upon which the Commission shall have obtained a lien is substantially less than the amount of the debt, or that a judgment obtained by the Commission is uncollectible in full. In such cases the Commission may accept an offer by the debtor to pay less than the full amount of the debt in full discharge thereof, if the Commission be satisfied that the amount so offered is the most that could be collected by legal process. In such cases the Commission may prescribe the appropriate accounting methods by which the uncollected portion of the debt shall be written off its accounts instead of being carried indefinitely as an uncollected delinquent debt.

(i) REFUNDS. If not later than four years after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the Commission shall determine that such contributions or interest

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or any portion thereof was erroneously collected, the Commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the Commission shall refund the said amount, without interest, from the Fund. For like cause and within the same period, adjustment or refund may be so made on the Commission's own initiative.

Section 21. That Section 15(a) of Chapter 258 of the Laws of Delaware, 1937, as amended, (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 15(a) as follows:

Sec. 15(a) WAIVER OF RIGHTS VOID. Any agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this Act shall be void. Any agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this Act from such employer, shall be void. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, require or accept any waiver of any right hereunder by any individual in his employ, willfully or intentionally discriminate in regard to the hiring or tenure of work on any term or condition of work of any individual on account of his claiming benefits under this act, or in any manner obstruct or impede the filing of claims for benefits. Any employer or officer or agent of an employer who willfully or intentionally violates any provision of this subsection shall, for each offense, be fined not less than \$20 nor more than \$200 or be imprisoned for not more than ninety days, or both.

Section 22. That Section 16 (a) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is here-

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

by amended by striking out all of the said section and inserting in lieu thereof a new Section 16(a) as follows:

Sec. 16(a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit for himself or for any other person, shall be punished by a fine of not less than \$20 nor more than \$50, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each false statement or representation or failure to disclose a material fact shall constitute a separate offense. In cases where any person shall have obtained money from the Commission by reason of such false statement or representation, made knowingly, he shall be guilty of obtaining money under false pretenses. The Justices of the Peace of the State of Delaware and the Municipal Court of the City of Wilmington are hereby vested with jurisdiction to hear and determine cases in which the accused shall be charged with violating this section or with obtaining money under false pretenses by reason of such violation provided, however, that the jurisdiction of a Justice of the Peace shall be limited to cases in which the accused is a resident of the Hundred in which the Justice of the Peace has his office or in a Hundred immediately adjacent thereto. Nothing in this section herein contained shall affect the rights of the Commission as hereinbefore set forth in Sections 6 and 14.

Section 23. That Section 18 of the Laws of Delaware, 1937, as amended, (known and cited as 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, reading as follows:

Sec. 18 Reciprocal Arrangements

(a) The Commission is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other States or of the Federal Government, or both, whereby:

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(1) Services performed by an individual for a single employing unit for which services are customarily performed in more than one State shall be deemed to be services performed entirely within any one of the States (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employing unit maintains a branch office or its principal place of business, provided there is in effect, as to such services, an election, approved by the agency charged with the administration of such State's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such State;

(2) Potential rights to benefits accumulated under the unemployment compensation laws of one or more States or under one or more such laws 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;

(3) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another State or of the Federal Government, shall be deemed to be wages for insured work for the purpose of determining the rights to benefits under this act, and wages for insured work, on the basis of which an individual may become entitled to benefits under this act shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another State or of the Federal Government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this act upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the commission finds will be fair and reasonable as to all affected interests; and



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(4) Contributions due under this act with respect to wages for insured work shall for the purposes of section 14 of this act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another State or Federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the Commission finds will be fair and reasonable as to all affected interests.

(b) Reimbursements paid from the fund pursuant to paragraph 3 of subsection (a) of this section shall be deemed to be benefits for the purpose of sections 3 and 9 of this act but no reimbursement payable from the fund shall be charged against any employer's account for the purposes of section 7 of this act. The Commission is authorized to make to other State or Federal agencies and to receive from such other State or Federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to subsection (a) of this section.

(c) The administration of this act and of other State and Federal unemployment compensation and public employment service laws will be promoted by cooperation between this State and such other States and the appropriate Federal agencies in exchanging service, and making available facilities and information. The Commission is therefor authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as he deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law, and in like manner, to accept and utilize information, services and facilities made available to this State by the agency charged with the administration of any such other unemployment compensation or public employment service law.

(d) To the extent permissible under the laws and Consti-

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

tution of the United States, the Commission is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims and the payment of benefits under the employment security law of this State or under a similar law of such government.

Section 24. That Section 7(c) (2) (A) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out the last sentence of the said Section 7(c) (2) (A).

Section 25. This Act shall become effective July 1, 1941.

Approved May 26, 1941.

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## UNEMPLOYMENT COMPENSATION COMMISSION LAW

AN ACT TO AMEND AN ACT KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW," BEING CHAPTER 258 OF THE LAWS OF DELAWARE, 1937, AS AMENDED, BY CHANGING THE BASIS OF BENEFITS FROM "WAGES PAYABLE" TO "WAGES PAID" AND BY GIVING A NEW DEFINITION OF THE "DURATION OF BENEFITS."

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

Section 1. That Section 2(c) of Chapter 258 of the Laws of Delaware, 1937, as amended, (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:

Sec. 2(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 been paid the wages for employment required under Section 4(e) of this Act.

Section 2. That Section 2(g) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 2(g) and inserting in lieu thereof the following:

Sec. 2(g) "Employing unit" means any individual or type of organization, including any partnership, association, trust,

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all other purposes of this Act. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work, which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of section 2(h) or section 8(c) of this Act, the employing unit shall for all the purposes of this Act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such work; except that each such contractor or subcontractor who is an employer by reason of section 2(h) or section 8(c) of this Act shall alone be liable for the employers' contributions measured by wages paid to individuals in his employ, and except that any employing unit which shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of section 2(h) or section 8(c) of this Act, may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this Act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, providing the employing unit had actual or constructive knowledge of the work.

Section 3. That Section 3(b) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

amended by striking out all of the said Section 3(b) and inserting in lieu thereof the following:

Sec. 3(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 paid 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 4. That Section 3(e) of Chapter 258 of the Laws of Delaware, 1937, as amended, (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:

Sec. 3(e) **DURATION OF BENEFITS.** Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of thirteen times his weekly benefit amount, and one-third of his wages for employment by employers paid 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 purpose 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 by whom such wages were paid has satisfied the conditions of Section 2(h) or Section 8(c) with respect to becoming an employer.

Section 5. That Section 4(e) of Chapter 258 of the Laws of Delaware, 1937, as amended, (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 4(e) and inserting in lieu thereof the following:

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Sec. 4(e) He has during his base period been paid wages for employment equal to not less than one hundred twenty-five dollars (\$125.00). For the purpose 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 employing unit by which such wages were paid has satisfied the conditions of Section 2(h) or Section 8(c) with respect to becoming an employer.

Section 6. This Act shall become effective July 1, 1941.

Approved May 26, 1941.

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## UNEMPLOYMENT COMPENSATION COMMISSION LAW

AN ACT TO AMEND AN ACT KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW," BEING CHAPTER 258 OF THE LAWS OF DELAWARE, 1937, AS AMENDED, BY CHANGING THE DEFINITION OF "WAGES" AND BY CHANGING THE BASIS OF CONTRIBUTIONS FROM "WAGES PAYABLE" TO "WAGES PAID."

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

Section 1. That Section 2(n) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 2(n) and inserting in lieu thereof the following:

2 (n) "Wages" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Gratuities customarily received by an individual in the course of his work from persons other than his employing unit shall be treated as wages *received from* his employing unit. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the commission; Provided that the term "Wages" shall not include:

(1) For the purposes of sections 3 (b), 3(e), 4(e), and 7 of this act that part of remuneration which, after remuneration equal to \$3,000 has become payable to an individual by an employer with respect to employment during the year 1940, becomes payable to such individual by such employer with respect to employment during the year 1940; remuneration payable with respect to employment during the fourth calendar quarter of the year 1939, but actually or constructively paid during the year 1940, or thereafter, shall be deemed to be remuneration 'pay-

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able with respect to employment during the year 1940' for the purposes of this paragraph.

(2) For the purposes of sections 3(b), 3(e), 4(e), and 7 of this act that part of remuneration which, after remuneration equal to \$3,000 has been paid to an individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year and after December 31, 1940.

(3) The amount of any payment with respect to services performed after December 31, 1940 to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the individual in its employ (i) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employing unit, and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit;

(4) The payment by an employing unit (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in its employ under section 1400 of the Federal Internal Revenue Code with respect to services performed after December 31, 1940; or



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(5) Dismissal payments, after December 31, 1940, which the employing unit is not legally required to make.

Section 2. That Section 7 (a) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 7 (a) and inserting in lieu thereof the following:

(a) Payment — (1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages for employment. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Section 3. That Section 7 (b) of Chapter 258 of the Laws of Delaware, 1937, as amended (known and cited as the "Unemployment Compensation Law"), be and the same is hereby amended by striking out all of the said Section 7 (b) and inserting in lieu thereof the following:

(b) Rate and base of contributions (1) Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(A) 1.8 per centum with respect to employment occurring during the calendar year 1937.

(B) 2.7 per centum with respect to employment occurring during the calendar years 1938, 1939, and 1940.

(2) Each employer shall pay contributions equal to 2.7

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per centum of wages paid by him during the calendar year 1941, and during each calendar year thereafter, with respect to employment occurring after December 31, 1940, except as may be otherwise prescribed in subsection (c) of this section.

Approved January 9, 1941.

## CHAPTER 283

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

AN ACT TO AMEND CHAPTER 258, VOLUME 41, LAWS OF DELAWARE, BEING AN ACT KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW", IN REFERENCE TO SEASONABLE EMPLOYMENT.

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

Section 1. That Chapter 258, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of Section 19 thereof, and substituting in lieu thereof a new Section 19, as follows:

"Section 19. (a) Whenever, in any employment, it is customary to operate only during a regular recurring period or periods of less than 40 weeks, in a calendar year, benefits shall be payable only with respect to unemployment occurring in the longest seasonal period or periods of employment which the best practice of such industry or classes of employment will reasonably permit. The commission shall, after investigation and hearing, ascertain and determine or redetermine the longest seasonal period or periods during which, by the best practice of the occupation or industry in question, operations are conducted. Until such determination by the commission, no employment shall be deemed seasonal. The Commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the total wages in employment by an employer required to qualify such workers for benefits and the period during which benefits shall be payable to them.

"Provided, however, that no occupation or industry shall be deemed seasonal that is not part of the first processing of agricultural products. For the purpose of this section, the canning of chicken and allied products shall be considered part of such processing of agricultural products.

"(b) The term 'seasonal worker' means an individual who

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is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not in operation, is ordinarily not engaged in any other work. 'Seasonal employer' means any employer, any employment for whom has been determined by the commission to be seasonal employment.

“(c) Contributions with respect to wages for employment which has been determined to be seasonal under this Section shall be payable at the rate of 2.7 per cent until January 1, 1942, and the contribution rate with respect to wages for such employment after January 1, 1942, shall be determined by the Commission in accordance with the provisions of Section 7(c) of this Act, but shall not exceed 2.7 per cent; provided, however, that such 2.7 per cent rate shall be the maximum rate only for contributions payable with respect to wages for such employment for pay periods ended before April 1, 1943, and that any other restrictions on the full application of the provisions of Section 7(c) of this Act to employment which has been determined to be seasonal under this Section shall likewise not extend beyond April 1, 1943. The Commission shall make studies of the employment experience of seasonal workers and of benefits paid to workers engaged partially or entirely in seasonal employment and such studies shall serve as a basis for recommendations to the General Assembly meeting in January, 1943. The results of these studies shall on request be available to all interested parties.

Approved April 14, 1941.

## CHAPTER 283

## UNEMPLOYMENT COMPENSATION COMMISSION LAW

AN ACT TO AMEND CHAPTER 258, VOLUME 41, LAWS OF DELAWARE, BEING AN ACT KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW", IN REFERENCE TO SEASONABLE EMPLOYMENT.

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

Section 1. That Chapter 258, Volume 41, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of Section 19 thereof, and substituting in lieu thereof a new Section 19, as follows:

"Section 19. (a) Whenever, in any employment, it is customary to operate only during a regular recurring period or periods of less than 40 weeks, in a calendar year, benefits shall be payable only with respect to unemployment occurring in the longest seasonal period or periods of employment which the best practice of such industry or classes of employment will reasonably permit. The commission shall, after investigation and hearing, ascertain and determine or redetermine the longest seasonal period or periods during which, by the best practice of the occupation or industry in question, operations are conducted. Until such determination by the commission, no employment shall be deemed seasonal. The Commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the total wages in employment by an employer required to qualify such workers for benefits and the period during which benefits shall be payable to them.

"Provided, however, that no occupation or industry shall be deemed seasonal that is not part of the first processing of agricultural products. For the purpose of this section, the canning of chicken and allied products shall be considered part of such processing of agricultural products.

"(b) The term 'seasonal worker' means an individual who

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is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not in operation, is ordinarily not engaged in any other work. 'Seasonal employer' means any employer, any employment for whom has been determined by the commission to be seasonal employment.

“(c) Contributions with respect to wages for employment which has been determined to be seasonal under this Section shall be payable at the rate of 2.7 per cent until January 1, 1942, and the contribution rate with respect to wages for such employment after January 1, 1942, shall be determined by the Commission in accordance with the provisions of Section 7(c) of this Act, but shall not exceed 2.7 per cent; provided, however, that such 2.7 per cent rate shall be the maximum rate only for contributions payable with respect to wages for such employment for pay periods ended before April 1, 1943, and that any other restrictions on the full application of the provisions of Section 7(c) of this Act to employment which has been determined to be seasonal under this Section shall likewise not extend beyond April 1, 1943. The Commission shall make studies of the employment experience of seasonal workers and of benefits paid to workers engaged partially or entirely in seasonal employment and such studies shall serve as a basis for recommendations to the General Assembly meeting in January, 1943. The results of these studies shall on request be available to all interested parties.

Approved April 14, 1941.

CHAPTER 284

PERMANENT BUDGET COMMISSION

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PERMANENT BUDGET COMMISSION AND DEFINING THE POWERS AND DUTIES THEREOF", BY MAKING THE SECRETARY OF STATE A MEMBER OF SAID COMMISSION.

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

Section 1. That Chapter 204 of Volume 42, Laws of Delaware, 1939, be and the same is hereby amended by striking out all of Section 2 thereof and inserting in lieu thereof the following:

Section 2. There is hereby established a Commission to be known as "The Budget Commission" to consist of the Governor, the Secretary of State, the Auditor of Accounts, the State Treasurer and the State Tax Commissioner.

Approved February 6, 1941.

## CHAPTER 285

## STATE COUNCIL OF DEFENSE

AN ACT RELATING TO NATIONAL AND STATE DEFENSE, PROVIDING FOR THE ESTABLISHMENT OF A STATE COUNCIL OF DEFENSE AND OF LOCAL AND DISTRICT COUNCILS OF DEFENSE, AND PRESCRIBING 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 may be cited as the "State Council of Defense Act".

Section 2. ESTABLISHMENT OF STATE COUNCIL OF DEFENSE. The Governor is hereby authorized and empowered in time of emergency or public need in the Nation or the State to create by proclamation a State Council of Defense, hereinafter designated as the "Council", for the general purpose of assisting in the coordination of the State and local activities related to National and State defense. Whenever he deems it expedient, the Governor may, by proclamation, dissolve or suspend such Council or re-establish it after any such dissolution or suspension.

Section 3. ORGANIZATION OF COUNCIL. (a) The Council shall consist of the Governor and six or more suitable persons, not to exceed fifteen, appointed by and holding office during the pleasure of the Governor. The Governor shall serve as chairman of the Council. He shall designate one of the members of the Council as vice-chairman. Appointment of members shall be made without reference to political affiliation and with reference to their special knowledge of industry, agriculture, consumer protection, labor, education, health, welfare, or other subjects relating to National or State defense.

(b) The Council may employ an executive director and such technical, clerical, stenographic, and other personnel, and fix their compensation, and may make such expenditures within



## STATE COUNCIL OF DEFENSE

the appropriation therefor, or other funds made available to it, as are necessary to carry out the purposes of this Act.

(c) The members of the Council shall serve without compensation, but may be reimbursed for their actual and necessary travelling and other expenses incurred in connection with attendance upon meetings of the Council.

(d) The Council shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as other State agencies are supplied.

Section 4. POWERS AND DUTIES. The Council shall have the following powers and duties:

(a) To adopt, amend, and repeal rules, regulations, and by-laws governing its procedure and activities.

(b) To cooperate with the Advisory Commission to the Council of National Defense through its Division of State and Local Cooperation, or with any similar Federal agencies hereafter created, and with any departments or other Federal agencies engaged in defense activities.

(c) To cooperate with similar councils of defense in other States.

(d) To cooperate with local defense councils.

(e) To supervise and direct investigations, and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary, with respect to the following matters in so far as they are or may be related to defense:

(1) Industrial materials and facilities.

(2) Production and manufacturing facilities.

(3) Agriculture, food supply, and land use.

STATE COUNCIL OF DEFENSE

- (4) Transportation facilities.
- (5) Labor supply and training, labor relations, and human resources, professions, trades, and skills.
- (6) Consumers and consumer protection.
- (7) Housing and related facilities.
- (8) Health, hospitals, and sanitation facilities.
- (9) Welfare.
- (10) Educational facilities.
- (11) Recreational areas and facilities.
- (12) Finance.
- (13) Civil liberties, including but without limitation, the protection thereof, maintenance of law and order, and measures to guard against sabotage and subversive activities.
- (14) Civil defense, including police mobilization, coordination for fire protection, and disaster relief.
- (15) Any other type of activity directly or indirectly related to defense.
- (f) To create committees, either within or without its membership, to aid it in the discharge of its powers and duties.
- (g) To require and direct the cooperation and assistance of State and local governmental agencies and officials.
- (h) To make full investigation as to all questions directly or indirectly relating to the powers or duties vested in it by this Act, or by any other law.

## STATE COUNCIL OF DEFENSE

(i) To subpoena witnesses and require their testimony to compel the production of account books and files and all documents relative to any investigation or matter which may be under consideration by it.

(j) To do all acts and things, not inconsistent with law, for the furtherance of defense activities.

**Section 5. UTILIZATION OF EXISTING SERVICES AND FACILITIES.** In order to avoid duplication of services and facilities the Council and the local and district councils of defense established under the authority of this Act are

(a) directed to utilize the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the State and of the political subdivisions thereof, and

(b) all such officers and agencies shall cooperate with and extend their services and facilities to the Council and to the local and district councils of defense as they shall request.

**Section 6. LOCAL COUNCILS OF DEFENSE.** If deemed expedient the Council may authorize any political subdivision of the State to establish a local council of defense by the proclamation of the executive officer or governing body thereof. Local councils of defense, if and when established, shall cooperate with and assist the Council, and shall perform such services as may be requested by it. Local councils may act jointly with other such councils. Insofar as applicable, local councils shall have the same power and duties within their respective jurisdictions as are vested in the Council. Such local councils shall terminate or cease activity whenever the Council is dissolved or suspended.

**Section 7. DISTRICT COUNCILS OF DEFENSE.** In cooperation with local officials the Council is authorized to establish district councils of defense in critical areas of the State of especial importance in defense activities. Such district coun-

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cils shall act as coordinating agencies under the supervision and direction of the Council, and in cooperation with local governmental agencies.

Section 8. **AUTHORIZATION FOR APPROPRIATION.** There is hereby authorized to be appropriated out of any money in the State Treasury not otherwise appropriated such sums annually as shall be necessary for the Council to carry out the purposes of this Act.

Section 9. **PENALTIES.** Any resident of this State who shall refuse to obey or shall fail to comply with any order of the said Council relating to any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars, or imprisoned not exceeding three months, or both, at the discretion of the Court, provided that all prosecutions under the provisions of this Act shall be in the nature of an appeal, in which any matters which could have been urged by the Defendant against the issuance of said order by the State Council of Defense may be used as a defense in said prosecution, the right of a waiver of hearing and to bail being preserved in all cases, and all such prosecutions shall be handled expeditiously by the prosecuting officers and the Court.

Section 10. **SEPARABILITY OF PROVISIONS.** If any provision of this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved February 26, 1941.

## CHAPTER 286

## STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

AN ACT TO REGULATE THE PRACTICES OF PROFESSIONAL ENGINEERING AND LAND SURVEYING; CREATING A STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS; DEFINING ITS POWERS AND DUTIES; REQUIREMENTS FOR REGISTRATION; REGULATING EXAMINATION OF APPLICANTS FOR REGISTRATION; PROVIDING FOR ISSUANCE AND REVOCATION OF CERTIFICATES OF REGISTRATION; UNLAWFUL TO ENGAGE IN CONSTRUCTION OF PUBLIC WORK UNLESS PLANS AND SPECIFICATIONS AND ESTIMATES PREPARED BY REGISTERED ENGINEER; AND PROVIDING PENALTIES.

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

Sec. 1. That in order to safeguard life, health, and property, any person practicing or offering to practice professional engineering or land surveying in this State, shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in this State, professional engineering or land surveying, as defined in the provisions of this Act, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer or a land surveyor, unless such person has been duly registered under the provisions of this Act.

Definition—Engineer.

Sec. 2. The term engineer as used in this Act shall mean a professional engineer as hereinafter defined.

Definition—Professional Engineer.

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The term professional engineer as used in this Act shall mean a person who is qualified by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and/or practical experience, to engage in the practice of professional engineering as hereinafter defined.

### Definition—Engineering.

The term engineering as used in this Act shall mean professional engineering as hereinafter defined.

### Definition—Professional Engineering.

The practice of professional engineering within the meaning and intent of this Act includes any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

### Definition—Act Inapplicable to Certain Operators, etc.

The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

### Definition—Land Surveyor.

The term land surveyor as used in this Act shall mean a person who engages in the practice of land surveying as hereinafter defined.

### Definition—Land Surveying.

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The practice of land surveying within the meaning and intent of this Act includes all land surveying, surveying of areas for the correct determination and description, and for conveying, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof; also, grades for buildings, ditches, roads, sewers, etc., or same as now being done by land surveyors.

Definition—Board.

The term "Board" as used in this Act shall mean the State Board of Registration for Professional Engineers and Land Surveyors, provided for by this Act.

Definition—Responsible Charge.

The term "Responsible Charge" as used in this Act shall mean the control and direction of the investigation, design, construction, or operation of engineering work, requiring initiative, professional skill and independent judgment.

Board—Appointments—Terms.

Sec. 3. A State Board of Registration for Professional Engineers and Land Surveyors is hereby created, whose duty it shall be to administer the provisions of this Act. The Board shall consist of four professional engineers and three land surveyors, one land surveyor being selected from each of the three counties of the State, who shall be appointed by the Governor. Not more than four members of said Board shall be appointed from any one political party. Not more than two professional engineers shall be from any one branch, namely, Civil, Electrical, Mechanical, and Chemical, all of the profession of engineering as defined in this Act. The members of the first Board shall be appointed within ninety days after the passage of this Act, to serve for the following terms: For the professional engineers, one member for one year, one member for two years, one member for three years, one member for four years; for

## STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

the land surveyors, one member for one year, one member for two years, and one member for three years from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the Board shall receive a commission of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. Each member of the Board first appointed hereunder shall receive a certificate of registration under this Act from said Board. On the expiration of the term of any member, the Governor shall, in the manner hereinbefore provided, appoint for a term of four years a registered professional engineer or for a term of three years a registered land surveyor having the qualifications required by Section 4, to take the place of the member whose term on said Board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

### Board—Qualifications.

Sec. 4. Each member of the Board shall be a citizen of the United States and a resident of this State, and shall have been engaged in the practice of the profession of engineering or land surveying for at least twelve years, and shall have been in responsible charge of important engineering work or land surveying for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.

### Board—Compensation and Expenses.

Sec. 5. Each member of the Board shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this Act, but he shall receive no compensation for time spent in attending to the work of the Board.



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Board—Removal of Members—Vacancies.

Sec. 6. The Governor may remove any member of the Board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in Section 3.

Board—Organization and Meetings.

Sec. 7. The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least one regular meeting each year. Special meetings shall be held at such times as the rules and regulations of the Board may provide. Notice of all meetings shall be given in such manner as the rules and regulations may provide. The Board shall elect or appoint annually the following officers: A Chairman, a Vice-Chairman, and a Secretary. A quorum of the Board shall consist of not less than four members.

Board—Powers.

Sec. 8. The Board shall have the power to adopt and amend all rules and regulations not inconsistent with the Constitution and Laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal.

In carrying into effect the provisions of this Act, the Board, under the hand of its Chairman and the seal of the Board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the Board may present its petition

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to the Superior Court of the State of Delaware of the County of the residence of such person, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of said Superior Court.

### Receipts and Disbursements.

Sec. 9. The Secretary of the Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same monthly to the State Treasurer. All monies paid in under the provisions of this Act are hereby appropriated for the use of the said Board, provided, however, that such appropriation shall not exceed the sum of One Thousand Dollars during the fiscal year ending June 30, 1942, and the sum of Five Hundred Dollars during the fiscal year ending June 30, 1943. All funds paid out under the provisions hereof shall be by warrant on the State Treasurer upon itemized vouchers approved by the Chairman and attested by the Secretary of the Board. The Secretary of the Board shall give a surety bond to the State in such sum as the Board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the Board. The Board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the Board's delegates to annual conventions of, and membership dues to, the National Council of State Boards of Engineering Examiners. Under no circumstances shall the total amount of warrants issued by the State Treasurer in payment of the expenses and compensation pro-

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vided for in this Act exceed the amount of the examination and registration fees collected as herein provided.

Records and Reports.

Sec. 10. The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the Board; and (i) such other information as may be deemed necessary by the Board.

The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript, thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, prior to December First, the Board shall submit to the Governor a report of its transaction for the fiscal year ending June 30th, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and its Secretary.

Roster.

Sec. 11. A roster showing the names and places of business of all registered professional engineers and all registered land surveyors shall be published by the Secretary of the Board prior to September First of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public upon request at a fee established by the Board.

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ENGINEERS AND LAND SURVEYORS.

General Requirements for Registration.

Sec. 12. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, or land surveyor, respectively, to wit:

(1) As a professional Engineer.

Engineers—Graduation Plus Experience.

a. Graduation from an approved engineering curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional engineering. In a case where the evidence presented in the application does not appear to the Board conclusive nor warranting the issuing of a certificate of registration, the applicant may be required to present further evidence for the consideration of the Board, and may also be required to pass an oral or written examination, or both, as the Board may determine; or

Engineers—Examination Plus Experience.

b. Successfully passing a written, or written and oral examination designed to show knowledge and skill approximating that attained through graduation from an approved four year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice professional engineering.

Engineers of Long Established Practice.

c. A specific record of twelve years or more of lawful

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The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript, thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

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ENGINEERS AND LAND SURVEYORS.

General Requirements for Registration.

Sec. 12. The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, or land surveyor, respectively, to wit:

(1) As a professional Engineer.

Engineers—Graduation Plus Experience.

a. Graduation from an approved engineering curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional engineering. In a case where the evidence presented in the application does not appear to the Board conclusive nor warranting the issuing of a certificate of registration, the applicant may be required to present further evidence for the consideration of the Board, and may also be required to pass an oral or written examination, or both, as the Board may determine; or

Engineers—Examination Plus Experience.

b. Successfully passing a written, or written and oral examination designed to show knowledge and skill approximating that attained through graduation from an approved four year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice professional engineering.

Engineers of Long Established Practice.

c. A specific record of twelve years or more of lawful

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practice in professional engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design or to supervise construction of engineering works and provided applicant is not less than thirty-five years of age.

### (2) As a land surveyor.

#### Land Surveyors—Graduation Plus Experience.

a. Graduation from a school or college approved by the Board as of satisfactory standing, including the completion of an approved course in surveying; and an additional two years or more of experience in land surveying work of a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying; or

#### Land Surveyors—Examination Plus Experience.

b. Successfully passing a written, or written and oral, examination in surveying prescribed by the Board; and a specific record of six years or more of experience in land surveying work of a character satisfactory to the Board and indicating that the applicant is competent to practice land surveying.

#### Land Surveyors of Long Established Practice.

c. A specific record of ten years or more of lawful practice in land surveying shall make the applicant eligible for a certificate of registration for life as a land surveyor without an examination, by paying the annual registration fee to the Board at the time and place specified in this Act, and provided applicant is not less than thirty years of age.

#### Character.

No person shall be eligible for registration as a professional engineer, or land surveyor, who is not of good character and reputation.

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ENGINEERS AND LAND SURVEYORS.

Teaching Credits.

In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

Education Credits.

The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in Sec. 12 (1) b. Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience in Sec. 12 (1) b; provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

Work as Contractor.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice in professional engineering.

Non-Practicing Applicants.

Any person having the necessary qualifications prescribed in this Act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

Application and Registration Fees.

Sec. 13. Application for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detail



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summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers or land surveyors having personal knowledge of his engineering or land surveying experience.

The registration fee for professional engineers shall be twenty dollars (\$20.00), ten dollars (\$10.00) of which shall accompany the application, the remainder to be paid upon notification that application has been approved, subject to final payment when registration certificate will be issued. When a Certificate of Qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification, the total fee for registration as professional engineer shall be ten dollars (\$10.00).

The registration fee for land surveyors, which shall accompany application, shall be five dollars (\$5.00).

Should the Board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an application fee.

### Examinations.

Sec. 14. When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years.

The scope of the examinations and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering

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works, so as to insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in professional engineering and in land surveying. A candidate failing on examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the Board.

### Certificates—Seals.

Sec. 15. The Board shall issue a certificate of registration upon payment of registration fee as provided for in this Act, to any applicant, who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. In case of a registered engineer, the certificate shall authorize the practice of "professional engineering"; and in case of a registered land surveyor, the certificate shall authorize the practice of "land Surveying". Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary of the Board under seal of the Board.

The issuance of a certificate of registration by this Board shall be prima facie evidence that the person named therein is entitled to all of the rights and privileges of a registered professional engineer, or of a registered land surveyor, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend, "Registered Professional Engineer," or "Registered Land Surveyor." Plans, specifications, plats, and reports approved by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the

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certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

No department, institution, commission, board or body of the State Government, or any political subdivision thereof, being the depository or having the custody of any plan or specification involving professional engineering shall receive or file the same, unless there shall be attached thereto the certificate and seal of a professional engineer licensed pursuant to the provisions of this Act or the certificate and seal of an architect legally registered in the State of Delaware, nor receive or file any plan or specification involving land surveying unless there shall be attached thereto the certificate and seal of a land surveyor licensed pursuant to the provisions of this Act.

### Expirations and Renewals.

Sec. 16. Certificates of registration shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary of the Board to notify every person registered under this Act, of the date of expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of expiration of said certificate. Renewal may be affected at any time during the month of July by the payment of a fee, to be determined by the Board but in no case shall the fee exceed five dollars (\$5.00) for professional engineers and two dollars (\$2.00) for land surveyors. The failure on the part of any registrant to renew his certificate annually in the month of July as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of July shall be increased fifty cents for each month or fraction of a month that payment of renewal is delayed, provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

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Practitioners at Time Act Became Effective.

Sec. 17. At any time within one year after this Act becomes effective, upon due application therefor and the payment of the registration fee of twenty dollars (\$20.00) for professional engineers, or five dollars (\$5.00) for land surveyors, the Board shall issue a certificate of registration without oral or written examination to any professional engineer or land surveyor who shall submit evidence under oath to the Board that he is of good character, has been a resident of the State of Delaware for at least one year, if an engineer, and five years, if a surveyor, immediately preceding the date of his application and was practicing professional engineering or land surveying at the time this Act became effective. Such certificate shall be valid for life upon payment of the annual registration fees as herein provided.

Applicants who are eligible for registration under this section will not be required to comply with the requirements of any other section of this Act.

After this Act shall have been in effect one year, the Board shall issue certificates of registration only as provided for in Sec. 12 or Sec. 19 thereof.

Public Work.

Sec. 18. After the first day of July, one thousand nine hundred and forty-one, it shall be unlawful for this State, or for any of its political sub-divisions, such as counties, incorporated cities and towns, school districts or other agencies to engage in the construction of any public work involving professional engineering, unless the plans and specifications and estimates have been prepared by, and the construction executed under the direct supervision of a registered professional engineer; provided, that nothing in this Section shall be held to apply to any public work wherein the contemplated expendi-

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ture for the entire completed project does not exceed seven thousand five hundred dollars (\$7500.00).

Reciprocity.

Sec. 19. The Board may, upon application therefore, and the payment of a fee of ten (\$10.00) dollars, issue a Certificate of Registraton as a Professional Engineer or Land Surveyor to any person who holds a Certificate of Qualification or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or Possession of the United States, or of any Country, provided that the requirements for the registration of professional engineers or land surveyors under which said Certificate of Qualification or Registration was issued do not conflict with the provisions of this Act and are of a standard not lower than that specified in Sec. 12 of this Act.

Revocations.

Sec. 20. The Board shall have the power to revoke the Certificate of Registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of professional engineering or land surveying as a registered professional engineer or land surveyor.

Any person may prefer charges of fraud, deceit, gross, negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.

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All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

If, after such hearing, four or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registered professional engineer or land surveyor.

### Reissuance of Certificates.

The Board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing four or more members of the Board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board, and a charge of three dollars (\$3.00) shall be made for such issuance.

### Appeals.

Any person who shall feel aggrieved by any action of the Board in denying or revoking his certificate of registration may appeal therefrom to the Superior Court of the State of Delaware of the County in which said person resides and, after full hearing, said Court shall make such decree sustaining or reversing the action of the Board as to it may seem just and proper.

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Violations and Penalties.

Sec. 21. Any person who shall practice, or offer to practice, professional engineering or land surveying in this State without being registered in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate or registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate or registration, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or suffer imprisonment for a period not exceeding three months, or both.

It shall be the duty of all duly constituted officers of the law of this State, or any political subdivision thereof, to enforce the provisions of this Act and to prosecute any persons violating same. The Attorney General of the State or any Deputy Attorney General shall act as legal adviser of the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act.

Saving Clause.

Sec. 22. This Act shall not be construed to prevent or to affect:

Other Professions or Trades.

(a) The practice of any other legally recognized profession or trade; or

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Non-Residents.

(b) The practice of a person not a resident of and having no established place of business in this State, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own State or Country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act; or

Recent Arrivals in State.

(c) The practice of a person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed with the Board an application for a certificate of registration and shall have paid the fee required by this Act; provided, that such a person is legally qualified by registration to practice said profession in his own State or Country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act. Such practice shall continue only for such time as the Board requires for the consideration of the application for registration; or

Employees and Subordinates.

(d) The work of an employee or a subordinate of a person holding a certificate of registration under this Act, or an employee of a person practicing lawfully under paragraphs (b) or (c) of this Section; provided, such work does not include responsible charge and is done under the direct responsibility, checking, and supervision of a person holding a



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certificate of registration under this Act or a person practicing lawfully under paragraphs (b) or (c) of this Section; or

Government Officers and Employees.

(e) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering or land surveying, for said Government.

(f) The practice of professional engineering by an architect legally registered in the State of Delaware when such practice is incidental to what may be properly considered an architectural project.

Invalid Sections.

Sec. 23. The appropriation provided for in Section 9 hereof 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.

Section 24. If any Section or Sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other Sections of this Act.

Repeal of Conflicting Legislation.

Sec. 25. All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are hereby repealed.

Approved April 18, 1941.

## CHAPTER 287

## ATLANTIC STATES MARINE FISHERIES COMPACT

AN ACT PROVIDING THAT THE STATE OF DELAWARE MAY ENTER INTO A COMPACT WITH ANY ONE OR MORE OF THE STATES OF MAINE, NEW HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, RHODE ISLAND, NEW YORK, NEW JERSEY, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA AND FLORIDA, AND WITH SUCH OTHER STATES AS MAY JOIN, TO PROMOTE THE BETTER UTILIZATION OF THE FISHERIES, MARINE, SHELL AND ANADROMOUS OF THE ATLANTIC SEABOARD AND TO CREATE THE ATLANTIC STATES MARINE FISHERIES COMMISSION; PROVIDING FOR THE MEMBERS OF SUCH COMMISSION FROM THE STATE OF DELAWARE; PROVIDING FOR THE CARRYING OUT OF SAID COMPACT; AND MAKING AN APPROPRIATION.

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

Section 1. The governor of this state is hereby authorized and directed to execute a compact on behalf of the State of Delaware with any one or more of the states of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida and with such other states as may enter into the compact, legally joining therein in the form substantially as follows:

## ATLANTIC STATES MARINE FISHERIES COMPACT

The contracting states solemnly agree:

## Article I

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the preven-

## ATLANTIC STATES MARINE FISHERIES COMPACT

tion of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose of establishing or fixing the price thereof, or creating and perpetuating monopoly.

## Article II

This agreement shall become operative immediately as to those states executing it whenever any two or more of the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

## Article III

Each state joining herein shall appoint three representatives to a Commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. One shall be the executive officer of the administrative agency of such state charged with the conservation of the fisheries resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by the Commission or Committee on Interstate Cooperation of such state, or if there be none, or if said Commission on Interstate Cooperation cannot constitutionally designate the said member, such legislator shall be designated by the Governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed by the governor of said state in his discretion. The third shall be a citizen who shall

## ATLANTIC STATES MARINE FISHERIES COMPACT

have a knowledge of and interest in the marine fisheries problem to be appointed by the governor. This Commission shall be a body corporate with the powers and duties set forth herein.

## Article IV

The duty of the said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

To that end the Commission shall draft and, after consultation with the Advisory Committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The Commission shall, more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

The Commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The Commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs or joint stocking by some or all of the

## ATLANTIC STATES MARINE FISHERIES COMPACT

states party hereto and when two or more of the states shall jointly stock waters the Commission shall act as the coordinating agency for such stocking.

### Article V

The Commission shall elect from its number a Chairman and a Vice Chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said Commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

### Article VI

No action shall be taken by the Commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The Commission shall define what shall be an interest.

### Article VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission cooperating with the research agencies in each state for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the Commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other

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interests of each state as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendations as it may desire to make.

## Article VIII

When any state other than those named specifically in Article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of Article II the participation of such state in the action of the Commission shall be limited to such species of anadromous fish.

## Article IX

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

## Article X

Continued absence of representation or of any representative on the Commission from any state party hereto shall be brought to the attention of the governor thereof.

## Article XI

The states party hereto agree to make annual appropriation to the support of the Commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, provided no state shall contribute less than two hundred dollars per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars.

## ATLANTIC STATES MARINE FISHERIES COMPACT

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## ATLANTIC STATES MARINE FISHERIES COMPACT

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## ATLANTIC STATES MARINE FISHERIES COMPACT

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the catch record of 1938. Subsequent budgets shall be recommended by majority of the Commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

## Schedule of Initial Annual State Contributions:

Maine .....	\$ 700
New Hampshire .....	200
Massachusetts .....	2300
Rhode Island .....	300
Connecticut .....	400
New York .....	1300
New Jersey .....	800
Delaware .....	200
Maryland .....	700
Virginia .....	1300
North Carolina .....	600
South Carolina .....	200
Georgia .....	200
Florida .....	1500

## Article XII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other states party hereto.

Section 2. In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from the state of Delaware. The first commissioner from the state of Delaware shall be the commissioner of conservation of the state of Delaware ex-officio,

## ATLANTIC STATES MARINE FISHERIES COMPACT

and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said office of commissioner of conservation and his successor as commissioner shall be his successor as commissioner of conservation. The second commissioner from the state of Delaware shall be a legislator and member of the commission on interstate cooperation of the state of Delaware ex-officio, designated by said commission on interstate cooperation, and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The governor, (by and with the advice and consent of the senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be three years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the governor, (by and with the advice and consent of the senate,) for the unexpired term. The Commissioner of Conservation as ex-officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said Article II.

Any commissioner may be removed from office by the governor upon charges and after a hearing.

Section 3. There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the

## ATLANTIC STATES MARINE FISHERIES COMPACT

carrying out of said compact in every particular. All officers of the state of Delaware are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the state of Delaware to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of the state of Delaware are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

Section 4. Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the state of Delaware or by the laws of the states of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida or by the Congress or the terms of said compact.

Section 5. The commission shall keep accurate accounts of all receipts and disbursements and shall report to the governor and the legislature of the state of Delaware on or before the tenth day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the state of Delaware which may be necessary to carry out the intent and purposes of the compact between the signatory states.

The comptroller of the state of Delaware is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disburse-

## ATLANTIC STATES MARINE FISHERIES COMPACT

ments and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the governor of such state.

Section 6. The sum of Two Hundred Dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the expenses of the commission created by the compact authorized by this act. The moneys hereby appropriated shall be paid out of the state treasury on the audit and warrant of the comptroller upon vouchers certified by the chairman of the commission in the manner prescribed by law.

Section 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Approved May 6, 1941.

## CHAPTER 288

AGRICULTURAL RESEARCH SUB-STATION  
COMMISSION

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN AGRICULTURAL RESEARCH SUB-STATION FOR LOWER DELAWARE, THE APPOINTMENT OF A COMMISSION TO SELECT A SUITABLE SITE THEREFOR, AND PROVIDING AN APPROPRIATION TO ESTABLISH AND MAINTAIN A STATION THEREON.

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

Section 1. That the Governor of this State shall be and he is hereby authorized and directed to appoint three suitable persons who shall constitute a commission to select a suitable site for the erection of an Agricultural Research Sub-Station. The said site shall be located either on the Delaware Colony Farm and to consist of not less than one hundred twenty-five (125) acres, or on an alternate site of like size to be purchased, with a range of soils more adaptable for research in poultry, vegetables and Horticulture. The site selected must be approved by the Director of the Delaware Agriculture Experimental Station. One member of this commission shall be trained and experienced in horticulture, one trained and experienced in poultry and one trained and experienced in vegetables. The Commissioners shall select their own chairman and secretary. The chairman shall be selected from among their own members. The Secretary may or may not be a member of this commission, as this commission shall determine. Said commission shall serve until said site has been selected.

Section 2. After the site for said sub-station has been selected, the function of said commission shall thereupon cease and determine and the Agricultural Experimental Station of the University of Delaware shall then proceed to erect such building or buildings and equip the same with such equipment in such manner as shall be deemed advisable. Upon the completion of

AGRICULTURAL RESEARCH SUB-STATION  
COMMISSION

said building or buildings and the installation of said equipment, the said Agricultural Experimental Station shall operate and maintain said sub-station for the benefit of the citizens of this State in the development and improvement of poultry, horticulture and vegetables in lower Delaware.

Section 3. That the sum of Fourteen Thousand (\$14,000.00) Dollars shall be and the same is hereby appropriated for the purchase of land and the construction of buildings, equipment of the same and the operation of the sub-station for the fiscal year 1941-1942; that the sum of Eight Thousand (\$8,000.00) Dollars shall be and the same is hereby appropriated for the operation of said sub-station and the maintenance thereof for the fiscal year 1942-1943.

Section 4. That the receipts from sales and otherwise of said Agricultural Research Sub-station shall be retained by the Agricultural Experimental Station of the University of Delaware for the continuous operation of said sub-station and for experimental purposes thereat.

Section 5. 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 University of Delaware.

Section 6. 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.

Approved May 22, 1941.

# Resolutions

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## CHAPTER 289

### SENATE JOINT RESOLUTION

#### APPOINTING A BILL CLERK FOR THE SENATE AND A BILL CLERK FOR THE HOUSE OF REPRESENTATIVES.

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

That Elsie R. Banta be and she is hereby appointed Bill Clerk for the Senate, to serve during the present Session of the Senate; and Harry B. Thaw be and he is hereby appointed Bill Clerk for the House of Representatives, to serve during the present Session of the House of Representatives; in accordance with 337. Sec. 1 of Chapter 10, of the Revised Code of Delaware, 1935.

Approved February 4, 1941.

## CHAPTER 290

## SENATE JOINT RESOLUTION

APPOINTING DIRECTORS ON THE PART OF THE STATE FOR  
THE FARMERS BANK OF THE STATE OF DELAWARE.

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

That William D. Denney, Frank R. Manahan and Henry V. P. Wilson, 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, John F. Porter and C. Lalor Burdick, be and they are hereby appointed Directors on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Wilmington; and that William A. B. Dodd, John G. Townsend, Jr. and J. Edward Goslee, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Georgetown.

Approved March 17, 1941.



## CHAPTER 291

## SENATE CONCURRENT RESOLUTION

AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE  
TO NOTIFY THE GOVERNOR, THAT THE GENERAL AS-  
SEMBLY IS DULY ORGANIZED.

*Be it resolved by the Senate, the House of Representatives concurring therein, that a Joint Committee, consisting of two members of the Senate and three members of the House of Representatives, be appointed by the Presiding Officers of the respective Houses, to notify the Governor that the General Assembly is duly organized and ready to receive any message that he may have to offer.*

## CHAPTER 292

## SENATE CONCURRENT RESOLUTION

PROVIDING FOR JOINT SESSION TO COUNT THE VOTE FOR  
GOVERNOR AND LIEUTENANT GOVERNOR.

*Be it resolved, by the Senate, the House of Representatives concurring therein, that the members of the Senate and House of Representatives meet in Joint Session, in the Senate Chamber on Wednesday, January 8, 1941, at 2 P. M., to count the vote for Governor and Lieutenant Governor.*

CHAPTER 293

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT COMMITTEE TO ARRANGE FOR  
THE INAUGURATION OF THE HONORABLE WALTER W.  
BACON AS GOVERNOR OF THE STATE OF DELAWARE.

*Be it resolved by the Senate, the House of Representatives concurring therein, that the appointment of a Joint Committee is hereby authorized, to consist of five members of the Senate and five members of the House,—the Senate members to consist of the President Pro Tem and four members to be appointed by the President Pro Tem,—the House members to consist of the Speaker and four members to be appointed by the Speaker; the said Committee to make all arrangements for the inauguration of the Honorable Walter W. Bacon as Governor of the State of Delaware.*

## CHAPTER 294

## SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, IN THE AUDITORIUM OF THE DOVER HIGH SCHOOL, FOR THE INAUGURATION OF THE HONORABLE WALTER W. BACON.

*Be it resolved by the Senate, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in joint Session, in the Auditorium of the Dover High School, on Tuesday, January 21, 1941, at 12 o'clock noon, for the inauguration of the Honorable Walter W. Bacon, as Governor of Delaware.

CHAPTER 295

SENATE CONCURRENT RESOLUTION

PROVIDING FOR ADJOURNMENT OF THE SENATE AND  
HOUSE OF REPRESENTATIVES UNTIL TUESDAY, JANU-  
ARY 21, 1941.

*Be it resolved by the Senate, the House of Representatives concurring therein, that at the close of the Legislative Day, January 8, 1941, both Houses of the General Assembly shall adjourn until Tuesday, January 21, 1941, at 11 o'clock A. M.*

## CHAPTER 296

## SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO WITNESS THE ADMINISTERING OF THE OATH OF OFFICE TO LIEUTENANT-GOVERNOR-ELECT ISAAC J. McCOLLUM.

*Be it resolved by the Senate, the House of Representatives concurring, that the members of the Senate and House of Representatives meet in Joint Session on Tuesday, January 21, 1941, at 11:15 A. M. to witness the administering of the Oath of Office to Lieutenant-Governor-Elect Isaac J. McCollum.*

CHAPTER 297

SENATE CONCURRENT RESOLUTION

PROVIDING FOR ADJOURNMENT OF SENATE AND HOUSE OF  
REPRESENTATIVES UNTIL MONDAY, JANUARY 27th, 1941.

*Be it resolved by the Senate, the House of Representatives concurring therein, that at the close of the Legislative Day, January 22, 1941, both Houses of the General Assembly shall adjourn until Monday, January 27th, 1941, at 11 o'clock, A. M.*

## CHAPTER 298

## SENATE CONCURRENT RESOLUTION

## PROVIDING FOR A JOINT SESSION TO HEAR DR. R. V. TRUITT.

*Be it resolved by the Senate, the House of Representatives concurring therein*, that a joint session of the Senate and House of Representatives be held in the Senate Chamber, on Tuesday, February 18, 1941, at 2 o'clock P. M., to hear Dr. R. V. Truitt, of the University of Maryland and Director of the Biological Laboratory of Solomons, and others, on the subject of crabs.



CHAPTER 299

SENATE CONCURRENT RESOLUTION

FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE, EXCEPT GENERAL APPROPRIATION BILLS.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That no new bills or Joint Resolutions be received by the Senate or House of Representatives, at this Session of the General Assembly, after one o'clock in the afternoon of Friday, February 28th, 1941.

## CHAPTER 300

## SENATE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE, EXCEPT GENERAL APPROPRIATION BILLS, BY PROVIDING FOR THE INTRODUCTION OF A NEW SENATE BILL ENTITLED: "AN ACT TO AMEND CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE STATE HIGHWAY DEPARTMENT, AUTHORIZING THE SAID DEPARTMENT TO PURCHASE OR OTHERWISE ACQUIRE AND SELL REAL PROPERTY, AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED FOR PROPERTY SO SOLD."

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein, that Senate Concurrent Resolution No. 9, Fixing the Time after which no New Bills or Joint Resolutions shall be received by either House, except General Appropriation Bills, be and the same is hereby amended in such manner and to such extent as to authorize the Introduction of A New Senate Bill, entitled:*

"AN ACT TO AMEND CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE STATE HIGHWAY DEPARTMENT, AUTHORIZING THE SAID DEPARTMENT TO PURCHASE OR OTHERWISE ACQUIRE AND SELL REAL PROPERTY, AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED FOR PROPERTY SO SOLD."

## CHAPTER 301

## SENATE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE EXCEPT GENERAL APPROPRIATION BILLS BY PROVIDING FOR THE INTRODUCTION OF A NEW SENATE BILL, ENTITLED: "AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX COUNTY TO BORROW A SUM NOT IN EXCESS OF \$25,000.00 AND TO ISSUE BONDS THEREFOR TO BE EXPENDED FOR THE ACQUISITION OF LAND OR INTERESTS THEREIN FOR AIRPORT PURPOSES AND FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF AN AIRPORT AND LANDING FIELD IN SUSSEX COUNTY AND TO AUTHORIZE THE SAID LEVY COURT TO EXERCISE THE RIGHT OF EMINENT DOMAIN FOR SAID PURPOSES".

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein, that the Senate Concurrent Resolution No. 9 fixing the time after which no new Bills or Joint Resolutions shall be received by either House, except General Appropriation Bills, be and the same is hereby amended in such manner and to such extent as to authorize the introduction of a new Senate Bill, entitled:*

"AN ACT TO AUTHORIZE THE LEVY COURT OF SUSSEX COUNTY TO BORROW A SUM NOT IN EXCESS OF \$25,000.00 AND TO ISSUE BONDS THEREFOR TO BE EXPENDED FOR THE ACQUISITION OF LAND OR INTERESTS THEREIN FOR AIRPORT PURPOSES AND FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF AN AIRPORT AND LANDING FIELD IN SUSSEX COUNTY AND TO AUTHORIZE THE SAID LEVY COURT TO EXERCISE THE RIGHT OF EMINENT DOMAIN FOR SAID PURPOSES".

Approved May 13, 1941.

## CHAPTER 302

## SENATE CONCURRENT RESOLUTION

PROVIDING FOR ADJOURNMENT OF THE SENATE AND  
HOUSE OF REPRESENTATIVES UNTIL WEDNESDAY, APRIL  
30, 1941.

*Be it resolved by the Senate, the House of Representatives concurring therein, that at the close of the Legislative Day, April 10, 1941, both Houses of this General Assembly shall adjourn until Wednesday, April 30, 1941, at 11 o'clock, A. M.*

CHAPTER 303

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT SINE DIE.

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein, that at the close of the Sixtieth Legislative Day of the One Hundred and Eighth General Assembly of the State of Delaware, both Houses of the General Assembly shall adjourn Sine Die.*

## CHAPTER 304

## SENATE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE, EXCEPT GENERAL APPROPRIATION BILLS, BY PROVIDING FOR THE INTRODUCTION OF TWO NEW SENATE BILLS.

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein, that Senate Concurrent Resolution No. 9, Fixing the Time after which no New Bills or Joint Resolutions shall be received by either House, except General Appropriation Bills, be and the same is hereby amended in such manner and to such extent as to authorize the Introduction of two new Senate Bills, entitled:*

“AN ACT TO PROVIDE FOR THE PURCHASE AND CONSTRUCTION OF NEW AND IMPROVED BUILDINGS, GROUND AND EQUIPMENT FOR CERTAIN STATE INSTITUTIONS AND THE UNIVERSITY OF DELAWARE AND SCHOOL DISTRICTS OF THIS STATE AND RELATING TO THE COST THEREOF, MAKING APPROPRIATION AND PROVIDING FOR THE MEANS OF PAYMENT.”

and

“AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW \$1,165,000.00 AND ISSUE BONDS THEREFOR FOR THE PURPOSE OF PURCHASING AND ERECTING NEW AND IMPROVED BUILDINGS, GROUNDS AND EQUIPMENT FOR CERTAIN STATE INSTITUTIONS AND THE UNIVERSITY OF DELAWARE AND SCHOOL DISTRICTS AND FOR THE PURPOSE OF CONSTRUCTING ROADS, BRIDGES AND HIGHWAYS.”

Approved May 13, 1941.

## CHAPTER 305

## SENATE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE, EXCEPT GENERAL APPROPRIATION BILLS, BY PROVIDING FOR THE INTRODUCTION OF THREE NEW SENATE BILLS.

*Be it resolved by the Senate of the State of Delaware, the House of Representatives concurring therein, that Senate Concurrent Resolution No. 9, Fixing the Time after which no New Bills or Joint Resolutions shall be received by either House, except General Appropriation Bills, be and the same is hereby amended in such manner and to such extent as to authorize the Introduction of three new Senate Bills, entitled:*

“AN ACT AUTHORIZING AN APPROPRIATION FOR THE DEPARTMENT DEALING WITH MENTALLY HANDICAPPED CHILDREN.”

and

“AN ACT AUTHORIZING AN ADDITIONAL APPROPRIATION FOR ADULT EDUCATION IN THE CITY OF WILMINGTON.”

and

“AN ACT AUTHORIZING AND DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE A BUS OR BUSES FOR THE TRANSPORTATION OF COLORED SCHOOL CHILDREN TO AND FROM THE BRIDGEVILLE COLORED SCHOOL.”

## CHAPTER 306

## HOUSE CONCURRENT RESOLUTION

THAT A JOINT SESSION OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE BE HELD ON WEDNESDAY, FEBRUARY 12, 1941, AT 2 O'CLOCK IN THE AFTERNOON, TO COMMEMORATE THE BIRTH OF ABRAHAM LINCOLN.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That a Joint Session of the General Assembly of the State of Delaware be held on Wednesday, February 12, 1941, at two o'clock in the afternoon, to commemorate the birth of Abraham Lincoln.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate be authorized to appoint three members of the Senate, and the Speaker of the House of Representatives be authorized to appoint three members of the House of Representatives, to constitute a committee to arrange a suitable program for the commemoration services.



## CHAPTER 307

## HOUSE CONCURRENT RESOLUTION

## IN RESPECT TO THE DEATH OF DAVID WILMER STEELE, FORMER MEMBER OF THE STATE SENATE.

WHEREAS, the Senate and House of Representatives of the 108th General Assembly of the State of Delaware has learned with sincerest regret of the death of David Wilmer Steele, a former member of the State Senate from the Fourth Senatorial District of Sussex County, who died on the seventh day of October, A. D. 1940;

AND WHEREAS, the said David Wilmer Steele was a faithful servant in the many public offices which he enjoyed during his lifetime, and the State of Delaware suffered a great loss in the death of the said David Wilmer Steele;

AND WHEREAS, it is fitting that the Senate and House of Representatives of the State of Delaware in General Assembly met, should give expressions of sympathy to the family of the late member of the State Senate;

NOW, THEREFORE, BE IT RESOLVED, that the Senate and House of Representatives of the 108th General Assembly of the State of Delaware in General Assembly met, do extend to the family of the said David Wilmer Steele, late member of the State Senate of the State of Delaware, the sincere sympathy of the Senate and House of Representatives of the 108th General Assembly in their loss and sorrow, that a copy of this resolution be spread upon the Journal, a copy delivered to the press, and a copy hereof be sent to the family of the deceased.

## CHAPTER 308

## HOUSE CONCURRENT RESOLUTION

## IN RESPECT TO THE DEATH OF PAUL E. TOWNSEND.

WHEREAS, the Senate and House of Representatives of the 108th General Assembly of the State of Delaware has learned with the deepest regret of the death of Paul E. Townsend, son of former United States Senator John G. Townsend, Jr., who died on the Twenty-eighth day of November, A. D. 1940;

AND WHEREAS, the said Paul E. Townsend had served in various positions of public trust in Washington and elsewhere;

AND WHEREAS, the said Paul E. Townsend was well and favorably known, not only in the State of Delaware, but in other sections of the nation;

AND WHEREAS, it is fitting that the Senate and House of Representatives of the State of Delaware in General Assembly met, should give expressions of sympathy to the family of the late Paul E. Townsend;

NOW, THEREFORE, BE IT RESOLVED, that the Senate and House of Representatives of the 108th General Assembly of the State of Delaware in General Assembly met, do extend to the family of the said Paul E. Townsend the sincere sympathy of the Senate and House of Representatives of the 108th General Assembly in their loss and sorrow, that a copy of this resolution be spread upon the Journal, a copy delivered to the press, and a copy hereof be sent to the family of the deceased.

CHAPTER 309

HOUSE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE, EXCEPT GENERAL APPROPRIATION BILLS, BY PROVIDING FOR THE INTRODUCTION OF A NEW HOUSE BILL ENTITLED "AN ACT TO AMEND CHAPTER 153, SEC. 4 OF THE REVISED CODE OF DELAWARE, 1935, BEING CODE SECTION 5253 THEREOF".

*Be it resolved by the House of Representatives of the General Assembly of the State of Delaware, the Senate concurring therein:*

That Senate Concurrent Resolution No. 9 fixing the time after which no new bills or joint resolutions shall be received by either house, except general appropriation bills, be and the same is hereby amended by permitting the introduction of the following House Bill, namely:

An Act to Amend Chapter 153, Sec. 4 of the Revised Code of Delaware, 1935, being Code Section 5253 Thereof.

## CHAPTER 310

## HOUSE CONCURRENT RESOLUTION

CONGRATULATING AND WISHING A SUCCESSFUL AND PLEASANT TERM OF OFFICE FOR REPRESENTATIVE ROBERT H. RICHARDS OF THE CITY OF WILMINGTON, REPUBLICAN FLOOR LEADER OF THE HOUSE OF REPRESENTATIVES AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE, UPON HIS APPOINTMENT TO THE OFFICE OF DIRECTOR OF PUBLIC SAFETY OF THE CITY OF WILMINGTON BY MAYOR ALBERT W. JAMES OF THE CITY OF WILMINGTON, WHOSE APPOINTMENT WAS ANNOUNCED ON MONDAY, MARCH THIRTY-FIRST, NINETEEN FORTY-ONE, TO TAKE EFFECT MAY FIRST, NINETEEN FORTY-ONE.

WHEREAS, on Monday, March 31, 1941, the Honorable Albert W. James, Mayor of the City of Wilmington, announced the appointment of Honorable Robert H. Richards, member of the House of Representatives of the 108th General Assembly of the State of Delaware from the Third Representative District of New Castle County, as Director of Public Safety of the City of Wilmington, such appointment to take effect May 1, 1941, Now Therefore,

*Be it resolved by the House of Representatives of the 108th General Assembly of the State of Delaware, the Senate concurring therein:*

That the members of the said House of Representatives and the members of the Senate do hereby extend to the said Honorable Robert H. Richards congratulations and best wishes on his appointment to the office of Director of Public Safety of the City of Wilmington.

## CHAPTER 311

## HOUSE CONCURRENT RESOLUTION

BY FURTHER AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE, EXCEPT GENERAL APPROPRIATION BILLS BY PROVIDING FOR THE INTRODUCTION FOR TWO (2) NEW HOUSE BILLS.

*Be it resolved by the House of Representatives of the 108th General Assembly of the State of Delaware, the Senate concurring therein, that Senate Concurrent Resolution No. 9, fixing the time after which no new bills or Joint Resolutions shall be received by either house except general appropriation bills, as amended by House Concurrent Resolution No. 5 be further amended by providing for the introduction of the following new House Bills entitled as follows:*

1. AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE BY REPEALING 4246 SEC. 12 THEREOF RELATING TO THE OFFICE OF COURT STENOGRAPHER, AND TO PROVIDE FOR COURT STENOGRAPHERS, OFFICE STENOGRAPHERS, AND A CONTINGENT FUND FOR THE LAW COURTS OF THIS STATE.

2. AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF CERTAIN SCHOOL BONDS MATURING DURING THE FISCAL YEAR BEGINNING JULY 1, 1941, AND ENDING JUNE 30, 1942.

## CHAPTER 312

## HOUSE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE EXCEPT GENERAL APPROPRIATION BILLS, AS AMENDED, BY PROVIDING FOR THE INTRODUCTION OF CERTAIN NEW HOUSE BILLS.

*Be it resolved by the House of Representatives of the 108th General Assembly, the Senate concurring therein:*

That Senate Concurrent Resolution No. 9 entitled "Fixing the time after which no new bills or joint resolutions shall be received by either House except general appropriation bills", as amended, be further amended by permitting the introduction of the following entitled bills:

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO APPROPRIATE MONEY TO THE STATE OLD AGE WELFARE COMMISSION FOR UNEMPLOYMENT RELIEF AND RELIEF OF INDIGENT PERSONS," APPROVED APRIL 22nd, 1941.

AN ACT TO CEDE CERTAIN LANDS TO THE UNITED STATES OF AMERICA.

CHAPTER 313

HOUSE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE EXCEPT GENERAL APPROPRIATION BILLS, AS AMENDED, BY PROVIDING FOR THE INTRODUCTION OF A NEW HOUSE BILL ENTITLED "AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO CONVEY CERTAIN LANDS TO DELAWARE DUNES ASSOCIATION.

*Be it resolved by the House of Representatives of the 108th General Assembly, the Senate concurring therein:*

That Senate Concurrent Resolution No. 9 entitled "Fixing the time after which no new bills or joint resolutions shall be received by either House except general appropriation bills", as amended, be further amended by permitting the introduction of the following bill entitled

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO CONVEY CERTAIN LANDS TO DELAWARE DUNES ASSOCIATION.

## CHAPTER 314

## HOUSE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE, EXCEPT GENERAL APPROPRIATION BILLS, BY PROVIDING FOR THE INTRODUCTION OF A NEW HOUSE BILL ENTITLED: "AN ACT PROPOSING AN AMENDMENT TO SECTION 5 OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO PLACE WHERE THE GENERAL ASSEMBLY SHALL MEET AND SIT."

*Be it resolved by the House of Representatives of the State of Delaware, the Senate concurring therein, that Senate Concurrent Resolution No. 9, fixing the time after which no new Bills or Joint Resolutions shall be received by either House, except General Appropriation Bills, be and the same is hereby amended in such manner and to such extent as to authorize the Introduction of a new House Bill, entitled:*

"AN ACT PROPOSING AN AMENDMENT TO SECTION 5 OF ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO PLACE WHERE THE GENERAL ASSEMBLY SHALL MEET AND SIT."



## CHAPTER 315

## HOUSE CONCURRENT RESOLUTION

AMENDING SENATE CONCURRENT RESOLUTION NO. 9 FIXING THE TIME AFTER WHICH NO NEW BILLS OR JOINT RESOLUTIONS SHALL BE RECEIVED BY EITHER HOUSE EXCEPT GENERAL APPROPRIATION BILLS, AS AMENDED, BY PROVIDING FOR THE INTRODUCTION OF A NEW BILL ENTITLED "AN ACT TO AUTHORIZE THE REGISTER OF WILLS OF THE STATE OF DELAWARE IN AND FOR KENT COUNTY TO PROCURE A NEW SEAL OF OFFICE".

*Be it resolved by the House of Representatives of the 108th General Assembly, the Senate concurring therein:*

That Senate Concurrent Resolution No. 9 fixing the time after which no new bills or joint resolutions shall be received by either house except General Appropriation Bills, as amended, be further amended by permitting the introduction of a new bill entitled

"AN ACT TO AUTHORIZE THE REGISTER OF WILLS OF THE STATE OF DELAWARE IN AND FOR KENT COUNTY TO PROCURE A NEW SEAL OF OFFICE"

## CHAPTER 316

## HOUSE CONCURRENT RESOLUTION

DIRECTING THE SECRETARY OF SENATE TO RETURN SENATE BILL NUMBER 30 WITH SENATE AMENDMENTS NOS. 1, 2, AND 3 AND HOUSE AMENDMENT NO. 1 TO THE HOUSE OF REPRESENTATIVES.

*Be it resolved by the House of Representatives of the 108th General Assembly the Senate concurring therein, that the Secretary of the Senate be and she is hereby directed to return to the House, Senate Bill No. 30 with Senate Amendments Nos. 1, 2, and 3 and House Amendment No. 1.*

CHAPTER 317

HOUSE CONCURRENT RESOLUTION

DIRECTING THE SECRETARY OF THE SENATE TO RETURN  
SENATE BILL NO. 144 WITH SENATE AMENDMENTS NOS.  
1, 2 AND 3.

*Be it resolved by the House of Representatives of the 108th  
General Assembly, the Senate concurring therein:*

That the Secretary of the Senate be and she is hereby directed to return to the House, Senate Bill No. 144, with Senate Amendments Nos. 1, 2 and 3.

# Proclamations

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## CHAPTER 318

### STATE OF DELAWARE EXECUTIVE DEPARTMENT

#### PROCLAMATION

WHEREAS, the New York World's Fair commemorating the One Hundred and Fiftieth Anniversary of the inauguration, on April 30th, 1789, of George Washington as the first President of these United States and the establishment of the Federal Government in the City of New York, chosen as the first Capitol of our Nation, and

WHEREAS, the State of Delaware has always had an active part in events pertaining to the establishment of our country and being the first State to ratify the Constitution of which we are justly proud, and which we celebrate on September 17th, therefore, it is quite appropriate that a day be set aside as Delaware Day at the Fair, in honor of our State, and

THEREFORE, I request and urge that our citizens cooperate with the Wilmington Chamber of Commerce and the Delaware Advisory Committee in attending the New York World's Fair on

DELAWARE DAY  
September 12, 1939

so that the excellent program prepared may be enjoyed by all and proper appreciation shown by the number of Delawareans in attendance.

IN TESTIMONY WHEREOF, I, Richard C. McMullen,  
Governor of the State of Delaware, have here-

## PROCLAMATION

(Great Seal) unto set my hand and caused The Great Seal of this State to be affixed this First day of September, 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-fourth.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 319

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, His Excellency, the President of the United States, in his radio address of Sunday night, September 3rd, warned the American people, "In modern foreign relations, when peace has been broken anywhere, peace of all countries everywhere is in danger"; and

WHEREAS, in that same message, President Roosevelt emphasized the danger of our nation being drawn into the conflict now raging in Europe and counseled, "Let no man or woman thoughtlessly or falsely talk of America sending its armies to European fields"; and

WHEREAS, this momentous issue which now confronts the American people transcends all partisan considerations, it is essential that we face this problem as a united people in order that America may fulfill her difficult role in this time of world crisis with honor and fidelity to our sacred traditions; and

WHEREAS, the President, on September 5th, issued a Proclamation of Neutrality for the United States:

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, do hereby call upon all the people of Delaware to stand solidly behind the President of the United States in his determination to keep America out of war and to scrupulously observe the neutrality regulations set forth in the President's Proclamation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Delaware to be affixed at Dover, this thirteenth  
(Great Seal) day of September, in the year of our Lord One Thousand Nine Hundred and Thirty-nine, and

PROCLAMATION

of the Independence of the United States of  
America, the One Hundred and Sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 320

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, our State, through legislative act, 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, 1939, 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 Dover, this twenty-sixth day of September, (Great Seal) in the year of our Lord One Thousand Nine Hundred and thirty-nine and in the year of the Independence of the United States of America, the One Hundred and Sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.



CHAPTER 321

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, unfriendly fire always has been a matter of grave concern to mankind; sweeping forest and field, city and town; destroying millions of dollars worth of property and often leaving in its wake thousands of dead and injured, many hopelessly crippled for life, and

WHEREAS, this waste makes it vitally important that greater effort be made to decrease such immense loss, and

WHEREAS, the President of the United States, for the benefit of the whole American people, has proclaimed the week of October 8-14 to be

FIRE PREVENTION WEEK

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim this week of October 8-14 to be

FIRE PREVENTION WEEK

and urge that the citizens of our State shall individually and through various organizations correct existing fire hazards, promote measures of public and private fire protection, extend instruction in fire prevention among adults, as well as school children, and assist the various local volunteer fire companies in their endeavor to protect the lives and property of those in our communities.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this third day of October,  
in the year of our Lord One Thousand nine

PROCLAMATION

(Great Seal) hundred and thirty-nine and of the Independence of the United States the one hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 322

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the week beginning November 5, 1939 has been designated as American Education Week. There is no observance in our country more significant toward the future of American democracy and the coming generations than our public schools, and

WHEREAS, the general theme this year is "Education for the American Way of Life". The period set apart for American Education Week is the most important annual period of educational interpretation for the nation's schools. It is the time when our schools report to the people in concert.

WHEREAS, during this period many of our citizens will have the opportunity to consider the many important advantages which result from our educational system.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware urge and recommend that State and local authorities cooperate with the civic and religious bodies of our State to secure the most general and unanimous observation of

## AMERICAN EDUCATION WEEK

during the period commencing November 5th and ending November 11th, and that teachers in the schools arrange special programs during this time so we may all know more of our present day methods of education.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this thirtieth day of October  
(Great Seal) in the year of our Lord one thousand nine hun-

PROCLAMATION

dred and thirty-nine and of the Independence of  
the United States the one hundred and sixty-  
fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 323

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Armistice Day commemorating the end of the World War is the beginning of American Red Cross Roll Call for Membership;

AND, WHEREAS, the American Red Cross always stands in readiness to assist in great emergencies and in public health service, all most important to the well-being of our respective communities and the people of our State. Particularly at this time with suffering and need so much greater in the war-torn countries of Europe should we think of the good which may be accomplished by our financial support and aid;

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do proclaim November 11th to November 30th, 1939, as

ANNUAL ROLL CALL OF THE AMERICAN RED CROSS

and urge the people of our State to think of the very necessary work that is done by this organization so sufficient support may be granted to carry on. By becoming a member of the American Red Cross you will show your confidence in their work and perform a service of great value to your community.

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

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 324

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

In keeping with the American Tradition founded by our forefathers in setting aside at this season, a day to unite in rendering sincere and humble thanks for the blessings received and the privileges and opportunities afforded during the year, I, Richard C. McMullen, Governor of the State of Delaware do hereby set apart and designate Thursday, November 23, 1939, the day which has been proclaimed by the President of the United States, as

## THANKSGIVING DAY

and urge that upon this occasion we lay aside our material duties and give grateful thanks to the Almighty Father, our common God, for the bountiful blessings he has bestowed upon us; that we acknowledge with appreciation His beneficence and seek His Divine Guidance, so that peace, plenty, and concord will again abound in all the nations of the earth.

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

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 325

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, on December 7th, 1787, the State of Delaware ratified the Federal Constitution adopted by the Continental Congress in September of that year and presented to the various states for ratification and by so doing we became "The First State in the Union", and

WHEREAS, we, the citizens of Delaware have just reason to be proud of our record in the foundation and preservation of our Nation,

NOW, THEREFORE, I, Richard C. McMullen, by virtue of the authority vested in me through Legislative Act, hereby designate and proclaim the seventh day of December as

## DELAWARE DAY

and call upon all the citizens of Delaware to display our State and National flags, and to urge that appropriate exercises be held in all our schools, churches and civic organizations to commemorate this historic event.

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

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 326

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:

A. A. Michaud & Co., Inc., A-B-C Stores, Inc., A. E. F. Lines, Inc., A. G. Bradley, Inc., A. Garbliks' Sons, Inc., A. Ingenito Funeral Home, Inc., A. J. Paul Co., A. & K. Air Lift Company, A. L. Lowe General Excavating Company, A. Lad Lamp Corporation, A. Topkis & Brother, Inc., Abraham Bralow and Company, Accelerating Valve Motor Corporation, Ace Oil Company, Ace Products Incorporated, Ace Traffic Charts, Inc., Acme Air Conditioning Corporation, Aerial News Company, Inc., Aero Advertising Corporation, Aetna Products Corporation, After Thirty Laboratories, Inc., Air Drill Corporation, The, Airecon Corporation, Airplane and Engine Development Company, Inc., Airplane & Marine Direction Finder, Inc., Alabasque Corporation, Alaimo Bros., Inc., Alaska Furriers, Ltd., Alaska Trading & Navigation Co. Inc., Albers Products Co., Inc., Alberto Vales Company, Alden Farms, Inc., Alexander H. Findlay, Inc., Alfred Leith Co., Inc., Alien Deportation and Exclusion League, Inc., All States Charter Corporation, Allen Carroll Company, Allied Continental Corporation, Allied Cotton Garment Association, Allied Refrigerators Service, Inc., Alpaugh Oil Company, Alpen Corporation, Alpha Distributors, Inc., Alpha Man-



## PROCLAMATION

agement Corporation, Alpha Mining Corporation, Alva Electric Products Co., American Aniline & Extract Co., Inc., American Basket Corporation, American Celilynd Limited, American Chemical & Drug Company, American Clubman Publishing Corporation, American Coarse Gold Corporation, American Consolidated Tin Mines Corporation, American Dialyzer Corporation, American Expansion Wheel Corporation, The, American Fidelity Society, American Fiscal Corporation, American Home Benefit Association, American Irrigation Company, American Isteg Steel Corporation, American Katalite Corporation, American Lime and Silica Products Company, American Loan Company of Camden, American Loan Company of New Haven, American-Mexican Claims Bureau, Incorporated, American Mineral Company, The, American Motor Ignition Corporation, American Pantepec Petroleum Corporation, American Renoleo Company, American Service Corporation, American Standard Rating Service Corporation, American Glass Manufacturing Company, American Sugar Pine Company, Inc., American Swiss Properties, Inc., American Union Life Association, American Writing Paper Company, Incorporated, Amisk Incorporated Mines, Ltd., Amortization Management Corporation, Amplilux Corporation of America, Angus Company, The, Animal Features, Incorporated, Ansonia Packing Corporation, Apollo Oil Corporation, App Tunneling Corporation, The, Arbanis Holding Company, Inc., Arcy Corporation, The, Ardco Manufacturing Company, Arena Grill, Inc., Argo Mining and Tunnel Company, Argo Novelties Inc., Argonne Cemetery Company, Argus Petroleum Corporation, Argyle Corporation, The, Ariston Grill, Inc., Arizona Limes, Inc., Armour Lake Gold Mining Co., Ltd. The, Arnolds, Inc., Arro Tube and Mfg. Corporation, Arrow Cleaners & Dyers, Inc., Arta Corporation of America, Artanna Realty Corporation, Artercraft Decorating Company, Artercraft Studios, Incorporated, Artisto Monument and Marker Co., Inc., Asbury Day Nursery, Inc., Asscuney Corporation, The, Associated Advertisers, Inc., Associated American Underwriters Corporation, Associated Business Schools, Inc., Auto Vision Aid, Incorporated, Automatic Stores, Inc., Automotive Parts, Inc., Automotive Patent Holding Company, Avalon Company, Avenue Syndicate,

## PROCLAMATION

Ayres, Litchfield Company, Incorporated, Azais Company, Inc., Associated Dairy Products, Inc., Associated Film Producers Corporation, Associated Investors Corporation, Atlantic City Lines, Inc., Atlantic Oil Company, Atlantic Ordnance Company, Inc., Atlantic States Line, Inc., Atlas Cab Corporation, Atlas Cordage, Inc., Atlas Distributing Company, Atomic Power Corporation, Atwood Laboratories, Inc., Arthur's, Inc., Allison-Fitzwilliam Petroleum Corporation, Aetna Finance Corporation, Aleco, Limited, Augusta Silk Company, Ascension Mines Corporation, Allied Oil, Gas & Coal Mining Development Corporation, American Petroleum Export Company, Anglo-American Founders, (Incorporated), Arrow Aircraft and Motors Corporation, Automatic Quotation Co., Automatic Telephone Dialer, Inc.

B. Franklin Theobald, Inc., Baker Company, The, Baker, Fernie & Co., Baker & Sons, Incorporated, Balcones Company, Inc., Baldwin Granite Company, The, Baltimore Mutual Company, Bamberger and Company, Banner Coal Mining Company, Barco Investment Company, Baron-s Inc., Barr Transfer Co., Barrett's Supply Company, Base Ball Kids, Incorporated, Bavarian Brewing Company, Bavarian Brewing Company of Wilmington, The, Baver Display Easel Company, Inc., Beacon Publishing Company, The, Beall & Clark, Inc., Beece Corporation, Inc., Beechwood Improvement Co., Beinhocker, Inc., Belhaven Hotel Company, Bell Tire Company, Belmont Holding Company, Belvedere Hotel Company of Baltimore, Belvedere Kennett Company, The, Beneficial Finance Company of Altoona, Beneficial Finance Company of Johnstown, Beneficial Loan Society of Canton, Beneficial Loan Society of Cincinnati, Beneficial Loan Society of Cleveland, Beneficial Loan Society of Columbus, Beneficial Loan Society of Dayton, Beneficial Loan Society of Fort Wayne, Beneficial Loan Society of Gary, Beneficial Loan Society of Springfield Ohio, Beneficial Loan Society of Youngstown, Bennett & Co., Inc., Ben's Creek Coal Mining Company, Ben-s Shoe Store, Inc., Berkshire Hills Estates, Inc., Berry Corporation, Beryllium Products Corporation, Better Blacks, Inc., Better Houses, Inc., Betty Ann Tea

## PROCLAMATION

Shoppe, Ltd., Beyer Realty Company, Big 3 Tile & Block Corporation, Birchett and Atkins, Inc., Birdsong Corporation, Biscamix, Inc., Black Butte Mining Co., Black and Gold, Inc., Blair Sales Co., Inc., Blades Council Number eighteen Jr. O. U. A. M. Inc., Blanken's Inc., Blue Lake Gold Mines, Inc., Blue Light Cab Corporation, Body and Foot Foundation Shoes Inc., Bonnie Brair, Inc., Bornsten Lander & Mayer, Inc., Bosun Mines Limited, Boulevard Building Co., Bourbon Distilleries Products, Inc., Bowers Oyster Company, Bowie Oil & Royalty Corporation, Boyd Bocks, Inc., Boyd Engineering and Construction Company, Inc., Boynton Heater Company, Bradford Coal Company, Bradley Corporation, The, Brandywine Ice Cream Company, Bresson Corporation, Bridges Company, The, Briskomb Company, Bristol Products Co. Inc., Brite Homes, Inc., British-America Gold Mining Company, Inc., British-American Pipe Line Company, Inc., Brockwell, Incorporated, Bromac Oil & Gas Company, Brooks Valet, Inc., Brotherhood of Motor Freight Employees, Inc., Brown Funeral Homes, Inc., Brown Lock Nut Company, Brown Oil and Gas Corporation, Bryan & Emery, Inc., Buck Taylor, Inc., Buell-Herndon & Co., Inc., Buffalo Electric Furnace Corporation, Buffalo Technical Institute, Inc., Buffington Tailoring Co., Burdan Bros. Inc., Burkhard Bulletin System, Inc., Burna Gold Mining Syndicate, Inc., Burnham Rusk Giles Strip, Inc., Burr Oaks Camp, Inc., The, Bus Advertising Service Inc., Busy Bee Dairy, Inc., Blue Ribbon Hog Farm, Inc., Bowsend Mining Company, British Petroleum, Limited, Black Cat Tea Room, Inc., The, British-American Timber Corporation, Bush Consolidated Gold Mines, Incorporated, B. O. Longnecker, Inc.

C. B. and F. Petroleum Company, C. C. Henry Company, Incorporated, C. E. Hurley & Son, Inc., C. E. Schwartz Company, C. H. S. Corporation, C. K. Eagle and Company, Incorporated, Cal-co Laboratories, Inc., California Concentrators, Ltd., California Homestake Mines Corporation, California Hotel Company of Delaware, California Mining & Finance Corporation, California Standard Gold Mines Corporation, Calkan Petroleum Corporation, Cameron Tractors, Inc., Camp Rogope

## PROCLAMATION

Corporation, Campbell Mineral Company, Inc., Canadus Mines Corporation, Cane Industries Corporation, Cann Bros., Inc., Canterbury Community Center, Inc., Capital Realty and Business Brokers Incorporated, The, Capital Varnish Works, Inc., Capitol Circulation Service Incorporated, The, Caribbean Securities Company, Carlotta Metals Company, Ltd., Carol Randolph Associates, Inc., Carol Randolph Laboratories, Inc., Carole's, Inc., Carolina Health Farms Incorporated, Caroline Investment Corporation, Caron-Starn Drug Company Incorporated, Carroll Arms Hotel, Inc., Carston Insurance Agency, Incorporated, Carter-Van Wyck, Inc., Cascabel Amusement Company, Cash Buyers, Co., Inc., Cash Coupons, Inc., Castle Foundry Company, Catholic Bishops Commission for Mexican Relief, Inc., Cattle Raisers Loan Company, Cella Leather Company, Central Basket Sales Corporation, Central Commonwealth Service Corporation, Central Farms Hatchery, Inc., Central Motor Parts Corporation, Central Pharmacy, Inc., Central Products Manufacturing Co., Inc., Central West Public Service Company of Nebraska, Central West Public Service Company of North Dakota, Century Gold Mining Company, Century Products Company, Inc., Chabbott's, Inc., Chaconas Florist, Inc., Cathay Commercial Company, Chalmers, Inc., Cardel Company, Incorporated, Char-Chemical-Company, Charley Haine's Service Station, Incorporated, Chas. Knight, Inc., Chemical Reduction Corporation, Chemical Service Laboratories, Incorporated, The, Cherokee Mining and Development Co., Inc., Chester Oil Company of Pennsylvania, Cheyenne Oil Company, Inc., Chic Beauty Salons, Inc., Chino Valley Oil Development Company, Chiplets, Incorporated, Choral Properties, Inc., Chriscarala Corporation, The, Christie Corporation, Christopher Vandergrift Co., Church of Christian Liberty, Inc., Cigar Novelty Co., Inc., City Baking Company, City Properties Incorporated, City Service Cleaning Contractors, Inc., City Service Coal & Coke Co., Civil Service Associates, Inc., The, Civil Service Plan Bankers, Incorporated, Clark Petroleum Corporation, Claymont Court, Inc., Clayton E. Hurlbut Shoe Company, Inc., Clearmont-Plumas Mines, Inc., Clymore Production Company, Co-operating Investors, Inc., Coal Products of America, Ltd., Coal Reduction, Inc.,

## PROCLAMATION

Coal Securities, Inc., Coast Range Land & Livestock Co., Coast States Petroleum Company, Coast Subdividers, Inc., Coinomatic Corporation, Collins Hosiery Company, Inc., Colloidal Lime Plaster Corporation, Columbia Cattle & Development Corporation, Colon Oil Corporation, Colonial Enterprises, Inc., Colonial Garden Cafe, Inc., Colonial Paint & Supply Co., Colorado-Kansas Development Company, The, Colorado Manganese & Gold Mines, Inc., Colorthru Wood Products Corporation, Columbia Dairy, Inc., Columbia Motor Sales, Inc., Columbia River Longview Bridge Company, Comal Springs Brewing Co., Comet Trailer Corporation, Community Film Industries, Inc., Community Stores, Inc., Complex Mining and Engineering Corporation, Condiments Incorporated, Confederate Engineers, Inc., Consolidated Chemical Corporation, Consolidated Copper & Brass Co. Ltd., Consolidated Oil Productions, Incorporated, Construction Finance Corporation, The, Consumers Carbonic Corporation, Consumers Co-operative Corporation, Continental Bond & Investment Company, Continental Commercial Company, Continental Development Company, Control Corporation of America, Controversy Publishing Company, Cook County Mill and Lumber Company, Cooling & Heating, Inc., Coopersburg Handle Works, Inc., Corbin and Company, Cordon Corporation, Craftsmen, Inc., Crane Ice Cream Corporation, Crawley Book Machinery Company, The, Crosene Corporation, Cross Mining Co., Inc., Crowder Construction Company, Crown Dairy Products Co., Crystal Beach Manor Civic and Fire Association, Inc., Cu-lead-ite Metal Products Corporation, Cuff Packing and Provision Company, Inc., Cumfer Building Products, Inc., Continental Petroleum Company, The, Covington-Cincinnati Cities Bridge Corporation, The, Cortez Oil Company, Covington Coal Products Co., Carlton Laboratories, Inc., Cavalier Oil Company, Corvette Oil Corporation, California Kettleman Oil Royalties, Inc., Comstock Cedar Hill Gold Mines, Inc., Coneto Mining Company, Chicago Gulf Corporation, Cartersville Barium Corporation, Connecticut Specialties Corporation, The, Creve Coeur Corporation, Cloister Co., The, Chicago Publications, Inc.

D. C. Campbell Coal Company, D. M. Delcollo, Inc., D.

## PROCLAMATION

Taxin & Son, Co., Inc., Da Silva Port Wine Corporation, Dalco Lubricants, Inc., Dallas Broadcasting Company, Dasee Products Corporation, David J. Conroy Inc., Dawsons, Trading Post, Inc., Day Printing Co., De La Roza Corporation, Dean's 5-10 & \$1.00 Store, Inc., Decker Chemical Company, Inc., Decorative Development, Inc., Deerhead Petroleum Company, Deering Development Corporation, Defiance Parts Corporation, Dehaven Coal, Inc., Del-Ark Manganese Co., Delaware Home Builders, Inc., Delaware Housing Association Incorporated, Delaware Investment Company, Delaware Land Company, Delaware Land Development Corporation, Delaware Metal Products Co., Delaware Registration & Incorporators Company, Delaware Retail Gasoline Dealers Association, Delaware River Transportation Company, Delaware Sports Center, Inc., Delaware Tribe, No. 1, I. O. R. M. Incorporated, Delma, Inc., Delmarvia Cash and Carry, Inc., Delomar Products, Inc., Delta Company, The, Dentaria, Incorporated, Diamond City Beef Company, The, Diamond Refining Company, Diamond State Investment Company, Diatlax Products Corporation, Dirad Corporation, Dirigibles, Incorporated, Dirigold Metals Corporation, Discovery Trading Corporation, Distillation Engineering Corporation, District of Columbia Company, District Real Estate Tax Corporation, District Sales & Finance Co., Divide Gold Mining Corporation, Dixie Cabin Camp Co., Dixie Deb Cosmetics, Inc., Dobson Engineering Corporation, Dollar Oil Corporation, Domain Oil Company, Donald Roebling Company, Inc., Donlevy Distilling Corporation, Dorothy Prencipe Beauty Shop, Inc., Double Ended Masonry Drill Corporation, Dougherty Investment Co., Ltd., Dow Gas Engine Starter Corporation, Dow Patents Holding Corporation, Dow Pioneer Coal Company, Dr. R. M. Graves Corporation, Drake Cleaners & Laundry Co., Drazba Funeral Home, Inc., Dudzele Corporation of America, Durable Floors Corporation, Dutton Investing Corporation, Duffy Restaurant System, Inc., Dictatype Shorthand Machine Company, Inc., The, Day & Night Auto Safety Signal Co., Donahoe's, Incorporated, Decatur Corporation, Double Thread Bit Company.

E. K. Manuel, Inc., E. L. O'Harra, Inc., E. M. Sheppard &

## PROCLAMATION

Co., E. R. Alexander, Inc., Eagle Transfer Co., Eastern Breeders Association, Eastern Building Corporation, Eastern Consolidated Gas Company, Eastern Distilleries Corporation, Eastern Fur Exporters, Incorporated, The, Eastern Stelos Company, Eastern Trust Company, Easy Made Products Co., Inc., Echo Tavern (Drink & Eats Co.), Echophone Radio Corporation, Ecta Corporation, Ed. Mocenter Inc., Eden Oil Company, Eden Park Realty Company, Egli Wine Corporation, Ehko Company, Inc., The, El Canada Mines, Inc., El Paso Mortgage Corporation, Elcurt Oil Corporation, The, Electric Appliance Finance Company, Electric Appliances, Inc., Electric Merchants, Incorporated, Electric Motors, Inc., Electric Service Company, Electric Sheet and Tin Plate Company, The, Electrical Association of America, The, Eleventh Ward Polish Democratic Club, Elfen Corporation, The, Elgin Battery Corporation, Eljay Corporation, Eljay Shirt Co., Inc., Elkton Concrete Products Company, Ellanjay Investment Corporation, Elnwood, Inc., Elois Stocking Productions, Incorporated, Emerald Oil Company, Empire Electric & Water Company, Inc., Empire Forms, Inc., Empire Mortgage Company of California, Empire Railway Supply Corporation, Empire Silica Company, Employee's Reserve Association of America, The, Engineering Corporation, Engineering Tool Corporation, Enterprise Milling Company, Equitable Home Loan Company, Equitable Motors & Credit Co., Equity Petroleum Corporation, Escrow Corporation of America, Etna Chemical Company, Inc., Eugene A. Smith, Incorporated, Eugene Vassallo, Inc., Evanston Publishing Company, Ever-Plastics Corporation, Express Electro Plating, Inc., Em-Kay, Inc., Empire Brick & Supply Corporation, Electric Smelters, Inc., Emulsio Company, Inc., Equatorial Oil Company.

F. E. Nugent Funeral Home, Inc., Faddis Oil & Gas Corporation, Fairlawn Merchandising Service Inc., Falmouth Oil Company, Famosonda Club Inc., The, Federal Bake Shops of South, Inc., Federal Land & Livestock Company, Inc., Federal Law Services, Inc., Federal Refining Company, The, Federal Subsistence Homesteads Corporation, Federal System of Bakeries of Tennessee, Inc., Federated Brewers & Distillers Corpora-

## PROCLAMATION

tion, Feldman Construction Company, Fence Specialties, Inc., Fibrotex, Inc., Fidelity Credit Corporation, Fifth Avenue Publishing Company, Inc., Financial Credit Association Inc., Fine Arts Paint Co., Inc., First Mutual Corporation, The, Fisher Mining Company, Inc., Fleet Dry Cleaners, Inc., Fleetwing Diesel Engine Works, Inc., Flemings, Incorporated, Flexible Fastener Corporation, Flodel Realty Corporation, Flood Rehabilitation Corporation, Florida Oil and Refining Company, Florida Ranch & Dairy Corporation, Florida Tex Oil Company, Flower Electrotypes Corporation, Floyd E. Moore Inc., Fluor Spar Mines of America, Inc., Fog Nozzle Corporation, Folding Portable Bathroom Company, Folicular Corporation, The, Forest Properties, Inc., Foundation For Human Research, Inc., The, Fountain Beauty Salon, Inc., Four Square Products, Inc., Four States Oil Company, Fox West Coast Service Corporation, Frankford Engineering Corporation, Frankford Hosiery Mills Company, Franklin Airways Advertising Corporation, Fraser Appliance Company, Inc., Frate-Loder, Inc., Frederic James Co., Inc., The, Frederica Water and Ice Company, Freeman Laboratories, Inc., Fremont Gold Mines, Inc., French Company of Washington, D. C., The, Freund Plumbing & Heating Corporation, The, Frink Corporation, The, Frontenac Corporation, Full Expansion Engine Corporation, Fancy Papers, Inc., Foam Process Company, First Personal Bankers Corporation, Foster Oil Company, Fullers Earth Corporation of America.

Great Southern Oil Company, Inc., Galena Brewing Company, Galt-Brown Company, The, Gas Brake Co., The, Gayety Wine & Liquor Shoppe, Inc., Gene Raymond Producing Corporation, General Broadcasting System, Inc., General Builders Corporation, General Coffee Corporation, General Construction Company, General Corporate Shares, Inc., General Credit Corporation, General Geophysical Corporation, General Manganese Corporation, General Motive Power Corporation, General Placer & Mining Company, Incorporated, General Research Inc., General Sales Promotion Corporation, The, General Service Corporation, General Show Card Machine Company, General Woodworking Co., Inc., Genessee Greyhound Exhibitors Association, Geo.



## PROCLAMATION

H. Jones Sand Co. Inc., George H. Bauer, Incorporated, Geo. S. White Company, Inc., Geo. W. McCaulley & Son, Inc., Georgetown Coffee Shoppe, Inc., Georgetown Concert Band, Inc., Georgetown Gas Company, The, Georgia Coating Clay Company, Germantown Small Loan Company, Gewehr Piano Company, Gilbert's Identification Devices, Incorporated, Gilchrist & Company, Gillette-Rosenberger Date Gardens, Inc., Gillord Corporation, The, Girard Textiles Inc., Gladiola Beauty Salon, Inc., Glass Corporation of America, Glen-Dar Can Co., Glenlan Properties Incorporated, Globe Company, The, Globe Office Furniture Company, Gold Horseshoe Mines, Inc., Gold Mesa Mines, Inc., Gold Mountain Mining Co., Inc., Gold Productions Corporation, Gold Token Mining Company, Gold Venture Mining & Development Co., Inc., Golden Eagle Central Lines, Inc., Golden Gate Mining Company, Golden Saddle Mining Company, Golden State Gold Mining Company, Goldrox Inc., Graham-Block Company, Graham Motor Service Company, Granada Mining Company, Grand View Gardens Corporation, Graphic Statistics, Inc., Gravity, Incorporated, Great American National, Inc., Great Lakes Aircraft Corporation, Great Northern Mining Corporation, Great Western Mutual Benefit Association, The, Greenaker Gas and Oil Company, Inc., Greendale Products Company, Greenville Coaling and Export Corporation, Greenwater Copper Mines and Smelter Company, Gregg Advertising Company of Texas, Inc., Gregg Omaha Oil Co., Greyhound Oil Corporation, Guadagno-Davis & Company, Inc., Guarantee Building Corporation, Guaranty Discount Corporation, Guaranty Underwriters, Inc. of Florida, Guatemala Mining Company, Guerdon Specialty Co., Gunto Fibres, Inc., Gustav Lindenthal Corporation, Gillies Order System, Inc., Geo. K. Stevenson Company, General Implement Company.

H. E. Fisher & Co., H. M. S. Oil Corporation, Hagerty & Gee, Inc., Haines Manufacturing Company, Halco Manufacturing Company, The, Hambleton & Company, Hambleton Corporation, The, Hamilton Finance Service, Inc., Hamilton Oil Company, Handley Clearing House, Inc., Handy Parts Stores Company, Ltd., Hanover Investors, Inc., Hansen Oil Storage Company,

## PROCLAMATION

Hansen-Duluth Company, Har-Le Hansen-Hieb Incorporated, Hardwick Construction Company Inc., Harold's Food Market, Inc., Harriman Fund Management Corporation, Harriman Investors Fund, Inc., Harrisburg Seed Company, Harron Hosiery Corporation, Hart Coal Corporation, Harteld Foundation, Inc., Hartford Battery Sales Corporation, The, Hartsfield System, Inc., Harvey, Carlton, & Co., Inc., Harvey Manufacturing Company, Hava Treat Corporation, Hazle's Thrifty Mart, Inc., Healey Shoe Manufacturing Company, Health Services, Incorporated, Heatomatic Corporation, Helark Concrete Products Manufacturing Co., Inc., Hellertown Shoe Manufacturing Company, Henderson Bros. Corporation, Henry Oil and Gas Company, Henry Oxenburg, Incorporated, Henry S. Morris, Inc., Herald Post Incorporated, Herbert Dress Company, Inc., Hercules Transport Company, Inc., The, Herd J. Colville, Inc., Hertzig Inc., Herwick Products Corporation, Hexin, Inc., Higher Harmonics Organization, Inc., Highway Guardian Co., Inc., Hilliard Products Company, Inc., Hockey Association of St. Louis, Inc., Holly Style Stores, Inc., Hollywood Inn, Inc., Hollywood Roto-Tank, Ltd., Holmes-Weborg Oil Company, Incorporated, Harmandas Distillery & Winery Corporation, Home Construction Co., Inc., Holloway Terrace Civic Association and Volunteer Fire Company No. 1, Home Market Basket Association, Inc., The, Home Oil & Gas Co. Inc., The, Home Unit Manufacturers Syndicate, Hotel Haddam, Incorporated, Hotel Hornell, Inc., Houser Associates Incorporated, The, Howard-Hutton Corporation, Howells-Lovell Corporation, Hudson River Steamboat Company, Inc., Hudson & Southern Company, The, Hugh T. Morgan and Associates, Inc., Huntington School, Inc., The, Hurlburt-Cosby Refineries Company, Hutchinson Court Apartments Corporation, Huxley Bronze Casting Company, The, Hwa Mei Publishing Co., Inc., Hyde Holding Company, Hardin Chemical Corporation, Henry H. Love Company, Inc.

I. E. Silver Co., I. W. Tarburton & Co., Inc., Icefin Co2 Engineering Corporation, Iceland, Incorporated, Idaho-Alaska Corporation, Ideal Distributing Company of Pennsylvania, Igo-Shasta Consolilated Mining Corporation, Illinois Cigarette Serv-

## PROCLAMATION

ice Co., Illinois Rural Credit Association, Illinois Western Oil Company, Imperial Building Corporation, Imperial Clay Products Corporation, Imperial Motor Courts, Inc., Imperial Studios, Inc., Indel, Incorporated, Independent Mutual Life, Inc., Index Publishing Company, The, Indiana Frog and Mushroom Company, Inc., Industrial Insulation, Inc., Industrial Transit Corporation, Industries of America, Inc., Inter Credit Corporation, Inter-Mountain Grain Growers, Inc., Inter-State Protective Association, Intercontinental Corporation of America, Intercontinental Patents, Inc., International Association of Domestic Workers, Inc., International Educational Association, International Export Corporation, International Foods Corporation, International Gold Corporation, International Gold Mining Co., Inc., International Oil Worker Publishing Corporation, International Pineapple Corporation, International Recording Machine, Inc., International Vegetable Oil Company Incorporated, International Wall Corporation, Interstate Finance Corporation, Interstate Interests, Inc., Interstate Machinery Corporation, Interstate Royalty Corporation, Interstate Zinc & Lead Company, Intra-Coastal Corporation, Intra-Counties Gas Company, Investment Land Corporation, Investors Trusteed Fund Distributors, Inc., Ionic Industries, Inc., Ira E. Gee, Inc., Irving Securities Corporation, Italian Grocers Association of Philadelphia, Inc., Italian Republican League, Italian Veterans of America, Inc., Ivanhoe Corporation, Ivor of Hollywood Incorporated, International Dental Health Foundation for Children, Inc., Interstate Realty Corporation, Institute of Photogrammetry, Inc., International Screw Company.

J. C. Lombard Company, Inc., J. C. & M. G. Mayer Realty Corporation, J. E. Lange, Inc., J. P. Scott, Inc., J. R. Crawford, Inc., J. Rogers Flannery & Co., J. Steve Anderson, Jr., Inc., J. T. Corporation, Jackomatic Corporation, Jacobson Brothers Co., James A. Mosteller, Inc., James L. Scott & Co., Inc., James L. Wilson and Company, Incorporated, James L. Windsor & Son, Inc., Jefferson Street Company, Jefson Corporation, The, Jeweler and Goldenhorn, Inc., John R. Wright Corporation, John W. Bradford & Company, John X Pie Company, Inc., Joseph E.

## PROCLAMATION

Decosta Company, Inc., Joseph H. A. Decatur, Inc., Jefferson Realty Company, Jas. S. McCormick Co., Johnson Miller, Incorporated.

Kane-American Corporation, Kaufman-Brening Cleaners, Inc., Kel Company, Inc., Keller Engineering Corporation, Kells Generator & Automatic Refrigerator, Inc., Kelly Dry-Pure Juice Corporation, Kelly-Lester Milk Company, Inc., Kenco Corporation, Kendall Manufacturing Co., Inc., Kenefick Realty Corporation, Kennedy Brothers, Incorporated, Kent Electrical & Supply Co., Inc., Kent-Sussex Feed Company, Kentucky Distillers, Inc., Kenyon & Co., Inc., Keystone Syndications, Inc., King Cotton Company, King's Pass Gold Company, Inc., Kings-Ley, Inc., Kissileff and Company, Kistner Corporation, Kit-Hanne Pottery Co., Klorosol, Ltd., Knickerbocker Associates, Inc., Known Truth Inc., Knox Coaster Company, Kookley's Tea Room Co., Kosmos Export Company, Ltd., Kres-Kno Oil Burner Corporation, Kuhl & Co., Kumyss, Inc., Kaolin Corporation of America.

L. L. Beal and J. Bard McCandless, Inc., L & S Incorporated, La Grande Hot Lake Sanitarium, Inc., La-Plata Comstock Gold Mines, Inc., Labor's Non-Partisan League of Alleghany County, Pennsylvania, Inc., Lacy's Restaurant, Inc., Lady Bug Mine, Incorporated, Lafayette, Incorporated, The, Lamb Oil Company, Land, Inc., Landlith Improvement Company, Lascese Chemical Corporation, Laura Harlan, Inc., Lawar, Incorporated, Le Baron Baltique, Ltd., Lea Holding Corporation, Leet Motor Co., Le-fever & Jenks Investment Corporation, Legner & Legner, Inc., Leonard Petroleum Company, Levick Mining Company, Levine & Tanz, Inc., Levit and Woorman, Inc., Lewis-White Company, Inc., Lexington Mining Corporation, Liberal Finance Company, Inc., Liberty Cleaning and Dyeing Company, Lima Foundry and Machine Company of Lima Ohio, The, Limelands Plantation, Inc., Lincoln American Life Association, Linwood Laboratories, Inc., Linx Knitwear Corporation, Lion Fastener, Inc., Liquid Drying Corporation of America, Literature and Arts Publishing Company, Ltd., The, Little Otter Mines, Inc., Little Sol, Inc.,

## PROCLAMATION

Littlefield, Alvord & Company, Live Oak Mining and Milling Company, Local Oil Company, Brainerd Minnesota, Lodor, Inc., Lorrol Steamship Corporation, Lost Mine Corporation, Louis Cole Emmons Coal Company, The, Louis Gold & Company Incorporated, Louis Wilke Manufacturing Company, Louisiana Oil and Sales Company Inc., Love Mines, Incorporated, The, Luce Gift Shop, Inc., Ludlow Realty Company, Luebbert's American Pharmacy, Inc., Lunch Stick Corporation, Lund Pharmacy, Inc., Luxite Company, The, Lynch Distributing Company, Leonard Exploration Company, Lundelius & Eccleston Motors Corporation.

M-K Oil Company, Inc., Maclou Corporation, Macmullen Brothers and Company Incorporated, Mad Ox Mines, Inc., Mad-dock-Dyer Process Co., Madison Merchandise Company, Magnolia Mining Company, Majestic Life Association, Major Film Productions, Inc., Major Shares Corporation, Malcolm Manufacturing Company, Malone Holding Corporation, Management and Research Incorporated, Manatawny Silk Company, Manchester Coal Mines Inc., Manfre Advertising Agency, Inc., Manor Corporation, Manoukian Bros., Inc., Mansul Chemical Company, Manufacturers Merchants Investment Corporation, Manwaring Corporation, Marathon Mining Company, Marbelee Corporation, Marchegiani & Mazzella, Incorporated, Marigold Mining and Milling Co., Marillac Gold Mines Limited, Marine Air Terminals, Incorporated, Marine Fish Company, Mariscal Mercury Mines, Inc., Mark Keshishian, Inc., Mark Maggs Roofing Co., Market Street Beef Co., Marks Motors, Inc., Marshall Mining Company, Inc., Marshall Oil Co., Marshel Discount Co., Martin Hairdressers, Inc., Martin Store Fixture Company, Incorporated, Massachusetts Oil Corporation, Masters Steel Frame Company, Masterpiece Cigar Co., Matchless Company, Matthews Radio Corporation, Mayflower Open Kitchen, Inc., McCambridge Co., The, McCormick Laboratories, Inc., The, McDonnell and Gorman Inc., McKee Corporation, McKeever-Hartung Company, Inc., McKinney Door Sales Company, McNeal Investment Company, McNeil Mineral Developments, Ltd., Mechanical Cashiers, Inc., Media Pontiac, Inc., Melde Lug-Stone & Equipment Co.,

## PROCLAMATION

Inc., Meleroda Oil Exploration Co., Mercana Mining and Development Company, Mercantile Arcade Realty Corporation, Merchants Acceptance Co., Merchants Bank Investment Company, Meridian Film Distributors, Inc., Metal Egg Crate Company, Metal Mining Corporation, Metal Specialty Company, Metals Extrusion Company, Inc., Metlox Products, Inc., Metro Motor Mart, Inc., Metropolitan Fuel Oil Company, Metropolitan Sporting Association, Mexandia Mining Company, Mexican Quicksilver Company, Meyeve, Inc., Michigan Dome Oil & Gas Corporation, Michigan Flower Growers, Incorporated, Mid-Continent Quicksilver Corporation, The, Mid-West Farms Company, Mid-West Investment Corporation, Mid-West Oil Company of America, Middleton Advertising Corporation, The, Mid-west Corporation, Midwest and Northern Realty Company, Milferd Beauty Academy, Inc., Mill Creek Gold Mines, Inc., Miller, McKee & Company, Inc., Milo Bar Bell Company, Inc., Milone's Bakery, Incorporated, Mina Oro Grande Mining Milling & Exploration Company, Inc., Mining Machinery Manufacturing & Sales Company, Mining Systems, Inc., Minn-Mont Company, Minnesota Mortgage Loan Company, Minnesota Telephone Company, Minnick's Realty Corporation, Minor C. Keith Memorial Corporation, Miss Frances, Inc., Missouri Gas Transmission Company, Mrs. A. A. Gutgesell, Inc., Modern Homes, Incorporated, Modern Builders, Inc., Modern Laboratories, Inc., Modern Maid Company, Modern Scale Corporation, The, Moderne Food Shop, Inc., Moderne Products Corporation, Modot, Inc., Mohawk Oil Company, Moheco Heating Co., Inc., Monagas Oil Fields Corporation, Monarch Land and Livestock Corporation, Mondall Publishing Corporation, Mono-Wheel Trailer Corporation, Montgomery County Oil Company, Montifiore Mutual Benefit Society of Wilmington, Delaware, The, Moroccan Pawnbroking Co., Inc., Morrison Service Association, Inc., Mortgage Union of Penn., The, Moss Filled Wreath Company, The, Mossgeil Club, Inc., Motherlode Development Corporation, Motor Chemical Products, Inc., Mount Baker Chromium Corporation, Mount Pearl Mineral Company, Inc., Mueller Variety Stores, Incorporated, Mugwump Gold Mines Corporation, Mutual Aid Society, Mutual Cosmetic Company, Inc., Mutual Investment Serv-

## PROCLAMATION

ice, Inc., Mutual Life Insurance Company of the United States, Myers & Watters, Incorporated, Mary K. Mines, Inc., The, Macdair Co., Meadow Appliance Corporation, Marvabalm, Inc., Matthews Bradford Oil Company, Inc., Motologue Advertising Corporation, Middletown Brewing Company, Inc., Midland Utilities Company, Marion DeVries, Incorporated, Muskegon Finance Company.

National Fertilizer Corporation, National Food Products Corporation, The, National Fund, Incorporated, National Goodwill Guild, Inc., National Macaroni Company, Inc., National Mineral Separation Company, National Mortgage Company of Harrisburg, Pa., National Mutual Management Corporation, National Paper Process Co., Inc., National Penny Stores, Inc., National Personnel Service, Inc., National Petroleum Corporation, National Realty Co., National Recording Studios, Inc., National Security Mutual Life Corporation, National Space, Power Transmission Corporation of Delaware, The, National State Federal Aid Association, National Survey Service Securities Corporation, National Tool Service, Inc., National Trading Corporation, National Underwriters, Inc., National Wireless Power and Light Corporation, Nation's Capital Realty Corporation, Natural Color Films, Inc., Natural Color Picture Corporation, Neba Gold Mining Company, Nehi Bottling Company, Incorporated of Washington, D. C., Neill Products Corporation, Nemo Oil Company, New Age Publishing Company, N. G. Stevenson American Import & Export Co., Inc, N. and U. Oil Company, Nap Furniture Company, Napoleon The First, Inc., National Aid Society of America, National Association of Work Clothes Manufacturers, Inc., National Automatic Distributors Association, National Automobile Club, National Capital Building Investment Company, National Capital Horse Show Association, Incorporated, National Cooperative Auction, Inc., National Corporation of Peru, National Electric News Signs, Inc., National Electrical Research & Manufacturing Company, National Manufacturing Machine Company, Ltd., New Centre Restaurant Company, Inc., The, New Confidence Mining Company, The, New Deal Raincape Corporation, New Dictatype Company, Incor-

## PROCLAMATION

porated, New England Furniture & Carpet Company, New England Lime Company, New Flexible Arch Support Company, The, New Jersey Engineering Service Corporation, New Van Dorn Gold Mining Company, New York Navigation Company, New York and Pennsylvania Air Express, Inc., Newark Development Company, Newland Ice & Cold Storage Company, The, News-Times Publishing Company, Inc., Newton Finance Corporation, The, Newton Realty Corporation, Nicaragua and Atlantic Coast Airways, Inc., Nicholas Power Company, Nichol's Pharmacy, Inc., Nichols Products Co., Nickel Alloy Company, 965 Fifth Avenue Corporation, Ninth Street Shoe Market, Inc., Nirvana Estates, Inc., Noelco, Inc., Nogales Smelting Corporation, Nolan Motor Company, Incorporated, Norfield Mines, Limited, Norfolk Oil Corporation, North American Agency, Incorporated, North American Lumber & Timber Corporation, North American Motor Freight Lines, Inc., Northern Floor Covering, Inc., Northern Paving & Construction Co., North-West Creosoting Co., Northwestern Dental Laboratory, Inc., Northwestern Investors Service, Incorporated, Nortonville Coal Company, Norwalk Engineering Corporation, Nu-Dri Inc., Nu-Whip Distributors, Inc., N'U Products Corporation of America, Nueces Refining Company, Nutex Company, The, Nyack Kennel Club, Inc., Northern Discount Corporation, National Credit Finance Corporation, Newton's Hitchin' Post, Inc., National Farm News Publishing Co., The, National Lignin Products Corporation, National Post Manufacturing Co., Inc., National Tale Co., Inc., Natural Resources Company, The, National Electric Signal Company.

O-Connell Motor Truck Co., O. F. Stuefer, Inc., O. J. Stevens & Company, O-Neh-Da Products, Inc., O. O. Tarrant Co., Inc., Oak Grove Company, Oak Lumber Company, Oakhurst Garden Apartments Corporation, Oaks Inc., The, Oceanic Nitrates Corporation, Oil Burner Service and Supply Company, Oil Men's Service Association, Oilmen's Supply and Finance Company, Okanagan Lake Oil & Gas Company, Okay Radio Company, Oklahoma Biltmore, Inc., Oklahoma-Kansas Natural Gas Corporation, Old Age Benefit Society, Incorporated, Old



## PROCLAMATION

Joe Distributing Co., Old Lot Gold Mines Inc., Olympia Gold Mining Corporation, Orange Court Enterprises, Inc., Order of American Patriots (Incorporated), Oregon Timber & Logging Company, Inc., Orinoco Valley Land Company, Orsa Corporation, Osage and Eastland Oil Company, The, Oslo Importing and Distributing Corporation, Ouachita Mining Corporation, Overland Oil Corporation, Owen Electric Company, Oxford Holding Corporation.

Pacific Exploration and Mining Co., Inc., Pacific Hotel-Apartment Co., Pacific Pulp Sales Company, Palestine Marine Company, Ltd., Palmen-Malott Company, The, Pan American Colonial Overseas, Ltd., Pan-American Mining Company, Panama Coal & Mining Company, Pantheon Corporation, The, Paper Sales Company of Detroit, Parafea Theatre Leasing Corporation, Pararialto Theatre Leasing Corporation, Parisian Manufacturing Co., Inc., Park Hotel Company, Parkwood Trading Corporation, Passion Fruit, Incorporated, Patents Exploitation Corporation, Pathfinder Pictures, Inc., Patrician Mining Co., Ltd., Patterson-Hettinger Company, Paul Carlton Mines Corporation, Paul E. Wirt Fountain Pen Company, Paul R. Davis, Inc., Pauly Manufacturing Company, The, Peacock Motion Picture Company, Inc., Pearson & Gladney, Inc., Pechal Development Co., Pedro Oil Corporation, Peggy Hart, Inc., Peninsular Refining Corporation, Penn Associates, Inc., Penn Building Corporation, Penn Capital City Limb Co., Penn Construction Company, The, Penn Echo Company, Penn-Haven Terminals Company, The, Penn Kansas Oil Company, Penn. Mortgage and Discount Co., Penn Securities Company, Penn Steamship Company, Pennark Petroleum Corporation, Pennrose Corporation, Pennstake Gold Mining Corporation, Pennsylvania Crude Oil Co., Pennsylvania Machinery Corporation, Pennsylvania Oil and Sales Company, Inc., Peoples Furniture Company of Uniontown, Peoples Purchasing & Service Corporation, Peoples Realty Company, Perfection Milker Company, Inc., Perisho, Inc., Permaset Corporation, The, Permian Oil Company, Inc., Persian Petroleum Corporation, Personal Finance Company of Ansonia, Personal Finance Company of Atlanta, Personal Finance Company

## PROCLAMATION

of Augusta, Personal Finance Company of Bayonne, Personal Finance Company of Bristol, Personal Finance Company of Centralia, Personal Finance Company of Ironwood, Personal Finance Company of Macon, Personal Finance Company of Middletown, Personal Finance Company of Pottstown, Personal Finance Company of Rhode Island, Personal Finance Company of Savannah, Peter H. Markmann Funeral Home Inc., Petrol Coastal Refining Corporation, Petroleum Rights Corporation, Philadelphia Auburn-Cord Company, Philadelphia Football Club Inc., Philadelphia Fruit and Produce Truckmens' Association, Philadelphia Hat Crafters Association, The, Philadelphia Masonry Contracting Co., Philadelphia Mining and Milling Company, Philatelic Finance, Inc., Phoenix Service Co., Physicians and Dentists Service Bureau, Inc., Pictorial Art Company, Pilgrim Petroleum Products Incorporated, Pine Kindler Corporation, Pine Theatre Company, Inc., Pioneer Investment & Research Corporation, Pioneer Novelty Distributing Corporation, The, Pirnie, Simons & Company, Inc., Piseda Corporation, Pittsburgh Apartment Association, Inc., Pittsburgh Engine and Gear Corporation, Pixie Corporation, The, Plastorene, Incorporated, Platanar Mines, Inc., The, Plumas-Eureka Mines, Inc., Plymouth Farms, Inc., Pobrosal Company, Inc., Pollock Oil Company, Polo-Golf Sales Corporation, Polymet Manufacturing Corporation, Ponderoso Mfg. Co., Port Bolivar Company, Port Bolivar Oil & Refining Company, Port Service Corporation, Portledge Mining Company, Inc., Postive Seal Closure Company, Potomac Varnish Works, Inc., Poultry & Produce Co., Inc., Prescott Importing Co., Inc., Press Cafeteria, Inc., Preston M. Nolan and Company, Inc., Priestley Mining and Milling Company, Princess Royal Hosiery Mills, Inc., Princeton Manor Corporation, Printing Varnishes, Inc., Printmaster Corporation, The, Processes, Inc., Profitshare Fuel Company, Progressive Club, The, Property Conservation, Inc., Provident Accident Society, Provident Aid Society, Provident Land and Loan Company, The, Provident Mutual Company, The, Provident Plan, Inc., Prudential Realty Company, Inc., Public Banking Service, Inc., Publix Shea Theatres, Inc., Pulaski Mineral Springs Co., Purple Diamond Oil, Inc., Putnam Holding Corporation, Pyramid Construction Corporation, Python Brake

## PROCLAMATION

& Equipment Corporation, Plog Steam Motor Company, Pocono Haven, Inc., Professional Service Company, Peoples Finance Society, Processed Asphalt Corporation.

Quality Shoe Stores, Inc., The, Quicksafe Manufacturing Corporation.

R. H. Manning & Company, R. H. Martz Inc., R. M. Hunt Company, Inc., R. N. Padgett, Incorporated, R. & R. Inc., R. R. Williams Sales Co., Inc., R. Steinberg, Inc., R. W. Vane Packing Company, Radio Mines Holding Company, Inc., Radio Rental Co., The, Radium & Gold Mines, Ltd., Rail Chair Corporation, Railways Cinema Corporation, Rainbow Lode Development Company, Rainbow Mining Company, Inc., Ranchlands, Inc., Randolph B. Blaydes Co., Inc., Ransome & Smith Corporation, Rapid Tally Voting Machine Corporation, Rate Research Corporation, Raybeam Manufacturing & Sales Corporation, Raymond and Burke Inc., Reading Art Bronze Works, Inc., Redmond Construction Co., Reel Mop Sales Corporation, Regent Mines, Inc., Rehoboth Laboratories, Inc., Reinhardt & Company, Rendle Contracting Company, Resistcor Engineering Corporation, Resolute Mining Company, Retail Properties Corporation, Reyem Realty Company, Incorporated, The, Richards Research Laboratories, Inc., Richfield Oil Company of California, Richhill Oil and Gas Company, Rio, Inc., "Ripper" Superspeed Aircraft, Inc., Rising Sun Mining Corporation, Ritterhouse Company, Ritz Hotel Company, Riverside Grill, Inc., The, Riverside Realty Corporation, Rivoli Holding Corporation, Robbins Bros. & Co., Robbins Hose Company No. 1 of Dover, Delaware, Robert A. Lentz, Incorporated, Robertson-Brownlee, Inc., Robeson Improvement Corporation, Robot-Hand Corporation, Rockwood Investments Corporation, Rocky Lake Mining Co., Ltd., Rocky Mountain Oil & Refining Co., Inc., Rodman, Incorporated, Roesler & Howard, Inc., Roland E. Quillen, Inc., Rolling Homes, Incorporated, Romancing of Industry, Inc., Rosalind Shop, Inc., The, Rose Hill Boccistico Club, Inc., Rosemont Development Company, Inc., Rotary Construction Company, The, Rotary Drilling Company, The, Round Robin Buffet, Inc., Royal Finance Company, Royal

## PROCLAMATION

Gold Mine, Inc., Royal Gold & Silver Mines, Inc., Royal Ice Company, Royalty Purchase Corporation, Rural Gas Company, Inc., Rush & Toal, Inc., Russian Orthodox Cathedral of The Holy Virgin Protection of The City of New York, Inc., The, Ryan Associates, Inc., Ryan Stores Company, Ryser, Graham & Riley, Inc.

S. and B. Rubber and Chemical Corporation, S. Gualtieri Funeral Home, Inc., S. Scott Joy, Inc., Sabine Development Company, Safe Speed Airplane Corporation, Safety Devices Manufacturing Corporation, Sagol Company, Salamon Motor Company, Salt City Kennel Club, Inc., Samax Construction Corporation, The, Sand Creek Mining & Milling Co., Sanpara Theatre Leasing Corporation, Santa Fe Royal Oil Co., Santander Navigation Corporation, Santos-American Shipping Corporation, Sara Moore Frock Co. Inc., Sasser Realty Company, Inc., Savage Land Company, Savon Oil & Refining Corporation, Scandent Corporation, Scanlan's, Inc., Schleicher Corporation, The, Schuett-Meier Company, Schwinn, Inc., Scott & Bran, Inc., Scottish Dye Works, Ltd., Scranton Professional Window Cleaning Company, Seaford Investment Company, Security Commercial Company, The, Segco, Inc., Segovia Development Company, Inc., Seigel and Katz, Inc., Sek Chemicals, Inc., Self-Service Advertising Corporation, Sellers, Inc., Sentman Motor Company, Inc., Sequoia Mining and Milling Company, Service and Credit Corporation, Sessions & Co. Inc., 17th Ward Social Club, Inc., Shaffer's Hofbrau, Inc., Shamrock Oil and Gas Company, Sharp Gold Placer Corporation, Sharpo Specialties Company, Shaw and Brown, Incorporated, Sheldon Corporation, The, Shoe Conformer Corporation, Sierra Equipment Corporation, Silica Supplies, Inc., Silver Creek Milling Company, Inc., Silver Super System, Inc., Simon Atlas, Inc., Simpler Lumber & Coal Co., Sinepuxent Tribe No. 16, Improved Order of Red Men, Inc., Singer Corporation, The, Sirron Plastics, Inc., Sixteenth Street Highlands of Maryland, Inc., Sixty-Seven Wall Street Restaurant Corporation, Skeldon, Inc., Smuggler Mining and Milling Company, Inc., The, Sno-Ice Company, Synder & Hay, Inc., Soap Stamping Machine Co., South Continent Oil Com-

## PROCLAMATION

pany, Southeastern Products Company, Southern California Discount Corporation, Southern Corporation, Southern Developments Inc., Southern Exploration Company, Inc., Southern Protective Union, Southern Restaurant, Inc., Southern Rubber Company, Southern Sales Corporation, Southland Coal Company, Southwest Metals Company, Southwestern Outdoors, Inc., Southwestern Research & Administrative Corporation, Sovereign Steamship Company, Inc., Sparks Construction Company, Inc., Spartan Oil Company, Spazier Chemical Products, Inc., Specialties of Tedco, Inc., Speedrill Corporation, The, Speiser and Leventhal, Inc., Split Coach Motor Corporation, Spring Creek Placer Mining Company, Spring Cushion Egg Carton Corporation, Springfield Manufacturing Corporation, Stack Heat Converter Corporation, Standard Coal Distillation, Inc., Standard Diesel Engine Company, Standard Highway Illuminating Company, Standard Loan and Credit Company, Standard Match Corporation, Standard Mines, Inc., Standard Mortgage Company, Standard Oilshares, Inc., Standard Petroleum Corporation of Wyoming, Standard Shop Equipment Company, Star Mines, Inc., Steele Brokerage and Sales Corporation, Sterling Oil Company, Inc., Steubenville Pike Coal Company, Stevens & Wigton Co., Inc., Stocker Realty Company, Stone-Warfield Company, Inc., Stouffer's Buffet Sandwiches, Inc., Stouffer's, Inc., Stratford Pictures Corporation, Straube Piano Company, Strebor & Company, Inc., Streets of Paris, Inc., Student Orchestras of Wilmington, Inc., The, Sturdi-Truck Manufacturing Company, Summit Poultry Farm, Inc., Sun Realty & Securities Corporation, Suncrest Lumber Company, Sunflower Bond and Investment Company, Sunnylands, Inc., Sunrise Oil Company, Sunset Investment Company, Superior Oil Producing Company, Supply Manufacturing & Sales Corporation, Supreme Razor Strop Corporation, Surface Products Co., Inc., Syndicated Features Corporation, Syreen Bros. Oil Company, Syreen Oil Corporation, Scientific Production & Development Co., Southern Production Corporation, Surfacing Wheel Corporation, Somoa Products Company, Inc., Sager Pen Corporation, Seaboard Chemicals Corporation, Shively Holding Corporation, The, Signal Oil Com-

## PROCLAMATION

pany, Six States Coal Corporation, South American Oil Company, Southern Chromium Corporation.

T. W. D. Transportation Inc., Table Mountain Producers Inc., Talisman Corp. Ltd., Tarbud Oil Corporation, Taremul Corporation, Taxicab Manufacturing Corporation, Taylor Shares, Inc., Tecol Products Corporation, Television & Electric Corporation of America, Telford Apartment Company, The, Terminal Transportation System, Inc., Terra Lava Mines, Inc., Texas Centennial Oil Company, Texas Gulf Petroleum Company, Texas National Producers, Inc., Texas Vapor Phase Corporation, Texformia Company, Thames Aircraft Incorporated, Thatcher Company, The, Theatre League, Inc., Thermo Hydraulic Shock Absorber Company, Thomas Drein and Son Company, Thomas F. McGowan, Inc., Thomas H. Dole, Inc., Thos. McConnell's Sons, Inc., Thrift and Loan Finance Corporation, Thrifty Patent Products Corporation, Thurston Finance Corporation, Thurston Investment Corporation, Tidewater Lumber Company, Inc., Tire Shop Co., The, Titanium Corporation, Token and Trade Check Corporation, Tolde-Kolkman Mfg. Corporation, Toledo Lead, Inc., The, Topkis Construction Company, Toro Mining Corporation, Torrento Development Corporation, Touraine Cafe, Inc., Tower Town Topics, Incorporated, Toxic Gas Research Corporation, Trade, Inc., Trade Relations Committee of The National Lime Association, Incorporated, The, Trade School House, Inc., Trailer Cushion Industries, Incorporated, Trans American Oil and Royalty Company, Trans-Lux Restaurant Company, Inc., Transcontinental Automobile Racing Association, Transcontinental Finance Corporation, Transequator, Inc., Travelepedia, Incorporated, Treasure Mountain Mining Co., Trebor Securities Corporation, Tri-State Cattle Loan Company, Tri-State Mining & Milling Co., Inc., Trinidad Corporation, Trinity Securities Company, Tripure Water Company, Trivision Licensing & Sales Corporation, Tropic Tours, Inc., Truckers Bureau, Inc., Tulsa Steel Corporation, Tung Oil Refining Corporation, Tupp Studios, Inc., Turf Herald Publications, Inc., Tuscarora Corporation, 20th Century Couch Mfg. Co., Inc., Twistout Thumb Tack Company, Tyers Milk Products, Inc.,

## PROCLAMATION

Tyndale Publishing Company, Inc., The, Torbin Hill Mines, Inc., Thrift Auto Stores, Inc.

U. S. A. Travel Magazine, Inc., The, U. S. Motel Corporation, U. S. Realty And Development Co., Union Developing Co., Inc., Union Gold Mines Company, Union Hotels Company, Uniontown Printing Company, Union Plaza Apartments Corporation, Union Truck Depot, Inc., Unique Valet & Sales Co., Inc., United Business Corporation, United Camps & Oil Co., Inc., United Clothing Co., United Engineering Co., Inc., United Fur Exchange, Incorporated, United Gold & Silver Company, United Guardian Life Association, United Hotels Securities Corporation, United Merchants' Association, Incorporated, United Novelty, Incorporated, United Security Company of Washington, D. C., United Standard Oilshares Corporation, United States Engineering Corporation, United States Fire Protection Corporation, United States Oil Corporation of America, United States Stove Corporation, United Student Enterprises, Inc., United Sponsors, Inc., United Standard Oilfund of America, Inc., United Venezuela Oil Corporation, United Water Corporation, Unity Oil Corporation, Universal Accounting Systems, Inc., Universal Building Products Corporation, The, Universal Emblem Syndicate, Universal Finance Corporation, Universal Foundry and Machine Co., Inc., Universal Life Company, The, Universal Protective Association, Universal Pump Company, Universal Security Corporation, Universal Soap Company, Universal Stables, Inc., Universal System of Lebanon, Incorporated, University Mfg. Co., Inc., Uppercu Corporation, Uscon Oil Company, Utah Rapid Transit Company, Utilities Appliance Corporation, Uzinele Romane De Automobile Ltd., United Distillers Corporation.

Vacuum Engine Corporation, Valla Engineering, Ltd., Van Sweringen Corporation, Vanilite Products, Inc., The, Vaporizer Distributors, Inc., Veda, Inc., Venango Silica Products Corporation, Vercalite Corporation, The, Vermont Products Co., Inc., Vertans' Grocers Corporation, Vicmore Fur Company, Inc., Victor Typewriter Company, Victoria Fiber Plantation Company,

## PROCLAMATION

Virginia Placer Company, Visek Brothers, Inc., Vitamin Products Research Foundation, Inc., Vogue Display's Inc., Volcalight Manufacturnig Company, Voters Educational Research League, Inc., Vulcan Products Corporation, Van Dyke Chemical Company, Inc., Venezuela Speculations, Inc., Verde Mining Co.

W. A. Maurer Company, W. E. Sparks Studio, Inc., W. F. Anderson, Inc., W. G. Block Company, W. G. Clark Distilling Company, Inc., W. H. Neal & Sons, Inc., W. L. Comyn, Ltd., W. N. Alley Incorporated, W. N. Cardozo Furniture Company, W. N. McIlravy, Inc., W. W. Randall and Company, Wade Lumber Company, Wakers Company, Incorporated, Walbridge Park Caterpillar Company, Walbridge Park Coliseum Company, Walbridge Park Cuddle Up Company, Walbridge Park Old Mill Company, The, Walbridge Park Skooter Company, Waldo Mining and Smelting Company, Walker Emergency Lighting Company, Walker Mining and Milling Company, Walter C. Pleasanton & Co., Walter Cole Service Station, Inc., Walton-Dodge Manufacturing Co., The, Warford Corporation, The, Warren Airways, Inc., Warren Light & Sign Corporation, Warren Stores, Incorporated, Warwick Securities Corporation, Warwick's Wine Shoppe, Inc., Washington Asphalt Paving Company, Washington Builders, Inc., Washington Fountain & Fixture Company, Washington Garden, Inc., Washington Holly Company, Inc., Washington Mutual Investment Corporation, Washington Realty And Investment Company, Washington Representatives, Incorporated, Washington Valet De Luxe, Inc., Washington Wine & Spirits Corporation, Waterhouse-Lester-Scovel Co., Watson Rol-Dri Floor Mop Co., Watson Sales & Manufacturing, Inc., Wayside Gardens, Inc., Weibel Brewing Company, Wesleyan Diesel Service, Incorporated, West Coast Mining and Exploration Company, Inc., West Indian Development Company, Westark Construction Company, Western General Agency, Inc., The, Western Molybdenum Corporation, Western Mortgage Corporation, Western Oklahoma Milk Products Inc., Western Ore Reduction Corporation, Westpoint Wood Products Co., Inc., Wharton-Fisher Company, White City Coaster Company, White Mountain Stone & Marble Company, Inc., Whitten's Ice Cream Corporation, Wichita Investment Corpora-



## PROCLAMATION

tion, Wicker Corporation, The, Wil-Del Housing Corporation, Wilbarger Corporation, Wilcox, Scott & Co., Inc., Wilkes-Barre Beef Company, The, Willard Air Conditioning Company, Willard Properties, Inc., Wm. E. Schimpf & Company, Inc., William F. Marresford, Inc., William H. Fischer, Inc., William Holding Company, William Penn Enterprises, Inc., Williams Realty Company, Inc., Wilmington Hall Company, Wilmington Importing Co., Wilmington Insurance Agency, Inc., Wilmington Wall Paper Company, Inc., Wiloakes Printing Corporation, Wings of A Century, Inc., Woodbridge Dairy, Incorporated, Woods Brothers Corporation, Workers and Farmers Cooperative Association, Wyoming Industries, Inc., Winslow College, Inc., William Penn Alpha Association, Inc., The, Wm. Penn Garage Inc., The, Wertz Heating Inc., WaxElene Mfg. Company, Wilson Vegetable Oils, Limited.

X Ray Development Corporation.

Yatoconin Company, Yeomans Foods, Inc., Yod-Ine Chemical Company, Inc., Yogat Corporation, The, York Auto Supply Company, Inc., York Road Theatres, Inc., Yusa River Mining Company.

Zechmar Solomit Co., Zero Products Corporation, Zona Laboratories, Inc.

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 twenty-second (Great Seal) day of January, in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America, the one hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 327

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, in the words of the Constitution of the United States of America it is desirable to "insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity", and

WHEREAS, the events of the past few years have forcefully demonstrated the fallacy of sole reliance upon international agreements and fair dealing to insure peace between nations; the forces now loosed throughout the world emphasize the fact that military and naval strength and the ability to intelligently use that strength, and

WHEREAS, all of us desire to preserve our homes and institutions from possible aggression and to insure for us the blessings guaranteed under our Constitution, and

WHEREAS the Reserve Officers Association of the United States annually sponsors a period known as "National Defense Week", during which our citizens are urged to give thought to the means provided for their national security and to take such steps as appear advisable in the light of the facts obtained to provide for adequate National Defense;

THEREFORE, I, Richard C. McMullen, Governor of Delaware, do hereby proclaim the week of February 12th, as

## NATIONAL DEFENSE WEEK

so that the people of our State may individually and through various organizations give thought to the armed forces of the State and Nation and better understand these agencies of our National Defense; and urge that during the time set aside the

## PROCLAMATION

flags of the United States of America and the State of Delaware be displayed at their homes and other suitable public places.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this eighth day of February,  
in the year of our Lord one thousand nine  
(Great Seal) hundred and forty, and of the Independence  
of the United States the one hundred and sixty-  
fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 328

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, The 1940 United States Censuses of Population, Housing and Agriculture will be taken simultaneously during the month of April, and

WHEREAS, The number of members which Delaware is apportioned in the House of Representatives at Washington may be affected by this Census, and

WHEREAS, This state and its various communities will be judged from the census records, more than anything else, by prospective citizens, industries and business enterprises seeking new locations, and

WHEREAS, The Census is one of the oldest and most basic activities of the Federal Government, having been provided for in the United States Constitution and having been taken every decade since 1790, and

WHEREAS, The 1940 Census is in a position to furnish accurate measurements of the economic and social changes resulting from the stresses and strains of the decade now closing:

The law creating the Census stipulates that facts given by any individual may be used only in the compilation of general statistics, and must be kept confidential. These facts may not be used to the detriment of any individual. They may not be examined by other agencies of government for purposes of taxation, or the enforcement of any law, or compulsory school attendance, or military or jury service, or the regulation of immigration, or any other purpose involving the individual. Every census worker is prohibited, under heavy penalty, from disclosing this information.

I, therefore, proclaim that it is in the public interest for

## PROCLAMATION

every person in Delaware to answer, fully and accurately, the official questions addressed to him by the census-taker.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this twenty-third day of  
February, in the year of our Lord one thou-  
(Great Seal) sand nine hundred and forty, and of the Inde-  
pendence of the United States the one hundred  
and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 329

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, in November, 1637, an expedition of the New Sweden Company, consisting of two ships, "Kalmar Nyckel" and "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 north shore of 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, 1940, will mark the three-hundred and second anniversary of the founding of the State of Delaware,

NOW, THEREFORE, I, Richard C. McMullen, Governor

## PROCLAMATION

of the State of Delaware, by authority of the General Assembly proclaim Friday, March 29, 1940, as 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 on 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 here-  
unto set my hand, and caused the Great Seal  
(Great Seal) of this State to be hereunto affixed this nine-  
teenth day of March, in the year of our Lord  
one thousand, nine hundred and forty, and of  
the Independence of the United States of Ameri-  
ca, the one hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 330

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the 75th Congress of the United States in Joint Resolution No. 82, set aside April as Cancer Control Month,

WHEREAS, education of the public is an essential weapon of curbing this disease,

WHEREAS, an organization known as the Women's Field Army of the American Society for the Control of Cancer led by volunteer women and directed by leading physicians is conducting a carefully planned educational and enlistment campaign in this State under the slogan "Early Cancer is Curable. Fight it with Knowledge,"

WHEREAS, medical authorities agree that between one-third and one-half of the 288 persons who died of cancer in this State last year could and should have been saved by early diagnosis and prompt, proper treatment,

WHEREAS, this peace-time war may save thousands of lives at a time when another war abroad is destroying thousands:

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do set aside the period from April 1st to April 30th, 1940, as

## CANCER CONTROL MONTH

and call upon all citizens, all agencies concerned with public health, and all organs of opinion, including the newspapers, the radio, the magazines, and the motion picture industry, to support the work of the Delaware Division of the Women's Field Army.



## PROCLAMATION

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this twenty-eighth day of  
March, in the year of our Lord one thousand  
(Great Seal) nine hundred and forty, and of the Independ-  
ence of the United States the one hundred and  
sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 331

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the great importance and real value of our trees and birds urge the careful conservation of these natural resources throughout our State, and

WHEREAS, public interest should be retained as to the value of creating beauty along our roadways, development of our parks, preserving the wild flowers, forests, and other natural landscape values, and

WHEREAS, by an act of the General Assembly the Governor is authorized to set apart each year a day to be designated as Arbor and Bird Day,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware do hereby designate

Friday, April 12th

as

Arbor and Bird Day

and hereby urge and request its observance by all public and private schools, colleges, and other institutions, by the planting of trees and by suitable exercises, having for their object the advancement of the study of arbor culture, and to promote the spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this second day of April,  
(Great Seal) in the year of our Lord, one thousand nine hun-

PROCLAMATION

dred and forty, and of the Independence of the  
United States the one hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 332

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, for several years the President of the United States and Governors of many States have, by proclamation, designated May Day as Child Health Day;

WHEREAS, the health of the children of our Nation is of vital concern to all of our citizens, as only through the well being and good health of our youth can the future strength of our country be preserved;

WHEREAS, every effort to promote good health must be made by our people, physicians, dentists, hospitals, State Boards of Health and Education, Medical Societies and other organizations of Delaware,

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, designate and have set aside

WEDNESDAY, MAY FIRST

as

DELAWARE CHILD HEALTH DAY,

and ask the observance of this day in our schools, churches and all civic and community organizations, so we may have a continuation of this important work and give thanks for all health gains that have been made,

IN TESTIMONY WHEREOF, I, Richard C. McMullen,  
Governor of the State of Delaware, have here-  
unto set my hand and caused the Great Seal  
of this State to be hereunto affixed this twenty-  
(Great Seal) fifth day of April, in the year of our Lord one

## PROCLAMATION

thousand nine hundred and forty, and of the  
Independence of the United States of America,  
the one hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 333

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, all America is joining in a unified effort to solve the problems of unemployment and have set aside the week beginning May 1, 1940, as National and State Employment Week, during which all public-spirited citizens have been requested to participate in this National movement and to urge the employment of as many persons as possible; and

WHEREAS, Delaware has a large number of employable persons who are without jobs, and who have evidenced their desire for jobs by filing applications with our State Employment Service, setting out their qualifications and their work experience; and

WHEREAS, it is believed that the observance of this Employment Week by our people will be the means of finding jobs for a large number,

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, do set aside and proclaim the week beginning May 1, 1940, as

## STATE EMPLOYMENT WEEK

and Sunday, May 5, 1940, as

## STATE EMPLOYMENT SUNDAY

in Delaware, and urge all churches, civic organizations, chambers of commerce, boards of trade, veterans' organizations, industry, labor, radio, newspapers and all public spirited citizens throughout the State to join in a general observance of this time to the end that jobs may be found for many unemployed persons.

## PROCLAMATION

IN TESTIMONY WHEREOF, I, Richard C. McMullen,  
Governor of the State of Delaware, have here-  
unto set my hand and caused the Great Seal of  
(Great Seal) this State to be hereunto affixed this third day  
of May, in the year of our Lord one thousand  
nine hundred and forty, and of the Independ-  
ence of the United States of America, the one  
hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 334

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 corporation "GIBSON OIL CORPORATION" which for two years preceding such report has failed to pay the taxes assessed against it and due by it 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 charter of the following corporation, reported as aforesaid, is repealed:

## GIBSON OIL CORPORATION

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 sixth day of  
(Great Seal) May, in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America, the one hundred sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.



CHAPTER 335

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is brought to mind, as in childhood, that the most blessed of all ties is inspired by our mothers, and

WHEREAS, due reverence should be extended to the living and deceased mothers of the world, and all tribute bestowed in recognition of their unfailing sacrifice and devotion,

WHEREAS, in chaotic times, as at present, there is active need of loyalty to country, home and church,

THEREFORE, I, Richard C. McMullen, Governor of Delaware, to uphold the tradition of motherhood, do hereby proclaim

SUNDAY, May 12th

as

MOTHERS' DAY

and urge appropriate observance of this day in our churches, homes, and schools by suitable services and by the display of the American flag as the emblem of goodwill, peace, and religious freedom toward our fellowmen, and to further honor our mothers and the many patriotic women who have the courage of peace.

IN TESTIMONY WHEREOF, I, Richard C. McMullen,  
Governor of the State of Delaware, have here-  
unto set my hand and caused the Great Seal of  
this State to be hereunto affixed this eighth day  
(Great Seal) of May, in the year of our Lord one thousand,  
nine hundred and forty, and of the Independ-

PROCLAMATION

ence of the United States of America, the one  
hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 336

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, in consideration of the nation-wide opportunity being given to the public this week by the Works Progress Administration to visit the Professional and Service projects of W. P. A., and

WHEREAS, the workers on these projects are your fellow-citizens as they are mine, and because it pays the community to have them employed at useful work, we should familiarize ourselves with their achievements and their abilities, in order that they may be given suitable opportunities in private employment when such are available, and

WHEREAS, the projects themselves offer an opportunity to our communities to secure increasing benefit from their work; in providing reading for the blind, clothing for the needy and supplies for hospitals and other institutions, by household aid to families when illness affects the head of the house, by the care of needy children in nursery schools, in wholesome recreation and craft work for children and youth; by collecting, indexing and making available to the public the sources of our State and community history; providing good music, painting, and many other services.

NOW, THEREFORE, I, Richard C. McMullen, Governor of Delaware, do proclaim the week of May 20th, as

OPEN HOUSE WEEK  
for all  
PROFESSIONAL AND SERVICE PROJECTS OF W.P.A.,

and urge all the citizens of our State, who may conveniently do so, to visit these projects in Wilmington, Dover, Georgetown, Seaford and other places throughout the State and judge

PROCLAMATION

for themselves the value of the work as it is conducted in our communities.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this twentieth day of May,  
(Great Seal) in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States the one hundred and sixty-fourth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 337

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, we must try more than ever before to promote national unity which will make our country more secure and invincible in a world that has gone mad with national and religious intolerance, aggression and greed, strife and violence; and

THEREFORE, in accordance with legislative act passed by the 107th General Assembly in 1937, I, Richard C. McMullen, Governor of Delaware, urge that we express our faith in and devotion to our American institutions and show our love for this great country of ours by observing

## FLAG WEEK

June 8-14, 1940

and request the display of the American Flag on state and public buildings, at our homes, churches, schools and colleges, and urge patriotic societies, clubs and other organizations, wherever possible, to plan suitable programs so that public recognition can be given to this important occasion, and to strengthen our determination to make our country greater by loyal service and living with each succeeding generation.

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 June, (Great Seal) in the year of our Lord One Thousand Nine Hundred and Forty, and of the Independence of the United States of America, the One Hundred and Sixty-Fourth.

PROCLAMATION

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

CHAPTER 338

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, in these days of world wide strife with subversive forces and influences working toward the overthrow of free government and the American way of life, as represented by the immortal document known to the world as the Constitution of the United States; and

WHEREAS, September 17th will be the anniversary of the adoption of the Constitution of the United States by the Federal Convention in 1787,

NOW, THEREFORE, as Governor of the State of Delaware, I do proclaim September 17, 1940, as Constitution Day and Direct on that day the flag of the United States be displayed on all public buildings, and

FURTHERMORE, I ask the people of this great State to remember on this day the priceless heritage we have received as a result of the adoption of the Constitution of the United States and urge our schools, churches, civic organizations, and institutions of higher learning to join in appropriate exercises commemorating this important date.

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 tenth day of  
(Great Seal) September, in the year of our Lord one thousand, nine hundred and forty, and of the Independence of the United States of America, the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 339

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the life of Knute Rockne should be an inspiration to every American boy. Born in Norway, he was brought to this country when five years of age. His coaching exploits made him famous to the general public, and he won the respect and admiration of his friends because of his knowledge of youth, and

WHEREAS, Knute Rockne made character contagious—more widely contagious probably, than any man of our day. He taught by example as well as by word that sincere leadership is difficult because an honest leader must forget himself and his personal ambitions for the good of the greatest number, and

WHEREAS, Knute Rockne is gone but his wonderful memories will live on forever to encourage American youth,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim the week of

SEPTEMBER 29 to OCTOBER 5

as

## KNUTE ROCKNE WEEK

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 twenty-eighth  
(Great Seal) day of September, in the year of our Lord one thousand, nine hundred and forty, and of the Independence of the United States of America, the one hundred and sixty-fifth.



PROCLAMATION

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 340

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the Congress has enacted and the President of the United States has approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train the personnel of the armed forces of the United States, and that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service; and

WHEREAS, the said act contains, in part, the following provisions:

Sec. 2. Except as otherwise provided in this act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed, for the first or any subsequent registration, is between the ages of 21 and 36, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

Sec. 5 (A) Commissioned officers, warrant officers, pay clerks, and enlisted men of the regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the public health service, the Federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve and the Marine Corps Reserve; Cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as

## PROCLAMATION

midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps, and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under Section 3 (B).

"Sec. 10 (a) — The President is authorized (1) to prescribe the necessary rules and regulations to carry out the provisions of this act;

"(4) To utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories and the District of Columbia and subdivisions thereof in the execution of this act;

"Sec. 14 (a) — Every person shall be deemed to have notice of the requirements of this act upon publication by the President of a proclamation or other public notice fixing a time for any registration under Section 2."

AND, WHEREAS, the President of the United States, by proclamation dated the 16th day of September, A. D., 1940, has fixed the time for registration provided by said Act, and has prescribed the necessary rules and regulations to carry out the provisions of said act.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim the following:

1. The first registration in Delaware under the Selective

## PROCLAMATION

Training and Service Act of 1940 shall take place on Wednesday, the sixteenth day of October, 1940, between the hours of 7 A. M. and 9 P. M.

2. Every male person (other than persons excepted by Section 5 (A) of the aforesaid act) who is a citizen of the United States and of Delaware or an alien residing in the United States or in Delaware and who, on the registration date fixed herein, has attained the twenty-first anniversary of the day of his birth and has not attained the thirty-sixth anniversary of the day of his birth, is required to present himself for and submit to registration.

Every such person who is within the continental United States on the registration date fixed herein shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district or registration area in which he has his permanent home or in which he may happen to be on that date.

Every such person who is not within the continental United States on the registration date fixed herein shall within five days after his return to the continental United States present himself for and submit to registration. Regulations will be prescribed hereafter providing for special registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

4. The Adjutant-General of Delaware, William Berl, Jr., of Wilmington, Delaware, be and he hereby is designated as State Director of Selective Service and Major John J. Dugan of Wilmington, Delaware, be and he hereby is designated as Assistant State Director for Selective Service.

## PROCLAMATION

5. I hereby appoint and designate the following members of the Medical Advisory Board to serve without compensation:

## Medical Advisory Board No. 1:

Speer, Wm. H.	Surgery
Flinn, Lewis B.	Internal Medicine
King, Allen V.	Dermatology
LaMotte, W. O.	Eye, Ear, Nose, and Throat
Vallett, Brice S.	Urology
Flinn, I. M., Jr.	Orthopaedics
Davies, T. H.	Psychiatry
Phillips, L. D.	Tuberculosis
Jefferis, C. R., Jr.	Dentistry

## Medical Advisory Board No. II:

Lenderman, E. H.	Surgery
Miller, E. R.	Internal Medicine
Chipman, I. L.	Dermatology
Mayerberg, E. R.	Eye, Ear, Nose and Throat
Anderson, L. W.	Urology
Shands, A. R.	Orthopaedics
Uhler, C. I.	Psychiatry
Brown, J. D., Jr.	Dentistry

## Medical Advisory Board No. III:

Wilson, H. V. P.	Surgery
Worden, Stanley	Internal Medicine
Mayerberg, I. W.	Eye, Ear, Nose and Throat
Stack, Walter O.	Dentistry

## Medical Advisory Board No. IV:

Washburn, N. R.	Surgery
Elliott, J. Roscoe	Internal Medicine
Marshall, S. M. D.	Eye, Ear, Nose and Throat
Cannon, Chas. R.	Dentistry

6. I hereby designate and appoint the following members of Advisory Boards for Registrants to serve without compensation:

PROCLAMATION

WILMINGTON

Local Board No. I:

William H. Foulk  
H. Albert Young  
Joseph A. L. Errigo

Local Board No. II:

Leslie H. Gluckman  
Howard Duane  
Charles F. Richards

Local Board No. III:

Charles Stewart Lynch  
Thomas M. Keith  
John J. Morris, Jr.

Local Board No. IV:

George C. Hering, Jr.  
Louis L. Redding  
William Prickett

NEW CASTLE COUNTY

Local Board No. I:

Harry K. Hoch  
Sidney Hoffman  
Edward Cooch

Local Board No. II:

Benjamin N. Brown  
Albert W. James  
W. Thomas Knowles

KENT COUNTY

Local Board No. I:

Thomas C. Frame

## PROCLAMATION

Hon. John P. LeFevre  
Howard E. Lynch, Jr.

## Local Board No. II:

Ernest V. Keith  
Charles L. Harmonson  
Max Terry

## SUSSEX COUNTY

## Local Board No. I:

James B. Carey  
Robert Houston  
Charles W. Cullen

## Local Board No. II:

Caleb M. Wright  
Howard W. Bramhall  
George M. Fisher

7. I hereby designate and appoint the regularly appointed election officers to effect such registration without compensation and further I designate and appoint the regularly designated voting place in each election district of the State as the places of registration under said Act, each of such places to receive no compensation for its use during such registration, and I further require each of such places of registration to display the flag of the United States as well as the white flag required by statute.

8. In order that there may be full cooperation in carrying into effect the purposes of said act, I urge all employers, and government agencies of all kinds—Federal, State and local—to give those under their charge sufficient time off without loss of compensation in which to fulfill the obligation of registration incumbent on them under the said Act.

IN WITNESS WHEREOF, I have hereunto set my hand

PROCLAMATION

(Great Seal) and caused the Great Seal of the State of Delaware to be hereunto affixed, at Dover, this 28th day of September, in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America, the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.



## CHAPTER 341

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

I, Richard C. McMullen, Governor of the State of Delaware, do hereby proclaim and make known in accordance with the provisions of an Act of the General Assembly, that on the fifth day of November, in the year of our Lord one thousand nine hundred and forty, being the Tuesday next after the first Monday of said month, an election will be held in the several counties of this State, at the places in the several election districts respectively, at which the General Election in the said State is held, for the purpose of choosing by ballot by the citizens of this State having the right to vote for Representatives in the General Assembly, three electors for the election of a President and a Vice-President of the United States.

IN TESTIMONY WHEREOF, I have 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 Lord one thousand nine hundred and forty, and of the Independence of the United States of America, the one hundred and sixty-fifth.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 342

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, devastating fire always has been a matter of grave concern to mankind; sweeping forest and field, city and town; destroying generations of handiwork of nature and man; destroying factories and stores, hotels and hospitals, churches and schools; driving men, women and children from their homes, bereft of shelter and their earthly possessions, and

WHEREAS, fire leaves in its wake thousands of dead and injured, many hopelessly crippled for life, and

WHEREAS, fire wastage, whether it be of buildings, products or man-power, is a crime against the nation and its defenses, and

WHEREAS, this waste is not due to man's fate but to man-made causes and, therefore, may be controlled by exercising safe practices and safe habits on the part of our citizens, and

WHEREAS, The President of the United States, for the benefit of the whole American people has proclaimed the week of

OCTOBER 6-12

to be

## FIRE PREVENTION WEEK

in order that the people of this state in every community shall individually and through various organizations discover and correct existing fire hazards, promote measures of public and private fire protection, extend instruction in fire prevention among adults, as well as school children, and arouse the people generally to the need for habits of greater care.

## PROCLAMATION

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this third day of October, in  
(Great Seal) the year of our Lord One Thousand Nine Hun-  
dred and Forty, and of the Independence of the  
United States the One Hundred and Sixty-Fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 343

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, October 11th is the anniversary of the death of General Casimir Pulaski, whose noble deeds at the siege of Savannah, Georgia during the Revolutionary War remain an inspiration to all Americans and whose memory we should revere, and

WHEREAS, The State of Delaware, through legislative act, has designated October 11th as General Pulaski's Memorial Day, to remind our people of the invaluable service rendered by this illustrious hero,

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, by virtue of authority vested in me by the General Assembly, do proclaim

OCTOBER 11, 1940

as

## GENERAL PULASKI'S MEMORIAL DAY

and ask that his memory be honored by appropriate exercises and ceremonies in our churches and schools. I further direct that the flag of our country shall be displayed in all public places.

IN TESTIMONY WHEREOF, I, Richard C. McMullen,  
Governor of the State of Delaware, have here-  
unto set my hand, and caused the Great Seal of  
this State to be hereunto affixed this ninth day  
(Great Seal) of October, in the year of our Lord, one thou-  
sand, nine hundred and forty, and of the In-

## PROCLAMATION

dependence of the United States of America,  
the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 344

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, conditions abroad and at home most forcefully emphasize the vital need of far-reaching education of American youth, we must face new danger from without with a spirit of Americanism which completely blots out intolerance and prejudice among classes and creeds. The foundation of that spirit is firmly laid in the school room, and

WHEREAS, since the year 1921, the American Legion, the National Education Association, and the United States Office of Education have, each year, called attention to public education during the week which includes Armistice Day, and

WHEREAS, in 1939, the "National Congress of Parents and Teachers" also became a sponsor. Many local groups assist in this work, and during this period a great many of our citizens will have an opportunity to consider the many important advantages which result from our educational system.

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, respectfully urge that all our people cooperate in the observance of

November 10-16

as

## AMERICAN EDUCATION WEEK

and that we take part as far as possible in the special programs arranged in our schools so we may become better acquainted with the needs and accomplishments of our educational system.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to be

## PROCLAMATION

(Great Seal) affixed at Dover, this twenty-sixth day of October, in the year of our Lord, one thousand nine hundred and forty and of the Independence of the United States the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 345

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, Armistice Day is the beginning of the American Red Cross Roll Call for membership;

AND, WHEREAS, at this time, opportunity will be given to each individual in the Nation to join the American Red Cross through their various Chapters, and

WHEREAS, the need of the humane work performed by this organization is now so much greater that we should all subscribe and assist this worthy cause as much as possible;

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do proclaim November 11-28, 1940 as

## ANNUAL ROLL CALL OF AMERICAN RED CROSS

and urge the people of Delaware to think of the very important work of this organization so sufficient funds may be forthcoming to carry on such work.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of the said State to  
be affixed at Dover, this eighth day of November  
in the year of our Lord one thousand nine  
(Graet Seal) hundred and forty and of the Independence of  
the United States the one hundred and sixty-  
fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.



## CHAPTER 346

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

America approaches another Thanksgiving Day, and in accordance with the tradition founded by our forefathers in setting aside a day to give sincere thanks for the many blessings received and opportunities afforded during the year, also in accordance with the proclamation issued by the President of our country, I, Richard C. McMullen, Governor of the State of Delaware, do hereby designate and set apart

Thursday, November 21st

as

## THANKSGIVING DAY

and ask that all of our people give grateful thanks to the Almighty Father for the blessings bestowed upon us. In the midst of our gratitude for the blessings we have, our hearts are filled with compassion for the nations of the world who are beset by peril, fear, hunger and oppression. Let us, therefore, pray to the Great Master that He may touch the hearts of those who hold the happiness of nations in their power so peace, hope and contentment may return to a troubled world.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of this State to be  
affixed at Dover this twelfth day of November,  
(Great Seal) in the year of our Lord one thousand nine hundred and forty, and of the Independence of the  
United States the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 347

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 twenty-second day of January, A. D., 1940, proclaiming the "National Electric Signal 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, "National Electric Signal Company", a corporation incorporated under the laws of the State of Delaware, June 12, 1931, 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 twentieth day of November, in the year of our Lord, one thousand nine hundred and forty, and of the In-

(Great Seal)

PROCLAMATION

dependence of the United States of America,  
the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 348

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 twenty-second day of January, 1940, proclaiming the "Lundelius & Eccleston Motors Corporation", 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, "Lundelius & Eccleston Motors Corporation", a corporation incorporated under the laws of the State of Delaware, March 4, 1925, 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 here-  
unto set my hand and caused the Great Seal of  
this State to be hereunto affixed this twentieth  
(Great Seal) day of November, in the year of our Lord one  
thousand nine hundred and forty, and of the

PROCLAMATION

*Independence of the United States of America,  
the one hundred and sixty-fifth.*

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 349

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 fifth day of November, in the year of our Lord one thousand nine hundred and forty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the purpose of choosing by ballot three Electors for the election of a

PRESIDENT AND VICE PRESIDENT OF THE  
UNITED STATES;

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Electors, were cast as follows, to wit:

## NEW CASTLE COUNTY.

Henry T. Graham .....	52,167
John B. Hutton .....	51,376
J. Reese White .....	51,279
Clayton Douglass Buck .....	41,508
Willis C. Jenkins .....	41,176
Harry V. Lyons .....	41,203
Charles A. Kirk .....	120
Elizabeth M. Bringhurst .....	103
Alfred Dahling .....	159

## PROCLAMATION

Louise Tawresey .....	97
Miles Barber .....	102
Charles W. Perry .....	95

## KENT COUNTY.

Henry T. Graham .....	9,226
John B. Hutton .....	9,161
J. Reese White .....	9,149
Clayton Douglass Buck .....	8,079
Willis C. Jenkins .....	8,024
Harry V. Lyons .....	8,038
Charles A. Kirk .....	46
Elizabeth M. Bringhurst .....	44
Alfred Dahling .....	42
Louise Tawresey .....	6
Miles Barber .....	6
Charles W. Perry .....	6

## SUSSEX COUNTY.

Henry T. Graham .....	13,206
John B. Hutton .....	13,021
J. Reese White .....	12,996
Clayton Douglass Buck .....	11,853
Willis C. Jenkins .....	11,738
Harry V. Lyons .....	11,730
Charles A. Kirk .....	21
Elizabeth M. Bringhurst .....	20
Alfred Dahling .....	19
Louise Tawresey .....	7
Miles Barber .....	7
Charles W. Perry .....	7

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,

## PROCLAMATION

and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Electors, the result appears as follows, to wit:

Whole number of votes for Henry T. Graham .....	74,599
Whole number of votes for John B. Hutton .....	73,521
Whole number of votes for J. Reese White .....	73,424
Whole number of votes for Clayton Douglass Buck ..	61,440
Whole number of votes for Willis C. Jenkins .....	60,938
Whole number of votes for Harry V. Lyons .....	60,971
Whole number of votes for Charles A. Kirk .....	187
Whole number of votes for Elizabeth M. Bringhurst .	167
Whole number of votes for Alfred Dahling .....	220
Whole number of votes for Louise Tawresey .....	110
Whole number of votes for Miles Barber .....	115
Whole number of votes for Charles W. Perry .....	108

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that Henry T. Graham, John B. Hutton, and J. Reese White have received the highest vote at the election aforesaid, and therefore have been and are duly and legally elected Electors for the election of a President and Vice President of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the twenty-fifth day of November in the year of our Lord one thousand  
(Great Seal) nine hundred and forty and of the Independence of the said State the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.



## CHAPTER 350

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 fifth day of November, in the year of our Lord one thousand nine hundred and forty that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States for the Constitutional term, to commence on the third day of January in the year of our Lord one thousand nine hundred and forty-one.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

## NEW CASTLE COUNTY.

James M. Tunnell .....	47,143
John G. Townsend, Jr. ....	43,827
William F. Allen .....	1,858

## KENT COUNTY.

James M. Tunnell .....	8,695
John G. Townsend, Jr. ....	8,412
William F. Allen .....	108

## PROCLAMATION

## SUSSEX COUNTY.

James M. Tunnell .....	12,456
John G. Townsend, Jr. ....	11,560
William F. Allen .....	820

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for James M. Tunnell .....	68,294
Whole number of votes for John G. Townsend, Jr. ..	63,799
Whole number of votes for William F. Allen .....	2,786

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that James M. Tunnell has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the third day of January in the year of our Lord one thousand nine hundred and forty-one.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the twenty-fifth day of November in the year of our Lord one thousand  
(Great Seal) nine hundred and forty and of the Independence of the said State the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 351

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 fifth day of November, in the year of our Lord one thousand nine hundred and forty 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-seventh 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.

Philip A. Traynor .....	47,377
George S. Williams .....	43,813
Royden C. Caulk .....	1,551

## KENT COUNTY.

Philip A. Traynor .....	8,688
George S. Williams .....	8,437
Royden C. Caulk .....	78

## PROCLAMATION

## SUSSEX COUNTY.

Philip A. Traynor .....	12,140
George S. Williams .....	12,134
Royden C. Caulk .....	560

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the Seventy-Seventh 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 Philip A. Traynor .....	68,205
Whole number of votes for George S. Williams ....	64,384
Whole number of votes for Royden C. Caulk .....	2,189

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that Philip A. Traynor 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-Seventh Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the twenty-fifth day of November in the year of our Lord one thousand  
(Great Seal) nine hundred and forty and of the Independence of the said State the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 352

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 fifth day of November, in the year of our Lord one thousand nine hundred and forty 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.

Peter S. Collins .....	46,279
Fagan H. Simonton .....	44,648
Richard E. Norris .....	1,565

## KENT COUNTY.

Peter S. Collins .....	8,830
Fagan H. Simonton .....	8,262
Richard E. Norris .....	98

## SUSSEX COUNTY.

Peter S. Collins .....	12,488
Fagan H. Simonton .....	11,841
Richard E. Norris .....	571

## 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 Treasurer the result appears as follows, to wit:

Whole number of votes for Peter S. Collins .....	67,597
Whole number of votes for Fagan H. Simonton ....	64,751
Whole number of votes for Richard E. Norris .....	2,234

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that Peter S. Collins 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 twenty-fifth day of November in the year of our Lord one thousand nine hundred and forty and of the Independence of the said State the one hundred and sixty-fifth.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 353

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 fifth day of November, in the year of our Lord one thousand nine hundred and forty 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.

Harrison M. Manning .....	46,258
Benjamin I. Shaw .....	44,687
Christopher C. Murray .....	1,553

## KENT COUNTY.

Harrison M. Manning .....	8,491
Benjamin I. Shaw .....	8,622
Christopher C. Murray .....	69

## SUSSEX COUNTY.

Harrison M. Manning .....	12,699
Benjamin I. Shaw .....	11,572
Christopher C. Murray .....	519

## 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 Harrison M. Manning ...	67,448
Whole number of votes for Benjamin I. Shaw .....	64,881
Whole number of votes for Christopher C. Murray ..	2,141

NOW, THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby declare that Harrison M. Manning 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 twenty-fifth day of November in the year of our Lord one thousand nine hundred and forty and of the Independence of the said State the one hundred and sixty-fifth.

(Great Seal)

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.



## CHAPTER 354

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, by resolution of the General Assembly of the State of Delaware, the Governor is authorized and directed to issue a proclamation in connection with the proper observance and celebration of Delaware Day; and

WHEREAS, we have just cause to be proud of the part our State has played in the foundation and preservation of the Union, particularly in the ratification of the Federal Constitution on December 7, 1787, since which time Delaware has been known as "The First State in the Union".

NOW, THEREFORE, I, Richard C. McMullen, by virtue of the authority in me vested, do hereby designate Saturday, December 7, 1940, as

## DELAWARE DAY

and bring to the memory of our citizens the honor bestowed upon us by our forefathers. I respectfully urge the observance of this occasion by the display of the flags of our State and Nation, and ask that suitable exercises be held in our 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 twenty-ninth day of November, one  
(Great Seal) thousand nine hundred and forty, and of the Independence of the United States of America, the One Hundred and Sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

## CHAPTER 355

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, the National Safety Council is conducting a nation-wide campaign to cut down the huge December traffic toll, which last year exceeded all months with a cost of 3,540 lives; and

WHEREAS, this slaughter on our streets and highways is due not only to bad weather conditions, but to the very rush and geniality of the Christmas holiday season;

THEREFORE, I, Richard C. McMullen, Governor of the State of Delaware, do hereby call upon every citizen to do his part in this drive to stop traffic tragedy by exercising unusual care during this extra hazardous month, so that Christmas joy shall reign untouched by sorrow.

IN WITNESS WHEREOF, I have hereunto set my hand  
and caused the Great Seal of this State to be  
affixed at Dover this fifth day of December, in  
(Great Seal) the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States the one hundred and sixty-fifth.

By the Governor:

RICHARD C. McMULLEN.

JOSIAH MARVEL, JR., Secretary of State.

SECRETARY OF STATE'S OFFICE

Dover, Delaware

October 8, 1941

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 seventh day of January, A. D. 1941 and ended on Friday, the second day of May, A. D. 1941, and approved by the Governor.

Words and sentences marked with asterisks (\*) are printed as they appear on the enrolled bills.

EARLE D. WILLEY

*Secretary of State*

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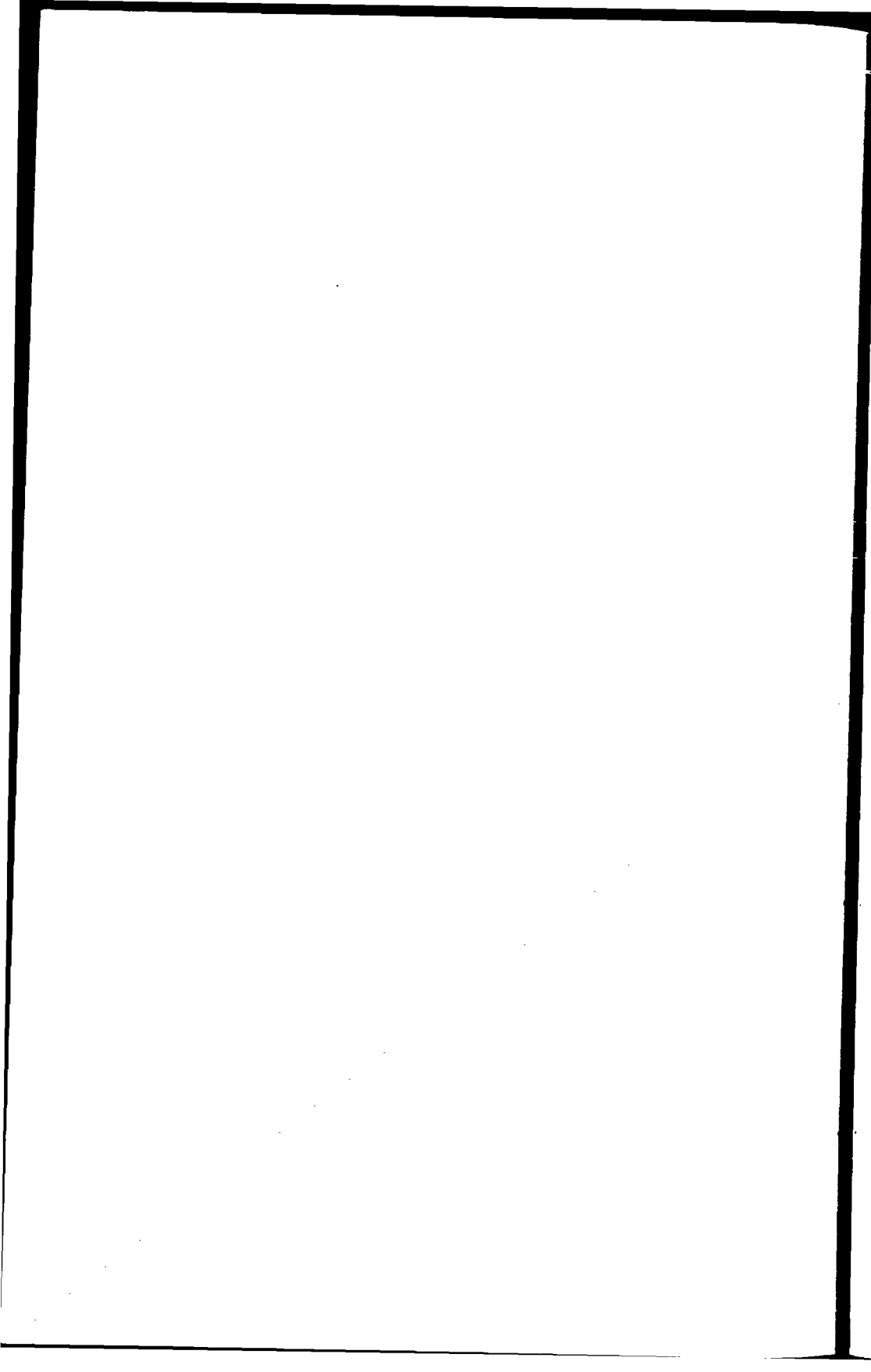
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