

**LAWS
OF THE
STATE OF DELAWARE
ONE HUNDRED AND FIFTEENTH
SESSION OF THE GENERAL ASSEMBLY**

**COMMENCED AND HELD AT DOVER
ON TUESDAY, JANUARY 4, A. D. 1949**

AND

**IN THE YEAR OF THE INDEPENDENCE OF THE
UNITED STATES OF AMERICA
THE ONE HUNDRED AND SEVENTY-THIRD**

VOLUME XLVII

CHAPTER 1

STATE HIGHWAY DEPARTMENT

AUTHORIZING DEPARTMENT TO CLASSIFY TRAFFIC OFFICERS

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO TRAFFIC OFFICERS, BY PROVIDING THAT THE SUPERINTENDENT OF THE STATE POLICE SHALL HOLD THE RANK OF COLONEL AND SHALL BE SO CLASSIFIED BY THE STATE HIGHWAY DEPARTMENT.

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

Section 1. That Article 4 of Chapter 166 of the Revised Code of Delaware, 1935, as amended by Chapter 276 of Volume 45 of the Laws of Delaware, be and the same is hereby further amended by striking out and repealing the first paragraph of 5747. Sec. 28 of said Article, as amended by Chapter 276 of Volume 45 of the Laws of Delaware, and inserting in lieu thereof the following:

5747. Sec. 28. **POLICE OFFICERS; DUTIES; CLASSIFICATIONS; SALARIES; POLICE POWERS:**—The Department is authorized to appoint police officers whose primary duty shall be to compel the enforcement of all laws relating to the weight, speed and operation of vehicles on the public highways of the State. They shall be officially known and referred to as "State Police." The Department is further authorized to classify such State Police according to such rank as the Department shall determine, and according to the duties assigned to them from time to time by the Department, provided that the Superintendent of said State Police shall hold the rank of Colonel and shall be so classified by the said department.

Approved February 15, 1949.

CHAPTER 2

APPROPRIATION

AMERICAN LEGION

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, 1949 and ending June 30, 1951. Two Thousand Dollars (\$2,000.00) of said sum shall be paid within three months after July 1, 1949 and a like sum of Two Thousand Dollars (\$2,000.00) shall be paid within three months after July 1, 1950, 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 28, 1949.

CHAPTER 3

PRINTING NEEDS OF THE GENERAL ASSEMBLY

AN ACT TO AMEND CHAPTER 6 OF VOLUME 46, LAWS OF DELAWARE, 1947, WITH RESPECT TO THE AWARDING OF CONTRACTS FOR PRINTING NEEDS 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 6 of Volume 46, Laws of Delaware, 1947, be and the same is hereby amended by striking out and repealing all of Section 10. thereof and by substituting and enacting in lieu of the part so repealed a new Section 10. as follows:

Section 10. The submission of a bid on any set or sets of specifications together with a resolution of the Senate or of the House of Representatives as the case may be awarding the class or classes of printing covered by such bid to the person, firm or corporation submitting same and the posting of a performance bond, where one is required, shall constitute a contract.

Approved March 2, 1949.

CHAPTER 4

APPROPRIATION

UNITED SPANISH WAR VETERANS

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 bienium beginning July 1, 1949 and ending June 30, 1951 for operation expenses. Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1949 and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1950, 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 March 2, 1949.

CHAPTER 5

APPROPRIATION

OBSERVANCE OF MEMORIAL DAY

AN ACT APPROPRIATING MONEY FOR THE OBSERVANCE OF MEMORIAL DAY IN HONOR OF THE DECEASED MEMBERS OF THE GRAND ARMY OF THE REPUBLIC.

WHEREAS, it has been the custom at each Regular Session of the General Assembly to appropriate funds to the G. A. R., Department of Delaware, for the proper observance of Memorial Day; and

WHEREAS, the Department of Delaware, Grand Army of the Republic, has passed out of existence and a new organization or group must be found to provide for the decoration of graves of Civil War Veterans and to otherwise arrange for the proper observance of Memorial Day in honor of such deceased veterans; and

WHEREAS, Appomattox Camp No. 2, Sons of Union Veterans of the Civil War, located in the State of Delaware, is willing to assume the responsibility for Memorial Day observances formerly arranged by the G. A. R., Department of Delaware, Now, Therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all 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 Appomattox Camp No. 2, Sons of Union Veterans of the Civil War, for the biennium beginning July 1, 1949 and ending June 30, 1951. One Thousand Dollars (\$1,000.00) of said sum shall be available for the fiscal year ending June 30, 1950 and a like sum of One Thousand Dollars (\$1,000.00) shall be available during the fiscal year ending June 30, 1951. The State Treasurer is hereby authorized and directed to pay out of the funds so appropriated such sums as are listed on itemized vouchers duly

signed and approved by the proper officials of Appomattox Camp No. 2, Sons of Union Veterans of the Civil War.

Section 2. The money hereby appropriated shall be used for the decoration of graves of deceased veterans of the Civil War, memorial exercises and observances planned in honor of such veterans, and for necessary expenses in connection with such decoration, exercises and observances.

Section 3. 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 March 2, 1949.

CHAPTER 6

APPROPRIATION

VETERANS OF FOREIGN WARS

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, 1949 and ending June 30, 1951. Fifteen Hundred Dollars (\$1,500.00) of said sum shall be paid within three months after July 1, 1949 and a like sum of Fifteen Hundred Dollars (\$1,500.00) shall be paid within three months after July 1, 1950, 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 March 2, 1949.

CHAPTER 7

APPROPRIATION

BURIAL OF INDIGENT SOLDIERS, SAILORS OR MARINES

AN ACT TO AMEND CHAPTER 8 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, WITH REFERENCE TO THE BURIAL OF INDIGENT VETERANS OF THE WARS IN WHICH THE UNITED STATES HAS ENGAGED.

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

Section 1. That Chapter 8 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out of 326. Sec. 71. thereof the words "One Hundred Dollars" and by substituting and enacting in lieu of the words so stricken out the words "One Hundred And Fifty Dollars".

Section 2. That Chapter 8 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out of 327. Sec. 72. thereof the words "One Hundred Dollars" wherever they appear together in said Section and by substituting and enacting in lieu of the words so stricken out and wherever they appear the words "One Hundred And Fifty Dollars".

Approved March 2, 1949.

CHAPTER 8

LEVY COURT—KENT COUNTY

AUTHORIZING APPROPRIATION TO FIREMEN'S ASSOCIATION

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, BY STRIKING OUT AND REPEALING ALL OF 1194. SEC. 48. THEREOF AND INSERTING IN LIEU THEREOF A NEW SECTION TO BE STYLED 1194. SEC. 48. SAID NEW SECTION DIRECTING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE CERTAIN MONEY TO THE KENT COUNTY VOLUNTEER FIREMEN'S ASSOCIATION FOR DISTRIBUTION EQUALLY AMONG MEMBER COMPANIES."

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, as amended by Chapter 115, Volume 45, Laws of Delaware, be and the same hereby is amended by striking out and repealing all of 1194. Sec. 48. of said chapter and enacting and inserting in lieu thereof a new section to be known and styled as 1194. Sec. 48. as follows:

1194. Sec. 48. The Levy Court of Kent County is authorized and directed to appropriate annually, on the first day of October of each year, to the Kent County Volunteer Firemen's Association, the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) to be distributed by said Firemen's Association equally to each of the regularly organized and motorized Fire Companies, Members of said Association, for the maintenance and upkeep of the fire equipment of said member companies.

Approved March 2, 1949.

CHAPTER 9

APPROPRIATION

FIRE COMPANIES

AN ACT APPROPRIATING MONEY TO CERTAIN FIRE COMPANIES IN THE STATE OF DELAWARE.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the Members elected to each House 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 June, A. D. 1948, 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, 1949, and beginning July 1, 1950, 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; and a certificate of the Secretary of Delaware Volunteer Firemen's Association to the effect that a Fire Company was on the first day of July, A. D. 1948, and is now duly organized and equipped for the fighting of fires shall be sufficient authority for the payment of said sum of One Thousand Dollars (\$1,000.00) by the State Treasurer to said Fire Company.

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 2, 1949.

CHAPTER 10

APPROPRIATION

DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY
TO ANIMALS**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 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 Delaware Society for the Prevention of Cruelty to Animals, for the biennium beginning July 1, 1949 and ending June 30, 1951, for salaries, wages and for operation.

Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1949, and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1950.

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

Approved March 2, 1949.

CHAPTER 11

APPROPRIATION

EDUCATION AND TRAINING OF CHILDREN OF VETERANS OF
WORLD WAR I AND WORLD WAR II**AN ACT APPROPRIATING MONIES FOR EDUCATION AND
TRAINING OF CHILDREN OF VETERANS OF WORLD
WAR I AND WORLD WAR II WHO DIED WHILE IN THE
SERVICE OF THE ARMY, NAVY, MARINE CORPS OR
COAST GUARD OF THE UNITED STATES OR WHO
DIED FROM DISEASE, WOUNDS OR DISABILITIES
RESULTING FROM SUCH SERVICE.**

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

Section 1. The sum of Six Thousand Dollars (\$6,000.00) be and the same hereby is appropriated for the use and benefit of the children, as hereinafter defined, of members of the personnel, male and female, who have served, or are now serving, or who may hereafter serve in any branch of the Army, Navy, Marine Corps or Coast Guard of the United States of America and who were killed, or who may hereafter be killed, while in such service, and/or who may have died or may hereafter die from disease, wounds or disabilities arising, and/or resulting from such service, either in World War I or World War II, for the biennium beginning July 1, 1949 and ending June 30, 1951. Three Thousand Dollars (\$3,000.00) of said sum is hereby appropriated for the year beginning July 1, 1949 and ending June 30, 1950, and Three Thousand Dollars (\$3,000.00) of said sum is hereby appropriated for the year beginning July 1, 1950 and ending June 30, 1951.

Section 2. The word "children" referred to in Section 1 of this Act is further defined as those children who are not under sixteen (16) years of age or over twenty-one (21) years of age and who have been domiciled in the State of Delaware for twelve (12) or more consecutive months prior to the application for assistance under this Act, and who are attending or may hereafter attend any educational or training institution in the

State of Delaware, provided, however, 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 3. The money appropriated by this Act shall be used for the purpose of providing and paying any tuition, matriculation fees, board and room rent, books and school supplies, and other incidental items in connection with the education and/or training of such children in a sum not to exceed Five Hundred Dollars (\$500.00) for any one child for any one year.

Section 4. That the amounts that may be due or become due to any such educational or training institution, not in excess of the amount specified in Section 3 hereof 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 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 thereof 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, but said expenses shall not exceed the sum of Five Hundred Dollars (\$500.00) 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.

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

Approved March 7, 1949.

CHAPTER 12

DELAWARE HARNESS RACING COMMISSION
RESPECTING PARI MUTUEL AND TOTALIZATOR POOLS

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF HARNESS RACING IN THE STATE OF DELAWARE", BEING CHAPTER 303, VOLUME 45, LAWS OF DELAWARE, 1944-45, AS AMENDED, RELATING TO COMMISSIONS ON PARI MUTUEL OR TOTALIZATOR POOLS.

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

Section 1. That Section 15 of Chapter 303, Volume 45, Laws of Delaware, 1944-45, as amended, by Chapter 31, Volume 46, Laws of Delaware, 1947, be and the same is hereby further amended by repealing all of the eighth paragraph thereof and substituting in lieu thereof a new paragraph as follows:

The Delaware Harness Racing Commission shall authorize commissions on pari mutuel or totalizator pools to the person, association or corporation operating a harness race meeting, which said commissions shall be a sum equal to twelve and one-half percent ($12\frac{1}{2}\%$) of the total contributions to all pari mutuel and totalizator pools conducted or made at said harness race meeting, and every harness race at said meeting, plus the odd cents of all re-distributions 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.

Approved March 7, 1949.

CHAPTER 13

CONSTITUTIONAL AMENDMENT

RELATING TO COMPENSATION OF THE MEMBERS AND
PRESIDING OFFICERS OF THE GENERAL ASSEMBLY

**AN ACT AGREEING TO THE PROPOSED AMENDMENT TO
SECTION 15 OF ARTICLE II OF THE CONSTITUTION
OF THE STATE OF DELAWARE, RELATING TO THE
COMPENSATION OF THE MEMBERS AND PRESIDING
OFFICERS OF THE GENERAL ASSEMBLY.**

*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):*

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

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

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

"Section 1. That Section 15 of Article II 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 II, and inserting in
lieu thereof the following:

"The President of the Senate and the members of the Gen-
eral Assembly shall receive an annual salary of One Thousand
Dollars (\$1,000.00), payable quarterly. The members shall re-
ceive no other compensation for services as such members but
shall be entitled to the usual expenses of transportation and the

stationery allowance as provided by the Constitution and Laws of the State."

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

WHEREAS, the said proposed amendment was published by the Secretary of State three months before the then next general election, to wit: the general election of 1948, in three newspapers in each County in the State of Delaware, Now Therefore,

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

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

Approved March 7, 1949.

CHAPTER 14

THE CITY OF WILMINGTON

PENSION FUND FOR MEMBERS OF THE POLICE FORCE

AN ACT TO AMEND CHAPTER 113, VOLUME 32, LAWS OF DELAWARE (1921) ENTITLED "AN ACT PROVIDING FOR A POLICE PENSION FUND FOR MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON", AS AMENDED, BY CHANGING THE NUMBER OF YEARS OF SERVICE REQUIRED FOR A PENSION.

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 Chapter 113, Volume 32, Laws of Delaware, (1921), as amended by Chapter 149, Volume 43, Laws of Delaware (1941) is hereby further amended to read as follows:

Whenever a member of the police force of the City of Wilmington shall have become disabled or incapacitated while in the active performance of official duty and whenever any member of said force who has performed faithful continuous service as such member for a period of not less than fifteen years shall have become permanently incapacitated from performing such regular active duty, he may be retired by the Police Commissioners of the City of Wilmington from regular active service and placed upon the retired list, and all members of said force, who shall have performed faithful continuous service as such member for a period of at least twenty years shall, upon their own application, be placed upon the retired list, whether they are disabled or not. Each person so retired shall be entitled to receive from the fund herein established an amount equal to one-half of his salary at the time of his retirement, so long as he may remain upon the retired list, said sum to be paid monthly, provided said fund shall be sufficient for the payment of all persons entitled to receive same, and in case it shall not be sufficient for that purpose at any time, then the claim of all persons entitled shall abate proportionately, but said fund at no time shall be reduced below the sum of one hundred thousand dollars.

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 March 8, 1949.

CHAPTER 15

BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES
RESPECTING THE DEPOSIT OF SECURITIES**AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES" WITH RESPECT TO THE SAFEKEEPING OF THE SECURITIES DEPOSITED WITH 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 Chapter 66 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of 2362. Sec. 105. thereof a new paragraph as follows:

Whenever securities are deposited with the State Bank Commissioner under any provisions of the Banking Laws of the State, such securities shall be deposited in a safe deposit box in a Delaware bank, and shall be deposited therein or withdrawn therefrom only by the State Bank Commissioner of the State, or his Deputy duly appointed, accompanied by the State Auditor, or his Deputy duly appointed.

Approved March 16, 1949.

CHAPTER 16

MOTOR VEHICLES

RELATING TO TRACTION ENGINES AND TRACTORS

AN ACT TO REPEAL CHAPTER 193, VOLUME 44, LAWS OF DELAWARE, AND FURTHER TO AMEND 5689. SEC. 151 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO TRACTION ENGINES AND TRACTORS, BY PROVIDING FOR THE VEHICLES WHICH SHALL BE PERMITTED TO BE ATTACHED THERETO AND HAULED OVER THE PUBLIC STREETS, ROADS AND HIGHWAYS.

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

Section 1. That Chapter 193, Volume 44, Laws of Delaware be and the same is hereby repealed.

Section 2. That 5689. Sec. 151 of Chapter 193 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by inserting a new paragraph immediately after paragraph (b) of said section, to be known as 5689. Sec. 151 (c), as follows:

“(c) A traction engine or tractor equipped with pneumatic tires 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 or vehicles with smooth metal or pneumatic tires used primarily as a farm implement or implements, or any wagon or wagons used for hauling farm produce, or one or more of each, Provided that the overall length of such traction engine or tractor and the implements and/or wagons attached thereto shall not exceed seventy-five (75) feet.

Approved March 22, 1949.

CHAPTER 17

MOTOR VEHICLES

RELATING TO CRANES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "MOTOR VEHICLES", RELATING TO CRANES.

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 further amended by adding a new paragraph to 5539. Section 1 thereof, to be known as paragraph (hh) as follows:

(hh) Cranes: Any self-propelled vehicle to which has been permanently mounted, or attached, any crane, whether or not such vehicle was originally a truck, tractor, or other type of motor vehicle or was designed and built as a complete crane unit; provided, however, that the word "crane," as herein defined, shall not be construed to mean any truck or other vehicle equipped with, or to which has been affixed any device used for the purpose of providing a means for towing other vehicles.

Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be further amended by adding a new paragraph to 5564. Section 26 thereof, as follows:

For registration of any crane the fee shall be Five Dollars (\$5.00) for the first five hundred pounds of the gross weight of such machine and Fifty Cents (50c) for each additional five hundred pounds of the gross weight of such machine.

Section 3. That Chapter 165 of the Revised Code of Delaware, as amended, be further amended by adding a new paragraph to 5666. Section 128 thereof, to be known as paragraph (j) as follows:

(j) A crane need not be equipped with the lights required by this or any other Act of this Chapter; provided, however, that

any such machine not equipped with lights as required by this Section shall not be driven upon, stand upon, or used in any way upon the highways of this State during the period from one half hour after sunset to one half hour before sunrise.

Approved March 22, 1949.

CHAPTER 18

NEW CASTLE COUNTY LEVY COURT

TO REFUND CERTAIN OVERPAYMENTS OF TAXES

**AN ACT AUTHORIZING, EMPOWERING AND DIRECTING
THE LEVY COURT OF NEW CASTLE COUNTY TO RE-
FUND CERTAIN OVERPAYMENTS OF TAXES, IN CON-
NECTION WITH A SPECIAL ASSESSMENT AGAINST
CERTAIN LANDS FOR THE CONSTRUCTION OF A
ROAD IN BRANDYWINE HUNDRED, NEW CASTLE
COUNTY, DELAWARE, KNOWN AS HILLSIDE ROAD.**

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

Section 1. WHEREAS, the State Highway Department of Delaware, did construct a road in Brandywine Hundred, New Castle County, Delaware, now known as Hillside Road.

Section 2. That the Levy Court of New Castle County did afterwards cause an assessment to be made of all the lands abutting both sides of said Hillside Road and did levy and collect a special county tax on said lands.

Section 3. That said Levy Court of New Castle County recognizing that said special tax for the purpose aforesaid, was excessive, that refunds should be made to the persons named below for the amounts set opposite their respective names, being the overpayment of the excessive tax levied for the construction of said road.

Lena E. Casey—#23 Hillside Road.....	\$83.06
Boyton Graham—#30 Hillside Road.....	179.41
Harry M. Norton—#29 Hillside Road.....	83.06
James S. & Estelle Conly #39 Hillside Road.....	79.68

That said amounts above mentioned and set forth shall be paid on the passage and approval of this Act.

Approved March 22, 1949.

CHAPTER 19

COURT OF CHANCERY

RELATING TO INVESTMENTS OF TRUSTEES,
GUARDIANS AND OTHER FIDUCIARIES

**AN ACT TO AMEND CHAPTER 117, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, RELATING TO IN-
VESTMENTS OF TRUSTEES, GUARDIANS AND OTHER
FIDUCIARIES.**

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

Section 1. That Chapter 117 of the Revised Code of Delaware, 1935, as amended be and the same is hereby further amended by striking out and repealing all of sub-division (c) of 4401. Sec. 35. thereof and enacting and inserting in lieu thereof the following, to wit:

4401. Sec. 35 (c). Nothing contained in this Section 35 shall be construed as authorizing any departure from, or variation of, the express terms or limitations set forth in any will, agreement, court order or other instrument creating or defining the fiduciary's duties and powers, but the terms "legal investment" or "authorized investment" or words of similar import, as used in any such instrument, shall be taken to mean any investment which is permitted by the terms of sub-division (b) of this Section 35, and a power granted a bank or trust company authorized to act in a fiduciary capacity and acting in such capacity generally to retain property either owned by the testator at the time of his death or transferred by the settlor to the trustee shall be as effective to authorize such bank or trust company to retain shares of stock of such bank or trust company either owned by the testator at the time of his death or transferred by the settlor to the trustee as if the trust instrument expressly so provided.

Approved March 23, 1949.

CHAPTER 20

SELBYVILLE

AN ACT TO AMEND CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" AS AMENDED, BY INCREASING THE AMOUNT OF TAXES THAT MAY BE RAISED IN ANY ONE YEAR BY TAXATION AND PROVIDING THE METHOD BY WHICH TAXES AND PENALTIES FOR NON-PAYMENT OF THE SAME MAY BE COLLECTED.

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

Section 1. That Section Eight of Chapter 166, Volume 37, Laws of Delaware, as amended by Chapter 122, Volume 38, Laws of Delaware, 1933 as further amended by Chapter 185, Volume 43, Laws of Delaware, 1941 be and the same is hereby repealed, and a new Section to be known as Section Eight of Chapter 166, Volume 37, Laws of Delaware, be and the same is hereby enacted to read as follows:

"Section 8. The said The Mayor and Council of the Town of Selbyville shall at its first stated meeting in every year determine the amount of taxes to be raised in said Town for that year, provided that the amount to be raised shall not in any year be more than Twenty-five thousand dollars (\$25,000.00); and it shall appoint an assessor, who may or may not be one of the Councilmen, to make an assessment of persons and property in said Town; and it shall also appoint a collector and treasurer who may or may not be the same person. It shall be the duty of the assessor of said Town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of said Town, and also an assessment of all the citizens of said Town, both male and female, of the age of twenty-one years and upwards, as well as those owning real estate as those not owning real estate of Two Dollars as a poll tax. Provided, however, that

nothing herein contained shall in any way render subject to levy and taxation any property in said Town that may now be expressly exempted from taxation and assessment by law. The said assessor, after making said assessment, shall forthwith deliver to The Mayor and Council of the Town of Selbyville a duplicate containing the names of all persons assessed and the amount of the assessment, distinguishing the real and personal property of each. The Council shall assess the real and personal estate of the assessor. The said The Mayor and Council of the Town of Selbyville shall within fifteen days after receiving said duplicate assessment list cause a complete and full transcript of said duplicate to be hung up in a public and conspicuous place in said Town, there to remain for the space of twenty days thereafter for public inspection; and the said The Mayor and Council of the Town of Selbyville shall, on the Wednesday next after the expiration of the said period of twenty days, from two o'clock to four o'clock in the afternoon, sit to hear appeals from said assessment. Notice of the hanging up 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. They shall have the power on such day to add to or take from the amount of any assessment, except that of poll tax which shall always remain at Two Dollars per capita. The decision of a majority of the said The Mayor and Council of the Town of Selbyville, upon any appeal, shall be final and conclusive. No member of said Council shall sit upon his own appeal, but the same shall be heard and determined by the others. Immediately after the appeal day the said The Mayor and Council of the Town of Selbyville shall cause the assessment list to be transcribed and the transcript to be delivered to the collector. He thereupon shall collect from each taxable his proportion of the tax assessed, but in the collection of taxes the said collector shall deduct five per cent from the amount of the tax assessed against the property of any one who shall pay such tax by the first day of May following the assessment of said tax, and shall deduct four per cent from the amount of taxes assessed against the property of any one who shall pay such tax by the first day of June following the assessment of said tax. The full amount of the tax assessed is due if collected during the months of June, July and August, and beginning with the first day of September the collector shall add one per cent each month as a penalty,

until the tax assessed is collected. The collector shall pay over the whole amount that he may have collected, after deducting his commissions and any delinquencies which may be allowed, to the Treasurer, on or before the first day of January next after the receipt of his duplicate. The collector shall have the same power in the collection of said taxes as is conferred by law upon the Receiver of Taxes and County Treasurer of Sussex County."

Approved March 23, 1949.

CHAPTER 21

BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES

COLLECTION, PAYMENT AND DISHONOR OF DEMAND ITEMS
BY BANKS, AND THE REVOCATION OF CREDIT FOR,
AND PAYMENT OF, SUCH ITEMS

**AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED
"BANKS, SAVINGS SOCIETIES AND TRUST COM-
PANIES" IN RELATION TO THE COLLECTION, PAY-
MENT, AND DISHONOR OF DEMAND ITEMS BY
BANKS AND THE REVOCATION OF CREDIT FOR,
AND PAYMENT OF, SUCH ITEMS.**

*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, as amended, be and the same is hereby further amended by adding after 2271. Sec. 14. thereof a new Code Section to be designated 2271A. Sec. 14A., as follows:

2271A. Sec. 14A. Collection, Payment and Dishonor of Demand Items by Banks; Revocation of Credit; Payment of:—
In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at or through such bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the books of the receiving bank, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, non-payment, or revocation; provided that such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented, credit for which is revoked as authorized by this

Act, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this Act, is entitled to refund of, or credit for, the amount of the item.

For the purposes of this Act: (a) an item received by a bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening periods when it has reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next business day; (b) the term "credit" includes payment, remittance, advice of credit, or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the making of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers; and (c) each branch or office of a bank shall be deemed a separate bank.

Approved March 23, 1949.

CHAPTER 22

AUTHORIZING PROTHONOTARY OF SUSSEX COUNTY TO MAKE INDICES OF JUDGMENTS

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE PROTHONOTARY OF THE SUPERIOR COURT OF THE STATE OF DELAWARE, IN AND FOR SUSSEX COUNTY, TO MAKE INDICES OF JUDGMENTS IN HIS OFFICE", BEING CHAPTER 106, VOLUME 46, LAWS OF DELAWARE, 1947, RELATING TO THE BEGINNING DATE OF THE INDICES.

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

Section 1. That Section 1 of Chapter 106, Volume 46, Laws of Delaware, 1947, be and the same is hereby amended by striking out the words and figures "from the April Term, A. D. 1862" wherever the same appear in said Section 1 of said Chapter and by substituting in lieu thereof the words and figures "from the April Term, A. D. 1900."

Section 2. That Section 2 of Chapter 106, Volume 46, Laws of Delaware, 1947, be and the same is hereby amended by striking out the words and figures "from the year A. D. 1862" wherever the same appear in said Section 2 of said Chapter and by substituting in lieu thereof the words and figures "from the April Term, A. D. 1900."

Approved March 25, 1949.

CHAPTER 23

DELAWARE HARNESS RACING COMMISSION

AN ACT TO AMEND CHAPTER 303, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, ENTITLED, "AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF HARNESS HORSE RACING IN THE STATE OF DELAWARE, WITH REFERENCE TO THE MEMBERSHIP OF THE DELAWARE HARNESS RACING COMMISSION, THE AWARDED OF DATES FOR HARNESS HORSE RACING IN THE STATE OF DELAWARE, AND CHANGING CERTAIN WORDS IN SAID ACT."

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

Section 1. That Chapter 303, Volume 45, Laws of Delaware, 1945, as amended, be and the same is hereby further amended, by striking out and repealing, all of Section 2, Section 3, Section 4, Section 5, Section 6, Section 7, thereof, and inserting and enacting in lieu thereof respectively the following new Sections to be known as Section 2, Section 3, Section 4, Section 5, Section 6 and Section 7.

Section 2. The said Commission shall consist of three (3) members, one from each County of the State, who shall be appointed by the Governor of the State of Delaware, not more than two (2) of said members to be of the same political party. The member of said Commission heretofore appointed by the Governor, shall continue as one of the members of said Commission until his term of office expires. In addition to the member heretofore appointed, two additional members shall be appointed by the Governor, who shall be bona fide residents of the County for which they are respectively appointed. Both the member from New Castle County and the one from Sussex County shall be appointed by the Governor of the State of Delaware, for six years; each of said members shall be at least thirty years of age, next preceding his appointment. The two additional members to be appointed by the Governor under this Amended Act shall be appointed immediately after this Act is passed and approved by

the Governor; each to serve six years from the time of their appointment and qualification and shall serve until his or their successor or successors shall be appointed and qualified.

Vacancies in said Commission for any reason other than expiration of term of office shall be filled by the Governor for the unexpired term of any of the members of this Commission. The Governor shall appoint a bona fide resident of the proper County for a full term of six years when there is a vacancy by reason of expiration of term.

The Governor shall remove any or all of said members of this Commission for inefficiency, neglect of duty or misconduct in office, first giving to him or them, a copy of the charges filed against him or them and an opportunity of being publicly heard in person or by counsel in his or their defense upon not less than ten (10) days' written notice. If any member or members of said Commission, shall be removed from said office, the Governor shall file in the office of the Secretary of State of Delaware, a complete statement of all charges made against said member or members of said Commission and his findings thereof, together with a complete record of the proceedings. No person shall be eligible for appointment by the Commission or hold any position under the Commission, who at the time of his assumption of office shall hold any official relation to any association or corporation engaged in or conducting of Harness Horse Racing within the State of Delaware.

Section 3. Before entering upon the discharge of the duties of office as a member of this Commission, each member of the Commission shall take an oath that he will well and faithfully execute all and singular the duties appertaining to his or their office according to the Laws of the State of Delaware and the rules and regulations adopted by the Commission therewith, and shall give bond to the State of Delaware with personal or corporate surety or sureties approved by the Governor in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) with the condition, that he will well and faithfully execute and perform all and singular the duties appertaining to his office according to the Laws of the State of Delaware, and the rules and regulations adopted in accordance therewith. Every such bond

when duly executed and approved, shall be filed in the office of the Secretary of State of the State of Delaware, and certified copies under the seal of the said Secretary of State may be used as evidence in any Court of this State. It shall be the duty of the Governor at all times when, in his opinion, the surety or sureties of any or all of said members of said Commission shall become or are likely to become invalid or insufficient, to demand and require such member or members of said Commission forthwith to renew his bond to the State of Delaware with surety or sureties to be approved by the Governor, in the penalty and according to the form prescribed in this Section. Any member of said Commission who shall fail to take oath and give bond with surety or sureties as aforesaid within thirty (30) days of his or their appointment, or who shall fail to renew his bond with surety or sureties as aforesaid within thirty days after the same have been demanded and required by the Governor, shall be deemed to be guilty of "neglect of duty" and shall be removable as hereinbefore provided.

Section 4. The Commission shall establish and maintain an office or offices at such time and places within the State of Delaware as the Commission shall determine. The members of the Commission shall be entitled to their reasonable expenses for traveling to and from such office or offices on official business. The Commission may appoint such officers, clerks, stenographers, inspectors and all other employees as they deem necessary, all of whom shall serve during the pleasure of said Commission. The Secretary of said Commission shall keep a record of all proceedings of the Commission, and shall preserve all books, maps, documents and papers belonging to the Commission or entrusted to its care, and perform such other duties as the Commission may prescribe. The Commission shall make an annual report to the Governor on or before the first day of January in each and every year, which report shall include a statement of receipts and disbursements by the Commission, and any and all additional information and such recommendations which the Commission may deem of value.

Section 5. The salary of the Commissioners shall be One Dollar (\$1.00) per year. The salaries of clerks and other employees of the Commission, and the rental of offices and other expenses of the Commission, which expenses shall be deemed to

include the premiums on surety or corporate bonds of the members of the Commission as required in Section 3 hereof, shall not exceed the sum of Six Thousand Dollars (\$6,000.00) per annum.

Any person or persons, associations or corporations, upon applying to the Commission for a license to conduct a Harness Race meeting within the State of Delaware during any calendar year, shall, at the time of making such application, pay to the said Commission, a fee of Five Hundred Dollars (\$500.000).

Any person, associations or corporations who shall be granted a license by the Commission to conduct a Harness Race meeting within the State of Delaware, within any calendar year, shall at the time such license is granted, pay to the said Commission an additional fee of Two Hundred and Fifty Dollars (\$250.00).

Section 6. This Act shall apply to Harness Horse Races upon which wagering or betting is conducted as herein provided.

Section 7. Any person or persons, association or corporation, desiring to conduct a Harness Horse Race meet within the State of Delaware during any calendar year, shall apply to the Commission for a license so to do. Such application shall be filed with the Commission on or before a day fixed by the Commission. Such application shall specify the days on which such Harness Horse Racing is desired to be conducted or held, and such application shall be in such form and supply such data and information, including a blue print of the track and specifications of surface of same and a blue print and specifications of buildings and grandstand of the applicant as the Commission may prescribe, which said blue prints and specifications shall be subject to the approval of the Commission, which, at the expense of the applicant may order such engineering examination thereof as to the Commission may seem necessary. The erection and construction of the track, grandstand and buildings of any applicant for a license to conduct Harness Horse Racing under this Act, shall be subject to the inspection of the Commission, which may order such engineering examination thereof as to the Commission may seem necessary at the expense of the applicant, and may employ such inspectors as the Commission may consider necessary for the said purpose. Said Commission shall, on or before the fif-

teenth day of January in each year, award all dates for Harness Horse Racing in the State of Delaware within the current year, but the said dates so awarded shall not exceed sixty days in the aggregate, and the decision of the Commission on the awards of all such dates shall be final. The Commission shall have power to reject any application for a license for any cause which it may deem sufficient and the action of the Commission shall be final. Said Racing Commission shall on or before the fifteenth day of January of each year award all dates for Harness Horse Racing in the State of Delaware within the current year, but said dates so awarded shall not exceed twenty days in the aggregate for Kent County, twenty days for Sussex County and twenty days for New Castle County, and the decision of the Commission on the awarding of all such dates shall be final. No one person, association or corporation shall be given a license to conduct Harness Horse Racing for more than twenty days in one year, and no person, association or corporation shall be given a license to hold more than two meetings in any one year nor shall more than two meetings for Harness Horse Racing with an aggregate of twenty days, be held in any one year on any one track within the State of Delaware; provided, however, in the event that in any year only one application to the Delaware Harness Racing Commission for a license to conduct harness racing within the State of Delaware shall qualify for a license to conduct Harness Horse Racing within the State of Delaware who shall qualify for a license on or before the fifteenth day of January in said year, the Commission may authorize said sole licensee to hold one or more meetings for said year for an aggregate of sixty days.

Ten (10) days before any Harness Horse Racing meet may be held under this Act, the person or persons, association or corporation licensed to conduct the meet shall deposit with the Harness Horse Racing Commission, insurance against personal injury liability which may be sustained at such meet, said insurance to be in the amount approved by the Commission with premium or premiums prepaid.

Not less than five (5) days prior to the opening of any meet authorized by the Delaware Harness Racing Commission, the Commission, at the expense of the licensee for said meet, shall cause to be made an inspection of the track, grandstand and

buildings where said meet is to be held, and unless said track, grandstand and buildings where said meet is to be held are found to be safe for animals and persons, or are rendered safe thereafter and therefor prior to the opening of the meet, the license for said meet shall be withdrawn.

Section 2. That Section 10 of said Chapter 303, Volume 45, Laws of Delaware, be amended by striking out in the twenty-fourth line of the fifth paragraph of said Section, the word "member" and by inserting and enacting in lieu thereof the word "members."

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

Approved April 5, 1949.

CHAPTER 24

DELAWARE RACING COMMISSION

AN ACT TO AMEND CHAPTER 163 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "DELAWARE RACING COMMISSION," AS AMENDED, RELATING TO DAYS OF RACING, BY AUTHORIZING THE DELAWARE RACING COMMISSION TO AUTHORIZE A SOLE LICENSEE TO HOLD ONE OR MORE MEETINGS A YEAR FOR AN AGGREGATE OF THIRTY-THREE DAYS.

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

Section 1. That Chapter 163 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out of 5502. Sec. 7 thereof, the words "thirty days" appearing in the last line of the first paragraph thereof, and inserting in lieu thereof—"thirty-three days."

Approved April 5, 1949.

CHAPTER 25

REPEALING THE PROVISION OF LAW REQUIRING EXCLUSIVE
CONSIDERATION OF THE BUDGET BILL

**AN ACT TO AMEND CHAPTER 158, REVISED CODE OF
DELAWARE, AS AMENDED, BY REPEALING THE
PROVISION OF LAW REQUIRING EXCLUSIVE CON-
SIDERATION OF THE BUDGET BILL, WHEN.**

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

Section 1. That Chapter 158 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended, by striking out and repealing all of 5413. Sec. 15. thereof.

Approved April 20, 1949.

CHAPTER 26

INSURANCE DEPARTMENT

AN ACT TO AMEND CHAPTER 20 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "INSURANCE DEPARTMENT," WITH REFERENCE TO REINSURANCE OF CERTAIN RISKS IN COUNTRIES OTHER THAN THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, OR THE DISTRICT OF COLUMBIA.

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

Section 1. That Chapter 20 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of 477. Sec. 16 thereof a new paragraph, as follows:

All or any part of the risks assumed by any domestic insurance company in any country other than the United States or a territory or insular possession thereof or the District of Columbia may, with the consent of the Insurance Commissioner, be reinsured in or transferred to any solvent insurance company authorized to transact business in any part of the world. Thereafter such domestic insurance company shall not be required to charge as liabilities the reserves and other liabilities pertaining to risks so transferred and may take credit in its liabilities for reserves and other liabilities maintained by such insurance company pertaining to risks or portions of risks so reinsured.

Approved April 25, 1949.

CHAPTER 27

BRIDGEVILLE

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF BRIDGEVILLE," BEING CHAPTER 158, VOLUME 43, LAWS OF DELAWARE, WITH REFERENCE TO THE AMOUNT OF TAXES RAISED AND THE COLLECTION 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 Section 18, Chapter 158, Volume 43, Laws of Delaware, be, and it is hereby, amended by deleting the words "Twelve Thousand" where the same appear in the twentieth line of said section, and by substituting in lieu thereof the words "Twenty Thousand."

Section 2. That Chapter 158, Volume 43, Laws of Delaware, 1941, as amended, be and the same is hereby further amended by striking out and repealing all of Section 40 of said Chapter and by substituting and enacting in lieu thereof a new Section 40, as follows:

Section 40. On all town taxes assessed as aforesaid and paid before the first day of July in the year such taxes are assessed, an abatement or discount of five per centum shall be allowed; on all town taxes thereafter paid by the thirtieth day of September following, no abatement or discount shall be allowed. Taxes not paid by the thirtieth day of September of the year for which said taxes are assessed and due may be collectible by legal proceedings and may be placed in the hands of a County Constable for collection of taxes and costs, by suit if necessary.

Approved April 26, 1949

CHAPTER 28

VOCATIONAL REHABILITATION

AN ACT TO AMEND CHAPTER 68, VOLUME 46, LAWS OF DELAWARE, 1947, WITH RESPECT TO VOCATIONAL REHABILITATION.

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

Section 1. That Chapter 68, Volume 46, Laws of Delaware, 1947, be and the same is hereby amended by striking out and repealing the words, "wounded or otherwise impaired as result of participation in World War II," as the said words appear in the second and third lines of paragraph designated (d) of Section 4 of said Chapter 68.

Approved April 27, 1949.

CHAPTER 29

KENT COUNTY LEVY COURT

AN ACT AUTHORIZING THE RECORDER OF THE STATE OF DELAWARE, IN AND FOR KENT COUNTY, TO PROCURE A RECORD FOR THE PURPOSE OF RECORDING CHATTEL MORTGAGES OF FINANCE COMPANIES IN KENT COUNTY.

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

Section 1. The Recorder of the State of Delaware, in and for Kent County, is authorized to have records of forms printed and bound, for the purpose of recording chattel mortgages of Finance Companies in Kent County, which record shall be printed upon good record paper and with necessary blanks for the names, dates and description of personal property.

Section 2. All records of forms so printed shall be evidence in law as other records of Kent County.

Section 3. The Levy Court of Kent County is hereby authorized and directed to pay the necessary costs of procuring said records.

Approved April 27, 1949.

CHAPTER 30

SELBYVILLE

AN ACT TO AMEND CHAPTER 280 OF VOLUME 46, LAWS OF DELAWARE, 1947, ENTITLED AN ACT TO AUTHORIZE "THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE" TO BORROW MONEY AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWER SYSTEM AND SEWERAGE DISPOSAL WORKS FOR SAID TOWN, AND TO CONTROL AND REGULATE THE SAME, BY INCREASING THE AMOUNT "THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE" IS AUTHORIZED AND EMPOWERED TO BORROW AND BY INCREASING THE AMOUNT TO BE RAISED BY TAXATION FOR THE PURPOSE OF ESTABLISHING A SINKING FUND FOR THE REDEMPTION OF SAID BONDS.

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

Section 1. That "The Mayor and Council of the Town of Selbyville," a municipal corporation of the State of Delaware, be, and it is hereby, authorized and empowered to borrow, on the faith and credit of the Town of Selbyville, a sum of money not exceeding Three Hundred Fifty Thousand Dollars (\$350,000.00), which may be applied, appropriated and expended to build, construct, maintain and operate, under such rules and regulations as "The Mayor and Council of the Town of Selbyville" may deem necessary and proper, a sewer system and sewage disposal works for the use and benefit of the Town of Selbyville and its inhabitants.

Section 2. That the said "The Mayor and Council of the Town of Selbyville," for the purpose of carrying into effect the provisions of this Act, is hereby authorized and empowered to issue bonds of the municipal corporation of such denominations as the said "The Mayor and Council of the Town of Selbyville" may deem best, said bonds to be known as "Selbyville Sewer

Bonds," all of which are to bear the same date and to bear interest at a rate not exceeding four per centum (4%) per annum, payable semi-annually at the office of Baltimore Trust Company, at Selbyville, Delaware. The principal of said bonds shall be made payable at the expiration of twenty-five (25) years from the date of issue thereof, subject, however, to redemption at the option of "The Mayor and Council of the Town of Selbyville" at any interest period after the issuance of the bonds, after notice to that effect published in at least one issue of a newspaper published in Sussex County, Delaware.

Section 3. That the said "The Mayor and Council of the Town of Selbyville" shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the Mayor and by the Treasurer of the said "The Mayor and Council of the Town of Selbyville" and shall be sealed with the corporate seal of said corporation. Said bonds shall be exempt from all State, County, and Municipal taxes. The bonds may or may not be coupon bonds as "The Mayor and Council of the Town of Selbyville" may determine.

Section 4. "The Mayor and Council of the Town of Selbyville" shall direct the sale of the said bonds authorized by this Act at such time or times and on such terms as the said "The Mayor and Council of the Town of Selbyville" shall deem expedient.

Section 5. That the said "The Mayor and Council of the Town of Selbyville" is hereby authorized and required to assess and collect annually in the same manner as is now provided by law for assessing and collecting other taxes for municipal purposes, a special tax, which in addition to the estimated net revenue to be derived from sewer rentals shall be sufficient to pay all the interest accruing on said bonds. And it is further hereby authorized and empowered to assess and collect annually in the same manner a further special tax for the purpose of establishing a sinking fund adequate for the redemption at maturity, as prescribed in this Act, of the bonds issued under the provisions of this Act; provided, that the amount to be raised by taxation for the purpose of establishing said sinking fund for the redemption of said bonds shall not exceed the sum of

Fourteen Thousand Dollars (\$14,000.00), in any one year. The sinking fund so to be provided shall be deposited in the Baltimore Trust Company, at Selbyville, Delaware, until such time as it may be needed for the redemption of any or all of said bonds.

Section 6. That the said "The Mayor and Council of the Town of Selbyville" is hereby authorized and empowered to do all things necessary for the location, erection, construction, equipment and operation of said sewer system and sewage disposal works and to provide for the care and maintenance of the same, and to purchase all such instruments, appliances and supplies as may be necessary for establishing said sewer system and sewage disposal works in said town, and for furnishing the citizens and inhabitants thereof with proper and adequate sewerage facilities, and to effect the same "The Mayor and Council of the Town of Selbyville" shall have the power and authority to lay pipes and conduits under and along any of the streets, lanes, alleys or highways of said town, or any road adjacent thereto, and also to contract and agree with the owner or owners for the occupation or purchase of any land or lands which may be necessary for the purpose of carrying into effect the provisions of this Act. In the event, however, that any owner of property should fail to agree with the Town, "The Mayor and Council of the Town of Selbyville" shall have full power of eminent domain over any lands or property rights required for any purpose connected with the installation or operation or extension of the said sewer system and shall be able to condemn property rights for the use of the sewer system in the same manner and to the same extent as the Mayor and Council of Selbyville are authorized to do in connection with the public streets within the said Town. "The Mayor and Council of the Town of Selbyville" shall have authority to require any premises to be connected to the sewer system, and in the event that any property owner should neglect to connect his property immediately after ordered to do so by "The Mayor and Council of the Town of Selbyville," the said Mayor and Council shall have the authority to connect the premises with the sewer as ordered and to collect the cost of such connection by the same process as Town Taxes are collectible. The said "The Mayor and Council of the Town of Selbyville" shall have the supervision and control of all public pipes, sewers and drains connected with said sewer system and sew-

age disposal works, whether within or without the corporate limits of said Town of Selbyville, and may alter, repair and remove the same and may cause new pipes, drains and sewers to be made and opened. The said "The Mayor and Council of the Town of Selbyville" may cause such pipes, sewers and drains to be laid in any of the said streets, lanes, alleys or highways of the said town in such manner and of such material as it, the said "The Mayor and Council of the Town of Selbyville" may deem proper. The said "The Mayor and Council of the Town of Selbyville" is hereby authorized to make rules regulating the tapping or use of public sewers by the owners of abutting land, and shall provide for the granting of permits for the same and for the payment of such tapping fees and sewer rental charges as the said "The Mayor and Council of the Town of Selbyville" shall deem proper; and it shall prescribe the material of all private drains or sewers which shall enter into any public sewer and shall direct the manner in which they shall be laid.

Section 7. That the said "The Mayor and Council of the Town of Selbyville" is authorized and empowered to engage the services of such agents and servants as it may deem necessary in the erection and completion of said sewer system and sewage disposal works as herein provided.

Section 8. That the said "The Mayor and Council of the Town of Selbyville" is hereby authorized and empowered to adopt such ordinances as it may deem necessary for the operation, management and control of said sewer system and sewage disposal works, and shall grant to all persons and corporations in the said Town of Selbyville the privilege of using said sewers in such manner and upon such terms and conditions as may seem just and proper to the said "The Mayor and Council of the Town of Selbyville."

Section 9. The Three Hundred Fifty Thousand Dollars (\$350,000.00) of bonds and various forms of indebtedness to be paid by the moneys arising from the sale of the bonds issued under the provisions of this Act shall be cancelled when the same is paid by writing on the face of each bond or other form of indebtedness the words "Cancelled and Paid" with the date of payment and signed by "The Mayor and Council of the Town of

Selbyville," and the bonds or other forms of indebtedness so cancelled shall be preserved by "The Mayor and Council of the Town of Selbyville."

Section 10. That before the provisions of this Act shall go into effect the borrowing of a sum of money not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), as aforesaid, shall be submitted to and approved by a majority of the votes cast at a special election. The said election shall be called by "The Mayor and Council of the Town of Selbyville" and shall be held, certified to and recorded in the same manner as the election of the officers of said Town. At such election each person shall be qualified to vote one vote for every dollar of property tax which is assessed against him on the books of "The Mayor and Council of the Town of Selbyville" as of the date of the election. If the borrowing of the said money shall not be approved by a majority of the said votes at said special election, the said "The Mayor and Council of the Town of Selbyville" is authorized and directed to call any other special elections from time to time, to be held in like manner and for the same purpose as the above described election, with the provision that no two special elections shall be called for this purpose within six months of each other.

Section 11. That the faith and credit of the Town of Selbyville are hereby pledged for the payment of bonds authorized to be issued under the provision of this Act.

Approved April 27, 1949.

CHAPTER 31

FISH, OYSTERS AND GAME

AN ACT TO AMEND CHAPTER 74, REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO FISH, OYSTERS AND GAME, BY PROVIDING A LIMIT TO THE LENGTH OF CERTAIN NETS, AND PROVIDING PENALTIES FOR VIOLATIONS.

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

Section 1. That Chapter 74 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by enacting and adding to 3020. Sec. 219. thereof a new paragraph, as follows, to wit:

Provided, however, that no drift net, ring net, or haul seines, or combination of nets, otherwise legal to use, shall be used in the Indian River Bay, Indian River, Rehoboth Bay, or the tributaries thereof if the length of such net or nets exceeds Three hundred yards while being fished. Any person violating any provision hereof shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) for the first offense and not less than One Hundred Dollars (\$100.00) for each subsequent offense, and in addition to such fine shall suffer the forfeiture to the State of Delaware of the net or nets used at the time of the violation.

Approved April 27, 1949.

CHAPTER 32

FREDERICA

AN ACT TO REINCORPORATE THE TOWN OF FREDERICA.

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

Section 1. That the inhabitants of the Town of Frederica, Kent County, Delaware, be and they are hereby constituted a municipal corporation and body politic.

The name and style of the said corporation shall be "The Town of Frederica" by which name the said corporation may sue and be sued, plead and be impleaded, complain, answer and defend suits in all Courts of this State.

The said corporation shall have and use a common corporate seal of its own devising with power to alter and renew the same.

The said corporation may hold and acquire by purchase, gift, devise, lease or condemnation real property and personal property within or without its boundaries for any municipal purpose in fee simple and in lesser estate or interest, and may sell, lease, hold, manage and control such property as its interests may require; and shall have all other powers and functions requisite and appropriate for the government of the Town its people and order, its sanitation, appearance and beauty, the health, safety, convenience, comfort and well being of its population and the protection and preservation of property, public or private.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, and it is intended that the Town of Frederica 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

Frederica held, expressed or implied, shall be exercised in the manner prescribed by this charter, or if not prescribed herein then in the manner provided by ordinance or resolution of the Council.

Section 2. The boundaries of the said corporation shall be as follows: Beginning at the fork or point formed by the junction of Murderkill River or Spring Creek and running from thence with Spring Creek to the line dividing the lands now or late of the heirs of Robert I. Lober, deceased, and lands now or late of the heirs of Samuel W. Darby; thence running in a westerly direction to a point opposite the dividing line between lands now or late of Thomas D. Burton and lands now or late of Mrs. Sarah H. Lister; thence running with said division line to a point in the lands now or late of Robert C. Stevenson opposite the draw bridge; thence in a straight line to the draw bridge and thence following the course of the Murderkill River to the place of beginning.

The Town Council of the Town of Frederica is hereby authorized to have a survey made of all the territory embraced within the corporate limits of the said Town of Frederica which survey shall show all roads, streets, lanes and alleys within the limits of the said Town and to cause a copy of the same to be recorded in the office of the Recorder of Deeds at Dover, and the copy thereof so recorded in the Recorder of Deeds Office at Dover shall be received as evidence in all the Courts of this State.

Section 3. The government of the said Town of Frederica shall be vested in a Mayor and Town Council which shall exercise all of the powers conferred by any of the provisions of this charter, except as otherwise provided herein.

The Town Council shall consist of five members and shall constitute the legislative body of the said Town of Frederica.

The Town Council in addition to the powers hereinbefore conferred shall have power to regulate the streets, lanes, alleys and sidewalks of the said Town, and direct the sidewalks, or such part thereof, as they may determine to be paved or otherwise improved at the expense of the owner of the property adjacent

thereto; on complaint of any citizen to examine any chimney, stove pipe, fixtures, or any other matter or object dangerous to the Town or to the welfare of the citizens and property of said Town, and if adjudged dangerous to cause and require the same to be repaired and remedied, or, if necessary, to be removed; to prevent or remove nuisances in said Town; to prohibit the firing of guns and pistols, the making of bonfires or setting off of fireworks or any dangerous sport; and to suppress and prevent any noisy and turbulent assemblage of persons within the said Town.

Section 4. The members of the Town Council shall be residents of said Town and shall be freeholders therein. They shall serve after their election and qualification as hereinafter provided. There shall be an election held at the Town Hall in said Town on the first Monday of March, A. D., 1950, from the hour of five o'clock P. M. until the hour of eight o'clock P. M. for the election of five members of the Council, three of said members to serve for a term of one year and two of said members to serve for a term of two years and to constitute the Town Council of the Town of Frederica. Subsequently and on the first Monday in March, A. D., 1951, and on the first Monday in March in every second year thereafter during the hours aforesaid and at the place aforesaid, three members shall be elected to the Town Council for the full term of two years, and subsequently and on the first Monday in March, A. D., 1952, and on the first Monday in March in every second year thereafter during the hours aforesaid and at the place aforesaid two members shall be elected to the Town Council for the full term of two years. Thereafter, the term of office of a member of the Council shall be for two years, or until his successor has been duly elected and qualified. In the event that the Town Hall is not available for the holding of town elections during any year then Council shall designate a place within said Town for the holding of said annual election by giving at least ten days' notice of such place of election posted in at least five of the most public places in said Town. At any annual or special election within said Town every person resident in said Town above the age of twenty-one years who shall not be delinquent in the payment of any taxes assessed against such voter and who has resided in the said Town for at least six months prior to the holding of such election shall

be entitled to vote. All elections under the provisions of this charter shall be held by two persons designated by the Council of the Town of Frederica for such purpose, and it shall be the duty of such persons so designated to hold such election on the day and between the hours designated and to keep an accurate record of the vote cast and report and certify the same to the Council at its next meeting. In the event that the first Monday of March in any year shall fall on a holiday then such election shall be held on the Tuesday next following. Any vacancy in the Election Board shall be filled by the remaining members of said Board. In the event of a tie vote for any office, the Election Board shall determine the tie by lot. 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 ten days previous to said election, and a vote cast for any person whose candidacy has not been so filed, shall not be counted.

The Town Commissioners of the Town of Frederica as now constituted shall continue in office until the first Thursday of March, 1950. On the first Thursday in the month of March, 1950, and on the first Thursday of March of each year thereafter the members who shall have been elected to the Town Council of the said Town of Frederica, as well as the hold over members of said Town Council, shall meet in the Town Hall, or such other place as shall be designated, for the purpose of organizing by the election of officers and such other business as may come before such meeting. Such meeting shall be known as the "Annual Meeting" of the Town Council. At the Annual Meeting one of the members of the Town Council shall be designated and elected by the members of the Council as and for the Mayor of the Town of Frederica.

Section 5. In addition to the annual meeting, there shall be four regular meetings in each year of the Town Council; namely: On the first Thursday of January, April, July and October, and special meetings may be held at such times as the matters of the Town shall require. It shall be the duty of the Mayor of the Town of Frederica, or in his absence it shall be the duty of the Secretary of the Town of Frederica to call a special meeting of the Council at any time, first giving reasonable notice thereof upon the application of at least two members of the Council of the Town of Frederica. At any regular or special

meeting the Council may pass upon such ordinances, resolutions or matters affecting the good government and requirements of the said Town, the improvement of the streets, lanes and alleys, the paving or other improvements of the streets, lanes, or alleys and all other matters relating to the said Town, its sanitation, ornaments, improvement and general welfare, as by said Commissioners may be deemed proper. The Council may by ordinance impose fines, penalties and forfeitures for the violation of any of the ordinances of the Town and may provide for the collection thereof.

Section 6. The Council shall, at the Annual Meeting in every year, determine the amount of tax to be raised in said Town for that year, not exceeding Five Thousand Dollars (\$5,000.00), exclusive of the dog tax, and shall appoint an assessor to make an assessment of persons and property therein, and shall also appoint a Collector and Treasurer. 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 said Town, and also an assessment of all citizens residing in said Town, above the age of twenty-one years, as well those owning real estate as those not owning real estate in said Town, and also to ascertain the number of dogs in said Town and the owners of such dogs, assessing each dog to the owner thereof at fifty cents; and the said Assessor shall forthwith, after making such assessment, deliver to the Council for the time being a copy of such assessment, containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the Council shall give five days' public notice of that fact, that it will sit, at a place and on a day to be by it designated, from five o'clock P. M., to eight o'clock P. M., to hear appeals from said assessment. It shall have power at such time to add to or lessen any assessment, except that of dogs, which shall always be fifty cents to each owner or keeper of each dog. When the appeal day has passed, the Council shall, without delay, cause the assessment list to be transcribed and the copy to be delivered to the Collector, who shall thereupon collect from each taxable the amount of his tax and pay over the whole amount, after deducting commissions and such delinquencies as shall be allowed

by the Council, to the Treasurer, by the first day of November next after the receipt of his duplicate. The Collector shall have the same powers for the collection of said taxes as are conferred by law on the collectors of county taxes. The Treasurer and Collector shall each give bond to the Council for the proper discharge of their respective duties.

Section 7. The Council shall have authority to use the money in the Treasury of the Town for the general improvement, benefit and ornament of the said Town, as it may deem advisable; but no money shall be paid out by the Treasurer except upon the approval of the Town Council or upon a written order of an officer designated by the Council to approve such payment.

Section 8. Whenever Council shall by ordinance or resolution direct the paving or improving of the sidewalks of the said Town, or any part thereof, the Clerk of the Council shall immediately give notice to the owners of the property abutting thereon by serving such notice personally on the owner or owners thereof, if such person or owner shall be resident in the Town of Frederica; otherwise, it shall be sufficient notice if the Clerk shall post a notice on the property or properties affected by nailing or otherwise attaching such notice upon a conspicuous place on the said property affected or at the front door of the main building if such lands be improved. If such ordinance or resolution be not complied with within three months, the Council may direct the work to be done and the expenses of the same shall become a charge against the owner or owners of the property affected. The Council may on ten days' notice by advertisements posted at five of the most public places within said Town sell any personal property or any of the real estate of the party or parties in default as shall be necessary to pay the expenses, together with costs, of such proceeding resulting from the improvements so made. Such sale shall be at public auction and notice of said sale be served on the owner or owners of the said property affected if they be resident within the corporate limits of said town. Otherwise, notice shall be served by posting a copy of the advertisement of said sale at the front door by the main building located on the lands affected if the same be improved, or upon a conspicuous part of such lands if the same are unimproved, and notice shall be sent to the owner or owners or to any of them, if

known, by registered mail, addressed to the last known post office address of such owner or owners or any of them. Such sale shall transfer all the right and title of the person or persons in default in the property sold to the purchaser or purchasers thereof and the Mayor of the Town of Frederica is hereby authorized to execute under the seal of the corporation a deed or deeds conveying title to the lands and premises sold under the provisions hereof. The proceeds of such sale shall be paid to the Treasurer for the use of the Town, but if there be any surplus after the payment of the claim, together with all costs and expenses for which the sale was made, such surplus shall be paid to the party or parties in default if known, or if unknown such surplus shall be deposited in a depository to be designated by the Council of the Town of Frederica to be there held until sufficient proof of the identity of the parties entitled shall have been established.

Section 9. At the Annual Meeting the Council shall elect an Alderman for the term of one year, or until his successor has been duly chosen and qualified.

The Alderman may be removed during his term by a vote of three-fourths of the members elected to the Council.

In case of temporary disability of the Alderman to perform his duties by reason of sickness or absence, or otherwise, the said Council may at any meeting appoint an acting Alderman for the period of such disability.

Before entering upon the duties of his office, the Alderman shall be sworn or affirmed to perform the duties of his office with fidelity.

The Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed in the Town so far as to arrest and hold for bail, or fine and imprison offenders; and also of all fines, penalties and forfeitures prescribed by this charter or any law of the State or by any ordinance of the Council and also of all neglects, omissions or defaults of any member of the Town police force or other city officer or employee, provided that in the case of violation of an ordinance,

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 in default of the payment of a fine imposed by him. The jail of Kent County may be used for imprisonment under the provisions of this Act provided that the Council shall pay for the board of persons committed for breaches of ordinances that do not constitute breaches of the general law. Within his jurisdiction as foresaid the Alderman shall have all the powers and authority of a Justice of the Peace for Kent County.

Any action, suit or proceeding authorized under any of the provisions of this charter or under any ordinance of said Town may be instituted in the name of "The Town of Frederica."

His fees for any service under this Section shall be the same as those of a Justice of the Peace for like service, and for any service or duty for which no fee may be provided by law the fee may be established by ordinance of the Council.

Upon the expiration of the term for which he was chosen, or if any Alderman shall be removed from his office by the Council as hereinbefore provided, he shall deliver to his successor all the books and papers belonging to his office, and shall pay over to the Town Treasurer all moneys in his hands belonging to the Town within five days after his removal. Upon neglect or failure to make such delivery or payment, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not more than Five Hundred Dollars, or be imprisoned in the discretion of the Court.

The Alderman shall, at the monthly meeting of the Council, report to the Council all fines imposed by him during the preceding month, and pay to the Treasurer of the Town all such fines and penalties received by him during the said period, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars.

Section 10. The Town Council of the Town of Frederica shall have the right to lay out, open, vacate and close any street, lane or alley within the corporate limits of the said Town whenever Council shall deem such to be advisable and for the best interest of the Town; provided, that no street, lane or alley shall be opened, vacated or closed without giving due notice to the property owners abutting on such street, lane or alley to appear and show cause if any they have why such street should not be opened, vacated or closed and if it shall appear from such hearing that such proposal would be inadvisable then the Council shall abandon such proceedings. If it be determined that such proceedings are advisable and that any person or persons will suffer damages to any property or properties as a result of such actions Council shall assess and determine the extent of such damages and shall pay such damages to the person or persons so affected before entering upon such lands or premises so affected. In the event that the owner or owners of the property affected and the Council cannot agree upon damages, then and in that event such owner or owners shall appoint one disinterested person, the Council shall appoint another disinterested person, and the persons so designated shall appoint a third disinterested person who shall go upon the lands and premises affected and shall assess the damages to such person or persons or the owner thereof and upon the determination and award by the disinterested persons such findings shall be final and conclusive and it shall be the duty of the Council of the Town of Frederica to pay such award or damages within thirty days next after the awarding of the same or else to abandon such proposed change.

Section 11. At the Annual Meeting of the Town Council the Council shall elect a Treasurer for the Town of Frederica. The Treasurer may or may not be a member of the Council. He may also serve as Secretary of the Council. It shall be the duty of the Treasurer to receive all moneys due the Town of Frederica from the Collector of Taxes, and from any other source or sources to keep the same deposited in a depository to be designated by the Council, and to pay such charges or claims against the Town as the Council or the Mayor shall from time to time designate and direct. He shall account at each regular meeting of the Council, and more often if required, showing in detail the receipts and disbursements of the Town funds. Before entering

upon his duties the Treasurer shall be first sworn to diligently and faithfully perform the duties of his office, and shall enter into bond to the Town of Frederica with surety to be approved by the Council in such amount as the Council shall designate to faithfully and diligently perform the duties incumbent upon him as Treasurer of the Town of Frederica and a true and correct accountancy to make of all the moneys received by him as Treasurer of said Town of Frederica. The cost of the bond shall be paid by The Town of Frederica.

Section 12. At the Annual Meeting of the Town Council the Council shall elect a Collector of Taxes whose duties it shall be to collect all taxes which shall be assessed pursuant to the provisions of this charter, including dog taxes. He shall make a monthly accounting to the Treasurer of said Town and shall pay over to said Treasurer such sums as from said accounting shall be found due the said Town. The Treasurer shall give receipts for the money so paid. Before entering upon his duties the Collector shall be sworn or affirmed to diligently and impartially perform the duties of his office. He shall also enter into a bond to The Town of Frederica in such sum as The Council shall designate to faithfully perform the duties of his office and to make a just accounting of all moneys received by him for the said Town of Frederica and to pay over to the said Town of Frederica all moneys received by or charged to him as such Collector. The cost of the bond shall be paid by the Town of Frederica. The Collector shall at no time be a member of the Council while serving as Collector. The Council shall fix the compensation of the Collector. The Collector shall be charged with the full amount of the tax debit received by him, and it shall be his duty to collect the same; provided, however, that The Council may for cause shown, permit the allowance of any delinquencies as the Council may deem proper. At the regular meeting of the Council held during the month of March of each year, the Collector shall make a detailed report of all moneys collected and a list of those owing taxes not received and collected by him.

A penalty of one per centum per month, or fractional part thereof, shall be charged on all taxes remaining unpaid after October 31 of each year, and it shall be the duty of the Collector to collect such penalties in addition to the regular tax.

Section 13. The Council shall have the power and authority to enter into contracts for the supply of electrical energy and power for municipal uses, and shall have the authority to contract for the purchase and resale of electrical energy and power to the residents of The Town of Frederica.

The Council shall have the power and authority to employ such person or persons as shall be required from time to time by the Town and shall fix the compensation of such employees.

The Council shall elect one or more persons to serve as police officers for and on behalf of the Town and shall fix his or their compensation. Such police officers shall be under the direction of the Mayor of the Town except as Council shall otherwise direct. It shall be the duty of such officers to police the Town of Frederica and they shall have all the powers of the Constables of Kent County within the Town limits and within one mile adjacent to the corporate limits of said Town.

Section 14. The Mayor of the Town of Frederica shall be a member of the Town Council and shall preside at all meetings thereof, unless through absence or disability he is unable to do so, or unless the Mayor be personally interested in the matter before the meeting, in which events, or either of them, the other members of the Council shall designate one of their number to preside. The Mayor shall be the executive officer of the Town. He shall execute all legal instruments on behalf of the Town, and shall have such other duties as the Council by ordinance or resolution shall impose. He shall have general supervision over the police and over all employees of the Town, and shall have the right to hire or dismiss any employee, except the Treasurer, the Collector of Taxes, the Alderman and the Town Solicitor.

Section 15. The Council shall designate one of their members as Secretary whose duty it shall be to keep an accurate record of all meetings, and of all matters relating to the Town as shall come to him. The Secretary may or may not be the Treasurer of the Town. He shall keep the corporate seal of the Town and shall affix the same to all instruments requiring the same upon resolution of the Council authorizing and directing him to do so. The record of the Secretary shall be received in evidence.

Section 16. The Council shall have the power to borrow in any one year a sum not in excess of One Thousand Dollars (\$1,000.00) and to anticipate current revenue by such sum so borrowed whenever the needs of the Town shall require more money than is at the time in the Town Treasury from current receipts.

Section 17. Council shall have the power to exempt from municipal taxation for a period not in excess of ten consecutive years any property otherwise subject to municipal taxes, and which property is being used in any new industrial enterprise within said Town.

Section 18. No compensation shall be paid members of Council except as otherwise herein provided unless the same shall be first approved at the annual or at a special election of the voters qualified to vote at the municipal elections of said Town.

Section 19. The Council shall have the power to condemn any property real or personal within the Town limits as shall be necessary for municipal purposes. The procedure thereof shall be the same as that for the laying out of streets as set out in Section 10 hereof; provided, however, that if the damages sustained by any party interested shall exceed One Thousand Dollars (\$1,000.00), and such party shall be dissatisfied with the award made under Section 10 hereof, such party may file an appeal with the Resident Associate Judge of Kent County whose duty it shall be to appoint five disinterested freeholders of Kent County to view the property and assess the damages sustained by said party. The Resident Associate Judge of Kent County shall make such rules and orders as he may deem proper in carrying this provision into effect and shall assess the costs thereof as he shall deem proper. Where real estate is involved a copy of the final award and the approval thereof by the Resident Associate Judge of Kent County shall be recorded in the office of the Recorder of Deeds for Kent County. Upon the making of such award the Council of the Town of Frederica shall by Resolution determine upon the acceptance thereof, and if the award be accepted shall pay to the party to whom the award is made the

full sum thereof within sixty days of such award. Otherwise the project shall be abandoned.

Section 20. The Council shall have 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. The power to adopt such ordinances shall extend to the area outside the Town limits and within one mile of said limits.

Section 21. 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.

Section 22. 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 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.

Section 23. 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.

Section 24. The Council may create a Town Zoning Commission for the development, improvement and beautification of the Town, and may prescribe its powers and duties.

Section 25. 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.

Section 26. 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.

Section 27. 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 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.

Section 28. The Council shall have power to enact ordinances defining nuisances and providing for the removal or abatement thereof, and prescribing the fines, penalties and forfeitures for causing or continuing the same.

Section 29. At the Annual Meeting the Council shall elect a Town Solicitor for the term of one year, or until his successor has been duly chosen and qualified. The Solicitor shall be an attorney-at-law who shall have practiced in the State of Delaware for at least five years and who shall be a resident of Kent County. He shall be the chief legal advisor of and attorney for the Town. In addition to the duties hereby imposed upon the Solicitor by this charter the Council may by resolution or ordinance fix any other duty as shall from time to time be required by the Town or any of the officers of the Town. The Town Solicitor shall be paid a reasonable compensation for his services rendered.

Section 30. All ordinances and resolutions heretofore adopted or in force in the Town of Frederica are continued in force and effect as ordinances and resolutions until repealed, attested or amended under the provisions of the charter, and the acts of the Commissioners of the Town of Frederica and of the officials of said Town heretofore lawfully done or performed under any prior charter of said Town of Frederica by whatever name designated, or under any ordinance of said Town, or of any law of this State, prior to the approval of this Act, are hereby ratified and confirmed.

Section 31. All taxes, penalties, fines, forfeitures, assessments and debts due the Town of Frederica at the time of the approval of this charter shall be deemed to be due the said Town of Frederica and the same shall remain unimpaired until paid.

Section 32. This Act shall become effective immediately upon the approval hereof.

Approved April 27, 1949.

CHAPTER 33

TRANSFER OF FUNDS TO THE MAINTENANCE ACCOUNT OF GREENWOOD SCHOOL DISTRICT NO. 91.

AN ACT TO TRANSFER CERTAIN FUNDS TO THE MAINTENANCE ACCOUNT OF GREENWOOD SCHOOL DISTRICT NO. 91.

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 Sixty One Dollars and sixty-six cents (\$461.66) or so much thereof as may be available on the 30th day of June, A. D., 1949, which has heretofore been levied and collected by Greenwood School District No. 91 of Sussex County in excess of the monies needed for the payment of interest on its bonds or for other purposes, be and the same is hereby transferred to the maintenance account of said Greenwood School District No. 91 to be used and disbursed, as other funds in said account as provided by law.

Approved April 27, 1949.

CHAPTER 34

GREENWOOD

AN ACT TO AMEND CHAPTER 183 OF VOLUME 22, LAWS OF DELAWARE, AS AMENDED, THE SAME BEING ENTITLED "AN ACT TO INCORPORATE THE TOWN OF GREENWOOD," BY DEFINING, LIMITING AND EXTENDING THE DUTIES, TERMS OF OFFICE AND POWERS OF THE COMMISSIONERS AND OTHER OFFICERS 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 members elected to each house concurring therein):

Section 1. That Section 21 of Chapter 183, Volume 22, Laws of Delaware, as amended by Volume 33, Chapter 146, Laws of Delaware, be and the same is hereby repealed and the following Section to be known as Section 21 of said Chapter and Volume is hereby enacted in lieu thereof:

Section 21. The Town Council shall fix the sum to be assessed upon each and every citizen residing in said Town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said Town, but the sum so to be fixed shall be one and the same for every class and description of citizens, and shall not exceed the sum of seventy-five hundred dollars in any one year.

Approved April 27, 1949.

CHAPTER 35

SUSSEX COUNTY LEVY COURT

APPROPRIATION

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE COUNTY MONIES FOR THE CONTROL OF DISEASES OF HOGS IN SUSSEX COUNTY.

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

Section 1. That the Levy Court of Sussex County be and it is hereby authorized and directed to appropriate a sum not exceeding Three Thousand Dollars (\$3,000.00), for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the control of diseases of hogs in Sussex County by the introduction, maintenance and advancement of the latest and most approved method for control and cure of diseases of hogs.

If, for the furtherance of this purpose, the hogs of any owner who is a resident of Sussex County shall require vaccination, inoculation or other similar treatment, the vaccine or other medicament or material may be furnished free of charge to such owner. Provided, however, that no free vaccine or other medicament or material shall be furnished under the provisions of this Act, if such owner has received under the provisions hereof or under the provisions of any other State law or appropriation free vaccine, medicament or material for the treatment of 25 hogs in any one year.

Section 2. In all cases where such treatment of hog diseases is necessary the owner or owners shall pay the expenses of a Veterinarian or other person employed to administer such treatment.

Section 3. The Levy Court of Sussex County is hereby authorized to consult and obtain the assistance and advice of

the State Board of Agriculture and any licensed Veterinarian in Sussex County in carrying out the provisions of this Act.

Approved May 2, 1949.

CHAPTER 36

CAMDEN

AN ACT TO AMEND CHAPTER 159, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF "THE COMMISSIONERS OF CAMDEN" TO "THE TOWN OF CAMDEN" AND ESTABLISHING A CHARTER THEREFOR," RELATING TO FLOATING DEBT.

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 38 of Chapter 159, Volume 43, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of said section and inserting in lieu thereof a new Section 38 as follows:

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 Three Thousand Dollars (\$3,000.00) 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 years following the

first fiscal year which said money was borrowed with interest thereon; provided further, that at no time shall the total amount of said indebtedness authorized to be incurred by this Act exceed the sum of Three Thousand (\$3,000.00) Dollars.

Approved May 2, 1949.

CHAPTER 37

WEIGHTS AND MEASURES

AN ACT TO AMEND CHAPTER 82, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "WEIGHTS AND MEASURES," BY REQUIRING THAT WEIGHTS, INSTRUMENTS OR DEVICES USED TO WEIGH MERCHANDISE SHALL BE VISIBLE TO BOTH MERCHANT AND CUSTOMER.

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

Section 1. That Chapter 82 of the Revised Code of Delaware, as amended, be further amended by adding a new paragraph at the end of 3423, Section 5 thereof, as follows:

That all merchants in whose places of business, weights, instruments or devices are used to weigh merchandise shall place said weights, instruments or devices in such places that they may be plainly seen by both the merchant and the customer and the correct weight of all articles noted.

Failure to so place such weights, instruments or devices where they can be plainly seen by both merchant and customer shall be punishable by a fine of not less than Ten Dollars (\$10.00) or more than Fifty Dollars (\$50.00).

Approved May 2, 1949.

CHAPTER 38

NEW CASTLE

**AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF
NEW CASTLE TO BORROW MONEY AND ISSUE
BONDS THEREFOR FOR A SUM NOT TO EXCEED ONE
HUNDRED TWENTY-FIVE THOUSAND DOLLARS TO
PAY FOR THE PURCHASING AND INSTALLATION OF
AN ELEVATED WATER STORAGE TANK.**

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, a municipal corporation of the State of Delaware, 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 One Hundred Twenty-five Thousand Dollars (\$125,000.00), to be expended as hereinafter provided, and for this purpose to issue bonds of the said The Mayor and Council of New Castle not exceeding in the aggregate that amount.

Section 2. That the moneys and proceeds derived from the sale of the said bonds herein authorized shall be used and appropriated only to pay for the purchasing and installation of an elevated water storage tank, and for the payment of all necessary expenses in and about the authorization, preparation, printing and sale of said bonds.

Section 3. That the term of the bonds herein authorized to be issued shall not exceed twenty-five (25) years from the date of issue. Each of the bonds shall be in the amount of One Thousand Dollars (\$1,000.00). Their names, numbers and rate of interest shall be as prescribed by The Mayor and Council of New Castle. The bonds shall bear date when issued and shall bear interest from said date, payable semi-annually. They shall be signed by the Mayor, the President of Council, and the Treasurer of the City of New Castle, and be sealed with the corporate

seal of the said municipal corporation. The bonds shall be exempt from State, County and Municipal taxation.

Section 4. That the bonds to be issued hereunder shall be serial bonds, numbered consecutively and maturing at the rate of Five Thousand Dollars (\$5,000.00) each year. Bonds numbered one to five inclusive shall be payable at the expiration of one year from the date of issue, and thereafter five of said bonds in their numerical order shall mature and be payable each year until all of said bonds have matured.

Section 5. That the Council of the said municipal corporation shall direct and effect the preparation and printing, and negotiate the sale and delivery of said bonds.

Section 6. That 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 in a special fund to be drawn out and used for the purpose of this Act.

Section 7. That the Council of the said City is authorized and, unless the funds are otherwise provided, is required to levy and collect annually by taxation a sum of money sufficient to pay the interest accruing on said bonds and to retire said bonds as they mature.

In July of each year, or oftener in their discretion, if the revenue warrants, the Board of Water and Light Commissioners for the City of New Castle shall turn over to the City Treasurer a sum sufficient to pay the interest on said bonds and to retire such bonds as annually mature.

Section 8. That the faith and credit of the said The Mayor and Council of New Castle is hereby pledged for the payment of the said bonds authorized to be issued under this Act.

Section 9. That this Act shall be deemed and taken to be a public Act and shall be published as such.

Approved May 2, 1949.

CHAPTER 39

NEW CASTLE

**AN ACT AUTHORIZING THE MAYOR AND COUNCIL OF
NEW CASTLE TO BORROW MONEY AND ISSUE
BONDS THEREFOR FOR THE SUM OF \$300,000.00 TO
PAY FOR THE ERECTION OF A SEWAGE DISPOSAL
PLANT IN THE CITY OF NEW CASTLE AND TO EX-
TEND SEWER FACILITIES THROUGHOUT THE 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 The Mayor and Council of New Castle, a municipal corporation of the State of Delaware, be and it is hereby authorized and empowered to borrow upon the faith and credit of The Mayor and Council of New Castle a sum not to exceed Three Hundred Thousand Dollars (\$300,000.00) and for this purpose to issue bonds of the said The Mayor and Council of New Castle not exceeding in the aggregate that amount.

Section 2. That the moneys and proceeds derived from the sale of said bonds herein authorized shall be used to pay for the erection of a sewage disposal plant, for the extension of sewer facilities throughout the City of New Castle, and for the payment of all necessary expenses in and about the authorization, preparation, printing and sale of said bonds.

Section 3. That the said money shall be borrowed and the bonds issued at such times as the Council of the said municipal corporation shall determine. They shall be issued in denominations of One Thousand Dollars (\$1,000.00) and shall bear interest as fixed by the Council. The bonds shall bear date when issued and shall bear interest from said date, payable semi-annually. They shall be signed by the Mayor, the President of Council and the Treasurer of the City of New Castle, and be sealed with the corporate seal of the said municipal corporation.

Said bonds shall be exempt from state, county and municipal taxation.

Section 4. That the bonds to be issued hereunder shall be serial bonds numbered consecutively, and payable as follows:

<i>Time of Maturity</i>	<i>Bonds Numbered</i>	<i>Amount</i>
1st year	1 to 5 inclusive	\$5,000.00
2nd year	6 to 10 inclusive	5,000.00
3rd year	11 to 15 inclusive	5,000.00
4th year	16 to 20 inclusive	5,000.00
5th year	21 to 25 inclusive	5,000.00
6th year	26 to 35 inclusive	10,000.00
7th year	36 to 45 inclusive	10,000.00
8th year	46 to 55 inclusive	10,000.00
9th year	56 to 65 inclusive	10,000.00
10th year	66 to 75 inclusive	10,000.00
11th year	76 to 85 inclusive	10,000.00
12th year	86 to 95 inclusive	10,000.00
13th year	96 to 105 inclusive	10,000.00
14th year	106 to 115 inclusive	10,000.00
15th year	116 to 125 inclusive	10,000.00
16th year	126 to 135 inclusive	10,000.00
17th year	136 to 145 inclusive	10,000.00
18th year	146 to 155 inclusive	10,000.00
19th year	156 to 165 inclusive	10,000.00
20th year	166 to 175 inclusive	10,000.00
21st year	176 to 185 inclusive	10,000.00
22nd year	186 to 195 inclusive	10,000.00
23rd year	196 to 205 inclusive	10,000.00
24th year	206 to 215 inclusive	10,000.00
25th year	216 to 225 inclusive	10,000.00
26th year	226 to 240 inclusive	15,000.00
27th year	241 to 255 inclusive	15,000.00
28th year	256 to 270 inclusive	15,000.00
29th year	271 to 285 inclusive	15,000.00
30th year	286 to 300 inclusive	15,000.00
		<hr/>
		\$300,000.00

Section 5. That the Council of the said municipal corporation shall direct and effect the preparation and printing, and negotiate the sale and delivery of said bonds.

Section 6. That the moneys received from the sale of said bonds shall be paid over to the Treasurer of the said City of New Castle and held by him in a special fund to be drawn out and used for the purposes of this Act.

Section 7. That 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 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 the 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 July of each year, or oftener in their discretion, if the revenue warrants, the Sewer Commission of the City of New Castle shall turn over to the City Treasurer a sum sufficient to pay the interest on said bonds and to retire such bonds as annually mature.

The taxes and sinking fund above provided for, shall not be available for any other purpose.

Section 8. That the faith and credit of the said The Mayor and Council of New Castle is hereby pledged for the payment of the said bonds authorized to be issued under this Act.

Section 9. That this Act shall be deemed and taken to be a public Act and shall be published as such.

Approved May 2, 1949.

CHAPTER 40

SATURDAY BANK HOLIDAY

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "NEGOTIABLE INSTRUMENTS" WITH RESPECT TO SATURDAY OPTIONAL LEGAL BANK HOLIDAY IN THE STATE OF DELAWARE.

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

Section 1. That Chapter 78 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the last three paragraphs of 3321. Sec. 197. thereof as the said paragraphs appear in the 1935 Code, and on Pages 931 and 932 of Volume 43, Laws of Delaware, 1941, and by substituting and enacting in lieu thereof a new paragraph as follows:

Every Saturday shall be a legal holiday to be known as Saturday Bank Holiday in the City of Wilmington, in New Castle, Kent and Sussex Counties and that all provisions of this Chapter, insofar as they apply to other legal holidays, shall be applicable to Saturdays in the City of Wilmington, in New Castle, Kent and Sussex Counties. 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 City of Wilmington, in New Castle, Kent and Sussex Counties, 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 City of Wilmington, in New Castle, Kent and Sussex Counties, 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 4, 1949.

CHAPTER 41

BETHANY BEACH

AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, 1909, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BETHANY BEACH AND GIVING IT AUTHORITY TO ISSUE BONDS" BY CHANGING THE TIME FOR THE ELECTION OF MUNICIPAL OFFICERS.

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

Section 1. That Chapter 212 of Volume 25, Laws of Delaware, 1909, as amended, be further amended by striking out the first line of Section 4 thereof and inserting in lieu thereof the words "That on the First Saturday."

Approved May 4, 1949.

CHAPTER 42

DELAWARE STATE HOSPITAL, FARNHURST

REDUCING CAPACITY OF NEW BUILDING TO BE ERECTED

AN ACT TO AMEND CHAPTER 190, VOLUME 46, LAWS OF DELAWARE, 1947, REDUCING THE CAPACITY OF THE BUILDING TO BE ERECTED AND UTILIZED AS A DEPARTMENT FOR CRIMINALLY INSANE AND CRIMINALLY INCLINED ADULTS AND JUVENILES, AT 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 Section 5 of Chapter 190 of the Laws of Delaware, Volume 46, is hereby repealed and in lieu thereof is added a new Section 5, as follows:

Section 5. The State Board of Trustees of the Delaware State Hospital at Farnhurst is hereby authorized, empowered and directed to erect on the grounds of the State Hospital a new building to accommodate forty or forty-five adults and juveniles who may be committed to the said institution by the courts of the State, under the provisions of this Act.

Approved May 4, 1949.

CHAPTER 43

FEES OF PUBLIC OFFICERS

INCREASE IN COMPENSATION OF GRAND, PETIT OR
SPECIAL JURORS

**AN ACT TO AMEND CHAPTER 156 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED "FEES
OF PUBLIC OFFICERS," TO PROVIDE FOR AN IN-
CREASE IN THE COMPENSATION OF GRAND, PETIT
OR SPECIAL JURORS.**

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

Section 1. That Chapter 156 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 5364. Sec. 21. thereof and inserting and enacting in lieu thereof the following:

5364. Sec. 21. JURORS:—For attendance by grand, petit, or special juror, each day Ten Dollars (\$10.00) and six cents per mile going and returning.

Approved May 5, 1949.

CHAPTER 44

STATE EMPLOYEES

PROVIDING FOR PENSIONS IN SPECIAL CASES

AN ACT TO AMEND "AN ACT PROVIDING FOR THE PAYMENT OF PENSION BENEFITS TO CERTAIN STATE EMPLOYEES, FIXING AGES OF RETIREMENT, ESTABLISHING BENEFITS PAYABLE AND THE SOURCE OF PAYMENT THEREOF, PROVIDING FOR APPLICATIONS FOR PENSIONS AND THE PROCEDURE TO BE FOLLOWED WITH RESPECT THERETO, PROVIDING THAT PENSION BENEFITS SHALL BE FREE OF ATTACHMENT AND NON-ASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," BEING CHAPTER 104 OF VOLUME 45, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE MANNER OF DETERMINING PENSION PAYMENTS.

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

Section 1. That Chapter 104, Volume 45, Laws of Delaware be and the same is hereby amended by striking out all of Section 2 of said Chapter and inserting in lieu thereof the following new section:

Section 2. **ELIGIBILITY; OPTION:**—Every covered employee of the State of Delaware, now or hereafter employed, may, at the option of employee and/or the option of the employing agency, be retired after such employee shall have served in covered employment for thirty years, or on or after attaining the age of sixty years, and shall after retirement during the remainder of his or her life receive the pension fixed by this Act, subject to such qualifications and reservations as are herein contained. After having attained the age of sixty years a covered employee may continue active work at the option of the head of the department or agency by which he or she is employed up to the age of seventy years, at which time retirement shall

be mandatory for covered employees. Nothing in this Act contained shall be construed to make mandatory the retirement of any employee who is not in 'covered employment' as such term is hereinafter defined.

Approved May 6, 1949.

CHAPTER 45

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," AS AMENDED, PROVIDING FOR THE INCREASE IN 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 12 of Chapter 212, Volume 25, Laws of Delaware, 1909, as amended, be and the same is hereby amended by striking out and repealing all of Section 12 as it appears in said amendment to said act and by inserting in lieu thereof the following:

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 Seven Thousand Dollars (\$7,000.00) in any one year on all assessable real estate within the limits of said Town.

Approved May 6, 1949.

CHAPTER 46

TRANSFER OF FUNDS TO BE USED FOR CARE OF
DEPENDENT CHILDREN

AN ACT TRANSFERRING FROM PARAGRAPH (i) OF CHAPTER 68, VOLUME 46, LAWS OF DELAWARE, 1947, THE SUM OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) TO PARAGRAPH (g) OF SAID CHAPTER; AND AUTHORIZING THE PERMANENT BUDGET COMMISSION TO ORDER THE USE OF SAID SUM OR PART THEREOF FOR THE CARE OF DEPENDENT CHILDREN OUTSIDE THEIR HOMES.

WHEREAS, by Chapter 68 of Volume 46, Laws of Delaware, 1947, the General Assembly provided by paragraph (i) of Section 4 thereof certain sums for each year of the biennium ending on June 30, 1949 for aid to dependent children living in their own homes; and

WHEREAS, the State Board of Welfare has not been required to request the use of all of the funds so provided for the purpose above indicated, and there will remain of the sum provided approximately Eighteen Thousand Dollars (\$18,000.00) for the fiscal year ending June 30, 1949; and

WHEREAS, by paragraph designated (g) of Section 4 of Chapter 68, Volume 46, as aforesaid, certain sums were provided for use in emergency for the care of dependent children outside their own homes; and

WHEREAS, the sum so provided by paragraph designated (g) as aforesaid will be insufficient to care for the dependent children who are in outside homes for the remainder of the fiscal year ending on the Thirtieth day of June, A. D. 1949; 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 Permanent Budget Commission of the State of Delaware is hereby authorized and directed to transfer

up to the sum of Fifteen Thousand Dollars (\$15,000.00) of the amount set forth in paragraph designated (i) of Chapter 68 as aforesaid to paragraph designated (g) of said Chapter, and the said Permanent Budget Commission is hereby authorized to order the expenditure of said sum or part thereof by the State Board of Welfare for aid to needy and dependent children outside their own homes in the manner provided in Chapter 68 of Volume 46, Laws of Delaware as aforesaid.

Section 2. This Act shall become effective immediately upon its approval by the Governor.

Approved May 6, 1949.

CHAPTER 47

DELAWARE RACING COMMISSION

AN ACT TO AMEND CHAPTER 163 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "DELAWARE RACING COMMISSION," BY PROVIDING FOR REPRESENTATION OF EACH COUNTY UPON 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 163 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing the first sentence of 5497. Sec. 2. and enacting and inserting in lieu thereof the following:

The said Commission shall consist of four members, all of whom shall be appointed by the Governor, and not more than two of whom shall be of the same political party. Two of the members shall be residents of New Castle County, one of the members shall be a resident of Kent County, and one of the members shall be a resident of Sussex County. One of the members shall be designated by the Governor to be Chairman of the said Commission, and one of the other members shall be designated by the Governor to be Secretary of the said Commission. The members of said Commission in office at the time when this Act shall take effect shall continue to serve until the expiration of their respective terms or until their respective successors shall have been appointed. The additional member authorized to be appointed under this Act shall be appointed and qualified within thirty days after the passage and approval hereof, and for a term of six (6) years.

Approved May 6, 1949.

CHAPTER 48

WYOMING

AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF WYOMING.

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

Section 1. That it shall hereafter be lawful for the Town of Wyoming to extend its corporate limits so as to include all or any part of the following proposed addition to the limits (present) of the Town of Wyoming:

BEGINNING at the present southwest corporate corner of the Town of Wyoming, Kent County and State of Delaware, said corner being located formerly by a stone setting along the former division line of lands formerly of Joshua A. Hudson and the late Thomas Downham, both now of Libby McNeal & Libby, said corner being in line of a wire and iron post fence enclosing the west side of the factory lot of the said Libby McNeal & Libby, and being distant, when measured along said wire fence, nine hundred fifty (950) feet from the center of the Wyoming-Hazletville Concrete Highway and bearing therefrom south 0 degrees fifteen (15) minutes east; thence continuing same bearing with the old division line, now being Libby McNeal & Libby, a distance of five hundred forty-four (544) feet and crossing the south and north bound tracks of the Delaware Railroad and opposite the division line of lands now or formerly of the heirs of the late A. N. Brown and Chas. R. Brown, the heirs of the late Joseph Knight and the late Thomas Downham and also the late Harry B. Johnson, deceased; thence turning and running therewith, an old hedgerow, south seventy-four (74) degrees thirty (30) minutes east and passing over a stone corner for the Knight land, also passing over a stone corner for the Knight land, also passing over a stone corner for the former Downham, now Johnson heirs land, a total distance of twenty-

two hundred twenty (2220) feet to a stone corner for a subdivision of lands now of Chas. R. Brown and also a corner for Raymond Failing's Sub-Division, along the west line of the Concrete Highway leading from Wyoming to Willow Grove; thence continuing same bearing and crossing said highway seventy-two (72) feet to a stake as another new corner now established and being distant thirty-one (31) feet south of a stone corner for lands formerly of Stewart Baker, in the Cooper Estate—Sub-Division along the East line of said highway; thence running with the said highway east line, towards Camden, a distance of two hundred sixty-eight (268) feet to the center of the old public road leading to Camden from Willow Grove; thence continuing with the east line of said highway, toward Camden a distance of seven hundred seventy-eight (778) feet to the center of Stevens Street in Camden and back to the present southeast (S.E.) corner of the present corporate boundary line and thence by a line across the former Herbert, Downham and Knight land and being the present south boundary line across the Delaware Railroad to the beginning.

Section 2. Before the corporate limits of the Town of Wyoming shall be extended as aforesaid, there shall be an election held in all or any portion of such proposed addition, pursuant to the provisions of Chapter 120, Volume 42, Laws of Delaware. The election shall not be called except by resolution of the Town Council to that effect. In the event that the qualified voters of any particular section do not approve of its annexation to the town, this same act may be used as authority for a subsequent election or subsequent elections, but no election of this kind may be held in any particular section within two years from the last preceding election.

Section 3. If in any section of this proposed addition to the Town of Wyoming, a majority of the votes cast in accordance with the plan specified in the above named statute shall be in favor of such annexation, the Town Council of the Town of Wyoming shall cause a plot of that addition of the Town of Wyoming to be recorded in the Recorder's Office at Dover. The extension of the town limits shall become effective at law at the time the said plot is recorded.

Section 4. The powers to hold and acquire by condemnation real and personal property within the limits of the Town of Wyoming, conferred by section 2 (A) of the act entitled "An Act Changing the Corporate Name of 'The Commissioners of Wyoming' to 'The Town of Wyoming' and establishing a Charter Therefore," being Chapter 189, Volume 43, Laws of Delaware, shall not extend for the acquisition by condemnation of any real or personal property or franchises of any public utility corporation, or other corporation, which at the time when this act shall become effective is engaged in the business of furnishing electric light, electric power, telephone and telegraph service, gas, or any of them, within the territory which may hereafter be included within the limits of the Town of Wyoming pursuant to the provisions of this Act.

Approved May 6, 1949.

CHAPTER 49

MOTOR VEHICLES

LIMITING LIABILITY OF OWNERS OR OPERATORS OF A BOAT,
AIR-PLANE OR OTHER VEHICLE TO A GUEST TRANSPORTED
WITHOUT PAYMENT.

**AN ACT TO AMEND ARTICLE 8, CHAPTER 165 OF THE
REVISED CODE OF DELAWARE, 1935, BY LIMITING
THE LIABILITY OF OWNERS OR OPERATORS OF A
BOAT, AIR-PLANE OR OTHER VEHICLE TO A GUEST
TRANSPORTED WITHOUT PAYMENT.**

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

Section 1. That 5713. Sec. 175. (a) be and the same is
hereby amended by adding after the word "vehicle" in the
second line thereof a comma and the following:

"boat, airplane or other vehicle."

Approved May 9, 1949.

CHAPTER 50

RELATING TO RESIDENCE REQUIREMENTS OF THE
NEEDY BLIND**AN ACT TO AMEND CHAPTER 83, VOLUME 45, LAWS OF
DELAWARE, RELATING TO AID FOR THE NEEDY
BLIND, BY REDUCING THE RESIDENCE REQUIRE-
MENTS FOR FINANCIAL ASSISTANCE.**

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

Section 1. That Section 3 of Chapter 83, Volume 45, Laws of Delaware, 1945, be and the same hereby is amended by striking out and repealing all of subsection (g) thereof and inserting and enacting in lieu thereof a new subsection (g) as follows:

"(g) Has been a resident of this State since the time he lost his sight, or has been a resident of this State for one year immediately preceding the date of application."

Approved May 9, 1949.

CHAPTER 51

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 COMPENSATION FOR THE COMMISSIONERS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch 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 7 thereof as amended, be and the same is hereby further amended by striking out the sentence "The Commissioners shall receive no compensation for their services as Commissioners," as said sentence is set forth and appears as the last sentence of the first paragraph of said Section 7 of said Chapter 176, and inserting in lieu thereof the following sentences:

"The Commissioners shall receive as compensation for their services annually a sum not to exceed One Hundred Twenty Dollars each to be paid in equal monthly installments. This provision for compensation for the Commissioners is to become effective as soon after the passage of this Act as each new Commissioner is elected and is not to apply to the present Commissioners during the terms they are now serving."

Approved May 9, 1949.

CHAPTER 52

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 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 striking out the word "twenty-five" 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 "fifty."

Approved May 9, 1949.

CHAPTER 53

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF NEWARK," AS AMENDED, BY CHANGING THE PROVISIONS REGARDING THE BORROWING OF MONEY BY THE COUNCIL OF THE TOWN OF NEWARK TO MEET CURRENT EXPENSES.

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 thereof concurring therein):

Section 1. That Section 33, of Chapter 175, of Volume 18 of the Laws of Delaware, as amended, be, and the same is hereby further amended by striking out and repealing all of Section 33 thereof and by inserting in lieu thereof a new section to be known as Section 33, as follows:

Section 33. Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed, not in excess of the sum of Fifty Thousand Dollars.

To exercise the power aforesaid the Council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least two-thirds of all the members of the Council and the approval of the President of Council. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereby.

Approved May 9, 1949.

CHAPTER 54

REHOBOTH BEACH

AN ACT TO AMEND THE CHARTER OF THE CITY OF REHOBOTH BEACH, AS ESTABLISHED BY CHAPTER 161, VOLUME 41, LAWS OF DELAWARE, AND AS AMENDED BY CHAPTER 177, VOLUME 43, LAWS OF DELAWARE, AND BY CHAPTER 243, VOLUME 46, LAWS OF DELAWARE, BY INCREASING THE AMOUNT OF MONEY THAT CAN BE CONTRIBUTED TO VOLUNTEER FIRE COMPANIES OR ASSOCIATIONS.

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

Section 1. That paragraph numbered 28 of Section 29, as contained in Section 7 of Chapter 243, Volume 46, Laws of Delaware, be amended by striking out the words and figures "two percentum (2%)" in the sixth and seventh lines of said paragraph numbered 28 and substituting therefor the words and figures "three percentum (3%)."

Approved May 9, 1949.

CHAPTER 55

REHOBOTH BEACH

AN ACT TO AMEND THE CHARTER OF THE CITY OF REHOBOTH BEACH, AS ESTABLISHED BY CHAPTER 161, VOLUME 41, LAWS OF DELAWARE, AND AS AMENDED BY CHAPTER 177, VOLUME 43, LAWS OF DELAWARE, AND BY CHAPTER 243, VOLUME 46, LAWS OF DELAWARE, BY ESTABLISHING AS TWO YEARS THE TERM OF OFFICE OF THE COMMISSIONER HAVING THE TITLE OF MAYOR OF REHOBOTH AND PRESIDENT OF THE COMMISSIONERS OF REHOBOTH.

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

Section 1. The term of office of the Commissioner of Rehoboth having the title of Mayor of Rehoboth and President of The Commissioners of Rehoboth, shall be two years, instead of one year as is now provided by Section 4 of Chapter 161, Volume 41, Laws of Delaware, as amended by Section 4 of Chapter 177, Volume 43, Laws of Delaware; PROVIDED, however, that the term of office of the present Commissioner having the title as aforesaid, shall not be affected or extended hereby.

Approved May 9, 1949.

CHAPTER 56

STATE HIGHWAY DEPARTMENT

DISPOSITION OF UNEXPENDED FUNDS AT END OF
FISCAL YEARS.

AN ACT TO PROVIDE THAT ANY UNUSED FUNDS OUT OF THE APPROPRIATIONS TO THE STATE HIGHWAY DEPARTMENT IN THE BUDGET APPROPRIATION BILL FOR THE BIENNIUM ENDING JUNE 30, 1951, SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR BUT SHALL REMAIN CREDITED BY THE STATE TREASURER TO THE SAID DEPARTMENT FOR CONSTRUCTION.

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

Section 1. The moneys appropriated to the State Highway Department in the Budget Appropriation Bill and in any Special or Supplementary Appropriation Bill for each of the fiscal years ending June 30, 1950 and June 30, 1951, which shall remain unexpended at the end of the respective fiscal years, shall be credited by the State Treasurer for the use of the said State Highway Department for the construction and reconstruction of roads, highways and bridges of this State, and shall not revert for the use or purposes of any other fund of the State.

Approved May 9, 1949.

CHAPTER 57

MOTOR VEHICLES

RELATING TO PERMITS FOR EXCESSIVE SIZE AND WEIGHTS

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED
CODE OF DELAWARE, 1935, AS AMENDED, RELATING
TO PERMITS FOR EXCESSIVE SIZE AND WEIGHT.**

*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 further amended by striking out all of 5657 Section 119 thereof, as the same last appears in Chapter 283, Volume 45, Laws of Delaware, and by substituting and enacting in lieu thereof the following:

5657 Section 119. PERMITS FOR EXCESSIVE SIZE AND WEIGHT:—The State Highway Department, and local authorities in their respective jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in this Chapter, upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. Every such permit shall be issued for a single trip, except that thirty day blanket permits may be issued for piling or pole trailers, and each such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit, and shall be punishable as provided in Section 142 of this Chapter.

Such vehicle or trailer shall be registered with the Department as provided by Sections 8 and 14 of this Chapter, upon the payment of the fee provided by Section 26 of this Chapter. The T registration plates shall be issued by the Department for all such vehicles or trailers.

Approved May 9, 1949.

CHAPTER 58

MOTOR VEHICLES

REDUCING AMOUNT OF EVIDENCE OF FINANCIAL
RESPONSIBILITY REQUIRED IN OPERATION OF TAXICABS, ETC.

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATIVE TO
MOTOR VEHICLES, REDUCING AMOUNT OF EVI-
DENCE OF FINANCIAL RESPONSIBILITY REQUIRED
IN THE OPERATION OF TAXICABS AND REDUCING
COST OF LICENSES AND NUMBER OF INSPECTIONS.**

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

Section 1. That 5719b. Sec. 181b. of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out sub-paragraph (1) and (2) under paragraph (c) thereof and inserting in lieu thereof new paragraphs to be known as (1) and (2) as follows:

(1) If he apply for registration of taxicabs, in the sum of at least Five Thousand Dollars (\$5,000.00) for any one person injured or killed and in the sum of Twenty-Five Thousand Dollars (\$25,000.00) for any number more than one injured or killed in any one accident and in the sum of Five Thousand Dollars (\$5,000.00) for any injury to property in any one accident.

(2) If he apply for the registration of more than one taxicab then in the foregoing sums for one taxicab and Five Thousand Dollars (\$5,000.00) additional for each taxicab in excess of one; but it shall be sufficient for the owner to demonstrate his ability to respond in damages in the sum of Fifty Thousand Dollars (\$50,000.00) for any number of taxicabs.

The Department shall cancel the registration of any taxicab whenever the Department ascertains that the owner has failed or is unable to comply with the requirements of this subsection (c).

Section 2. That 5719q. Sec. 181q. of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out sub-paragraph (1) under paragraph (b) and inserting in lieu thereof a new sub-paragraph (1), as follows:

(1) For the registration of each motor vehicle as a taxicab as follows: Eight Dollars (\$8.00) for any such motor vehicle having a gross load weight of four thousand (4000) pounds or less; Twelve Dollars (\$12.00) for any such motor vehicle having a gross load weight of more than four thousand (4000) pounds. The gross load weight of any motor vehicle covered by this paragraph shall be the weight of the vehicle, exclusive of passengers, as specified in the application.

Section 3. That Section 5719j. Sec. 181j. of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be, and the same is hereby further amended by striking out 5719j. Sec. 181j. thereof, and inserting in lieu thereof a new Section to be known as 5719j. Sec. 181j., as follows:

5719j. Sec. 181j. REGISTRATION:—(a) A taxicab shall be registered for a period of one year 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 fees paid.

Approved May 10, 1949.

CHAPTER 59

CORPORATIONS

POWERS OF RAILROAD TO BORROW MONEY

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "CORPORATIONS," WITH REFERENCE TO THE POWER OF A RAILROAD TO BORROW MONEY.

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, as amended, be and the same is hereby further amended, by striking out and repealing all of 2172. Sec. 140. thereof and inserting and enacting in lieu of the parts so stricken out a new 2172. Sec. 140., as follows:

2172. Sec. 140. POWER TO BORROW MONEY; USURY MAY NOT BE PLEADED: Any corporation organized under this Chapter for the construction and operation of a railroad shall have power to borrow sums of money from time to time for any corporate purpose, and evidence such indebtedness by the execution, negotiation and sale of any bonds, debentures, notes or any other appropriate evidence of indebtedness, and secure the same, if deemed advisable, by any mortgage or mortgages upon its corporate property and franchises; provided that said corporation shall not plead any statute or statutes against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this Section.

Approved May 12, 1949.

CHAPTER 60

FEES OF PUBLIC OFFICERS

COMPENSATION OF BAILIFFS IN KENT COUNTY

AN ACT TO AMEND CHAPTER 156 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, WITH RESPECT TO THE COMPENSATION OF BAILIFFS IN KENT COUNTY.

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

Section 1. That Chapter 156 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing all of 5361. Sec. 18 thereof and enacting and inserting in lieu thereof a new 5361. Sec. 18. as follows:

5361. Sec. 18. COMPENSATION IN EACH COUNTY, BAILIFF:—For attendance upon a Court by a bailiff, not being a constable, Seven Dollars and Fifty Cents (\$7.50) per day in Sussex County, and three cents per mile going and returning, to be paid, by the County Treasurer upon certificate of attendance under the hand of the Clerk of the Court. In Kent County each bailiff shall receive a salary of Seven Dollars and Fifty Cents (\$7.50) per day, and three cents per mile going and returning, payable in the same manner as other County officers are paid. In New Castle County each bailiff shall receive a salary of Fifteen Hundred Dollars (\$1500.00) per annum, payable semi-monthly, in the same manner as the salaries of other County officers are paid.

Approved May 16, 1949.

CHAPTER 61

SEAFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF SEAFORD' TO 'THE CITY OF SEAFORD' AND ESTABLISHING A CHARTER THEREFOR," BEING CHAPTER 184, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED EACH YEAR IN TAXES.

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

Section 1. That Section 24, Chapter 184, Volume 43, Laws of Delaware, as amended, by Chapter 171, Volume 45, Laws of Delaware, be, and it is hereby, further amended by deleting the words "forty thousand dollars" where the same appear in the third line of said section, and by substituting in lieu thereof the expression "fifty thousand dollars."

Approved May 16, 1949.

CHAPTER 62

SEAFORD

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF SEAFORD' TO THE 'CITY OF SEAFORD' AND ESTABLISHING A CHARTER THEREFOR," BEING CHAPTER 184, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY DIRECTING THE CITY COUNCIL TO ESTABLISH AND MAINTAIN RESERVE OR SINKING FUNDS TO BE USED FOR THE REPLACEMENT, ENLARGEMENT, OR IMPROVEMENT OF THE MUNICIPAL LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM AND DESIGNATING SUCH RESERVES AS TRUST FUNDS FOR THE PURPOSES FOR WHICH THEY WERE SO SET ASIDE.

WHEREAS the Municipal Light and Power Plant of the City of Seaford is in a sound and wholesome financial condition and, by reason thereof, is presently making a substantial profit for the benefit of the City of Seaford; and

WHEREAS, those interested in the welfare of the City of Seaford have observed the example of other municipalities which have failed to accumulate the large reserves of money which are necessary from time to time for the enlargement, rebuilding, and improvement of such facilities, and are desirous of avoiding that same situation at Seaford; 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 Section 30, Chapter 184, Volume 43, Laws of Delaware, be, and it is hereby amended, by adding the following at the end thereof:

(a) The City Council of Seaford is hereby enjoined to set aside twenty-five (25%) percent of the gross receipts of the

municipal light and power plant as a reserve fund to be held in trust to be used solely for the erection of a new plant or some addition to the existing plant, or for the replacement, expansion, rebuilding, or improvement of the municipal light and power plant at Seaford; provided however, that after the said reserve fund shall have reached the amount or value of Two Hundred Thousand Dollars (\$200,000.00) in hand, it will no longer be mandatory to continue to add to the reserve until the reserve again falls below that figure.

(b) The City Council of Seaford is hereby enjoined to set aside ten (10%) percent of the gross receipts of the municipal light and power plant as a reserve fund to be held in trust to be used solely for the expansion, replacement, rebuilding or improvement of the electrical transmission system outside of the plant itself; provided, however, that after the said reserve fund shall have reached the amount or value of One Hundred Thousand Dollars (\$100,000.00) in hand, it will no longer be mandatory to continue to add to the reserve until the reserve again falls below that figure.

(c) Whenever from time to time the fund mentioned in paragraph "(a)" shall have reached Two Hundred Thousand Dollars (\$200,000.00), or the fund mentioned in paragraph "(b)" shall have reached One Hundred Thousand Dollars (\$100,000.00), or both, the City Council of Seaford may use the entire gross income of the municipal light and power plant for such purposes as it shall see fit, but the necessity to accumulate a reserve shall always be upon the city officials so long as either of these reserve funds is below the figure indicated herein.

(d) The City Council of Seaford is hereby authorized to invest and re-invest any sums of money held in either of the reserve funds above indicated from time to time in any investments which are permitted to trustees under the statutes of the State of Delaware or the rules of the Court of Chancery of this State pertaining to trusts.

Approved May 16, 1949.

CHAPTER 63

LAUREL

**AN ACT TO AUTHORIZE MAYOR AND COUNCIL OF
LAUREL TO BORROW NOT EXCEEDING ONE HUN-
DRED AND FIVE THOUSAND AND FIVE HUNDRED
DOLLARS, AND TO ISSUE BONDS TO SECURE THE
PAYMENT THEREOF, FOR THE PURPOSE OF PAYING,
REDEEMING AND REFUNDING CERTAIN OUTSTAND-
ING BONDS OF THE TOWN OF LAUREL.**

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

Section 1. Mayor and Council of Laurel, a municipal corporation created by and existing under the laws of the State of Delaware, is authorized and empowered to borrow on the faith and credit of the municipality a sum of money not exceeding One Hundred and Five Thousand and Five Hundred Dollars (\$105,500.00) for the purpose of redeeming and refunding certain outstanding bonds of the Town of Laurel.

Section 2. All bonds issued hereunder shall be known as "Town of Laurel Refunding Bonds, Series of _____" (adding the name of the year in which they shall be issued). The bonds shall bear date the first day of January or the first day of July in the year of issuance, and each series of bonds shall be numbered consecutively beginning with number one. The bonds shall bear interest at a rate not exceeding four per centum per annum, and may or may not be coupon bonds. Interest on the bonds shall be payable on the first day of January and the first day of July in each year, and principal of the bonds and interest thereon shall be payable at such bank or trust company in the Town of Laurel as Mayor and Council of Laurel may select.

Section 3. Each series of bonds, or any of them, may be made redeemable at the option of Mayor and Council of Laurel at par and accrued interest at any interest paying date after

five years from the date of the series, provided, however, that if Mayor and Council of Laurel shall elect to redeem any of the bonds, notice signed by the President of the Town Council, attested by the Town Clerk, shall be published once each week for two consecutive weeks in a newspaper published in the Town of Laurel, or wanting such newspaper, then in a newspaper published in Sussex County. The notice shall designate the bonds called, and they shall be called in numerical order beginning always with the lowest number. Interest on bonds so called shall cease from the date named for the payment thereof.

Section 4. Mayor and Council of Laurel, by resolution or ordinance, is authorized and empowered to determine the form of bonds and coupons that may be attached thereto, the maturity or maturities, the date or dates, redemption options, rate or rates of interest, place or places of payment, and all other matters and things pertaining thereto except as are herein expressly provided.

Section 5. Mayor and Council of Laurel shall direct and effect the preparation, printing and sale of the bonds and coupons that may be attached thereto. The bonds may be sold through private negotiation at such times and on such terms as may be deemed proper, or by means of advertisement in the public press soliciting sealed bids therefor, and Mayor and Council of Laurel may determine the form of advertisement and how and where made, and all matters incidental thereto, and shall award and sell the bonds to the best responsible bidder, provided, however, that it may reject any and all bids or offers therefor.

Section 6. All money derived from the sale of bonds authorized hereunder shall be applied to the payment or redemption of bonds of the Town of Laurel now issued and outstanding and to no other use or purpose.

Section 7. All bonds issued hereunder shall be signed by the President of the Town Council, and by the Town Clerk, and the corporate seal of the municipality shall be impressed thereon. Facsimile signatures of the said President and Town Clerk may be impressed or printed on the coupons that may be attached to the bonds in lieu of the actual signatures of the said officials.

Section 8. Mayor and Council of Laurel is authorized and required to levy and raise by taxation, as general municipal taxes are levied and collected, such amount of money in each year as, in addition to sewer service charges, may be necessary to pay the interest accruing on the bonds issued, while they, or any of them, remain unpaid, and also such amount of money in each year as may be deemed adequate and necessary to establish a sinking fund for the payment of the bonds at maturity, or for their redemption before maturity. Sewer Service charges shall be devoted to the payment of interest on the bonds or to the sinking fund, while the bonds, or any of them, remain unpaid. Taxes for the payment of interest and for sinking fund purposes shall be in addition to the aggregate of taxes allowed to be raised for general or special municipal purposes, any provision of the Charter of the Town of Laurel, or amendment thereto, in respect of limitation of debt or amount of taxes to be levied and collected to the contrary notwithstanding.

Section 9. Bonds authorized hereunder may be issued and sold at such time or times as Mayor and Council of Laurel shall deem advisable for the payment or redemption of all bonds of the Town of Laurel now outstanding, and the authority hereby given shall not be exhausted until the aggregate of the bonds so issued shall reach the amount of One Hundred and Five Thousand and Five Hundred Dollars (\$105,500.00).

Section 10. All bonds issued hereunder shall be exempt from all State, County and Municipal taxation, and the faith and credit of Mayor and Council of Laurel are pledged for the due payment of all bonds that may be issued hereunder and the interest thereon.

Approved May 16, 1949.

CHAPTER 64

LAUREL

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," AS AMENDED, IN RELATION TO THE VOTE OF MEMBERS OF COUNCIL REQUIRED FOR THE PASSAGE OF CERTAIN ORDINANCES.

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 thereof concurring therein):

Section 1. Whenever the members of the Council of the Town of Laurel shall be increased to seven members, all ordinances granting franchises, privileges and for the borrowing of money and the issuing of bonds, shall not be passed without an affirmative five-sevenths vote of all the members of council; and Chapter 164, Volume 29, Laws of Delaware, and all other acts amendatory thereof constituting the charter of the Town of Laurel are hereby amended in conformity with the foregoing.

Approved May 16, 1949.

CHAPTER 65

LAUREL

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," BEING CHAPTER 164, VOLUME 29, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 105, VOLUME 38, LAWS OF DELAWARE, BY PROVIDING AN ADDITIONAL MEMBER AT LARGE OF THE TOWN COUNCIL OF LAUREL, AND THE ELECTION OR APPOINTMENT OF SUCH ADDITIONAL MEMBER.

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 7 of Chapter 164, Volume 29, Laws of Delaware, as amended, is hereby repealed, and the following section to be known as Section 7 of Chapter 164, Volume 29, Laws of Delaware is substituted therefor:

Section 7. The legislative power of the corporation shall be vested in the Council, subject to the power of approval or veto by the Mayor as hereinafter provided.

The Council shall consist of seven members, four of whom shall be residents of and substantial freeholders of the several wards from which they are elected respectively, and the other three of whom shall be residents of and substantial freeholders of the Town of Laurel; provided, however, that no more than two councilmen shall be elected from any one ward of the town, and if at any time by removal from a ward, changing of ward boundaries, or otherwise, more than two councilmen shall become residents of the same ward, the office of the member last becoming a resident of the ward shall automatically become vacant, and the Mayor, subject to approval by vote of a majority of all the members of the Council, shall appoint a qualified person to fill the vacancy thus created.

Section 2. At the next general municipal election to be held on the first Tuesday of March, A. D., 1949, the qualified voters of the Town of Laurel shall elect, by a plurality of the votes cast, an additional member of Council at large, having the required qualifications, to serve as such for the term of four years. Nomination of candidates for the office shall be in compliance with the provisions of the Charter of The Town of Laurel.

Section 3. If this Act shall not take effect in time to permit the nomination and election of the additional member of Council at large at the said general election, the Mayor, subject to the approval of a majority of all the members of the Council, shall appoint a suitable person having the required qualifications as the additional member of Council at large, to hold office until the next general municipal election to be held on the first Tuesday in March, A. D. 1951, at which time an additional member of Council at large shall be chosen for a term of four years.

Approved May 16, 1949.

CHAPTER 66

BOARD OF PUBLIC UTILITY COMMISSIONERS FOR THE
CITY OF WILMINGTON

AN ACT TO AMEND CHAPTER 206, OF VOLUME 26, LAWS OF DELAWARE, 1911, AS AMENDED, ENTITLED, "AN ACT TO CREATE A BOARD OF PUBLIC UTILITY COMMISSIONERS FOR THE CITY OF WILMINGTON AND PRESCRIBE ITS DUTIES," BY GIVING THE BOARD OF PUBLIC UTILITY COMMISSIONERS OF THE CITY OF WILMINGTON CONTROL OVER ELECTRIC TRACKLESS TROLLEY COACH COMPANIES AND BUS COMPANIES COORDINATED OR INTER-CONNECTED THEREWITH.

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

Section 1. That Chapter 206, of Volume 26, Laws of Delaware, 1911, as amended, be further amended by striking out the first paragraph of Section 4 thereof and inserting in lieu thereof the following:

Section 4. The said Board shall have supervision over all public utilities operating within the limits of the said City of Wilmington; and the term 'Public Utilities' as used in this act is herein defined to include all electric trackless trolley coach, express, traction, gas, electric light, heat and power, water, telephone and telegraph corporations, associations or joint stock companies operating within the limits of the City of Wilmington for public use, and also any bus corporation, association or joint stock company operating within said limits, the bus operations of which are coordinated or inter-connected with any electric trackless trolley coach or traction corporation, association or joint stock company.

Approved May 16, 1949.

CHAPTER 67

DELAWARE STATE HEALTH AND WELFARE CENTER

ADMISSION OF HANDICAPPED AND CRIPPLED ADULTS

AN ACT TO AMEND ARTICLE 5, CHAPTER 188, VOLUME 46, LAWS OF DELAWARE, 1947, RELATING TO THE GOVERNOR BACON HEALTH CENTER BY PROVIDING FOR THE ADMISSION OF HANDICAPPED AND CRIPPLED ADULTS.

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

Section 1. That 3100 G. Sec. 35 G. Article 5, Chapter 188 of the Laws of the State of Delaware, Volume 46, is hereby amended by the addition of a new paragraph, to be known as paragraph (i), as follows:

(i) Handicapped or crippled adults including spastics and those afflicted with infantile paralysis shall be admitted to the Center upon their own application or upon the application of any practicing physician in good standing, for the purpose of observation, study and treatment.

Approved May 16, 1949.

CHAPTER 68

SECRETARY OF STATE

NEW SEAL OF OFFICE

**AN ACT AUTHORIZING THE SECRETARY OF STATE TO
PROCURE A NEW PRESS AND SEAL OF OFFICE AND
TO MAKE PROVISION FOR THE CUSTODY AND USE
OF THE PRESENT SEALS.**

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

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

Section 2. That when the said new seal shall have been procured as aforesaid, the Secretary of State shall retain the said new seal and the seal presently in use in his office for use in his office as provided by law, and the Governor shall retain the seal now in his custody, to be used in emergencies only with the knowledge and consent of the Governor.

Approved May 16, 1949.

CHAPTER 69

BLADES

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BLADES," CHAPTER 155, VOLUME 28, LAWS OF DELAWARE, 1915, BY CHANGING THE HOURS OF THE TOWN ELECTION, CHANGING THE QUALIFICATIONS OF ELECTORS AND BY AUTHORIZING THE TOWN COUNCIL TO RAISE THE SUM OF \$7,500 IN TAXES AND BY INCREASING THE COMPENSATION FOR ATTENDANCE AT A MEETING OF THE TOWN COUNCIL.

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

Section 1. That Section 2, Chapter 155, Volume 28, Laws of Delaware, 1915, be amended by striking out and repealing the last sentence of the last paragraph of said Section 2 and inserting in lieu thereof two new sentences, as follows:

The election shall be opened at two o'clock P. M. and closed at six o'clock P. M. At such election every person, male or female, of the said Town of Blades, above the age of twenty-one (21) years or upwards, who shall have paid the town taxes last assessed to him or her at least thirty (30) days prior to the election, or who shall have become a citizen of the said Town since the last previous assessment of tax of said Town, shall have the right to vote for Mayor, Councilmen and all other elective officers of said Town.

Section 2. That Chapter 155, Volume 28, Laws of Delaware, 1915, be amended by striking out and repealing the last paragraph of Section 2 thereof and by inserting in lieu thereof a new paragraph as follows:

Each of the Councilmen of the Town of Blades shall be allowed, for his services, the sum of One Dollar (\$1.00) for each regular monthly meeting of said Council, in full compensation

thereof; provided, that no Councilman shall receive pay for any of said regular meetings which he does not attend.

Section 3. That Chapter 155, Volume 28, Laws of Delaware, 1915, as amended by Chapter 75, Volume 46, Laws of Delaware, be and the same is hereby further amended by striking out and repealing the words "Twenty-Five Hundred Dollars" in the third and fourth line of Section 23. thereof and by inserting in lieu thereof the words "Seventy-Five Hundred Dollars."

Approved May 16, 1949.

CHAPTER 70

DELAWARE STATE HEALTH AND WELFARE CENTER

TRANSFER OF PERSONS TO

AN ACT TO AMEND CHAPTER 76, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO INSANE, RELATIVE TO THE TRANSFER OF PERSONS BY OTHER STATE INSTITUTIONS TO THE DELAWARE STATE HEALTH AND WELFARE CENTER.

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

Section 1. That Chapter 76 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of 3100H. Sec. 35H. thereof the following:

No State institution shall be charged by said Center for the care or maintenance of any person who has been or may be transferred to said Center.

Approved May 16, 1949.

CHAPTER 71

SUSSEX COUNTY LEVY COURT

APPROPRIATION

**AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX
COUNTY TO APPROPRIATE COUNTY MONIES TO THE
REHOBOTH BEACH VOLUNTEER FIRE COMPANY,
INC., FOR THE MAINTENANCE OF AMBULANCE.**

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

Section 1. That the Levy Court of Sussex County is hereby authorized and directed to appropriate public monies toward the maintenance of the ambulance furnished by The Rehoboth Beach Volunteer Fire Company, Inc., a corporation of the State of Delaware, at Rehoboth Beach, for the benefit of residents of Sussex County in the amount of Five Hundred Dollars (\$500.00) annually, the first said appropriation to be for the fiscal year beginning on the first day of July, A. D. 1948, and ending on the thirtieth day of June, A. D. 1949.

Approved May 12, 1949.

CHAPTER 72

STATE HIGHWAY DEPARTMENT

GRADE CROSSING IN MILL CREEK HUNDRED

AN ACT TO AUTHORIZE A HIGHWAY CROSSING AT GRADE IN MILL CREEK HUNDRED, NEW CASTLE COUNTY, OVER THE LANDENBERG BRANCH OF THE BALTIMORE AND OHIO RAILROAD.

WHEREAS, in connection with the extension of the Lancaster Pike (State Route #48) the State Highway Department deems it advisable to construct the new extension on new alignment, and proper under the circumstances to cross the Landenberg branch of the Baltimore and Ohio Railroad at grade, said crossing to be at a point in Mill Creek Hundred, New Castle County 910 feet more or less Northeast of the present crossing at Hockessin; and

WHEREAS, the present train traffic on the Landenberg branch of the Baltimore and Ohio Railroad is one train per each week day; NOW, THEREFORE,

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

Section 1. That the State Highway Department be and it is hereby authorized to construct at grade a new crossing in Mill Creek Hundred, New Castle County, over the tracks of the Landenberg Branch of the Baltimore and Ohio Railroad at a point 910 feet more or less Northeast of the present crossing at Hockessin.

Section 2. That the said crossing at grade provided for by Section 1 hereof is hereby authorized notwithstanding the provisions of 5739. Sec. 20, Chapter 166, of the Revised Code of Delaware, 1935.

Approved May 12, 1949.

CHAPTER 73

LORD BALTIMORE SCHOOL DISTRICT NO. 28

VALIDATING BONDS SOLD BY

AN ACT TO VALIDATE THE BONDS ISSUED AND SOLD BY LORD BALTIMORE SCHOOL DISTRICT #28 IN ORDER TO MAKE AVAILABLE FOR THE SCHOOL BUILDING PROGRAM THE LOCAL SHARE OF SAID SCHOOL DISTRICT REQUIRED BY CHAPTER 171, VOLUME 46, LAWS OF DELAWARE, 1947, ALTHOUGH SAID BONDS WHEN ADDED TO OTHER BONDS OUTSTANDING AGAINST SAID SCHOOL DISTRICT EXCEED FIVE PER CENT OF THE ASSESSED VALUE OF THE REAL AND PERSONAL PROPERTY IN SAID SCHOOL DISTRICT.

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

Section 1. That so much of 2719. Sec. 97. of Chapter 71, Revised Code of Delaware, 1935, as provides that the Board of Education of a Special School District or Board of School Trustees of a School District shall not issue bonds to carry out the building program of said district in a greater amount in the aggregate than five per cent of the assessed value of the real and personal property in such school district, insofar as the same relates to the bonds authorized by Section 4 of Chapter 171, Volume 46, Laws of Delaware, 1947, to be issued by Lord Baltimore School District #28 after a referendum vote, as therein provided, be and the same is hereby repealed; and the bonds issued and sold by said Lord Baltimore School District #28 in order to make available for the school building program the local share of Two Hundred Thirty-Two Thousand Dollars (\$232,000.00) required by said Section 4, Chapter 171, Volume 46, Laws of Delaware, 1947, are hereby validated and declared to be binding obligations of the said Lord Baltimore School District #28, for the due payment of which, principal and interest, the credit of said School District is pledged, notwithstanding that such bonds when added to other bonds outstanding against said School District exceed five per cent of the assessed value of the real and personal property in said School District.

Approved May 12, 1949.

CHAPTER 74

NEW CASTLE COUNTY LEVY COURT

APPROPRIATION

AN ACT AUTHORIZING THE LEVY COURT OF NEW CASTLE COUNTY TO APPROPRIATE COUNTY MON- EYS TO THE HOLLOWAY TERRACE VOLUNTEER FIRE CO., INC. FOR THE MAINTENANCE AND OPER- ATION OF A MOTOR VEHICLE AND EQUIPMENT FOR THE USE OF THE "RESCUE SQUAD" IN ANSWERING EMERGENCY CALLS TO SAVE HUMAN LIFE.

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

Section 1. That the Levy Court of New Castle County is hereby authorized and directed to appropriate public moneys toward the maintenance and operation of a motor vehicle containing life saving equipment and used by the "rescue squad" of The Holloway Terrace Volunteer Fire Co., Inc. in New Castle County.

The said Levy Court shall appropriate to the above named fire company for the purpose indicated herein the sum of Five Hundred Dollars (\$500.00) for the fiscal year beginning on July 1, A. D. 1949 and ending on June 30, A. D. 1950, and annually thereafter, such payments to be made within three months after the beginning of any fiscal year.

Approved May 13, 1949.

CHAPTER 75

VETERANS EXEMPT FROM HUCKSTER'S, PEDDLER'S
AND AUCTIONEER'S LICENSE**AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, PROVIDING FOR
EXEMPTION OF CERTAIN VETERANS FROM HUCK-
STER'S, PEDDLER'S AND AUCTIONEER'S LICENSE
REQUIREMENTS.**

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

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

190. Sec. 156. VETERANS EXEMPT FROM HUCKSTER'S, PEDDLER'S AND AUCTIONEER'S LICENSE; HONORABLE DISCHARGE IN LIEU THEREOF:—The provisions of law relating to huckster's, peddler's and auctioneer's licenses shall not apply to honorably discharged veterans of the Civil War, Spanish-American War, World War I and World War II, and disabled veterans who have served in the military and naval forces of the United States, who shall be honorably discharged from said service and are residents of the State of Delaware, and the same shall not be required to have huckster's, peddler's, or auctioneer's license in order to engage in the business of a huckster, peddler or auctioneer anywhere within the State of Delaware, provided, however, that such honorably discharged veteran when engaging in such occupation shall at all times carry a certificate of his discharge in lieu of a license, for the inspection of any police officer, city constable or peace officer within this State.

Approved May 16, 1949.

CHAPTER 76**EDUCATION****RELATING TO LENGTH OF SCHOOL TERM****AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE LENGTH OF A SCHOOL TERM.**

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

Section 1. That 2632. Sec. 10. of the said Chapter 71 be amended by striking out the words "one hundred and sixty" where they appear in the twenty-second line thereof and by inserting in lieu thereof the words "one hundred and eighty."

Section 2. That 2663. Sec. 41. of the said Chapter 71 shall be amended by striking out the words "one hundred and sixty" where they appear in the ninth line thereof and by inserting in lieu thereof the words "one hundred and eighty."

Approved May 16, 1949.

CHAPTER 77

FISH, OYSTERS AND GAME

INCREASING FEE FOR HUNTING, FISHING OR TRAPPING LICENSE

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME," BY INCREASING THE FEE PAYABLE FOR THE ISSUANCE OF A HUNTING, FISHING, OR TRAPPING LICENSE.

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, as amended, be and the same is hereby further amended by striking out the first paragraph of 2885. Sec. 84 and by substituting and enacting in lieu thereof the following:

Every resident of this State, except as otherwise provided in this Chapter, must obtain a license before hunting and trapping and before fishing in this State; for a hunting and trapping license such resident shall pay the sum of two dollars and twenty-five cents (\$2.25); for a fishing license, such resident shall pay the sum of one dollar and twenty-five cents (\$1.25); said license fees shall be paid by such resident to the Board or its duly constituted agents.

Approved May 16, 1949.

CHAPTER 78

FISH, OYSTERS AND GAME

USE OF FUNDS DERIVED FROM ISSUANCE OF YEARLY LICENSES

AN ACT TO AMEND CHAPTER 77, VOLUME 42, LAWS OF DELAWARE, 1939, AS AMENDED, WITH RESPECT TO THE USE OF FUNDS DERIVED FROM HUNTING, FISHING AND TRAPPING LICENSE FEES COLLECTED BY THE BOARD OF GAME AND FISH COMMISSION.

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

Section 1. That Volume 42, Laws of Delaware, 1939, as amended by Chapter 12 of Volume 43, Laws of Delaware, 1941, be and the same is further amended by adding at the end of the last paragraph of Section 1. thereof a new sentence as follows:

All funds derived from the issuance of yearly licenses issued by the Board of Game and Fish Commission for hunting, and trapping shall be deposited by said Board with the State Treasurer of Delaware, and one dollar (\$1.00) of each hunting and trapping license for which two dollars and twenty-five cents (\$2.25) was paid, shall be specifically earmarked for the purpose of matching and securing money allotted to Delaware under the Pittman-Robertson Act, and any balance remaining in such earmarked fund after full provision is effected to insure coverage for Pittman-Robertson grants, shall be expended for the purpose of securing game for restocking purposes in the State.

Approved May 16, 1949.

CHAPTER 79

NEW CASTLE COUNTY LEVY COURT

APPROPRIATION

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, PERTAINING TO A COUNTY FREE LIBRARY FOR NEW CASTLE COUNTY AND AUTHORIZING AN INCREASE IN THE APPROPRIATION OF COUNTY MONIES THEREFOR.

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

Section 1. That 1177, Section 31, Chapter 43 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the first paragraph thereof, and by inserting in lieu thereof the following paragraphs:

1177. Sec. 31. Appropriation For Free Library In New Castle County Outside Of Wilmington; Limit Of Amount:—
 (1) The Levy Court of New Castle County is hereby authorized and empowered to appropriate public monies toward the maintenance and support of a free library for the use of the residents of New Castle County outside of the City of Wilmington and for all purposes incident thereto in amounts not to exceed in any one year the sum of \$40,000.00.

Approved May 16, 1949.

CHAPTER 80

VALUATION AND ASSESSMENT OF PROPERTY

EXEMPTING CERTAIN LANDS BELONGING TO LIONS CLUB OF
SMYRNA, DELAWARE

**AN ACT TO AMEND ARTICLE 1, CHAPTER 44, REVISED
CODE OF DELAWARE, 1935, AS AMENDED, RELAT-
ING TO VALUATION AND ASSESSMENT OF PROP-
ERTY, BY EXEMPTING CERTAIN LANDS AND IM-
PROVEMENTS OF THE LIONS CLUB OF SMYRNA,
DELAWARE, FROM ASSESSMENT AND TAXATION.**

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

Section 1. That 1258. Sec. 1. of Article 1, Chapter 44,
Revised Code of Delaware, 1935, as amended, be and the same
is hereby further amended by adding a new paragraph at the
end of said section, as follows:

"The lands of the Lions Club of Smyrna, Delaware, a cor-
poration of the State of Delaware, consisting of two lots on the
north side of Frazier Street in the Town of Smyrna, Kent
County and State of Delaware, and the improvements thereon,
devoted to the use of the public as a Youth Center, shall be
exempt from all taxes, assessments, burdens or impositions for
State, County, or Municipal purposes, so long as the said lands
and improvements continue to be devoted to the use of the
public."

Approved May 16, 1949.

CHAPTER 81

CRIMES AND PUNISHMENTS

RELATING TO OFFENSE OF LEWDLY PLAYING WITH CHILD
UNDER SIXTEEN YEARS

AN ACT TO AMEND CHAPTER 149 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE OFFENSE OF TOYING WITH A FEMALE CHILD UNDER THE AGE OF SIXTEEN YEARS BY OMITTING THE WORD "FEMALE"; BY MAKING THE PENALTY DISCRETIONARY RATHER THAN MANDATORY.

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

Section 1. That Chapter 149 of the Revised Code of Delaware, 1935 be and the same is hereby amended by striking out and repealing all of 5168. Section 12 of said Chapter 149, and by enacting and inserting in lieu thereof the following new section to be known as 5168. Section 12:

5168. Section 12. LEWDLY PLAYING WITH CHILD UNDER SIXTEEN YEARS; PENALTY: Whoever shall lewdly and lasciviously play or toy with any child under the age of sixteen years, shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined not exceeding five hundred dollars or may be imprisoned for a term not exceeding three years or both.

Approved May 16, 1949.

CHAPTER 82

CERTAIN POLICE POWERS VESTED IN MEMBERS OF
FIRE COMPANIES OUTSIDE OF THE CITY OF WILMINGTON

**AN ACT PROVIDING FOR THE APPOINTMENT BY ORGAN-
IZED FIRE COMPANIES OF CERTAIN OF ITS MEM-
BERS WHO SHALL BE CLOTHED WITH CERTAIN
POLICE POWERS AT FIRES OR FIRE DRILLS.**

*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. Any duly organized Fire Company (outside the City of Wilmington) may provide for the appointment of three (3) of its Members to perform police duties at fires and fire drills for a term to be set by the said Fire Company. The members selected by the said Fire Company as Fire Police shall, before entering upon their duties, qualify by taking and subscribing an oath that they will justly, impartially and faithfully discharge their duties according to the best of their ability and understanding. Said oath shall be administered by the Sheriff of the County in which the Fire Company making the appointment is located and shall be subscribed by the Member appointed as a Fire Police in duplicate. The original copy of said oath shall be filed with the Sheriff of the County in which the Fire Company making the appointment is located and a copy thereof filed with the Secretary of the Fire Company making the appointment.

Section 2. A Member of a Fire Company who has been appointed and qualified as a Fire Police shall thereafter, for the term of his appointment, have full power and authority to act as such anywhere in the County, in which the Fire Company making the appointment is located or in any other County of the State of Delaware in which he is called upon to act. He shall perform his duties under the supervision of the fire officer in charge of the fire or fire drill at which he is called upon to act.

Section 3. The duties of the said Fire Police, subject to

the supervision of the fire officer in charge of the fire or fire drill at which he is called upon to act, shall be:

(1) to protect the contents of buildings and all other property affected by any fire or fire drill;

(2) to establish and maintain fire lines;

(3) to perform such traffic duties as shall be necessary until the arrival of a duly authorized police officer;

(4) in the absence of investigating authorities to investigate the causes of all fires and preserve all evidence thereof for the proper investigating authorities;

(5) to wear a fire police badge, to be designed and authorized by Delaware Volunteer Firemen's Association, on the left breast of the outermost garment while on duty.

Section 4. Nothing contained in this Act shall be construed to allow or permit the fire police, or any of them, to supersede the authority of a duly authorized police officer.

Section 5. If any person shall unreasonably refuse to obey the orders of the fire police, or any of them, in the exercise of their duties, such person may be authorized and held under arrest by the said fire police, or any of them, until the fire at which he is called upon to act is extinguished or the fire drill completed.

Section 6. Any person who shall refuse to obey the orders of a fire police, or any of them, in the exercise of their duties, shall be guilty of a misdemeanor and upon conviction thereof before a Justice of the Peace shall be fined in the sum of ten dollars (\$10.00).

Approved May 16, 1949.

CHAPTER 83

KENT COUNTY LEVY COURT

APPROPRIATION

**AN ACT AUTHORIZING THE LEVY COURT OF KENT
COUNTY TO APPROPRIATE COUNTY MONIES TO
DAVID C. HARRISON POST NO. 14, INC., AMERICAN
LEGION, FOR THE MAINTENANCE OF AMBULANCE.**

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

Section 1. That the Levy Court of Kent County is hereby authorized and directed to appropriate public monies towards 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 the amount of Five Hundred Dollars (\$500.00) annually.

Approved May 16, 1949.

CHAPTER 84

DETERMINATION OF PENSION BENEFITS

BIRTH CERTIFICATES ACCEPTED AS FINAL EVIDENCE

**AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF
DELAWARE, 1945, AS AMENDED, WITH RESPECT
TO THE DETERMINATION OF PENSION BENEFITS.**

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

Section 1. That Chapter 104, Volume 45, Laws of Delaware, 1945, as amended, be and the same is hereby further amended by adding at the end of Section 6 of said Chapter the following:

"With respect to the age of the applicant for retirement the State Treasurer shall accept as final evidence thereof a birth certificate from the proper officials of this State, or the proper officials of some other State of the United States, or such proof as will satisfy the Bureau of Vital Statistics of the State Board of Health of Delaware, that such person or applicant is entitled to a birth certificate."

Approved May 16, 1949.

CHAPTER 85

LEWES

AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, 1941, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LEWES" WITH REFERENCE TO THE ANNUAL ELECTION AND TO THE QUALIFICATIONS OF ELECTORS.

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 170, Volume 43, Laws of Delaware, 1941, be and the same is hereby amended by striking out all of paragraph five (5) of Section 3 thereof, and substituting in lieu thereof the following:

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 every person, male or female, above the age of twenty-one years who shall have been a freeholder in the town of Lewes, Delaware, for a period of three months immediately preceding such election, whether a full time resident or only a summer resident of said town, 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 town of Lewes, Delaware, for at least three months immediately preceding any such election, shall have one vote. All votes shall be offered in person, and provided further, that every person, male or female, before he or she has the right to

vote at such annual election must have his or her name entered on the registers of the "Books of Registered Voters" of the town of Lewes, Delaware.

That after the passage of this act the present Mayor and Commissioners and their successors in office shall each year provide two registers to be known as the "Books of Registered Voters" in and for the town of Lewes, and said "Books of Registered Voters" are to be kept in the Mayor's office in said town under the custody of the Receiver of Taxes for the said town. Any elector desiring to register, may, from the first week-day in March until the last week-day in September (Saturdays, Sundays and Holidays excluded) during the office hours in which said office is open to the public go to said office and have his or her name recorded in the "Books of Registered Voters," provided, he or she has the necessary qualifications to become registered. The qualifications are as follows:

Every elector, whether male or female, must be above the age of twenty-one years, and if a freeholder in said town has his or her deed duly recorded in the proper office for such recording; and if said elector is not a freeholder in said town, he or she shall have been a resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the town of Lewes for at least three months.

The Judge of the election 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.

Approved May 16, 1949.

CHAPTER 86

HOUSTON

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HOUSTON," APPROVED MARCH 26, A. D. 1913, BEING CHAPTER 240, VOLUME 27, LAWS OF DELAWARE, AS AMENDED BY AN ACT APPROVED MARCH 7, A. D. 1929, BEING CHAPTER 163, VOLUME 36, LAWS OF DELAWARE, BY INCREASING THE AMOUNT WHICH MAY BE RAISED YEARLY 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 the Act entitled "An Act to incorporate the Town of Houston," approved March 26, 1913, being Chapter 240, Volume 27, Laws of Delaware, as amended, by an Act approved March 7, A. D. 1929, being Chapter 163, Volume 36, Laws of Delaware, be and the same is hereby further amended by striking out of lines four and five of Section 6 thereof the words, "Seven Hundred Dollars" and inserting in lieu thereof the words "Two Thousand Dollars."

Approved May 16, 1949.

CHAPTER 87

WYOMING

AN ACT TO AMEND CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF WYOMING' TO 'THE TOWN OF WYOMING' AND ESTABLISHING A CHARTER THEREFOR," BY PROVIDING FOR AN INCREASE IN THE LIMIT OF 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 of each branch of the Legislature concurring therein):

Section 1. That the paragraph numbered 13 of Section 15, Chapter 189, Volume 43, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of said paragraph 13 of Section 15 and inserting in lieu thereof a new paragraph 13, as follows:

13. The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Ten Thousand Dollars (\$10,000.00) 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 Ten Thousand Dollars (\$10,000.00). 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 Ten Thousand Dollars (\$10,000.00) 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.

Approved May 16, 1949.

CHAPTER 88

WYOMING

AN ACT TO AMEND CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF WYOMING' TO 'THE TOWN OF WYOMING' AND ESTABLISHING A CHARTER THEREFOR," RELATING TO FLOATING DEBT.

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 1. That Section 38 of Chapter 189, Volume 43, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of said section and inserting in lieu thereof a new Section 38 as follows:

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 Five Thousand Dollars (\$5,000.00) 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 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 follow-

ing the first fiscal year which said money was borrowed with interest thereon; and provided further, that no borrowing of money shall be authorized by this Act in excess of the Five Thousand (\$5,000.00) Dollar limitation herein fixed until the total amount borrowed hereunder up to the Five Thousand (\$5,000.00) Dollar limit shall have been fully repaid, except that should the Town Council deem additional borrowing in excess of the amount herein provided to be for the benefit of the Town the said Town Council may cause a referendum to be held in the manner prescribed for other town elections, in which the qualified and legal voters of the Town, after full explanation and advertisement of the need for additional borrowing may vote for or against the same. If after such referendum, the majority of voters cast their votes for additional borrowing, the Town Council may borrow additional sums beyond the limit of Five Thousand (\$5,000.00) Dollars, notwithstanding repayment of prior borrowing has not been made.

Approved May 16, 1949.

CHAPTER 89

NEW CASTLE COUNTY LEVY COURT

PROVIDING FOR AN INCREASE IN THE LIMIT ON THE TOTAL
TAX RATE IN SAID COUNTY

**AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO THE LEVY
COURT OF NEW CASTLE COUNTY AND PROVIDING
FOR AN INCREASE IN THE LIMIT OF THE TOTAL
TAX RATE IN SAID COUNTY.**

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

Section 1. That 1155. Section 9 of Article 1 of Chapter 43 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by repealing all of said Section and substituting therefor the following:

1155. Section 9. Taxes: How Laid; Maximum Rate:—The Levy Court of New Castle County shall annually calculate and settle the amount of the tax, which shall include all the sums necessary to be raised for the year, according to law, to discharge the demands upon the County accrued or which it shall be deemed expedient to provide for; and shall apportion and lay such taxes to and upon the assessments aforesaid in the several Districts or Hundreds as they shall stand upon the assessment lists of the said Districts or Hundreds respectively, at and according to a certain rate for each of said taxes upon every hundred dollars of the said assessment, and so pro rata; provided, nevertheless, that the total tax rate for all purposes, other than special assessments, taxes levied to pay principal of and interest on bonds, and taxes levied by the Levy Court of New Castle County for the benefit of local districts established in accordance with statutes authorizing such special taxation, shall not exceed the sum of sixty cents on each one hundred dollars of assessment; provided, however, that such rate of sixty cents shall apply only for the taxable years beginning on the first day of July, A. D. 1949, and the first day of July, A. D. 1950.

Approved May 16, 1949.

CHAPTER 90

NEWPORT

AN ACT TO AMEND CHAPTER 195, VOLUME 24, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF NEWPORT," BY GIVING THE TOWN ALDERMAN POWER TO IMPOSE LARGER FINES.

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 of the Legislature concurring therein):

Section 1. That Section 4 of Chapter 195, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out the word "ten" after the word "exceeding" in the fifteenth line thereof, and by striking out the word "dollars" before the word "nor" in the sixteenth line thereof and inserting in lieu thereof the words "one hundred dollars, or commit the party to the New Castle County Workhouse for any period not more than thirty days, or both, or until said fine and the costs be paid."

Section 2. That Section 13 of Chapter 195, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out "all" after the word "exceeding" in the twenty-ninth line thereof and before the words "it shall" in the thirty-second line thereof and inserting in lieu thereof the following: "one hundred dollars, or commit the party to the New Castle County Workhouse for any period not more than thirty days, or both, or until said fine and the costs be paid."

Section 3. That Section 14 of Chapter 195, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out the word "five" after the word "than" and before the word "days" and inserting in lieu thereof the word "thirty."

Approved May 16, 1949.

CHAPTER 91

NEWPORT

AN ACT TO AUTHORIZE THE COMMISSIONERS OF NEWPORT TO BORROW \$5,000.00 UPON THE NOTE OF THE TOWN FOR THE PURPOSE OF MAKING ADDITIONS TO AND IMPROVING THE MUNICIPAL WATERWORKS.

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 of the Legislature concurring therein):

Section 1. That the Commissioners of Newport, a Municipal Corporation of the State of Delaware, be and it is hereby authorized and empowered to anticipate current revenue by borrowing an amount not in excess of Five Thousand Dollars (\$5,000.00) for the purpose of making additions to and improving the Municipal Waterworks. The indebtedness created under this provision shall be evidenced by a note or notes of the Town and the faith and the credit of the Town shall be deemed to be pledged thereby.

Approved May 16, 1949.

CHAPTER 92

BOWERS

AN ACT TO AMEND CHAPTER 207, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BOWERS," AS AMENDED, BY INCREASING THE AMOUNT OF TAX PERMITTED TO BE RAISED IN SAID TOWN, AND PROVIDING FOR THE SUBMISSION OF SAID INCREASE TO A REFERENDUM VOTE OF THE VOTERS 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 of the General Assembly concurring therein):

Section 1. That Section 14 of Chapter 207, Volume 24, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the words "Two Thousand Dollars" where they occur in line five of said Section and inserting in lieu thereof the words "Three Thousand Dollars."

Section 2. Before the provisions of this Act shall go into effect, the proposed increase of the amount to be raised by taxation in said Town of Bowers shall be submitted to and approved by the majority of the voters at a Special Election which shall be held in said Town of Bowers, to be held and conducted in all respects as other town elections are held. At such election every person now entitled to vote in town elections in Bowers shall be entitled to one vote. The ballots used at such election shall have written or printed thereon the words "For Increased Taxation" and the words "Against Increased Taxation." If at such Referendum the majority of votes cast shall be "For Increased Taxation," then such additional tax may be levied; but if the majority of said votes cast shall be "Against Increased Taxation," then no additional tax shall be levied, and this Act shall be null and void.

Approved May 16, 1949.

CHAPTER 93

NEW CASTLE

AN ACT TO AMEND CHAPTER 121, VOLUME 35, LAWS OF DELAWARE, ENTITLED "AN ACT AUTHORIZING THE COUNCIL OF 'THE MAYOR AND COUNCIL OF NEW CASTLE' UNDER CERTAIN CONDITIONS TO CONSTRUCT A SYSTEM OF SEWERS AND DISPOSAL WORKS IN AND FOR THE CITY OF NEW CASTLE, DELAWARE" BY PROVIDING FOR THE PAYMENT OF SALARIES TO THE MEMBERS AND SECRETARY OF THE SEWER COMMISSION, BY CLARIFYING THE METHOD OF SELLING PROPERTIES THAT ARE DELINQUENT IN PAYING SEWER ASSESSMENTS AND SERVICE CHARGES, AND BY MAKING UNPAID SERVICE CHARGES LIENS AGAINST 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 branch thereof concurring therein):

Section 1. That the Act entitled "An Act Authorizing the Council of 'The Mayor and Council of New Castle' under certain conditions to Construct a System of Sewers and Disposal Works in and for the City of New Castle, Delaware" being Chapter 121, Volume 35, Laws of Delaware, approved March 30, 1927, be and the same is hereby amended by repealing the last sentence in Section 5 of said Chapter and inserting in lieu thereof the following sentence:

The President of the Sewer Commission shall receive, as compensation for his services, the sum of One Hundred Dollars (\$100.00) per year, and the other members of the Commission shall each receive Sixty Dollars (\$60.00) per year; in addition thereto, any member of the Sewer Commission may be reimbursed for any expenses incurred in carrying out the provisions of this Act, provided such expenses be either authorized or ratified by the Sewer Commission.

Section 2. That the said Act be and the same is hereby further amended by striking out the word "now" as it appears in next to the last line of Section 19.

Section 3. That the said Act be and the same is hereby further amended by repealing all of Section 29 of said Act and inserting in lieu thereof a new section to be known as Section 29 to read as follows:

Section 29. The Sewer Commission shall prepare rules and regulations governing the use of the system of sewers and disposal works authorized under this Act, and for the making of connections thereto, and may provide such penalties for the breach of such rules and regulations as the Sewer Commission may deem necessary.

All service charges fixed and determined by the Commission for the use of the said sewer system shall constitute a lien on the respective properties connected to said sewer system from the time such charges become due, and shall remain a lien until paid. On all charges not paid within thirty (30) days of the due date, a penalty of six per centum (6%) shall be added to the amount due. Said service charge, together with penalties, shall be collected in the manner provided for the collection of the delinquent City taxes.

Section 4. That the said Act be and the same is hereby further amended by striking out the second sentence of Section 31 and inserting in lieu thereof a new sentence to read as follows:

The said Sewer Commission shall meet not less than once each month, and is hereby authorized to employ a clerk at a salary to be fixed by the Commission, whose duties shall be prescribed by the said Sewer Commission.

Approved May 16, 1949.

CHAPTER 94

MILFORD

AN ACT TO AMEND "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, AS AMENDED, BY PROVIDING THAT THE CITY AUTHORITIES SHALL HAVE THE POWER TO ESTABLISH AND MAINTAIN A PENSION PLAN FOR CITY 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 to each branch thereof concurring therein):

Section 1. That there shall be inserted after Section 32 of Chapter 162, Volume 37, Laws of Delaware, a new sub-captation entitled "PENSIONS," and a new section, to be designated as "Section 32-A" in the following language:

"PENSIONS

Section 32-A. The Council shall have the authority to establish and maintain a pension system for employees of the City of Milford, to be paid to such employees of the City of Milford, former employees, or widows of former employees, in such amounts, at such times, and in accordance with such rules and regulations as the City Council shall from time to time by ordinance decree, provided, however, that the City Council shall not have the power to establish any plan for the payment of pensions which cannot be increased, decreased, otherwise amended, or repealed altogether, as the respective individuals comprising the City Council shall from time to time deem to be for the best interest of the City of Milford."

Approved May 16, 1949.

CHAPTER 95

LEWES

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO ISSUE BONDS TO PROVIDE FOR ADDITIONS, IMPROVEMENTS AND REPAIRS TO THE WATER SYSTEM AT 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 concurring therein):

Section 1. Commissioners of Lewes, a municipal corporation, are hereby authorized and empowered to prepare and issue bonds not exceeding in the aggregate the sum of One Hundred Thousand Dollars (\$100,000), of such denominations or amounts, in such form, bearing such rate of interest, not to exceed the legal rate, and with such dates of maturity as may be deemed expedient and proper.

Section 2. The bonds shall all bear the same date, shall be in such amounts as may be paid as nearly as may be calculated from the current revenues of the Board of Public Works of the Town of Lewes; and they shall contain a provision whereby the entire issue of said bonds or any part thereof, may at the option of Commissioners of Lewes, be paid at any time.

Section 3. The said bonds shall be signed by the President of Commissioners of Lewes, shall be attested by its Secretary and under its corporate seal. The secretary shall keep a record of each of said bonds containing the time thereof, the amount, the date of issue, the rate of interest, and the time when each shall have been paid.

Section 4. None of the said bonds shall be issued or delivered for any purpose except for the payment of expenses connected with the making of further improvements, repairs or additions to the water distribution system at Lewes.

Section 5. Before any bonds shall be issued under the provisions of this Act, a special election shall be held in the same

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

Section 6. This Act is meant to provide for further improvements in addition to those contemplated by the enactment of Chapter 178, Volume 46, **Laws of Delaware**, and is not meant to be in lieu of the same.

Approved May 16, 1949.

CHAPTER 96

REHOBOTH

AN ACT TO AMEND THE CHARTER OF THE CITY OF REHOBOTH BEACH AS ESTABLISHED BY CHAPTER 161, VOLUME 41, LAWS OF DELAWARE, AND AS AMENDED BY CHAPTER 177, VOLUME 43, LAWS OF DELAWARE AND BY CHAPTER 243, VOLUME 46, LAWS OF DELAWARE, BY INCREASING THE AMOUNT OF TAXES THAT MAY BE RAISED IN ANY FISCAL YEAR FOR MUNICIPAL PURPOSES.

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

Section 1. That Section 29 of Chapter 161, Volume 41, Laws of Delaware, as amended by Section 7 of Chapter 243, Volume 46, Laws of Delaware, be amended by striking out all of paragraph numbered 30 and of said section 29, as contained in said section 7, and substituting therefor the following:

30. To levy and collect taxes for any and all municipal purposes upon all real estate within the City, except lands belonging to the city; Provided, that the amount to be raised from this source in any one fiscal year shall not exceed the sum of One Hundred Thousand Dollars (\$100,000.00). Five Thousand Dollars (\$5,000.00) may be set apart, when deemed necessary, for the expense of maintaining mosquito control within the corporate limits of the city; and Five Thousand (\$5,000.00) may be set apart, when deemed necessary, as and for a sinking fund to defray the expense of repairing, restoring or replacing of machinery, appliances and appurtenances of the water department of the City.

Approved May 16, 1949.

CHAPTER 97

JUDICIAL AND CHANCERY REPORTS

DEPOSITED IN LIBRARY: DISPOSAL OF SAME

AN ACT TO AMEND CHAPTER 5 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, TO PROVIDE FOR THE TRANSMITTAL TO THE COURT OF COMMON PLEAS OF NEW CASTLE COUNTY OF COPIES OF THE JUDICIAL REPORTS AND CHANCERY REPORTS OF THE STATE OF DELAWARE.

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

Section 1. That Chapter 5 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by striking out and repealing 29. Sec. 7. thereof and enacting and inserting in lieu thereof a new section, as follows:

29. Sec. 7. Judicial and Chancery Reports Deposited in Library; Disposal of Same:—The State Librarian, upon the receipt of Judicial Reports and Chancery Reports to be deposited in the Library by law, shall transmit one copy of each of said reports to the Library of each State and Territory, one copy to the Congressional Library, one copy to the New Castle County Law Library, one copy to the University of Delaware, one copy to the Historical Society of the State of Delaware, one copy to the Library of the Municipal Court of the City of Wilmington, and one copy to the Court of Common Pleas for New Castle County, one copy to the Wilmington Library of the Court of Chancery of the State of Delaware.

Approved May 16, 1949.

CHAPTER 98

SUSSEX COUNTY LEVY COURT

APPROPRIATION

AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE COUNTY MONIES TO BRIDGEVILLE FIRE COMPANY FOR THE MAINTENANCE OF AN AMBULANCE.

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

Section 1. That the Levy Court of Sussex County is hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to Bridgeville Fire Company, a corporation of the State of Delaware, at Bridgeville, Delaware, for the maintenance of the ambulance which the said Bridgeville Fire Company operates in the service of the people of Sussex County.

Section 2. The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Court of Sussex County to Bridgeville Fire Company, a corporation of the State of Delaware, at Bridgeville, Delaware, on the first day of May of each year beginning on the first day of May, A. D. 1949.

Approved May 16, 1949.

CHAPTER 99

LEWES

AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE TOWN OF LEWES," BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED ANNUALLY BY THE MAYOR AND COUNCIL OF THE TOWN OF LEWES 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 Volume 43, Laws of Delaware, 1941, be and the same is hereby amended by striking out of the seventh line of Section 13 of Chapter 170 thereof where they appear together, the words "Thirty Thousand Dollars" and by inserting and enacting in lieu thereof the words "Fifty Thousand Dollars."

Approved May 16, 1949.

CHAPTER 100

HARRINGTON

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF HARRINGTON' TO 'THE CITY OF HARRINGTON' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO THE METHOD OF FIXING THE FEE OF THE ASSESSOR; RELATING TO THE AMOUNT TO BE RAISED BY TAXATION; RELATING TO THE AMOUNT OF THE FLOATING DEBT; AND RELATING TO THE QUALIFICATION OF THE ACTING 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 branch concurring therein):

Section 1. That Chapter 167, Volume 40, Laws of Delaware, be and the same is hereby amended by striking out and repealing all of the first paragraph of Section 13 thereof and by inserting in lieu thereof the following new paragraph:

There shall be two assessors appointed by the Council to make the general assessment and only one to make the scrap assessment. The assessors making the general assessment and the assessor making the scrap assessment shall be paid such fee or fees as shall be fixed by the Council from time to time. They shall be sworn or affirmed by a justice of the peace of the city 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 or residing within the territorial limits of the city.

Section 2. That Chapter 167, Volume 40, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of Paragraph 14 of Section 13 thereof and by inserting in lieu thereof the following new paragraph:

14. The limit of taxation for current expenses is that rate which by estimation will produce a sum not exceeding Forty

Thousand Dollars (\$40,000.00), but added thereto there shall also be fixed a rate which will produce an amount sufficient to provide for interest on bonds, the redemption thereof at their several maturities and to cover the sinking fund requirements.

Section 3. That Chapter 167, Volume 40, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of Section 32 thereof and by inserting in lieu thereof the following new paragraph:

Section 32. Whenever during the year, the current receipts are insufficient to provide for the needs of the city, the Council is authorized to anticipate revenue by borrowing money not in excess of the sum of Ten Thousand Dollars (\$10,000.00), which shall be repaid from current revenue received thereafter; provided, however, such borrowing shall at no time exceed in the aggregate Ten Thousand Dollars (\$10,000.00). Indebtedness created hereby shall be evidenced by bond or note of the city, and the faith and credit of the city shall be deemed to be pledged by the due payment thereof; but no agency or instrumentality of the city shall borrow money upon the credit of the city except by resolution of the Council.

Section 4. That Chapter 167, Volume 40, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of the last paragraph of Subsection (H) of Section 11 thereof.

Approved May 16, 1949.

CHAPTER 101

JUDICIAL REPORTS

AN ACT TO AMEND CHAPTER 109 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO JUDICIAL REPORTS.

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

Section 1. That Chapter 109 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 4256. Sec. 2. thereof, and inserting in lieu thereof a new section to be styled 4256. Sec. 2., as follows:

4256. Sec. 2. Judicial Decisions; Equity; By Whom Reported:—The Chancellor shall collect and publish such decisions of the Court of Chancery, the Orphans' Court in the respective counties, and appeals in the Supreme Court from the Court of Chancery and Orphans' Court, as in his judgment are proper to be reported, and shall print and publish the same in volumes of not less than six hundred pages, including an index. He shall deposit two hundred copies with the Secretary of State.

Section 2. That Chapter 109 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 4259. Sec. 5. thereof and inserting in lieu thereof a new section to be styled 4259. Sec. 5., as follows:

4259. Sec. 5. Payment for Reports Deposited with Secretary of State:—Upon the receipt by the Governor of the certificate of the Secretary of State that the reports published by the Associate Judge resident in Kent County have been deposited in the office of the Secretary of State, as required by law, the Governor shall draw his warrant upon the State Treasurer, in favor of said Judge to pay for the same, for the sum of Two Thousand Eight Hundred Fifty Dollars (\$2,850.00); and upon the receipt by the Governor of the certificate of the Secretary

of State that the reports published by the Chancellor have been deposited in the office of the Secretary of State, as required by law, the Governor shall draw his warrant upon the State Treasurer, in favor of said Chancellor, to pay for the same, for the sum of Two Thousand Eight Hundred Fifty Dollars (\$2,850.00). There shall be allowed and paid to the Chancellor and the Associate Judge resident in Kent County, respectively, for reporting said decisions the sum of Two Hundred Dollars (\$200.00) per annum in addition to their respective salaries.

Approved May 16, 1949.

CHAPTER 102

CHESWOLD

AN ACT TO AMEND CHAPTER 153, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF CHESWOLD," BY CHANGING THE DAY FOR HOLDING THE ANNUAL ELECTION AND DEFINING QUALIFIED VOTERS THEREAT.

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

Section 1. That all of Section 3 of Chapter 153 Volume 36, Laws of Delaware, 1929, as amended, be further amended, by striking out all of said section and inserting and enacting in lieu thereof, a new section to be known as Section 3, as follows:

Section 3. That on the last Tuesday in March, A. D. 1929, and annually thereafter, from six until eight o'clock in the evening, there shall be held a town election at such place as the said Commissioners shall designate, at which all citizens of twenty-one years of age and upwards, who have been bona fide residents of the State of Delaware for one year, and who have lived within the limits of the Town of Cheswold for nine months or more prior to the day of holding the Town Election, shall be entitled to vote at such election, provided he or she has paid a town Tax assessed him or her prior to the time of holding said election.

Approved May 16, 1949.

CHAPTER 103

STATE BOARD OF EDUCATION

DEFICIENCY APPROPRIATION

AN ACT MAKING APPROPRIATIONS TO THE STATE BOARD OF EDUCATION, TO CERTAIN BOARDS OF EDUCATION, AND TO CERTAIN BOARDS OF SCHOOL TRUSTEES TO PROVIDE FOR THE PAYMENT OF COSTS AND EXPENSES OVER AND ABOVE THE PRESENT APPROPRIATIONS AVAILABLE TO THE STATE BOARD OF EDUCATION, SAID BOARDS OF EDUCATION AND BOARDS OF SCHOOL TRUSTEES FOR SUCH PURPOSES.

WHEREAS, present appropriations available to the State Board of Education and to certain boards of education and boards of school trustees are inadequate to meet the necessary and extraordinary expenses for the remainder of the fiscal year ending June 30, 1949, 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 and to the boards of education and boards of school trustees indicated below the amounts appearing opposite their names to be used only for the purposes indicated:

District	Fuel	Water, Elec. & Gas.
	C7	C8
Caesar Rodney	\$ 793.16	\$410.38
Claymont	1,441.52	702.80
Dover	703.88	—
Georgetown	800.00	385.00
Harrington	239.70	—
Laurel	4,000.00	—
Milford	1,800.00	—
Mt. Pleasant	600.00	—

District	Fuel C7	Water, Elec. & Gas. C8
Newark	923.00	—
New Castle	1,382.39	—
Seaford	1,800.00	302.50
Lewes	1,000.00	819.00
Alfred I. duPont #7	700.00	400.00
Newport #21	—	300.00
Rose Hill-Minquadale #47	450.00	167.06
Middletown #60	517.19	—
Commodore MacDonough #53 ...	337.50	50.00
Marshallton #77	450.00	200.00
Townsend #81	285.00	34.20
Henry C. Conrad #131	800.00	—
Middletown #120-C	—	50.00
Kenton #9	—	100.00
Frederica #32	—	91.74
Felton #54	250.48	164.16
Hartly #96	—	75.00
Houston #125	—	15.00
Lincoln #3	—	20.00
Milton #8	—	75.00
Millsboro #23	—	150.00
Roxana #31	—	75.00
Selbyville #32	800.00	—
Gumboro #37	—	91.78
Bridgeville #90	349.35	—
Greenwood #91	—	145.93
J. M. Clayton #97	500.00	—
Delmar #163	—	172.30
Selbyville #210-C (New School) ..	—	200.00
Blocksom's #218-C	—	86.00
Bridgeville #220-C	—	30.00
State Board of Education for small schools of the State Board Unit	300.00	200.00
State Board of Education for trans- portation of school pupils	\$68,169.63	

Section 2. That the funds hereby appropriated shall be available during the fiscal year ending June 30, 1949, and shall be paid out by the State Treasurer upon proper vouchers presented by the State Board of Education, or by the board of education or board of school trustees to which the said funds have been hereby appropriated.

Section 3. This Act shall be known as a supplementary and a deficiency appropriation bill and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Section 4. This Act shall become effective upon the signature of the Governor.

Approved May 17, 1949.

CHAPTER 104

FORFEITURE OF DOWER

AN ACT TO AMEND 3775, SECTION 9 OF CHAPTER 96, REVISED CODE OF DELAWARE, 1935, PERTAINING TO FORFEITURE OF DOWER, BY PROVIDING FOR THE FORFEITURE OF DOWER FOR WRONGFUL KILLING OF A HUSBAND.

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

Section 1. That 3775. Section 9 of Chapter 96, Revised Code of Delaware, 1935, be and the same hereby is amended by striking out all of said Section 9 and by inserting in lieu of the section so stricken a new Section 9, the same to read as follows:

"3775. Sec. 9. Dower, How Forfeited:—If a wife willingly leave her husband and go with an adulterer, or willingly live in adultery in a state of separation from her husband not occasioned by his fault, in either case, unless her husband be reconciled to her and suffer her to dwell with him, or if she be convicted of wrongfully killing her husband, she shall forfeit her dower and all demands, as his widow, upon his real or personal estate, and any estate, charge, or benefit, settled upon her, or upon trust for her, in lieu of dower."

Section 2. This Act shall become effective thirty days after its approval.

Approved May 17, 1949.

CHAPTER 105

RELATING TO PAROLE OF CERTAIN PRISONERS

AN ACT TO AMEND CHAPTER 101 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO JAILS AND WORKHOUSES, BY PROVIDING FOR THE PAROLE OF CERTAIN PRISONERS SENTENCED TO BE CONFINED IN THE NEW CASTLE COUNTY WORKHOUSE AND JAILS OF KENT AND SUSSEX COUNTIES; OPPORTUNITY TO BE HEARD AND TO ESTABLISH INNOCENCE FOR ALLEGED VIOLATION OF PAROLE; INNOCENCE PROVEN, PRISONER RELEASED; SUBSEQUENT PAROLE AFTER THREE MONTHS; PENALTY FOR FAILURE TO REPORT AS REQUIRED.

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

Section 1. That 4159. Chapter 101, Section 42 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the words:

“but no prisoner who has twice violated the terms of his or her parole shall again become eligible for parole and shall serve the balance of the term of his or her sentence in the New Castle County Workhouse or in the Kent County Jail or in the Sussex County Jail, as the case may be.”

after the comma following the word “parole” in the twenty-eighth line of said Section and substituting in lieu thereof the following:

“when, in the judgment of the Board of Parole, the conduct of the prisoner and the circumstances of the parole violation or violations are such that the prisoner is worthy of release again on parole.”

Approved May 17, 1949.

CHAPTER 106

STATE BOARD OF EXAMINERS IN OPTOMETRY

AN ACT TO AMEND CHAPTER 31 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE DELAWARE STATE BOARD OF EXAMINERS IN OPTOMETRY.

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

Section 1. That Chapter 31 of the Revised Code of Delaware, 1935, as amended, shall be and is hereby further amended by striking out all of 1003. Sec. 2. thereof and enacting in lieu thereof a new 1003. Sec. 2., as follows, to-wit:

1003. Sec. 2. PRACTICE OF OPTOMETRY; DEFINITION OF:—The practice of optometry for the purpose of this Act is hereby defined as follows, viz: to be the diagnosis and/or the examination of the human eye and its appendages, and the employment of any objective or subjective means or methods for the purpose of determining the refractive powers of the human eyes and/or any visual, muscular or anatomical anomalies of the human eyes and their appendages, or any ocular deficiency, and the prescribing and application of lenses, prisms, contact lenses, orthoptics (visual training), or any physical, mechanical or psycho-visual therapy for the correction, remedy or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages. Providing further that any person shall be deemed to be practicing the profession of optometry who holds himself or herself out as being able to do so, or who opens for practice or operates, conducts or manages an office, in the State of Delaware, either directly or indirectly, where optometric practice is carried on with the intent of receiving therefrom, either directly or indirectly, any money, gift or any form of compensation which might result from any part of the practice of optometry as herein defined, or who shall use the title of Doctor of Optometry (O.D.), or any other letters or title in connection with his or her name, which in any way may convey

the impression that he or she is engaged in the practice of optometry.

Section 2. That Chapter 31 of the Revised Code of Delaware, 1935, as amended, shall be and is hereby further amended by striking out all of 1006. Sec. 5. thereof and enacting in lieu thereof a new 1006. Sec. 5. as follows, to-wit:

1006. Sec. 5—OPTOMETRISTS' QUALIFICATIONS; REGISTRATION OF; FEES:—Every person before beginning to practice Optometry in this State, after the passage of this Act, must be at least twenty-one years of age, of good moral character, must have had a preliminary education of at least four years of high school or the equivalent from a state department of public education, or from a first class university entrance examination and have completed at least one year pre-optometry in a recognized college or university, (provided however that this pre-optometry requirement is not to affect any persons attending a school of optometry at the time of the passage of this Act), and have graduated from a school or college approved by the Board of Examiners which maintains a course of optometry of at least four years of not less than thirty-two months of residence work in optometry, and shall pass an examination before said Board of Examiners to determine his or her qualifications. Said examination shall be given at least once each year to new applicants and to those who have previously failed said examination, and shall consist of tests in Practical Optics, Theoretical Optics, Physiological Optics, Theoretical Optometry, Practical Optometry, Orthoptics, Ocular Anatomy, Physiology and Pathology, General Anatomy, General Physiology, Pathology and Hygiene, and such other knowledge as the Board deems essential to the practice of optometry. Any person desiring to be examined by said Board shall file his or her application accompanied by an examination fee of Twenty-five Dollars, and shall appear before said Board at such time and place as said Board may designate. All persons successfully passing such examination shall be registered in the Board Register, which shall be kept by the Secretary of said Board, as licensed to practice optometry, and shall also receive a certificate of such registration, to be signed by the President and Secretary of said Board, which shall be filed as herein provided. If any applicant be

rejected, he or she shall be entitled to be admitted to another examination without further payment, but for all subsequent examinations, he or she shall pay an examination fee of Twenty-five Dollars.

Section 3. That Chapter 31 of the Revised Code of Delaware, 1935, as amended, shall be and is hereby further amended by striking out all of 1014. Sec. 13. thereof and enacting in lieu thereof a new 1014. Sec. 13., as follows, to-wit:

1014. Sec. 13. REVOCATION OF CERTIFICATE; HEARING; CERTIFICATE RE-GRANTED:—Said Board shall have power to revoke any certificate of registration granted by it under this Chapter for the conviction of crime, habitual drunkenness for six months immediately before a charge is made, for gross incompetency or contagious disease, or where any person shall present to the State Board of Optometry any diploma, license or certificate that shall have been secured or issued unlawfully or under fraudulent representations, or upon being found guilty of unprofessional conduct, or upon being found guilty of any of the following unprofessional acts: advertising, either by way of newspapers, posters, window displays of frames and mountings or any other means not in keeping with accepted professional standards; to have on his professional sign anything other than name, address, office hours, the title optometrist and specialty; to practice in a merchandising store; to display a neon sign or decal eye, or to have the letters on his sign or window exceed six inches if they are above the street level or exceed four inches if they are on the street level; provided, that before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charges against him, and a day specified in said notice, at least five days after the service thereof, be given a public hearing and have opportunity to produce testimony in his behalf and confront the witnesses against him. Any person whose certificate has been so revoked, may, after the expiration of ninety days, apply to have the same regranted to him, upon a satisfactory showing that the disqualification has ceased.

Section 5. That Chapter 31 of the Revised Code of Delaware, 1935, as amended, shall be and is hereby further amended by adding the following Sections:

Section 17. **INTERNSHIP:**—Every applicant after complying with all the requirements of this Act and after satisfactorily passing the written examinations in optometry shall before receiving the prescribed practical examinations and certificate to practice optometry, be required to spend an internship in optometry for a period of six months; said internship to be approved by the said Board.

Section 18. **VALIDITY:**—In case for any reason any paragraph of any provision of Chapter 31 of the Revised Code of Delaware, 1935, as amended, shall be questioned in any court of last resort, and shall be held by such court to be unconstitutional or invalid, the same shall not be held to affect any other paragraph of any provision of this Chapter.

All Acts or parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved May 20, 1949.

CHAPTER 107

EDUCATION

CLOSING OF ONE-ROOM SCHOOLS

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE CLOSING OF ONE-ROOM SCHOOLS.

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

Section 1. That 2636. Sec. 14. Chapter 71 of the Revised Code of Delaware, 1935, be amended by striking out of the first paragraph of said section the word "twelve" and by inserting and enacting in lieu of the word so stricken out the word "fifteen."

Approved May 20, 1949.

CHAPTER 108

CAMDEN

AN ACT EXTENDING THE CORPORATE LIMITS OF THE TOWN OF CAMDEN.

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 it shall hereafter be lawful for the Town of Camden to extend its corporate limits so as to include all or any part of the following proposed addition to the limits (present) of the Town of Camden:

Section (1) A. Beginning at the present corporate southwest corner along the east line of the Camden-Wyoming and Willow Grove Highway, the said present corner being distant three hundred twenty-two (322) feet north of the center of Stevens Street which is now the corporate corner for the Town of Wyoming, thence running with the east line of said highway and the east corporate line of Wyoming in a southwesterly direction a distance of three hundred twenty-two (322) feet to the center of said Stevens street thence continuing southwesterly along the east line of said highway and also being the proposed east line of the Town of Wyoming a distance of seven hundred seventy-eight (778) feet to the center of the old Willow Grove-Camden public road, thence crossing said road and continuing with the highway east line two hundred sixty-eight feet (268) to a new corner for both Towns as now proposed, Camden and Wyoming, said corner being distant thirty-one feet (31) north of a stone corner for land formerly of Stewart Baker in the Cooper Sub-Division, thence by a line across the north section of said Cooper Sub-Division and lands formerly of Wm. Evans bearing south 62 degrees 30 minutes east a distance of two thousand two hundred (2200) feet more or less to a point along the west line of U. S. Highway, Route 13 and being opposite the center of the Black Top Highway leading to Star Hill and Voshell's Mill from said highway and being a corner for Section

(1) B, approximately one hundred seventy-five (175) feet south of the present corporate line of Camden.

Section (1) B. Beginning at a point along the west line of U. S. State Highway Route (13) opposite the center of the Black Top Highway leading from the Town of Camden to Star Hill and Voshell's Mill and being about one hundred seventy-five (175) feet south of the present corporate line of Camden, thence crossing said highway and running with the center of the Black Top Highway, in a southeasterly direction toward Star Hill and Voshell's Mill, about sixteen hundred (1600) feet to a point opposite the center of East Street in Camden, known as the public road thru the Rickards land to the Star Hill Road, thence continuing with the center of said Black Top Highway toward Star Hill a distance of six hundred twenty (620) feet to a point at another proposed new corner in said road and being opposite the southeast corner stone for land now of Clara Townsend Pritchett and also the southwest corner for land of the late Jabez White, now deceased. Thence by a line and passing over said stone which sets on the north side of said Black Top Road, running with the east line of Clara Townsend Pritchett and along the fringe of woodland now of Ebe Townsend and across his land and land of others, bearing north 34 degrees east a distance of three thousand two hundred sixty (3260) feet more or less to a point along the north line of the Concrete Highway leading to Rising Sun from Camden and being East Commerce Street in Camden. Said new corner being distant two hundred (200) feet east of the east side of the public road leading to the Old Camp Meeting Grounds from Camden and being a corner as proposed for Section (2) A.

Section (2) A. Beginning at a new corner as now proposed for Section (1) B, along the north line of the Concrete Highway leading to Rising Sun from Camden, being East Commerce Street in Camden, said point being distant two hundred (200) feet east of the east side of the public road leading to the Old Camp Meeting Grounds from Camden, thence by a line across land formerly of Ruben Brown, now of Pyle, also across lands of A. B. Carter, formerly of the late A. B. Carter, now deceased and bearing north 37 degrees east a distance of three thousand seventy (3070) feet more or less to a stone corner for the former

Camp Meeting Grounds, now of others and also a corner for the former Pyott and Carter land, said corner being along the north side of a private road and distant eight hundred eighty-five feet east of the east line of the concrete highway leading from Camden to Dover, U. S. Route (13) thence from said stone and continuing by a line running to the west of the present Holiness Camp Ground, and east of the former Camden Church Camp Ground, now a subdivision, bearing north 19 degrees east a distance of eight hundred (800) feet more or less to a point in the stream of Isaac's Branch, stream between the former Howell's Mill Pond and Moore's Lake, thence running up said stream about five hundred fifty (550) feet to the center of the old concrete bridge across the old former road to Dover from Camden and being the corner as proposed for Section (2) B.

Section (2) B. Beginning in the center of the old concrete bridge which crosses Isaac's Branch, over the former public road leading to Dover from Camden, just north of the Camp Meeting Ground Sub-Division, thence running up said stream and crossing the present Concrete Highway, U. S. Route (13) which is North Main Street in Camden, toward the former Howell's Mill about three hundred fifty (350) feet to another new corner as now proposed in said stream, thence by a line across lands formerly of the late Thomas H. Howell, now deceased, lands of others and land of the said A. B. Carter and Lord Brothers, bearing south 47 degrees west about thirty-four hundred (3400) feet to another new corner now established along the south line of North Road, said point being distant three hundred (300) feet west line of North Main Street and the Concrete Highway leading to Dover. The south line of said North Road, or street being the present corporate north line of Camden and said road leads west to Front Street in Wyoming.

Section 2. Before the corporate limits of the Town of Camden shall be extended as aforesaid, there shall be an election held in all or any portion of such proposed addition pursuant to the provisions of Chapter 120, Volume 42, Laws of Delaware. The election shall not be called except by resolution of the Town Council to that effect. In the event that the qualified voters of any particular section do not approve of its annexation to the town, this same act may be used as authority for a subsequent

election or subsequent elections, but no election of this kind may be held in any particular section within two years from the last preceding election.

Section 3. If in any section of this proposed addition to the Town of Camden, a majority of the votes cast in accordance with the plan specified in the above-named statute shall be in favor of such annexation, the Town Council of the Town of Camden shall cause a plot of that addition of the Town of Camden to be recorded in the Recorder's office at Dover. The extension of the town limits shall become effective at law at the time the said plot is recorded.

Section 4. The powers to hold and acquire by condemnation the real and personal property within the limits of the Town of Camden, conferred by section 2 (A) of the act entitled "An act changing the corporate name of 'the Commissioners of Camden' to 'The Town of Camden' and establishing a charter therefor" being Chapter 159, Volume 43, Laws of Delaware shall not extend for the acquisition by condemnation of any real or personal property or franchises of any public utility corporation, which at the time when this act shall become effective is engaged in the business of furnishing electric light, electric power, telephone and telegraph service, or gas, or any of them with the territory which may hereafter be included within the limits of the Town of Camden pursuant to the provisions of this Act.

Approved May 20, 1949.

CHAPTER 109

RELATING TO AID FOR NEEDY BLIND

AN ACT TO AMEND CHAPTER 83, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, RELATING TO AID FOR THE NEEDY BLIND, BY PROVIDING AN INCENTIVE TO REHABILITATION AND SELF-SUPPORT AND BY INCREASING THE MAXIMUM AMOUNT OF FINANCIAL ASSISTANCE.

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

Section 1. That Section 4 of Chapter 83, Volume 45, Laws of Delaware, as amended by Section 1 of Chapter 288, Volume 46, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of said Section and inserting in lieu thereof the following.

"Section 4. Amount of Assistance: The amount of assistance which any person shall receive shall be determined by the Commission with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations made by the Commission, and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. In determining the need of a blind individual the Commission may, in order to provide an incentive to rehabilitation and self-support, disregard the earning of said blind individual to the extent of Ten Dollars (\$10.00) per week and fifty per cent (50%) of said earnings over and above Ten Dollars (\$10.00) per week, provided, however, that such earnings shall not be so disregarded if the effect thereof would be contrary to the requirements of the Social Security Act as amended. In no case, however, shall any blind person receive assistance from the Commission in excess of the sum of Sixty Dollars (\$60.00) per month."

Approved May 23, 1949.

CHAPTER 110

INSURANCE DEPARTMENT

INCREASING REQUIREMENT FOR CERTIFICATE OF AUTHORITY

AN ACT TO AMEND CHAPTER 20 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO INSURANCE DEPARTMENT, BY INCREASING REQUIREMENTS FOR CERTIFICATE OF AUTHORITY.

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

Section 1. That sub-paragraph (b) of paragraph (3), of 470. Sec. 9. of Chapter 20, of the Revised Code of Delaware, 1935, as amended, be, and the same is hereby amended by striking out in the eighth line thereof, after the word "least" and before the word "thousand" the word "twenty-five" and inserting in lieu thereof the word "fifty."

Approved May 23, 1949.

CHAPTER 111

NEWARK

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF NEWARK," INCREASING THE AMOUNT TO BE RAISED IN SAID TOWN 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 of each branch thereof concurring therein):

Section 1. That Section 32, of Chapter 175, of Volume 18 of the Laws of Delaware, as amended, be, and the same is hereby further amended by striking out in line four thereof, between the word "more" and the word "thousand" the words "than twenty," and inserting in lieu thereof the words "than fifty."

Approved May 23, 1949.

CHAPTER 112

MILLSBORO

AN ACT TO AMEND CHAPTER 216, VOLUME 46, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO RE-INCORPORATE THE TOWN OF MILLSBORO,' BEING CHAPTER 203 OF VOLUME 25, LAWS OF DELAWARE, AND AUTHORIZING THE ANNEXATION OF CERTAIN CONTIGUOUS TERRITORY TO THE SAID TOWN" BY PROVIDING THAT THE TOWN MAY DIVIDE THE PROPOSED CONTIGUOUS TERRITORY INTO SUB-SECTIONS AND ADD PORTIONS THEREOF FROM TIME TO TIME, WITHOUT NECESSARILY ANNEXING THE ENTIRE SECTION AS A SINGLE ADDITION.

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 there be added to Volume 46, Chapter 216, Laws of Delaware, at the end of Section 3 thereof, a new paragraph in the following language:

"Nothing in this Chapter shall be construed to require that the entire above-described territory, which is made eligible for annexation, must be annexed to the Town as a whole, or on a single occasion, for the said territory may be sub-divided, and elections may be held from time to time, in accordance with the foregoing provisions, on the question of whether or not to annex some portion or portions of the above territory, without including the whole thereof."

Approved May 23, 1949.

CHAPTER 113

MILLSBORO

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MILLSBORO TO APPLY FUNDS REALIZED FROM CERTAIN BOND ISSUES TO THE MAKING OF REPAIRS, EXTENSIONS, OR IMPROVEMENTS TO THE WATER PLANT AND WATER DISTRIBUTION SYSTEM IN MILLSBORO, AS WELL AS TO THE PURPOSES MENTIONED IN THE LEGISLATIVE ACTS ORIGINALLY AUTHORIZING THE SAID BOND ISSUES.

WHEREAS, by Chapter 186, Volume 45, Laws of Delaware, the General Assembly of the State of Delaware authorized Commissioners of Millsboro to borrow, by means of a bond issue, the sum of One Hundred Thousand Dollars (\$100,000.00), for the purpose of providing a sewer system for the Town of Millsboro; and

WHEREAS, by Chapter 215, Volume 46, Laws of Delaware, the authority of the Town to borrow was increased from the above mentioned figure to the total sum of Three Hundred Thousand Dollars (\$300,000.00), for the same purpose; and

WHEREAS, it now appears that the Town of Millsboro needs, or may need, to have some of the said money spent upon the water plant and water distribution system, as well as upon the sewer system which alone was originally contemplated; 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 concurring therein):

Section 1. That any monies which may be realized by Commissioners of Millsboro from the sale of bonds by or under the authority of Chapter 186, Volume 45, Laws of Delaware, or Chapter 215, Volume 46, Laws of Delaware, or both of the said acts, may properly be expended by the Commissioners of Millsboro not only for the purposes named in the said original

acts, but also for any repairs, improvements, or extensions of the municipal water plant of the Town of Millsboro, or the water distribution system, in such proportions as Commissioners of Millsboro determine will best serve the interests of the said town.

Approved May 23, 1949.

CHAPTER 114

MOTOR VEHICLES

RELATING TO COUPLED AXLES ON SEMI-TRAILERS

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO MOTOR VEHICLES, PROVIDING THAT COUPLED AXLES ON SEMI-TRAILERS KNOWN AS LOW-BED TRAILERS, SHALL BE SPACED THIRTY-SIX INCHES OR MORE APART.

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 the period and adding at the end of paragraph (j) of 5655. Sec. 117., the following:

“and also provided that in the case of a low-bed trailer, such as is commonly used in moving heavy equipment, coupled axles may be spaced thirty-six inches or more apart.”

Approved May 23, 1949.

CHAPTER 115

APPROPRIATION

INCIDENTAL EXPENSES OF SUPREME COURT

**AN ACT MAKING AN ANNUAL APPROPRIATION TO THE
CLERK OF THE SUPREME COURT FOR INCIDENTAL
EXPENSES OF THE SAID COURT.**

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

Section 1. There is hereby appropriated to the Clerk of the Supreme Court the sum of One Hundred Dollars (\$100.00) annually for the incidental expenses of the said Court. The said sum shall be paid by the State Treasurer from time to time upon proper vouchers signed by the Clerk of the Supreme Court out of any money in the General Fund not otherwise appropriated.

Approved May 23, 1949.

CHAPTER 116

SETTLEMENT OF PERSONAL ESTATES

RELATING TO DEBTS OF WHICH NOTICE IS PRESUMED

AN ACT TO AMEND CHAPTER 98 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, "SETTLEMENT OF PERSONAL ESTATES," RELATING TO DEBTS OF WHICH NOTICE IS PRESUMED.

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

Section 1. That Chapter 98, Article 3, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out 3839. Sec. 41, and inserting in lieu thereof a new section to be known as 3839. Sec. 41 as follows:

3839. Sec. 41. Of What Debts Notice Presumed:—An executor or administrator shall be deemed to have notice only of mortgages (but not of the bonds accompanying such mortgages) and of such judgments as would be liens against real estate at the date of death of the decedent, which mortgages and judgments are of record in the county of this State in which letters were granted upon the estate of the decedent, unless there has been a failure to insert them in the general indices of the office wherein it is proper that they be recorded.

Approved May 23, 1949.

CHAPTER 117

WITNESSES AND EVIDENCE

AN ACT TO AMEND CHAPTER 129 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO WITNESSES AND EVIDENCE, PROVIDING THAT THE TERM "WITNESSES" SHALL INCLUDE A PARTY TO THE RECORD.

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

Section 1. That Chapter 129 of the Revised Code of Delaware, 1935, as amended by Chapter 256 of Volume 46, Laws of Delaware, be, and the same hereby is, further amended by adding at the end of 4707. Sec. 22. thereof a further sentence which shall read as follows:

The term "witnesses" or "witness," as used herein, shall include a party to the record or, if the party be a corporation, the officers, directors and employees of such corporation.

Approved May 23, 1949.

CHAPTER 118

LITTLE CREEK

AN ACT TO AMEND CHAPTER 283, VOLUME 21, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF LITTLE CREEK" AS AMENDED BY CHAPTER 172, VOLUME 36, LAWS OF DELAWARE, BY EXTENDING THE BOUNDARIES OF SAID TOWN, AND BY INCREASING THE AMOUNT OF TAXES TO BE RAISED IN 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 283, Volume 21, Laws of Delaware, be amended by striking out all of Section 2 thereof, and that Chapter 172, Volume 36, Laws of Delaware, be amended by striking out all of Section 1 and by inserting in lieu of said Sections the following:

Section 2. That boundaries of the said Town of Little Creek shall from and after the approval of this Act be as follows:

"Beginning at a point in the center of the present draw-bridge, known as Pivot Bridge, which crosses Little River, formerly Little Creek, and being the South terminus of Main Street in said town of Little Creek; thence running with the center of the stream of Little River, in a southwesterly direction with its several courses and meanderings about Four Hundred (400) feet more or less to a point in said stream center opposite a post and wire fence on land of the Wilson farms; thence turning and running with said post and wire fence across the marsh land and farm land of the Wilson farms, North Nine (9) Degrees West Fifteen Hundred and Twenty-five (1525) Feet more or less, passing along the West side of Clark Street, to a point in the center of the lane leading to the south Wilson farm, said point being opposite the center of Bell Street; thence continuing same bearing and crossing said lane and the West end of Bell

Street across the Wilson farm lands Nine Hundred and Fifty-four (954) Feet, more or less, to the center of another lane leading to the north Wilson farm, called Collins Lane; thence continuing same bearing and crossing the Wilson land and land of Verona E. Pleasanton Twenty-two Hundred and Sixty-four (2264) Feet more or less to a point in the center of the old concrete traffic pavement of the State Highway known as the North Road from Dover to Little Creek; thence running with said road center, through the center of the parkway dividing the drive into Little Creek and the drive leading to Leipsic, North Eighty-one (81) Degrees East Three Hundred and Seventy (370) Feet to the center of the concrete pavement on road leading from Little Creek to Leipsic, and being opposite the center of property now of "Green"; thence continuing same bearing and crossing the property of said Green One Hundred and Ninety-five (195) Feet to a corner in the Green land; thence turning and crossing the land of Green and Cullen and running South Nine (9) Degrees East Five Hundred and Twenty (520) Feet, more or less, to the dividing line of Bateman Cullen and land now of Herbert Winslow, thence continuing same bearing and running along the East line of a fifteen foot alley or easement of a subdivision of the Winslow lands, called Little Creek Sub-division Fourteen Hundred and Forty-two (1442) Feet to a point in the center of the road leading to Port Mahon Landing; thence continuing same bearing across the Winslow lands, Four Hundred and Sixty-five (465) Feet to a point in the center of a ditch, called Town Line Ditch and opposite the southeast corner of the public school lot; thence running with the center of said ditch and the eastern boundaries of various lots on Main Street, in a Southeasterly direction Thirteen Hundred and Fifty (1350) Feet, more or less, to a point in said ditch, and being East of and opposite the Southeast corner of a lot of land now or late of Edward Little; thence by a line across the Winslow land passing to the Northwest corner of a blacksmith shop, and being Three Hundred (300) Feet from the center of the concrete pavement on South Main Street Seven Hundred and Fifty (750) Feet to a point in the center of Little River; thence therewith in a Westerly direction about Three Hundred (300) Feet more or less back to the beginning, and containing within said metes and bounds the old corporate lines, including the proposed new lines of said Town of Little Creek, Kent County, Delaware."

The street running from Little Creek bridge through the said town shall be called "Main Street" and shall not be less than thirty feet wide; the street running parallel with Main Street and to the West thereof shall be called "Clark Street," and shall not be less than thirty feet wide; the street running from Main Street, west, along lands known as the Lowe property, shall be known as "Lowe Street" and shall not be less than thirty feet wide; the street running from Main Street, west, to Clark Street and the Wilson land, shall be known as "Bell Street" and shall not be less than thirty feet wide; the street running from Main Street, west to the Wilson farm, between properties now owned by Susan Harrington and Estelle Woodley on the North and lands of George Lynch on the South, shall be known as "Collins Lane."

Section 3. BE IT FURTHER ENACTED that the Town Council of said Town shall be and it is hereby authorized to have recorded the plot of said Town, according to survey made by J. E. Haddaway, Surveyor, in the month of December, 1948.

Section 4. That Section 14 of Chapter 283, Volume 21, Laws of Delaware, entitled "AN ACT TO INCORPORATE THE TOWN OF LITTLE CREEK" be and the same is hereby further amended by striking out the words "Five Hundred Dollars" where they appear in the fourth and fifth lines in Section 14 aforesaid, and by inserting in lieu thereof the words "One Thousand Dollars."

Approved May 23, 1949.

CHAPTER 119

ALCOHOLIC LIQUOR, WINES AND BEER

RELATING TO CANCELLATION OR SUSPENSION OF LICENSES

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, IN REFERENCE TO THE CANCELLATION OR SUSPENSION 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, 6158. Section 29. (1) be amended by adding the following paragraph:

"In no event shall a license be suspended or cancelled until the licensee shall have been given a public hearing by the Commission at which time the licensee shall be entitled to legal representation and to present witnesses."

Approved May 23, 1949.

CHAPTER 120

LAUREL

AN ACT TO AMEND CHAPTER 164 OF VOLUME 29, LAWS OF DELAWARE, 1917, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL," TO REQUIRE THE CONSENT OF THE COUNCIL FOR THE APPOINTMENT OF OFFICERS OF THE TOWN OF LAUREL.

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 164, Volume 29, Laws of Delaware, 1917, be and the same is hereby amended by striking out and repealing Section 34 of said Chapter and enacting in lieu thereof the following:

Section 34. The Mayor shall nominate, and by and with the consent of a majority of all the members elected to the Council, shall appoint the Town Clerk, the Assessor or Assessors, the Alderman, the Water Commissioner, the Chief of Police, Board of Health, the Chief of the Fire Department and two assistants, the Harbor Master and the Town Solicitor, and such other officers of the corporation as may be provided for by ordinance of the Council. Said officers, when not removed as hereinafter provided, shall hold their office until the expiration of the term of the Mayor by whom they are appointed, and thereafter until their successors shall be duly appointed and qualified.

If any nomination which the Mayor shall make shall not be approved by a majority of all the members elected to the Council, the person so nominated shall not be appointed to the office for which he has been nominated, and the Mayor shall then make further nominations to the Council until the consent of the Council to a nomination for said office is obtained.

Approved May 23, 1949.

CHAPTER 121

MOTOR VEHICLES

INCREASING COST OF REPLACING NUMBER PLATES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO MOTOR VEHICLES, BY INCREASING THE COSTS FOR REPLACING NUMBER PLATES.

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

Section 1. That 5564. Sec. 26. of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the words "One Dollar" where they appear in the ninth line of Paragraph (e) of said Section and by inserting in lieu thereof the words "One Dollar and Fifty Cents."

Approved May 23, 1949.

CHAPTER 122

AUTHORIZING PROTHONOTARY OF THE SUPERIOR COURT IN
AND FOR KENT COUNTY, TO MAKE INDICES OF JUDGMENTS
IN HIS OFFICE

**AN ACT TO AUTHORIZE THE PROTHONOTARY OF THE
SUPERIOR COURT OF THE STATE OF DELAWARE, IN
AND FOR KENT COUNTY, TO MAKE INDICES OF
JUDGMENTS IN HIS OFFICE.**

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

Section 1. That the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, be and he is hereby authorized and directed to make or cause to be made complete indices, both direct and reverse, of all the unsatisfied judgments entered in said Superior Court from the February Term, A. D. 1900, to the present time. In making said indices he shall use the Campbell system of indexing, and the record of said judgments shall be examined to ascertain the satisfactions of all judgments. The Prothonotary is authorized to procure such books as shall be necessary and proper for that purpose, the costs of which shall be paid by the Levy Court of Kent County.

Section 2. That the Levy Court of Kent County be and it is hereby authorized and directed to appoint, from among the members of the Kent County bar, two commissioners, who shall examine said indices after the said Prothonotary shall have completed the same, and if they approve the execution and correctness of said indices, they shall certify their approval on each record thereof, and upon said certification the said indices shall become and be the indices to all the unsatisfied judgments of record in said Superior Court from the February Term, A. D. 1900, to the present time.

Section 3. That the said Prothonotary shall receive for his services in making said indices a just and reasonable compensation to be determined and paid by the Levy Court of Kent County upon having filed with it the certificate of said commis-

sioners of their approval of said indices. The Prothonotary is also authorized to employ necessary clerical assistance at a compensation to be determined and paid by the Levy Court of Kent County. The said commissioners shall also receive for their services a just and reasonable compensation to be determined and paid by the Levy Court of Kent County.

Approved May 23, 1949.

CHAPTER 123

TRANSFER OF CERTAIN BALANCES TO THE
GENERAL FUND.**AN ACT AUTHORIZING THE STATE TREASURER TO
TRANSFER CERTAIN BALANCES IN THE ACCOUNTS
OF FORMER STATE TREASURER JESSE S. COOPER
TO THE GENERAL FUND 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 the State Treasurer be and he is hereby authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Four Thousand Thirty-One Dollars and Seventy-Three Cents (\$4,031.73) 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 name and in the accounts as follows:

Treasurer of the State of Delaware

Jesse S. Cooper	\$2,969.00
Payroll Account	916.40
Motor Fuel Tax Refund Account	84.08
Motor Vehicle Licenses & Fees	62.25
<hr/>	
Total	\$4,031.73

Approved May 23, 1949.

CHAPTER 124

CONVEYANCES

RELATING TO SIGNATURE OF A MINOR TO BONDS, OTHER
OBLIGATIONS, OR MORTGAGE.

**AN ACT TO AMEND CHAPTER 92 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, WITH REFER-
ENCE TO THE SIGNATURE OF A MINOR TO ANY
BONDS, OTHER OBLIGATIONS OR MORTGAGE.**

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

Section 1. That Chapter 92 of the Revised Code of Delaware, 1935, as amended by Chapter 230, Volume 45, Laws of Delaware, 1945, and by Chapter 164, Volume 46, Laws of Delaware, 1947, be and the same is hereby further amended by striking out all of the last paragraph of 3688. Sec. 31. thereof and by enacting in lieu of the part so stricken out the following new paragraph:

The signature, seal and acknowledgment of a person under the age of twenty-one (21) years and of the age of at least eighteen (18) years to any bond, other obligation and/or mortgage shall be valid and legally effective for all intents and purposes in law or in equity and shall bind him and/or her, his and/or her heirs, executors and administrators as effectually as if he or she were twenty-one (21) years of age or upwards.

Approved May 23, 1949.

CHAPTER 125

APPROPRIATION

BOARD OF PAROLE

AN ACT MAKING AN APPROPRIATION TO THE BOARD OF PAROLE OF THE STATE OF DELAWARE FOR THE PURPOSE OF ENABLING THE SAID BOARD TO PERFORM ITS DUTIES DURING THE REMAINDER OF THE FISCAL YEAR ENDING JUNE 30, 1949.

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 Board of Parole of the State of Delaware the sum of Three Hundred Dollars (\$300.00) for the purpose of enabling the said Board to perform the duties imposed upon it by law during the remainder of the fiscal year ending on the thirtieth day of June A. D. 1949.

Section 2. The money hereby appropriated shall be accredited to the travel account of said Board. If any part of this appropriation remains unexpended at the close of the fiscal year ending on the thirtieth day of June A. D. 1949, such unexpended portion shall revert to the General Fund in the Treasury of the State of Delaware.

Section 3. This Bill shall be known as a supplementary and a deficiency appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 23, 1949.

CHAPTER 126

APPROPRIATION

LAYTON HOME FOR AGED COLORED

**AN ACT APPROPRIATING MONEY TO LAYTON HOME
FOR AGED COLORED PERSONS.**

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 Six Hundred (\$5,600.00) be and the same is hereby appropriated to the Layton Home for Aged Colored Persons for the care and maintenance of old age colored persons and for operation expenses for the biennium beginning July 1, 1949 and ending June 30, 1951.

Two Thousand Eight Hundred Dollars (\$2,800.00) of said sum shall be paid within three months after July 1, 1949 and a like sum of Two Thousand Eight Hundred Dollars (\$2,800.00) shall be paid within three months after July 1, 1950.

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 May 23, 1949.

CHAPTER 127

GENERAL PROVISIONS RESPECTING POLICE

RELATING TO DEPOSIT OF REFUSE ON REAL PROPERTY

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "GENERAL PROVISIONS RESPECTING THE POLICE," WITH REFERENCE TO THE DEPOSIT OF REFUSE AND OTHER MATERIAL ON REAL PROPERTY BOTH PUBLIC AND PRIVATE.

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 100 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 3963. Sec. 68. thereof, and by inserting and enacting in lieu thereof a new 3963. Sec. 68., as follows:

3963. Sec. 68. DEPOSITING OF REFUSE AND OTHER MATERIAL UPON PUBLIC OR PRIVATE REAL PROPERTY; UNLAWFUL; WHEN; PENALTY:—It shall be unlawful and it is hereby prohibited for any person, in person, by agent or otherwise, to cast, throw, fell or deposit or in any manner cause to be felled or deposited on or upon any public or private real property anywhere in the State of Delaware, without first obtaining the consent of the legal owner or custodian of such property or premises first obtained for that purpose, in the case of private property, or from the legal authority having control, management or administration thereof in the case of such public property, any refuse, debris, waste, dirt, trash, brush, tree or part thereof, offal or any other material matter or substance of any kind whatsoever, provided, however, that no such refuse, et cetera, shall be dumped or deposited within fifty (50) feet of any highway, whether or not the consent required has been obtained, except where any authorized dumping

is to fill a low place to a level not higher than the adjacent roadway shoulder and provided a sign has been erected designating such place for dumping.

Any person convicted for the violation of any provision of this Section, shall be punished by a fine of not less than Fifteen Dollars (\$15.00) nor more than One Hundred Dollars (\$100.00) within the discretion of the Court. Any Justice of the Peace of the State, any Court of Common Pleas of the State, and the Municipal Court of the City of Wilmington, shall, within their respective jurisdictions, have plenary jurisdiction of any violation of the provisions of this Act.

Approved May 23, 1949.

CHAPTER 128

KENT COUNTY LEVY COURT

APPROPRIATION

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONIES FOR THE CONTROL OF DISEASES OF HOGS IN KENT COUNTY.

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

Section 1. That the Levy Court of Kent County be and it is hereby authorized and directed to appropriate a sum not exceeding One Thousand Five Hundred Dollars (\$1,500.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the control of diseases of hogs in Kent County by the introduction, maintenance and advancement of the latest and most improved method for control and cure of diseases of hogs.

If, for the furtherance of this purpose, the hogs of any owner who is a resident of Kent County shall require vaccination, inoculation or other similar treatment, the vaccine or other medicament or material may be furnished free of charge to such owner; provided, however, that no free vaccine or other medicament or material shall be furnished under the provisions of this Act, if such owner has received under the provisions hereof or under the provisions of any other State law or appropriation free vaccine, medicament or material for the treatment of ten hogs in any one year.

Section 2. In all cases where such treatment of hog diseases is necessary the owner or owners shall pay the expenses of a Veterinarian or other person employed to administer such treatment.

Section 3. The Levy Court of Kent County is hereby authorized to consult and obtain assistance and advice of the State Board of Agriculture and any licensed Veterinarian in Kent County in carrying out the provisions of this Act.

Approved May 23, 1949.

CHAPTER 129

**TRANSFER OF FUNDS TO MAINTENANCE ACCOUNT OF
EDEN SCHOOL DISTRICT NO. 101****AN ACT TO TRANSFER CERTAIN FUNDS TO THE MAIN-
TENANCE ACCOUNT OF EDEN SCHOOL DISTRICT
NO. 101 IN NEW CASTLE COUNTY.**

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

Section 1. That the sum of Thirty-five Dollars and Forty-one Cents (\$35.41) or so much thereof as may be available on the 30th day of June, A. D. 1949, which has heretofore been levied and collected by Eden School District No. 101 of New Castle County in excess of the monies needed for the payment of interest on its bonds or for other purposes, be and the same is hereby transferred to the maintenance account of said Eden School District No. 101 of New Castle County to be used and dispersed, as other funds in said account as provided by law.

Approved May 23, 1949.

CHAPTER 128

KENT COUNTY LEVY COURT

APPROPRIATION

AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONIES FOR THE CONTROL OF DISEASES OF HOGS IN KENT COUNTY.

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

Section 1. That the Levy Court of Kent County be and it is hereby authorized and directed to appropriate a sum not exceeding One Thousand Five Hundred Dollars (\$1,500.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the control of diseases of hogs in Kent County by the introduction, maintenance and advancement of the latest and most improved method for control and cure of diseases of hogs.

If, for the furtherance of this purpose, the hogs of any owner who is a resident of Kent County shall require vaccination, inoculation or other similar treatment, the vaccine or other medicament or material may be furnished free of charge to such owner; provided, however, that no free vaccine or other medicament or material shall be furnished under the provisions of this Act, if such owner has received under the provisions hereof or under the provisions of any other State law or appropriation free vaccine, medicament or material for the treatment of ten hogs in any one year.

Section 2. In all cases where such treatment of hog diseases is necessary the owner or owners shall pay the expenses of a Veterinarian or other person employed to administer such treatment.

Section 3. The Levy Court of Kent County is hereby authorized to consult and obtain assistance and advice of the State Board of Agriculture and any licensed Veterinarian in Kent County in carrying out the provisions of this Act.

Approved May 23, 1949.

CHAPTER 129

**TRANSFER OF FUNDS TO MAINTENANCE ACCOUNT OF
EDEN SCHOOL DISTRICT NO. 101****AN ACT TO TRANSFER CERTAIN FUNDS TO THE MAIN-
TENANCE ACCOUNT OF EDEN SCHOOL DISTRICT
NO. 101 IN NEW CASTLE COUNTY.**

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

Section 1. That the sum of Thirty-five Dollars and Forty-one Cents (\$35.41) or so much thereof as may be available on the 30th day of June, A. D. 1949, which has heretofore been levied and collected by Eden School District No. 101 of New Castle County in excess of the monies needed for the payment of interest on its bonds or for other purposes, be and the same is hereby transferred to the maintenance account of said Eden School District No. 101 of New Castle County to be used and dispersed, as other funds in said account as provided by law.

Approved May 23, 1949.

CHAPTER 130

MOTOR VEHICLES

RELATING TO STOPPING MOTOR VEHICLES UPON SIGNALS
FROM POLICE OFFICERS

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
STOPPING MOTOR VEHICLES UPON SIGNALS FROM
POLICE OFFICERS.**

*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 paragraph 5651, Section 113, sub-section (e) thereof, and inserting in lieu thereof the following:

(e) Any driver shall at the command of a uniformed police officer bring his vehicle to a full stop, and shall not proceed again until receiving a signal to do so from such officer.

Approved May 23, 1949.

CHAPTER 131

STATE EMPLOYEES

PENSION BENEFITS

AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, 1945, WITH REFERENCE TO PENSION BENEFITS.

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

Section 1. That Chapter 104, Volume 45, Laws of Delaware, 1945, be and the same is hereby amended by adding at the end of the second paragraph of Section 4 thereof, a new paragraph as follows:

However, an employee, at the time of retirement, who shall have been continuously in covered employment during the sixty consecutive months ending on the date of retirement, but on a half time basis not resulting from a request of the employee to be so employed, shall have his "monthly retiring base salary" computed by taking the full salary paid to such employee during the last sixty months such employee was employed continuously in covered employment on a full time basis, and dividing such total salary for the entire sixty months by sixty. Any employee who has retired under the provisions of Chapter 104, Volume 45, Laws of Delaware, (Providing for Pensions in Certain Cases), since the effective date thereof, and whose retiring base salary was computed on the basis of salary received for half time service as herein described, shall have his retiring base salary recomputed on a full time basis as provided for herein. Any difference in the pension payments or benefits found to be due to such employee by reason of such recomputation and for the period prior to the enactment hereof shall be paid to such employee in a lump sum computed from the date of his retirement. After the passage and approval of this Act, pension payments found to be due by a recomputation as provided for herein shall be payable in the manner provided by Chapter 104 of Volume 45, Laws of Delaware.

Approved May 23, 1949.

CHAPTER 132

NEWPORT

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF NEWPORT," BEING CHAPTER 195, VOLUME 24, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 119, VOLUME 32, LAWS OF DELAWARE, BY CHANGING THE HOURS OF VOTING AT ANNUAL 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 branch thereof concurring therein):

Section 1. That Section 1 of an Act entitled "An Act to reincorporate the Town of Newport," being Chapter 195, Volume 24, Laws of Delaware, as amended by Chapter 119, Volume 32, Laws of Delaware, be further amended by striking out the word "four" after the word "from" and before the word "o'clock" in the fourth line of Section 1 as amended, and by inserting in lieu thereof the word "two."

Approved May 23, 1949.

CHAPTER 133

MOTOR VEHICLES

RELATING TO DEFINITION OF A SEMI-TRAILER

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, WITH REFERENCE TO THE DEFINITION OF SEMI-TRAILER.

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 paragraph designated as (h) of 5539. Section 1 thereof, and by substituting and enacting in lieu thereof a new paragraph (h) as follows:

(h) "Semi-trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle. Piling and pole trailers are to be considered to fall within the meaning of this definition.

Approved May 23, 1949.

CHAPTER 134

MOTOR VEHICLES

RELATING TO LENGTHS OF PILING AND POLE TRAILERS

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "MOTOR VEHICLES," IN RELATION TO LENGTHS OF PILING AND POLE TRAILERS.

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 86, Laws of Delaware, 1947, be and the same is hereby further amended by striking out and repealing the paragraph designated as (c) of 5653. Section 115 thereof, and substituting and enacting in lieu thereof a new paragraph (c) as follows:

(c) No vehicle shall exceed a length of thirty-five (35) feet and no tractor-semi-trailer shall exceed a length of fifty (50) feet and no other combination of vehicles coupled together shall exceed sixty (60) feet. Piling and pole trailers shall not exceed a length of sixty (60) feet.

Approved May 23, 1949.

CHAPTER 135

**TRANSFER OF FUNDS TO GENERAL CURRENT
ACCOUNT OF DELAWARE CITY SCHOOL DISTRICT NO. 52**

AN ACT TO DIRECT THE STATE TREASURER TO TRANSFER TO THE GENERAL CURRENT SCHOOL ACCOUNT OF THE DELAWARE CITY SCHOOL DISTRICT NO. 52 THE SUM OF EIGHT HUNDRED THIRTY-EIGHT DOLLARS AND TWENTY-TWO CENTS (\$838.22) APPEARING IN THE STATE TREASURY AS THE DEBT SERVICE ACCOUNT TO THE CREDIT OF SAID DELAWARE CITY SCHOOL DISTRICT.

WHEREAS, the Delaware City School District No. 52 has liquidated its bonded indebtedness and has a surplus in its debt service account, of Eight Hundred Thirty-Eight Dollars and Twenty-Two Cents (\$838.22), for which there is no longer a need for debt service; and

WHEREAS, there is great need for use by said Delaware City School District of additional funds in the general current school account of said school district for general school purposes, 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 of the State of Delaware be and he is hereby authorized and directed to transfer the sum of Eight Hundred Thirty-Eight Dollars and Twenty-Two Cents (\$838.22) from the debt service account of the Delaware City School District No. 52 to Delaware City Special Account for general current school purposes.

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 general school purposes upon warrants drawn on the said fund by the proper officer or officers of the Board of Trustees of the Delaware City School District No. 52, and the State Treasurer is hereby authorized and directed to pay from time to time, out of said fund such warrants.

Approved May 23, 1949.

CHAPTER 136

CORPORATIONS

AN ACT TO AMEND CHAPTER 65 OF THE REVISED CODE OF THE STATE OF DELAWARE OF 1935 RELATING TO CORPORATIONS.

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

Section 1. That Section 5 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2037 thereof, as amended, be and the same hereby is further amended by striking out all of the last paragraph of such Section and inserting in lieu thereof the following:

"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, 59A, 77A, 80, and the last two sentences in the third paragraphs of Sections 27 and 28, respectively, and any agreement of consolidation or merger filed pursuant to Sections 59, 59B, 59C, or 77A of this Chapter."

Section 2. That Section 6 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2038 thereof, as amended, be and the same hereby is further amended by striking out all of said Section 6, as amended, and inserting in lieu thereof the following:

"2038. Sec. 6, Certificate; How Signed, Sealed and Acknowledged; Composite Certificate; Recording; When Evidence:—The certificate shall be signed and sealed by each of the incorporators, and shall be acknowledged before any officer authorized by the laws of this State to take acknowledgments of deeds to be the act and deed of the signers, respectively, and that the facts therein stated are truly set forth; said certificate shall be filed in the office of the Secretary of State, who shall furnish a

certified copy of the same under his hand and seal of office, and said certified copy shall be recorded in the office of the Recorder of the County where the principal office of said corporation is to be located in this State, in a book to be kept for that purpose.

"The Secretary of State shall prepare and furnish upon request therefor a certified composite certificate of incorporation which shall contain only such provisions as are in effect at the time of certification by reason of the certificates and agreements referred to in the last paragraph of Section 5. The Secretary of State shall make in each case such reasonable charge therefor as he deems proper. Any such certified copy may be recorded in the office of the Recorder of the County wherein the principal office of the corporation is then located in this State.

"A copy of a certificate of incorporation or a composite certificate of incorporation certified by the Secretary of State, accompanied by the certificate of the Recorder of the County wherein the same is recorded under his hand and the seal of his office, stating that it has been recorded, the record of the same in the office of the Recorder aforesaid, or a copy of said record duly certified by the Recorder aforesaid, shall be evidence in all courts of law and equity in this State."

Section 3. That Section 27 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2059 thereof as amended, be and the same hereby is further amended by striking out the words "pursuant to the provisions of the Certificate of Incorporation" where the same appear in the second paragraph thereof.

Section 4. That Section 30 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2062 thereof as amended, be and the same hereby is further amended by striking out all of said Section 30, as amended, and inserting in lieu thereof the following:

"Sec. 30. Election of Directors; Filling of Vacancies:—
All elections of directors shall be by ballot, unless otherwise

provided in the Certificate of Incorporation. The first meeting for the election of directors at which meeting any business may be transacted shall be held at any place either within or without this State fixed by a majority of the incorporators in a writing signed by them, and thereafter the said directors shall be elected at the time and place within or without this State named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held. A notice of any change shall be given to each stockholder twenty days before the election is held, in person or by letter mailed to his last known postoffice address. The by-laws may state the city, town or village in which meetings of stockholders for the election of directors, after the first meeting, may be held and authorize the Board of Directors to fix the place within such city, town or village for the holding of such meeting, provided that at least ten days' notice be given to the stockholders of the place so fixed.

"Vacancies and newly created directorships resulting from any increase in the authorized number of directors, may be filled by a majority of the directors then in office, though less than a quorum, unless it is otherwise provided in the Certificate of Incorporation or the by-laws and the directors so chosen shall hold office until the next annual election and until their successors shall be duly elected and qualified, unless sooner displaced; provided, however, that if the directors then in office shall constitute less than a majority of the whole Board (as constituted immediately prior to any such increase), upon application of any stockholder or stockholders holding at least ten per cent. (10%) of the total number of shares of the capital stock of the corporation at the time outstanding having the right to vote for directors, the Chancellor may in his discretion, summarily order an election to be held to fill any such vacancy or vacancies or newly created directorships, or to replace the director or directors chosen by the directors then in office as aforesaid, which election shall be governed by the provisions of Section 31 of this Chapter in so far as such provisions are applicable. The person or persons elected pursuant to said order shall serve as a director or as directors until the next annual meeting of stockholders and until their successors shall have been duly elected and qualified, and shall displace any person or persons who may

theretofore have been appointed by the directors then in office as aforesaid. The authority to fill newly created directorships granted to the directors by the foregoing amendment shall not be construed to validate any action taken by Directors, prior to the effective date of this Act, in filling such newly created directorship."

Section 5. That Section 31 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2063 thereof as amended, be and the same hereby is further amended by striking out all of said Section 31, as amended, and inserting in lieu thereof the following:

"2063. Sec. 31. Election of Directors, Managers, Trustees or Governing Body on Failure to Elect on Regular Day; Election Ordered by Chancellor; Contested Elections; Hearing before Chancellor; Service:—If the election for directors, managers, trustees, or governing body of any corporation shall not be held on the day designated by the by-laws, the directors, or in the case of a corporation without capital stock, the directors, managers, trustees or governing body, shall cause the election to be held as soon thereafter as conveniently may be; no failure to elect directors, or in the case of a corporation without capital stock, directors, managers, trustees or governing body, at the designated time shall work any forfeiture or dissolution of the corporation, but the Chancellor may summarily order an election to be held upon the application of any stockholder, or in the case of a corporation without capital stock, any member of the corporation, and at such election the shares of stock, or in the case of a corporation without capital stock, the members, represented at said meeting, either in person or by proxy, shall constitute a quorum for the purpose of such meeting, notwithstanding any provision of the by-laws of the corporation to the contrary.

"Upon the application by any stockholder, or in the case of a corporation without capital stock, any member of the corporation, the Chancellor shall have power to hear and determine the validity of any election of any director, manager, trustee, member of the governing body, or officer of any corporation organized under this Chapter and the right of any person to hold such

provided in the Certificate of Incorporation. The first meeting for the election of directors at which meeting any business may be transacted shall be held at any place either within or without this State fixed by a majority of the incorporators in a writing signed by them, and thereafter the said directors shall be elected at the time and place within or without this State named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held. A notice of any change shall be given to each stockholder twenty days before the election is held, in person or by letter mailed to his last known postoffice address. The by-laws may state the city, town or village in which meetings of stockholders for the election of directors, after the first meeting, may be held and authorize the Board of Directors to fix the place within such city, town or village for the holding of such meeting, provided that at least ten days' notice be given to the stockholders of the place so fixed.

"Vacancies and newly created directorships resulting from any increase in the authorized number of directors, may be filled by a majority of the directors then in office, though less than a quorum, unless it is otherwise provided in the Certificate of Incorporation or the by-laws and the directors so chosen shall hold office until the next annual election and until their successors shall be duly elected and qualified, unless sooner displaced; provided, however, that if the directors then in office shall constitute less than a majority of the whole Board (as constituted immediately prior to any such increase), upon application of any stockholder or stockholders holding at least ten per cent. (10%) of the total number of shares of the capital stock of the corporation at the time outstanding having the right to vote for directors, the Chancellor may in his discretion, summarily order an election to be held to fill any such vacancy or vacancies or newly created directorships, or to replace the director or directors chosen by the directors then in office as aforesaid, which election shall be governed by the provisions of Section 31 of this Chapter in so far as such provisions are applicable. The person or persons elected pursuant to said order shall serve as a director or as directors until the next annual meeting of stockholders and until their successors shall have been duly elected and qualified, and shall displace any person or persons who may

therefore have been appointed by the directors then in office as aforesaid. The authority to fill newly created directorships granted to the directors by the foregoing amendment shall not be construed to validate any action taken by Directors, prior to the effective date of this Act, in filling such newly created directorship."

Section 5. That Section 31 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2063 thereof as amended, be and the same hereby is further amended by striking out all of said Section 31, as amended, and inserting in lieu thereof the following:

"2063. Sec. 31. Election of Directors, Managers, Trustees or Governing Body on Failure to Elect on Regular Day; Election Ordered by Chancellor; Contested Elections; Hearing before Chancellor; Service:—If the election for directors, managers, trustees, or governing body of any corporation shall not be held on the day designated by the by-laws, the directors, or in the case of a corporation without capital stock, the directors, managers, trustees or governing body, shall cause the election to be held as soon thereafter as conveniently may be; no failure to elect directors, or in the case of a corporation without capital stock, directors, managers, trustees or governing body, at the designated time shall work any forfeiture or dissolution of the corporation, but the Chancellor may summarily order an election to be held upon the application of any stockholder, or in the case of a corporation without capital stock, any member of the corporation, and at such election the shares of stock, or in the case of a corporation without capital stock, the members, represented at said meeting, either in person or by proxy, shall constitute a quorum for the purpose of such meeting, notwithstanding any provision of the by-laws of the corporation to the contrary.

"Upon the application by any stockholder, or in the case of a corporation without capital stock, any member of the corporation, the Chancellor shall have power to hear and determine the validity of any election of any director, manager, trustee, member of the governing body, or officer of any corporation organized under this Chapter and the right of any person to hold such

office, and in case any such office is claimed by more than one person may determine the person entitled thereto; and to that end make such order or decree in any such case as may be just and proper, with power to enforce the production of any books, papers and records of the corporation relating to the issue; and in case it should be determined that no valid election of the corporation has been held, the Chancellor shall have power to order an election to be held in accordance with the provisions of the first paragraph of this Section. In any such application service of copies of such petition upon the corporate resident agent of the corporation shall be deemed to be service upon the corporation and upon the person whose title to office is contested and upon the person, if any, claiming such office; and it shall be the duty of such resident agent to forward immediately a copy of said petition so delivered to him, or it, to the corporation and to the person whose title to office is contested and to the person, if any, claiming such office, in a postpaid, sealed, registered letter addressed to such corporation or such person at his or its last known post-office address; and the Chancellor may make such further or other order respecting notice of such application as he may deem proper under the circumstances.

"Whenever, by reason of an equally divided vote of the stockholders, there shall be a failure to elect directors, and such failure for such reason shall exist at two successive annual elections, or in the event there shall be a failure to elect directors by reason of an equally divided vote at an election held in accordance with the provision of the first paragraph of this section, the Chancellor, on application of any stockholder, may, in his discretion, appoint one or more persons to be receivers of and for such corporation, with all the powers and title of a receiver appointed under Section 41 of Chapter 117 and, in addition thereto, the power to continue the corporate business until otherwise ordered by the Chancellor.

"The Chancellor in any proceeding instituted under this Section shall have power to determine the right and power of persons claiming to own stock, or in the case of a corporation without capital stock of the persons claiming to be members, to vote at any meeting of the stockholders, or in the case of a corporation without capital stock, the members, authorized by or referred to in this Section.

"The Chancellor shall have the power to appoint a Master to hold any election provided for in this Section under such orders and powers as he shall deem proper; and he shall also have power to punish any officer or director for contempt, in case of disobedience of any order made by the Chancellor and may, in case of disobedience by any such corporation of any order made by the Chancellor, in his discretion, enter a decree against such corporation for a penalty in a sum not exceeding the sum of Five Thousand Dollars (\$5,000.00)."

Section 6. That Section 39 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2071 thereof, as amended, be and the same hereby is further amended by inserting the words "directors or" after the words "no meeting of" and before the word "stockholders," in the second paragraph thereof.

Section 7. That Section 61 of Chapter 65 of the Revised Code of Delaware of 1935, being Section 2093 thereof, as amended, be and the same hereby is further amended by striking out all of the first paragraph of said Section 61 and by inserting in lieu thereof the following:

"The corporation resulting from or surviving any consolidation or merger as aforesaid shall within ten days after the date on which the agreement of consolidation or merger has been filed and recorded, as aforesaid, notify each stockholder in any corporation of this State consolidating or merging as aforesaid, who objected thereto in writing and whose shares were not voted in favor of such consolidation or merger, and who filed such written objection with the corporation before the taking of the vote on such consolidation or merger, that said agreement has been filed and recorded, by registered mail, return receipt requested, addressed to said stockholder at his last known address as appears on the books of the corporation and if any such stockholders shall within twenty days after the date of mailing of said notice demand in writing, from the corporation resulting from or surviving such consolidation or merger, payment for his stock, such resulting or surviving corporation shall, within thirty days after the expiration of said period of twenty days, pay to him the value of his stock on the date of the record-

ing of said agreement of consolidation or merger, exclusive of any element of value arising from the expectation or accomplishment of such consolidation or merger. If during said period of thirty days the corporation and any such stockholder fail to agree as to the value of such stock, any such stockholder, or the corporation resulting from or surviving such consolidation or merger, may by petition filed in the Court of Chancery within four months after the expiration of said period of thirty days demand a determination of the value of the stock of all such stockholders by an appraiser to be appointed by the Court."

by striking out all of the fourth paragraph of said Section 61, as amended, and by inserting in lieu thereof the following:

"The appraiser shall determine the value of the stock of the stockholders adjudged by the Chancellor to be entitled to payment therefor and shall file his report respecting such value in the office of the Register in Chancery and notice of the filing of such report shall be given by the Register in Chancery to the parties in interest. Such report shall be subject to exceptions to be heard before the Court both upon the law and facts. The Court shall by its decree determine the value of the stock of the stockholders entitled to payment therefor and shall direct the payment of such value, together with interest, if any, as hereinafter provided, to the stockholders entitled thereto by the resulting or surviving corporation upon the transfer to it of the certificates representing such stock, which decree may be enforced as other decrees in the Court of Chancery may be enforced, whether such resulting or surviving corporation be a corporation of this State or of any other State of the United States of America. The shares of the surviving or resulting corporation into which the shares of such dissenting stockholders would have been converted had they assented to the consolidation or merger shall have the status of authorized and unissued shares of the surviving or resulting corporation, as the case may be."

and by striking out all of the fifth paragraph of said Section 61, as amended, and by inserting in lieu thereof the following:

"The cost of any such appraisal, including a reasonable fee to and the reasonable expenses of the appraiser, but exclusive

of fees of counsel or of experts retained by any party, may on application of any party in interest be determined by the Court and taxed upon the parties to such appraisal or any of them as may appear to be equitable, except that the cost of giving the notice by publication and by registered mail hereinabove provided for shall be paid by the corporation. The Court may, on application of any party in interest, determine the amount of interest, if any, to be paid upon the value of the stock of the stockholders entitled thereto."

Approved May 23, 1949.

CHAPTER 137

STATE ATHLETIC COMMISSION

RELATING TO PARTICIPANTS IN BOXING, SPARRING OR
WRESTLING MATCHES OR EXHIBITIONS

AN ACT TO AMEND CHAPTER 164 OF THE REVISED CODE OF DELAWARE, 1935, BY REPEALING ALL OF 5522 SEC. 12 THEREOF AND SUBSTITUTING AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS 5522 SEC. 12, RELATING TO PARTICIPANTS IN BOXING, SPARRING OR WRESTLING MATCHES OR EXHIBITIONS.

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

Section 1. That Chapter 164 of the Revised Code of Delaware, 1935, is hereby amended, by striking out and repealing all of 5522 Sec. 12. and by substituting and enacting in lieu thereof a new section to be known as Section 5522 Sec. 12.

5522. Sec. 12. Age of Participants and Spectators:—No person under the age of eighteen years shall participate in any professional boxing, sparring, or wrestling match, or exhibition; and no person under the age of sixteen years shall participate in any amateur boxing, sparring or wrestling match or exhibition; and no children under sixteen years of age shall be permitted to attend as spectators unless accompanied by their parents or guardians.

Approved May 23, 1949.

CHAPTER 138

MOTOR VEHICLES

RELATING TO SPEED REGULATIONS

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO MOTOR VEHICLES BY PROVIDING SPEED REGULATIONS.

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 249, Volume 43, Laws of Delaware, and by Chapter 291 of Volume 45, Laws of Delaware, be and the same is hereby further amended by adding to (B) 1— and after 4 a new paragraph to be known as 5, the following words:

5. Twenty miles per hour in all school zones; and to erect signs lettered "School Zone—20 Miles Limit."

Approved May 23, 1949.

CHAPTER 139

FAMILY COURT OF NEW CASTLE COUNTY

RELATING TO BAIL OR SURETY FOR A CHILD'S APPEARANCE
IN COURT

AN ACT TO AMEND CHAPTER 241, VOLUME 45, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 213, VOLUME 46, LAWS OF DELAWARE, BY ADDING A NEW PARAGRAPH TO SECTION 14 OF SAID ACT RELATING TO BAIL OR SURETY FOR A CHILD'S APPEARANCE AT THE FAMILY COURT FOR NEW CASTLE COUNTY WHEN ARRESTED AT ANY TIME INCLUDING A HOLIDAY, SATURDAY OR SUNDAY.

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

Section 1. That Section 14 of Chapter 241, Volume 45, Laws of Delaware, as amended by Chapter 213, Volume 46, Laws of Delaware, be and the same is hereby further amended by adding a new paragraph to Section 14 as follows:

When any child under the age of eighteen years has been arrested at any time, including a holiday, Saturday or Sunday, he or she shall have the right to give bond or other surety for his or her appearance at the next session of said Family Court. The Clerk of the Family Court, any Justice of the Peace, the Clerk of the Municipal Court or House Sergeant on duty at the Police Station in the City of Wilmington, is hereby authorized to accept said bail or surety for his or her appearance in said Family Court.

Approved May 23, 1949.

CHAPTER 140

SUSSEX COUNTY LEVY COURT

APPROPRIATION

AN ACT AUTHORIZING AND DIRECTING THE LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE MONEY TO THE DELMAR FIRE DEPARTMENT, INC., 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 shall, and is hereby authorized and directed to, appropriate the sum of Five Hundred Dollars (\$500.00) annually towards the maintenance of the ambulance furnished by the Delmar Fire Department, Inc., at Delmar, for the benefit of residents of Sussex County.

Section 2. The said sum of Five Hundred Dollars (\$500.00) shall be paid by the said Levy Court of Sussex County to the said Delmar Fire Department, Inc., on the first day of May of each year, beginning on the first day of May, A. D. 1949.

Approved May 23, 1949.

CHAPTER 141

FISH, OYSTERS AND GAME

ROCKFISH

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, WITH REFERENCE TO THE TAKING, POSSESSION AND SALE OF ROCKFISH.

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, as amended, be and the same is hereby further amended by adding immediately after 3041. Sec. 240. of said Chapter a new section to be designated as 3041A. Sec. 240A. as follows:

3041A. Sec. 240A. **TAKING AND POSSESSION OF ROCKFISH; SALE OR TRANSPORTATION OF ROCKFISH; PENALTIES:**—No person, firm or corporation shall take, catch, kill or have in possession at any time any striped bass measuring less than 12 inches in length, measured from the tip of snout to fork of tail.

No person, firm or corporation shall sell, possess for sale or offer for sale, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport or cause to be transported, carry or cause to be carried by any means whatever for the purpose of sale, or barter, the carcass or any portion thereof of any rockfish or striped bass less than 12 inches in length, measured from tip of snout to fork of tail; provided, however, that this act shall not apply to striped bass or rockfish, packed and in transportation in unbroken packages and coming from any other state or country, but such packages shall be clearly marked by stencil, tag, or otherwise, showing the true origin of the shipment and its destination beyond the limits of the State of Delaware.

Any person, firm or corporation violating the provisions of Paragraphs 1 and 2 of this section shall be liable to a fine of ten dollars (\$10.00) for each fish so unlawfully taken, caught, killed, possessed or sold, and upon failure to pay the penalty so imposed, be committed to the jail of the county in which the conviction was secured, for a period not exceeding thirty (30) days or until the costs and fine are paid.

Approved May 23, 1949.

CHAPTER 142

RELATING TO OFFENSES AGAINST PRIVATE PROPERTY

**AN ACT TO FURTHER AMEND CHAPTER 150 OF THE
REVISED CODE OF DELAWARE, 1935, AS AMENDED,
RELATING TO OFFENSES AGAINST PRIVATE
PROPERTY BY CHANGING THE PENALTY WITH
RESPECT TO THE CRIME OF BURGLARY.**

*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, as amended, be and the same is hereby further amended by striking out and repealing all of 5187. Section 7. thereof and inserting and enacting in lieu thereof the following:

"5187. Sec. 7. Burglary; Penalty:—Whoever shall, in the night time, break and enter into the dwelling-house of another person with intent to commit murder or rape, whether such intent be executed or not, shall be deemed guilty of burglary and felony, and shall be fined not less than Five Hundred Dollars (\$500.00), and shall be imprisoned for not less than three (3) years or more than twenty-five (25) years, and shall be whipped with not less than ten (10) lashes nor more than forty (40) lashes."

Approved May 23, 1949.

CHAPTER 143

NEW CASTLE COUNTY LEVY COURT

SATURDAY A HOLIDAY FOR ELECTED AND APPOINTED
OFFICIALS

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY MAKING THE DAY OF THE WEEK KNOWN AS SATURDAY A HOLIDAY FOR ALL ELECTED AND APPOINTED OFFICIALS OF THE LEVY COURT OF NEW CASTLE COUNTY, ITS AGENCIES AND THE EMPLOYEES OF SAID OFFICIALS AND AGENCIES AND FOR THE ELECTED AND APPOINTED OFFICIALS OF THE MAYOR AND COUNCIL OF WILMINGTON AND ITS CLERKS AND EMPLOYEES (EXCEPT THE MEMBERS OF THE DEPARTMENT OF PUBLIC SAFETY AND FIREMEN).

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, as amended, be and the same is hereby further amended by adding at the end of 3321. Sec. 197. thereof a new paragraph as follows:

The day of the week known as Saturday shall be a legal holiday for all elective and appointed officials, deputies, clerks, bailiffs, and other employees of New Castle County, including all officials and employees of the Levy Court of New Castle County and for all elective officials of the City of Wilmington and for all appointed officers and employees of "The Mayor and Council of Wilmington" (except members of the Department of Public Safety and Firemen).

Approved May 23, 1949.

CHAPTER 144

RELATING TO JUVENILE DELINQUENTS

AN ACT TO AMEND CHAPTER 116 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO JUVENILE DELINQUENTS AND PROBATION BY PROVIDING THAT IN CASES WHERE CORPORAL PUNISHMENT IS MANDATORY THE COURT SHALL HAVE THE AUTHORITY UNDER CERTAIN CIRCUMSTANCES TO OMIT CORPORAL PUNISHMENT OR REDUCE THE AMOUNT TO BE INFLICTED.

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

Section 1. That Chapter 116 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 4322 Section 7 thereof and inserting and enacting in lieu thereof the following:

"4322. Sec. 7. Remission of Corporal Punishment, When:—In all cases of conviction of crime, where corporal punishment by whipping is part of the sentence to be inflicted upon a convict, the Court may, in its discretion, if the prisoner be of tender years, or is charged for the first time, or if other circumstances are shown, deemed by the Court sufficient, omit such corporal punishment from the sentence or reduce the number of lashes to be inflicted."

Approved May 23, 1949.

CHAPTER 145

MOTOR VEHICLES

RELATING TO NEGLIGENT HOMICIDE

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 187, VOLUME 46, LAWS OF DELAWARE, 1947, BY STRIKING OUT AND REPEALING PARAGRAPH (8) OF 5605 SECTION 67 THEREOF, RELATING TO NEGLIGENT HOMICIDE.

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 187, Vol. 46, Laws of Delaware, 1947, be and the same is hereby further amended by striking out and repealing Paragraph (8) of 5605 Section 67 thereof.

Approved May 26, 1949.

CHAPTER 146

MOTOR VEHICLES

RELATING TO CRIME OF NEGLIGENT HOMICIDE BY MOTOR
VEHICLE

**AN ACT TO AMEND CHAPTER 149 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, BY REPEALING
5180a. SEC. 25. THEREOF AS ENACTED BY CHAPTER
186, VOLUME 46, LAWS OF DELAWARE, 1947, RELAT-
ING TO THE CRIME OF NEGLIGENT HOMICIDE BY
MOTOR VEHICLE.**

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

Section 1. That Chapter 149 of the Revised Code of Delaware, 1935, as amended by Chapter 186, Volume 46, Laws of Delaware, 1947, be and the same is hereby further amended by striking out and repealing Paragraph 5180a. Sec. 25. of said Chapter 149.

Approved May 26, 1949.

CHAPTER 147

STATE REVENUE

INCOME TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, (ARTICLE 12 OF SAID CHAPTER) BY PROVIDING FOR A TAX ON INCOMES COMMENCING JANUARY 1, 1949; PROVIDING FOR THE ASCERTAINMENT, ASSESSMENT AND COLLECTION THEREOF; PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS OF THIS ACT; MAKING AN APPROPRIATION TO THE STATE TAX DEPARTMENT FOR ADMINISTRATION EXPENSES IN CONNECTION THEREWITH; AND PROVIDING THAT THE TAX ON NET INCOMES IMPOSED BY SAID CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, SHALL NOT BE LEVIED AND COLLECTED ON INCOMES ACCRUING AFTER DECEMBER 31, 1948.

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

PERSONS TAXABLE

Section 1. As used in this Article, the following words and phrases are defined as follows:

(a) The phrase "Income Tax" means the tax imposed by Section 2 (a) hereof.

(b) The word "Taxable" means:

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

(2) A minor with gross income of One Thousand and Forty Dollars (\$1040.00) or more who is a citizen or resident

of the State of Delaware, or who has been a citizen or resident of the State of Delaware at any time during the income year.

(3) Every trustee of a trust whether created by a resident or non-resident of Delaware, to the extent that the income of the trust is accumulated or distributed during the taxable year to or for the benefit of a resident of the State of Delaware.

(4) Every trustee of a trust created by a resident of Delaware to the extent that the income of the trust is accumulated during the taxable year for residents of Delaware who have contingent interests, or for unascertained persons, or is subject to withdrawal by the creator of such trust.

(5) Every guardian of the property of a person who during the taxable year was a resident of the State of Delaware and every executor or administrator of the estate of a deceased resident of Delaware.

(6) Any officer or employee of the State of Delaware or any political sub-division of Delaware.

(7) Every natural person who is a non-resident of the State of Delaware if, but only to the extent that, such person received income during the taxable year as compensation for personal services currently rendered in the State of Delaware as a regular employee in the conduct of the business of an employer in the State of Delaware and/or to the extent that such person derived net profits from a profession, vocation, business, trade or commerce regularly conducted in the State of Delaware.

DEFINITIONS

(c) The words "Income Year" mean the calendar year or the fiscal year on the basis of which the income is computed under this Article.

(d) The term "Gross Income" shall include:

(1) The aggregate of all amounts received, accrued, paid to or credited subject to withdrawal as compensation for per-

sonal services, dividends, interest, profits derived from professions, vocations, business, trade, commerce and rentals and including profits in an unincorporated association of persons, syndicate, joint venture or co-partnership whether such profits have been divided or otherwise.

(2) Any income from salaries, wages, fees or pensions received from the United States, or from any corporation, stock of which is owned or controlled by the government of the United States or any department, bureau or agency thereof.

(3) Dividends and interest derived from maturity or cancellation of shares in Building and Loan Associations, and endowment contracts.

(4) Amounts recovered during the income year from bad debts that have been deducted from income in any return of income to this State.

(e) The word "Dividends" means any distribution made by a corporation, joint stock company or association out of its earnings or profits paid to or subject to withdrawal by its shareholders during the income year, whether in cash or property, but does not mean a distribution of earnings or profits accrued prior to January 1, 1920, or a distribution of capital stock of the corporation, joint stock company or association making the distribution. Every distribution shall be deemed to be made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits.

(f) Gross income shall be accounted "actually received into possession" when cash, check, scrip certificate or other evidence of ownership has been received by the owner or by his agent, or representative or by a fiduciary.

Gross income shall be accounted "credited subject to withdrawal" when the taxable credited, or his agent, representative or fiduciary has the right or option to make withdrawal.

(g) (1) "Capital assets" means property held by the taxable whether or not connected with his trade or business, but

does not include stock in trade of the taxable or other property of a kind which would properly be included in the inventory of the taxable, if on hand at the close of the taxable year, or property held by the taxable primarily for sale to customers in the ordinary course of his trade or business.

(2) For the purposes of this Act, stock in trade shall not include stocks, bonds, or other securities.

(h) (1) The term "Withholding Agent" means and includes any individual, receiver, trustee, guardian, executor or administrator, institution, bank, firm, partnership, society, club, fraternity, sorority, lodge, corporation, municipal corporation, or any other political subdivision of the State making payment of salaries, wages, pensions, fees, commissions and other compensation of whatever kind and in whatever form paid or credited to any taxable for personal services provided that such personal services were rendered as a regular employee in the conduct of the business of an employer in the State of Delaware.

(2) The term "Compensation for Personal Services" means all remuneration for services performed by an employee including the fair market value of all remuneration paid in any medium other than cash and shall include salaries, wages, bonuses, pensions, fees and commissions.

Section 2. (a) For taxable years beginning after December 31, 1948 and ending December 31, 1950 there shall be levied, assessed, collected and paid by every taxable, in lieu of the tax imposed by Section 111 (a) of Article 12, Chapter 6, Revised Code of Delaware, 1935, as amended, a tax on the gross income received, accrued or credited subject to withdrawal by such taxable in such calendar year, subject to the exemptions, credits and deductions provided for in Section 3 and Section 4, to be computed as follows:

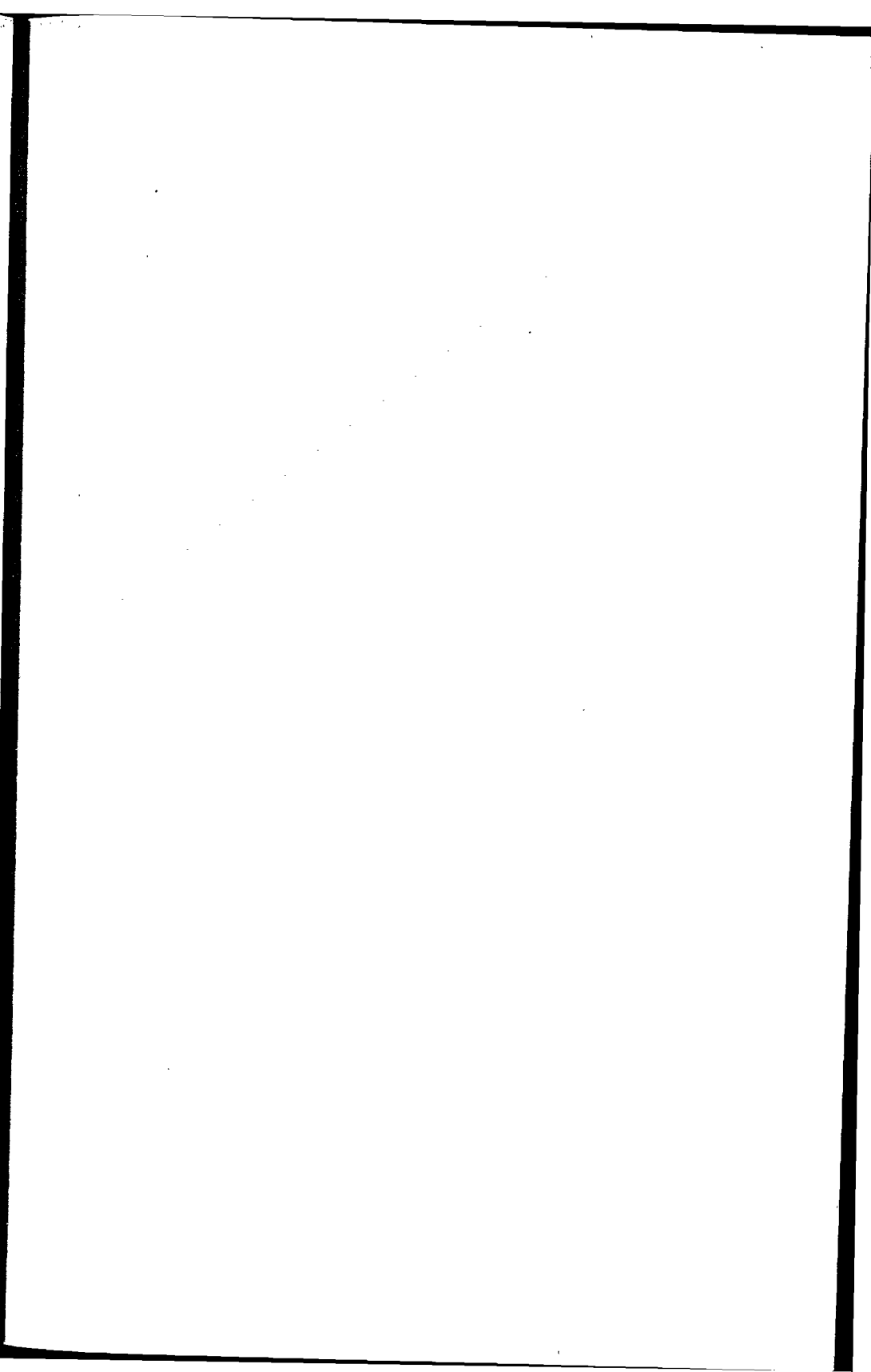
One and a quarter per centum ($1\frac{1}{4}\%$) of the amount of gross income not in excess of Three Thousand Dollars (\$3,000.00); two and a quarter per centum ($2\frac{1}{4}\%$) of the amount of gross income in excess of Three Thousand Dollars (\$3,000.00) but not in excess of Ten Thousand Dollars

(\$10,000.00); three and a quarter per centum ($3\frac{1}{4}\%$) of the amount of gross income in excess of Ten Thousand Dollars (\$10,000.00) but not in excess of Twenty Thousand Dollars (\$20,000.00); four and a quarter per centum ($4\frac{1}{4}\%$) of the amount of gross income in excess of Twenty Thousand Dollars (\$20,000.00) but not in excess of Thirty Thousand Dollars (\$30,000.00); five and a quarter per centum ($5\frac{1}{4}\%$) of the amount of gross income in excess of Thirty Thousand Dollars (\$30,000.00) but not in excess of Fifty Thousand Dollars (\$50,000.00); and six and a quarter per centum ($6\frac{1}{4}\%$) of the amount of gross income in excess of Fifty Thousand Dollars (\$50,000.00).

(b) For the quarterly period beginning July 1, 1949 and ending December 31, 1950 and each quarterly period thereafter, every withholding agent shall deduct, withhold and pay over to the State Tax Department on or before the last day of the month following the close of each quarterly period a tax computed according to the rates set out in sub-section (a) of this section on the compensation paid within each quarter for personal services of any taxable in excess of the exemptions and credits. For withholding purposes, every taxable shall be entitled to a personal exemption of Twenty Dollars (\$20.00) per week plus a credit of Ten Dollars (\$10.00) per week for each dependent as defined in Section 3 (b) (2) of this Law. The taxes shall be withheld on the basis of each payroll period, that is, weekly, bi-weekly, semi-monthly or monthly, but if, in any case, there is no regularly specified payroll period, then such tax shall be withheld on a per diem basis. Every taxable from whose compensation a tax is to be withheld under this sub-section shall file with the Withholding Agent on or before June 1, 1949, or if employed subsequent to June 1, 1949 at the time of employment, a signed exemption certificate on the form to be provided by the State Tax Department for that purpose indicating the number of exemptions and credits to which he is entitled under this Act. The tax so withheld and paid by the Withholding Agent to the State Tax Department shall constitute payments on account of the tax imposed by sub-section (a) of this section and shall be allowed as a credit against the total tax on the return of the taxable from whose compensation such tax was withheld. Any amount withheld which is in excess of the total

amount of tax, interest and penalties due under this Act shall be refunded to the taxable in the manner provided in 159 Section 125, Revised Code of Delaware, 1935, as amended. Quarterly withholding returns shall be filed on the forms prescribed by the State Tax Department for that purpose and shall be accompanied by a remittance of the Withholding Agent in payment of the amount of tax withheld during each quarterly period.

Section 2. (b) (1). At the election of the Withholding Agent with respect to any taxable, the Withholding Agent shall deduct and withhold from the compensation paid to such taxable, in lieu of the taxes required to be paid and withheld under sub-section (b) of this Section, a tax to be determined in accordance with the following tables:



WEEKLY WITHHOLDING TABLE

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY--

AND THE WAGES ARE-- AND THE NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED IS--

	0	1	2	3	4	5	6	7	8	9	10
AT BUT LESS LEAST THAN	THE AMOUNT OF TAX TO BE WITHHELD SHALL BE--										
\$ 0	1 1/2 % of Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
10	\$.10	\$.01	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
11	\$.11	\$.02	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
12	\$.12	\$.03	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
13	\$.13	\$.04	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
14	\$.14	\$.05	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
15	\$.15	\$.06	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
16	\$.16	\$.07	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
17	\$.17	\$.08	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
18	\$.18	\$.09	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
19	\$.19	\$.10	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
20	\$.20	\$.11	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
21	\$.21	\$.12	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
22	\$.22	\$.13	\$.01	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
23	\$.23	\$.14	\$.02	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
24	\$.24	\$.15	\$.03	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
25	\$.25	\$.16	\$.04	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
26	\$.26	\$.17	\$.05	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
27	\$.27	\$.18	\$.06	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
28	\$.28	\$.19	\$.07	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
29	\$.29	\$.20	\$.08	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
30	\$.30	\$.21	\$.09	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
31	\$.31	\$.22	\$.10	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
32	\$.32	\$.23	\$.11	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
33	\$.33	\$.24	\$.12	\$.01	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
34	\$.34	\$.25	\$.13	\$.02	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
35	\$.35	\$.26	\$.14	\$.03	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
36	\$.36	\$.27	\$.15	\$.04	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
37	\$.37	\$.28	\$.16	\$.05	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
38	\$.38	\$.29	\$.17	\$.06	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
39	\$.39	\$.30	\$.18	\$.07	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
40	\$.40	\$.31	\$.19	\$.08	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
41	\$.41	\$.32	\$.20	\$.09	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
42	\$.42	\$.33	\$.21	\$.10	\$.01	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
43	\$.43	\$.34	\$.22	\$.11	\$.02	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
44	\$.44	\$.35	\$.23	\$.12	\$.03	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
45	\$.45	\$.36	\$.24	\$.13	\$.04	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
46	\$.46	\$.37	\$.25	\$.14	\$.05	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
47	\$.47	\$.38	\$.26	\$.15	\$.06	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
48	\$.48	\$.39	\$.27	\$.16	\$.07	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
49	\$.49	\$.40	\$.28	\$.17	\$.08	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
50	\$.50	\$.41	\$.29	\$.18	\$.09	\$.01	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
51	\$.51	\$.42	\$.30	\$.19	\$.10	\$.02	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
52	\$.52	\$.43	\$.31	\$.20	\$.11	\$.03	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
53	\$.53	\$.44	\$.32	\$.21	\$.12	\$.04	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
54	\$.54	\$.45	\$.33	\$.22	\$.13	\$.05	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
55	\$.55	\$.46	\$.34	\$.23	\$.14	\$.06	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
56	\$.56	\$.47	\$.35	\$.24	\$.15	\$.07	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
57	\$.57	\$.48	\$.36	\$.25	\$.16	\$.08	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
58	\$.58	\$.49	\$.37	\$.26	\$.17	\$.09	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
59	\$.59	\$.50	\$.38	\$.27	\$.18	\$.10	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
60	\$.60	\$.51	\$.39	\$.28	\$.19	\$.11	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
61	\$.61	\$.52	\$.40	\$.29	\$.20	\$.12	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
62	\$.62	\$.53	\$.41	\$.30	\$.21	\$.13	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
63	\$.63	\$.54	\$.42	\$.31	\$.22	\$.14	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
64	\$.64	\$.55	\$.43	\$.32	\$.23	\$.15	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
65	\$.65	\$.56	\$.44	\$.33	\$.24	\$.16	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
66	\$.66	\$.57	\$.45	\$.34	\$.25	\$.17	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
67	\$.67	\$.58	\$.46	\$.35	\$.26	\$.18	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
68	\$.68	\$.59	\$.47	\$.36	\$.27	\$.19	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
69	\$.69	\$.60	\$.48	\$.37	\$.28	\$.20	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
70	\$.70	\$.61	\$.49	\$.38	\$.29	\$.21	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
71	\$.71	\$.62	\$.50	\$.39	\$.30	\$.22	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
72	\$.72	\$.63	\$.51	\$.40	\$.31	\$.23	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
73	\$.73	\$.64	\$.52	\$.41	\$.32	\$.24	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
74	\$.74	\$.65	\$.53	\$.42	\$.33	\$.25	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
75	\$.75	\$.66	\$.54	\$.43	\$.34	\$.26	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
76	\$.76	\$.67	\$.55	\$.44	\$.35	\$.27	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
77	\$.77	\$.68	\$.56	\$.45	\$.36	\$.28	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
78	\$.78	\$.69	\$.57	\$.46	\$.37	\$.29	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
79	\$.79	\$.70	\$.58	\$.47	\$.38	\$.30	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
80	\$.80	\$.71	\$.59	\$.48	\$.39	\$.31	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
81	\$.81	\$.72	\$.60	\$.49	\$.40	\$.32	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
82	\$.82	\$.73	\$.61	\$.50	\$.41	\$.33	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
83	\$.83	\$.74	\$.62	\$.51	\$.42	\$.34	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
84	\$.84	\$.75	\$.63	\$.52	\$.43	\$.35	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
85	\$.85	\$.76	\$.64	\$.53	\$.44	\$.36	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
86	\$.86	\$.77	\$.65	\$.54	\$.45	\$.37	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
87	\$.87	\$.78	\$.66	\$.55	\$.46	\$.38	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
88	\$.88	\$.79	\$.67	\$.56	\$.47	\$.39	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
89	\$.89	\$.80	\$.68	\$.57	\$.48	\$.40	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
90	\$.90	\$.81	\$.69	\$.58	\$.49	\$.41	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
91	\$.91	\$.82	\$.70	\$.59	\$.50	\$.42	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
92	\$.92	\$.83	\$.71	\$.60	\$.51	\$.43	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
93	\$.93	\$.84	\$.72	\$.61	\$.52	\$.44	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
94	\$.94	\$.85	\$.73	\$.62	\$.53	\$.45	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
95	\$.95	\$.86	\$.74	\$.63	\$.54	\$.46	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
96	\$.96	\$.87	\$.75	\$.64	\$.55	\$.47	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
97	\$.97	\$.88	\$.76	\$.65	\$.56	\$.48	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
98	\$.98	\$.89	\$.77	\$.66	\$.57	\$.49	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
99	\$.99	\$.90	\$.78	\$.67	\$.58	\$.50	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
100	\$ 1.00	\$.91	\$.79	\$.68	\$.59	\$.51	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

[illegible]

For weekly wages of \$200.00 or more withholding shall be made on the basis of a separate calculation for each employee. For example, \$200.00 per week—\$10,400.00 per annum

Deduct allowable exemption and/or credit on the basis of withholding exemption certificate

Tax to be withheld on	\$ 9,880.00
@ 14 %	\$ 3,000.00
@ 24 %	\$ 6,880.00

Total tax for calendar year.....	\$192.30
Tax to be withheld weekly.....	\$ 3.70

Total tax for calendar year.
Tax to be withheld weekly

BI-WEEKLY WITHHOLDING TABLE
IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BI-WEEKLY--

AND THE WAGES ARE--		AND THE NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED IS--										
		0	1	2	3	4	5	6	7	8	9	10
AT BUT LESS LEAST THAN		THE AMOUNT OF TAX TO BE WITHHELD SHALL BE--										
\$ 0	\$ 20	1 1/4 % of Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
20	22	.26	.01	0	0	0	0	0	0	0	0	0
22	24	.29	.04	0	0	0	0	0	0	0	0	0
24	26	.31	.06	0	0	0	0	0	0	0	0	0
26	28	.34	.09	0	0	0	0	0	0	0	0	0
28	30	.36	.11	0	0	0	0	0	0	0	0	0
30	32	.39	.14	0	0	0	0	0	0	0	0	0
32	34	.41	.16	0	0	0	0	0	0	0	0	0
34	36	.44	.19	0	0	0	0	0	0	0	0	0
36	38	.46	.21	0	0	0	0	0	0	0	0	0
38	40	.49	.24	0	0	0	0	0	0	0	0	0
40	42	.51	.26	.01	0	0	0	0	0	0	0	0
42	44	.54	.29	.04	0	0	0	0	0	0	0	0
44	46	.56	.31	.06	0	0	0	0	0	0	0	0
46	48	.59	.34	.09	0	0	0	0	0	0	0	0
48	50	.61	.36	.11	0	0	0	0	0	0	0	0
50	52	.64	.39	.14	0	0	0	0	0	0	0	0
52	54	.66	.41	.16	0	0	0	0	0	0	0	0
54	56	.69	.44	.19	0	0	0	0	0	0	0	0
56	58	.71	.46	.21	0	0	0	0	0	0	0	0
58	60	.74	.49	.24	0	0	0	0	0	0	0	0
60	62	.76	.51	.26	.01	0	0	0	0	0	0	0
62	64	.79	.54	.29	.04	0	0	0	0	0	0	0
64	66	.81	.56	.31	.06	0	0	0	0	0	0	0
66	68	.84	.59	.34	.09	0	0	0	0	0	0	0
68	70	.86	.61	.36	.11	0	0	0	0	0	0	0
70	72	.89	.64	.39	.14	0	0	0	0	0	0	0
72	74	.91	.66	.41	.16	0	0	0	0	0	0	0
74	76	.94	.69	.44	.19	0	0	0	0	0	0	0
76	78	.96	.71	.46	.21	0	0	0	0	0	0	0
78	80	.99	.74	.49	.24	0	0	0	0	0	0	0
80	82	1.01	.76	.51	.26	.01	0	0	0	0	0	0
82	84	1.04	.79	.54	.29	.04	0	0	0	0	0	0
84	86	1.06	.81	.56	.31	.06	0	0	0	0	0	0
86	88	1.09	.84	.59	.34	.09	0	0	0	0	0	0
88	90	1.11	.86	.61	.36	.11	0	0	0	0	0	0
90	92	1.14	.89	.64	.39	.14	0	0	0	0	0	0
92	94	1.16	.91	.66	.41	.16	0	0	0	0	0	0
94	96	1.19	.94	.69	.44	.19	0	0	0	0	0	0
96	98	1.21	.96	.71	.46	.21	0	0	0	0	0	0
98	100	1.24	.99	.74	.49	.24	0	0	0	0	0	0

[illegible]

For bi-weekly wages of \$400.00 or more withholding shall be made on the basis of a separate calculation for each employee. For example, \$400.00 bi-weekly—\$10,400.00 per annum

Deduct allowable exemption and/or credit on the basis of	520.00
withholding exemption certificate	

Tax to be withheld on	\$ 9,880.00
@1½ %	\$ 3,000.00
@2¼ %	\$ 6,880.00
	<hr/>
Total tax for calendar year	\$192.30
Tax to be withheld bi-weekly	\$ 7.40

SEMI-MONTHLY WITHHOLDING TABLE

AND THE WAGES AND THE NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED IS—												
AT BUT LESS THAN		0	1	2	3	4	5	6	7	8	9	10
THE AMOUNT OF TAX TO BE WITHHELD SHALL BE—												
\$ 0	\$ 21	1% of Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
21	23	.28	0	0	0	0	0	0	0	0	0	0
23	25	.30	.03	0	0	0	0	0	0	0	0	0
25	27	.33	.05	0	0	0	0	0	0	0	0	0
27	29	.35	.08	0	0	0	0	0	0	0	0	0
29	31	.38	.10	0	0	0	0	0	0	0	0	0
31	33	.40	.13	0	0	0	0	0	0	0	0	0
33	35	.43	.15	0	0	0	0	0	0	0	0	0
35	37	.45	.18	0	0	0	0	0	0	0	0	0
37	39	.48	.20	0	0	0	0	0	0	0	0	0
39	41	.50	.23	0	0	0	0	0	0	0	0	0
41	43	.53	.25	0	0	0	0	0	0	0	0	0
43	45	.55	.28	.01	0	0	0	0	0	0	0	0
45	47	.58	.30	.03	0	0	0	0	0	0	0	0
47	49	.60	.32	.06	0	0	0	0	0	0	0	0
49	51	.63	.35	.08	0	0	0	0	0	0	0	0
51	53	.65	.38	.11	0	0	0	0	0	0	0	0
53	55	.68	.40	.13	0	0	0	0	0	0	0	0
55	57	.70	.43	.16	0	0	0	0	0	0	0	0
57	59	.72	.45	.18	0	0	0	0	0	0	0	0
59	61	.75	.48	.21	0	0	0	0	0	0	0	0
61	63	.78	.50	.23	0	0	0	0	0	0	0	0
63	65	.80	.53	.26	0	0	0	0	0	0	0	0
65	67	.83	.55	.28	.01	0	0	0	0	0	0	0
67	69	.85	.58	.31	.04	0	0	0	0	0	0	0
69	71	.88	.60	.33	.06	0	0	0	0	0	0	0
71	73	.90	.63	.36	.09	0	0	0	0	0	0	0
73	75	.93	.65	.38	.11	0	0	0	0	0	0	0
75	77	.96	.68	.41	.14	0	0	0	0	0	0	0
77	79	.98	.70	.43	.16	0	0	0	0	0	0	0
79	81	1.00	.73	.46	.19	0	0	0	0	0	0	0
81	83	1.03	.75	.48	.21	0	0	0	0	0	0	0
83	85	1.06	.78	.51	.24	0	0	0	0	0	0	0
85	87	1.08	.80	.53	.26	0	0	0	0	0	0	0
87	89	1.10	.83	.56	.29	.02	0	0	0	0	0	0
89	91	1.13	.85	.58	.31	.04	0	0	0	0	0	0
91	93	1.15	.88	.61	.34	.07	0	0	0	0	0	0
93	95	1.18	.90	.63	.36	.09	0	0	0	0	0	0
95	97	1.20	.93	.66	.39	.12	0	0	0	0	0	0
97	99	1.23	.95	.68	.41	.14	0	0	0	0	0	0
99	101	1.25	.98	.71	.44	.17	0	0	0	0	0	0
101	103	1.28	1.00	.73	.46	.19	0	0	0	0	0	0
103	105	1.30	1.03	.76	.49	.22	0	0	0	0	0	0
105	107	1.33	1.05	.78	.51	.24	0	0	0	0	0	0
107	109	1.35	1.08	.81	.54	.27	.02	0	0	0	0	0
109	111	1.38	1.10	.83	.56	.29	.04	0	0	0	0	0

113	113	1.40	.86	.59	.32	.00	.00	.00	.00
114	114	1.13	.86	.59	.32	.00	.00	.00	.00
115	115	1.18	.91	.64	.37	.10	.00	.00	.00
116	116	1.48	.93	.66	.39	.12	.00	.00	.00
117	117	1.20	.93	.66	.39	.12	.00	.00	.00
118	118	1.50	.96	.69	.42	.15	.00	.00	.00
119	119	1.23	.96	.69	.42	.15	.00	.00	.00
120	120	1.27	.96	.69	.42	.15	.00	.00	.00
121	121	1.54	1.00	.73	.45	.18	.00	.00	.00
122	122	1.61	1.05	.78	.50	.23	.00	.00	.00
123	123	1.70	1.10	.83	.55	.28	.00	.00	.00
124	124	1.79	1.15	.88	.60	.33	.00	.00	.00
125	125	1.88	1.20	.93	.65	.38	.00	.00	.00
126	126	1.97	1.25	.98	.70	.43	.00	.00	.00
127	127	2.06	1.30	1.03	.75	.48	.00	.00	.00
128	128	2.15	1.35	1.08	.80	.53	.00	.00	.00
129	129	2.24	1.40	1.13	.85	.58	.04	.00	.00
130	130	2.33	1.45	1.18	.90	.63	.09	.00	.00
131	131	2.42	1.50	1.23	.95	.68	.14	.00	.00
132	132	2.51	1.55	1.28	1.00	.73	.19	.00	.00
133	133	2.60	1.62	1.33	1.05	.78	.24	.00	.00
134	134	2.69	1.71	1.38	1.10	.83	.29	.00	.00
135	135	2.78	1.80	1.43	1.15	.88	.34	.00	.00
136	136	2.87	1.89	1.48	1.20	.93	.39	.00	.00
137	137	2.96	1.98	1.53	1.25	.98	.44	.00	.00
138	138	3.05	2.07	1.58	1.30	1.03	.49	.00	.00
139	139	3.14	2.16	1.63	1.35	.81	.54	.00	.00
140	140	3.23	2.25	1.68	1.40	1.13	.59	.05	.00
141	141	3.39	2.41	1.92	1.49	1.22	.68	.14	.14
201	201	3.99	2.90	2.92	1.86	1.35	.80	.33	.33
211	211	3.61	3.12	2.15	2.37	1.47	.93	.66	.66
221	221	3.84	3.35	2.86	2.11	1.62	1.05	.78	.51
231	231	4.06	3.57	3.09	2.60	1.85	1.18	.91	.91
241	241	4.29	3.80	3.31	2.82	2.07	1.30	1.03	.49
251	251	4.51	4.02	3.54	3.05	2.30	1.43	1.16	.89
261	261	4.74	4.25	3.76	3.27	2.52	1.55	1.28	.74
271	271	4.96	4.47	3.99	3.50	2.75	1.77	1.41	.87
281	281	5.19	4.70	4.21	3.72	2.97	2.00	1.53	.99
291	291	5.42	4.92	4.44	3.95	3.20	2.23	1.78	.99
301	301	5.65	5.15	4.67	4.18	3.43	2.46	2.00	1.35
311	311	5.88	5.38	4.90	4.41	3.66	2.69	2.33	1.85
321	321	6.11	5.59	5.13	4.64	3.89	2.92	2.56	1.43
331	331	6.34	5.82	5.33	4.84	4.12	3.15	2.78	1.81
341	341	6.57	6.05	5.56	5.07	4.35	3.38	2.96	2.36
351	351	6.80	6.28	5.79	5.30	4.58	3.61	3.20	2.71
361	361	7.03	6.51	6.02	5.53	4.81	3.84	3.43	3.02
371	371	7.26	6.74	6.25	5.76	5.04	4.07	3.65	3.27
381	381	7.49	6.97	6.48	5.99	5.27	4.30	3.88	3.50
391	391	7.72	7.19	6.70	6.21	5.50	4.53	4.01	3.73
401	401	7.95	7.42	6.93	6.44	5.73	4.76	4.24	3.96
411	411	8.18	7.65	7.16	6.66	5.96	4.99	4.47	4.19
421	421	8.41	7.88	7.39	6.89	6.19	5.22	4.70	4.42
431	431	8.64	8.11	7.62	7.12	6.42	5.45	4.93	4.65
441	441	8.87	8.34	7.85	7.35	6.65	5.68	5.16	4.88
451	451	9.10	8.57	8.08	7.58	6.88	5.91	5.39	5.11
461	461	9.33	8.80	8.31	7.81	7.11	6.14	5.62	5.34
471	471	9.56	9.03	8.54	8.04	7.34	6.37	5.85	5.57
481	481	9.79	9.26	8.77	8.27	7.57	6.60	6.08	5.80
491	491	10.02	9.49	8.99	8.49	7.80	6.83	6.31	6.03
501	501	10.25	9.72	9.22	8.72	8.03	7.06	6.54	6.26
511	511	10.48	9.95	9.45	8.95	8.26	7.29	6.77	6.49
521	521	10.71	10.18	9.68	9.18	8.49	7.52	7.00	6.72
531	531	10.94	10.41	9.91	9.41	8.72	7.75	7.23	6.95
541	541	11.17	10.64	10.14	9.64	8.95	7.98	7.46	7.18
551	551	11.40	10.87	10.37	9.87	9.18	8.21	7.69	7.41
561	561	11.63	11.10	10.60	10.10	9.41	8.44	7.92	7.64
571	571	11.86	11.33	10.83	10.33	9.64	8.67	8.15	7.87
581	581	12.09	11.56	11.06	10.56	9.87	8.90	8.38	8.10
591	591	12.32	11.79	11.29	10.79	10.10	9.13	8.61	8.33
601	601	12.55	12.02	11.52	10.99	10.33	9.36	8.84	8.56
611	611	12.78	12.25	11.75	11.22	10.56	9.59	9.07	8.79
621	621	13.01	12.48	11.98	11.45	10.79	9.82	9.30	9.02
631	631	13.24	12.71	12.21	11.68	11.02	10.05	9.53	9.25
641	641	13.47	12.94	12.44	11.91	11.25	10.28	9.76	9.48
651	651	13.70	13.17	12.67	12.14	11.48	10.51	9.99	9.71
661	661	13.93	13.40	12.90	12.37	11.71	10.74	10.22	9.94
671	671	14.16	13.63	13.13	12.60	11.94	10.97	10.45	10.17
681	681	14.39	13.86	13.36	12.83	12.17	11.20	10.68	10.40
691	691	14.62	14.09	13.59	13.06	12.40	11.43	10.91	10.63
701	701	14.85	14.32	13.82	13.29	12.63	11.66	11.14	10.86
711	711	15.08	14.55	14.05	13.52	12.86	11.89	11.37	11.09
721	721	15.31	14.78	14.28	13.75	13.09	12.12	11.60	11.32
731	731	15.54	15.01	14.51	13.98	13.32	12.35	11.83	11.55
741	741	15.77	15.24	14.74	14.21	13.55	12.58	12.06	11.78
751	751	16.00	15.47	14.97	14.44	13.78	12.81	12.29	12.01
761	761	16.23	15.70	15.20	14.67	14.01	13.04	12.52	12.24
771	771	16.46	15.93	15.43	14.90	14.24	13.27	12.75	12.47
781	781	16.69	16.16	15.66	15.13	14.47	13.50	12.98	12.70
791	791	16.92	16.39	15.89	15.36	14.70	13.73	13.21	12.93
801	801	17.15	16.62	16.12	15.59	14.93	13.96	13.44	13.16
811	811	17.38	16.85	16.35	15.82	15.16	14.19	13.67	13.39
821	821	17.61	17.08	16.58	16.05	15.39	14.42	13.90	13.62
831	831	17.84	17.31	16.81	16.28	15.62	14.65	14.13	13.85
841	841	18.07	17.54	17.04	16.51	15.85	14.88	14.36	14.08
851	851	18.30	17.77	17.27	16.74	16.08	15.11	14.59	14.31
861	861	18.53	18.00	17.50	16.97	16.31	15.34	14.82	14.54
871	871	18.76	18.23	17.73	17.20	16.54	15.57	15.05	14.77
881	881	18.99	18.46	17.96	17.43	16.77	15.80	15.28	15.00
891	891	19.22	18.69	18.19	17.66	16.99	16.03	15.51	15.23
901	901	19.45	18.92	18.42	17.89	17.22	16.26	15.74	15.46
911	911	19.68	19.15	18.65	18.12	17.45	16.49	15.97	15.69
921	921	19.91	19.38	18.88	18.35	17.68	16.72	16.20	15.92
931	931	20.14	19.61	19.11	18.58	17.91	16.95	16.43	16.15
941	941	20.37	19.84	19.34	18.81	18.14	17.18	16.66	16.38
951	951	20.60	20.07	19.57	19.04	18.37	17.41	16.89	16.61
961	961	20.83	20.30	19.80	19.27	18.60	17.64	17.12	16.84
971	971	21.06	20.53	20.03	19.50	18.83	17.87	17.35	17.07
981	981	21.29	20.76	20.26	19.73	19.06	18.10	17.58	17.30
991	991	21.52	20.99	20.49	19.96	19.29	18.33	17.81	17.53
1001	1001	21.75	21.22	20.72	20.19	19.52	18.56	18.04	17.76

For semi-monthly wages of \$501.00 or more withholding shall be made on the basis of a separate calculation for each employee. For example, \$501.00 semi-monthly—\$12,024.00 per annum

Deduct allowable exemption and/or credit on the basis of

<p> Deduct allowable exemption and/or credit on the basis of withholding exemption certificate </p>	<p> </p>	<p> 520.00 </p>
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Tax to be withheld on	\$11,504.00
@1½%	\$ 3,000.00—\$ 37.50
@2½%	7,000.00—157.50
@3½%	1,504.00—48.88

Total tax for calendar year	\$243.88
Tax to be withheld semi-monthly	\$ 10.16

Total tax for calendar year	\$243.88
Tax to be withheld semi-monthly	\$ 10.16

MONTHLY WITHHOLDING TABLE
IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY—

AND THE WAGES ARE		AND THE NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED IS--													
		0	1	2	3	4	5	6	7	8	9	10			
AT LEAST		THE AMOUNT OF TAX TO BE WITHHELD SHALL BE--													
BUT LESS THAN															
\$	0	\$	43.33	1 1/2 % of Wages	\$	0	\$	0	\$	0	\$	0	\$	0	\$
43.33	43.33	48.00	52.00	.57	.03	0	0	0	0	0	0	0	0	0	0
48.00	52.00	56.00	.63	.08	0	0	0	0	0	0	0	0	0	0	0
52.00	56.00	.68	.13	.09	0	0	0	0	0	0	0	0	0	0	0
56.00	60.00	.73	.18	.10	0	0	0	0	0	0	0	0	0	0	0
60.00	68.00	.83	.28	.12	0	0	0	0	0	0	0	0	0	0	0
64.00	64.00	.88	.33	.13	0	0	0	0	0	0	0	0	0	0	0
68.00	72.00	.88	.38	.14	0	0	0	0	0	0	0	0	0	0	0
72.00	76.00	.93	.43	.15	0	0	0	0	0	0	0	0	0	0	0
76.00	80.00	.98	.48	.16	0	0	0	0	0	0	0	0	0	0	0
80.00	84.00	1.03	.48	.17	0	0	0	0	0	0	0	0	0	0	0
84.00	88.00	1.08	.53	.18	.04	0	0	0	0	0	0	0	0	0	0
88.00	92.00	1.13	.58	.19	.09	0	0	0	0	0	0	0	0	0	0
92.00	96.00	1.18	.63	.20	.14	0	0	0	0	0	0	0	0	0	0
96.00	100.00	1.23	.68	.21	.19	0	0	0	0	0	0	0	0	0	0
100.00	104.00	1.28	.73	.22	.24	0	0	0	0	0	0	0	0	0	0
104.00	108.00	1.33	.78	.23	.29	0	0	0	0	0	0	0	0	0	0
108.00	112.00	1.38	.83	.24	.34	0	0	0	0	0	0	0	0	0	0
112.00	116.00	1.43	.88	.25	.39	0	0	0	0	0	0	0	0	0	0
116.00	120.00	1.48	.93	.26	.44	0	0	0	0	0	0	0	0	0	0
120.00	124.00	1.53	.98	.27	.49	0	0	0	0	0	0	0	0	0	0
124.00	128.00	1.58	1.03	.28	.54	0	0	0	0	0	0	0	0	0	0
128.00	132.00	1.63	1.08	.29	.59	.05	0	0	0	0	0	0	0	0	0
132.00	136.00	1.68	1.13	.30	.64	.10	0	0	0	0	0	0	0	0	0
136.00	140.00	1.73	1.18	.31	.69	.15	0	0	0	0	0	0	0	0	0
140.00	144.00	1.78	1.23	.32	.74	.20	0	0	0	0	0	0	0	0	0
144.00	148.00	1.83	1.28	.33	.79	.25	0	0	0	0	0	0	0	0	0
148.00	152.00	1.88	1.33	.34	.84	.30	0	0	0	0	0	0	0	0	0
152.00	156.00	1.90	1.38	.35	.89	.35	0	0	0	0	0	0	0	0	0
156.00	160.00	1.98	1.43	.36	.94	.40	0	0	0	0	0	0	0	0	0
160.00	164.00	2.03	1.48	.37	.99	.45	0	0	0	0	0	0	0	0	0
164.00	168.00	2.08	1.53	.38	1.04	.50	0	0	0	0	0	0	0	0	0
168.00	172.00	2.13	1.58	.39	1.09	.55	.01	0	0	0	0	0	0	0	0
172.00	176.00	2.18	1.63	.40	1.14	.60	.06	0	0	0	0	0	0	0	0
176.00	180.00	2.23	1.68	.41	1.19	.65	.11	0	0	0	0	0	0	0	0
180.00	184.00	2.28	1.73	.42	1.24	.70	.16	0	0	0	0	0	0	0	0
184.00	188.00	2.33	1.78	.43	1.29	.75	.21	0	0	0	0	0	0	0	0
188.00	192.00	2.38	1.83	.44	1.34	.80	.26	0	0	0	0	0	0	0	0
192.00	196.00	2.43	1.88	.45	1.39	.85	.31	0	0	0	0	0	0	0	0
196.00	200.00	2.48	1.93	.46	1.44	.90	.36	0	0	0	0	0	0	0	0
200.00	204.00	2.53	1.98	.47	1.49	.95	.41	0	0	0	0	0	0	0	0
204.00	208.00	2.58	2.03	.48	1.54	1.00	.46	0	0	0	0	0	0	0	0
208.00	212.00	2.63	2.08	.49	1.59	1.05	.51	0	0	0	0	0	0	0	0
212.00	216.00	2.68	2.13	.50	1.64	1.10	.56	.02	0	0	0	0	0	0	0
216.00	220.00	2.73	2.18	.51	1.69	1.15	.61								

220.00	224.00	228.00	232.00	236.00	240.00	244.00	248.00	252.00	256.00	260.00	264.00	268.00	272.00	276.00	280.00	284.00	288.00	292.00	296.00	300.00	304.00	308.00	312.00	316.00	320.00	324.00	328.00	332.00	336.00	340.00	344.00	348.00	352.00	356.00	360.00	364.00	368.00	372.00	376.00	380.00	384.00	388.00	392.00	396.00	400.00	404.00	408.00	412.00	416.00	420.00	424.00	428.00	432.00	436.00	440.00	444.00	448.00	452.00	456.00	460.00	464.00	468.00	472.00	476.00	480.00	484.00	488.00	492.00	496.00	500.00	504.00	508.00	512.00	516.00	520.00	524.00	528.00	532.00	536.00	540.00	544.00	548.00	552.00	556.00	560.00	564.00	568.00	572.00	576.00	580.00	584.00	588.00	592.00	596.00	600.00	604.00	608.00	612.00	616.00	620.00	624.00	628.00	632.00	636.00	640.00	644.00	648.00	652.00	656.00	660.00	664.00	668.00	672.00	676.00	680.00	684.00	688.00	692.00	696.00	700.00	704.00	708.00	712.00	716.00	720.00	724.00	728.00	732.00	736.00	740.00	744.00	748.00	752.00	756.00	760.00	764.00	768.00	772.00	776.00	780.00	784.00	788.00	792.00	796.00	800.00	804.00	808.00	812.00	816.00	820.00	824.00	828.00	832.00	836.00	840.00	844.00	848.00	852.00	856.00	860.00	864.00	868.00	872.00	876.00	880.00	884.00	888.00	892.00	896.00	900.00	904.00	908.00	912.00	916.00	920.00	924.00	928.00	932.00	936.00	940.00	944.00	948.00	952.00	956.00	960.00	964.00	968.00	972.00	976.00	980.00	984.00	988.00	992.00	996.00	1000.00																																																																																																																																																																																																																																																																																									
2.75	2.78	2.81	2.84	2.87	2.90	2.93	2.96	2.99	3.02	3.05	3.08	3.11	3.14	3.17	3.20	3.23	3.26	3.29	3.32	3.35	3.38	3.41	3.44	3.47	3.50	3.53	3.56	3.59	3.62	3.65	3.68	3.71	3.74	3.77	3.80	3.83	3.86	3.89	3.92	3.95	3.98	4.01	4.04	4.07	4.10	4.13	4.16	4.19	4.22	4.25	4.28	4.31	4.34	4.37	4.40	4.43	4.46	4.49	4.52	4.55	4.58	4.61	4.64	4.67	4.70	4.73	4.76	4.79	4.82	4.85	4.88	4.91	4.94	4.97	5.00	5.03	5.06	5.09	5.12	5.15	5.18	5.21	5.24	5.27	5.30	5.33	5.36	5.39	5.42	5.45	5.48	5.51	5.54	5.57	5.60	5.63	5.66	5.69	5.72	5.75	5.78	5.81	5.84	5.87	5.90	5.93	5.96	5.99	6.02	6.05	6.08	6.11	6.14	6.17	6.20	6.23	6.26	6.29	6.32	6.35	6.38	6.41	6.44	6.47	6.50	6.53	6.56	6.59	6.62	6.65	6.68	6.71	6.74	6.77	6.80	6.83	6.86	6.89	6.92	6.95	6.98	7.01	7.04	7.07	7.10	7.13	7.16	7.19	7.22	7.25	7.28	7.31	7.34	7.37	7.40	7.43	7.46	7.49	7.52	7.55	7.58	7.61	7.64	7.67	7.70	7.73	7.76	7.79	7.82	7.85	7.88	7.91	7.94	7.97	8.00	8.03	8.06	8.09	8.12	8.15	8.18	8.21	8.24	8.27	8.30	8.33	8.36	8.39	8.42	8.45	8.48	8.51	8.54	8.57	8.60	8.63	8.66	8.69	8.72	8.75	8.78	8.81	8.84	8.87	8.90	8.93	8.96	8.99	9.02	9.05	9.08	9.11	9.14	9.17	9.20	9.23	9.26	9.29	9.32	9.35	9.38	9.41	9.44	9.47	9.50	9.53	9.56	9.59	9.62	9.65	9.68	9.71	9.74	9.77	9.80	9.83	9.86	9.89	9.92	9.95	9.98	10.01																																																																																																																																																																																																																																										
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00</

For monthly wages of \$1,000.00 or more withholding shall be made on the basis of a separate calculation for each employee. For example, \$1,000.00 per month—\$12,000.00 per annum

Deduct allowable exemption and/or credit on the basis of

Product allowable exemption and/or credit on the basis of
withholding exemption certificate 520.00

Tax to be withheld on	\$11,480.00
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.....	\$ 3,000.00--	\$37.50
@1¼%		

.....	\$ 7,000.00—	157.50
@2 1/4 %		17.19
		1,488.00
		48.10

③3 1/4%\$ 1,480.00= 48.10

Total tax for calendar year~~\$243.10~~

Tax to be withheld monthly	\$ 20.28
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MISCELLANEOUS WITHHOLDING TABLE

IF THE PAY-ROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAY-ROLL PERIOD
OR A MISCELLANEOUS PAY-ROLL PERIOD

AND THE WAGES DIVIDED BY THE NUMBER OF DAYS IN SUCH PERIOD ARE—		AND THE NUMBER OF WITHHOLDING EXEMPTIONS CLAIMED IS—										
		0	1	2	3	4	5	6	7	8	9	10
BUT LESS AT LEAST THAN		THE AMOUNT OF TAX TO BE WITHHELD SHALL BE THE FOLLOWING AMOUNT MULTIPLIED BY THE NUMBER OF DAYS IN SUCH PERIOD										
\$	$1\frac{1}{2}\%$ of Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
1.50	.03	.01	.02	.03	.04	.05	.06	.07	.08	.09	.10	.11
2.50	.04	.02	.03	.04	.05	.06	.07	.08	.09	.10	.11	.12
3.50	.05	.03	.04	.05	.06	.07	.08	.09	.10	.11	.12	.13
4.50	.06	.04	.05	.06	.07	.08	.09	.10	.11	.12	.13	.14
5.50	.07	.05	.06	.07	.08	.09	.10	.11	.12	.13	.14	.15
6.50	.08	.06	.07	.08	.09	.10	.11	.12	.13	.14	.15	.16
7.50	.09	.07	.08	.09	.10	.11	.12	.13	.14	.15	.16	.17
8.50	.10	.08	.09	.10	.11	.12	.13	.14	.15	.16	.17	.18
9.50	.11	.09	.10	.11	.12	.13	.14	.15	.16	.17	.18	.19
10.50	.12	.10	.11	.12	.13	.14	.15	.16	.17	.18	.19	.20
11.50	.13	.11	.12	.13	.14	.15	.16	.17	.18	.19	.20	.21
12.50	.14	.12	.13	.14	.15	.16	.17	.18	.19	.20	.21	.22
13.50	.15	.13	.14	.15	.16	.17	.18	.19	.20	.21	.22	.23
14.50	.16	.14	.15	.16	.17	.18	.19	.20	.21	.22	.23	.24
15.50	.17	.15	.16	.17	.18	.19	.20	.21	.22	.23	.24	.25
16.50	.18	.16	.17	.18	.19	.20	.21	.22	.23	.24	.25	.26
17.50	.19	.17	.18	.19	.20	.21	.22	.23	.24	.25	.26	.27
18.50	.20	.18	.19	.20	.21	.22	.23	.24	.25	.26	.27	.28
19.50	.21	.19	.20	.21	.22	.23	.24	.25	.26	.27	.28	.29
20.50	.22	.20	.21	.22	.23	.24	.25	.26	.27	.28	.29	.30
21.50	.23	.21	.22	.23	.24	.25	.26	.27	.28	.29	.30	.31
22.50	.24	.22	.23	.24	.25	.26	.27	.28	.29	.30	.31	.32
23.50	.25	.23	.24	.25	.26	.27	.28	.29	.30	.31	.32	.33
24.50	.26	.24	.25	.26	.27	.28	.29	.30	.31	.32	.33	.34
25.50	.27	.25	.26	.27	.28	.29	.30	.31	.32	.33	.34	.35
26.50	.28	.26	.27	.28	.29	.30	.31	.32	.33	.34	.35	.36
27.50	.29	.27	.28	.29	.30	.31	.32	.33	.34	.35	.36	.37
28.50	.30	.28	.29	.30	.31	.32	.33	.34	.35	.36	.37	.38
29.50	.31	.29	.30	.31	.32	.33	.34	.35	.36	.37	.38	.39

For daily wages of \$30.50 or more withholding shall be made on the basis of a separate calculation for each employee. For example, \$30.50 per day—\$11.12.55 per annum

Deduct allowable exemption and/or credit on the basis of
withholding exemption certificate 520.00

Tax to be withheld on \$10.612.50
@ $1\frac{1}{2}\%$ \$ 3.000.00—\$ 37.50
@ $2\frac{1}{4}\%$ 7.000.00—157.50
@ $3\frac{1}{4}\%$ 612.50— 19.91

Total tax for calendar year \$214.91
Tax to be withheld daily59

Section 2. (b) (2). In computing the tax according to the tables set forth in Section 2 (b) (1) each taxable shall be entitled to two (2) withholding exemptions in his or her own right and shall be entitled to one (1) withholding exemption for each dependent.

(c) A taxable during part of an income year, shall be taxed on the gross income received during such part of the income year only, or, if that amount cannot be determined shall be taxed for a part of the whole gross income proportionate to the part of the year in which such entity has been a taxable.

(d) In the case of the death of a taxpayer there shall be included in computing gross income for the taxable period in which falls the date of his death, only amounts received or credited subject to withdrawal during such period, except, in the case of a taxpayer whose income is computed upon the basis of the accrual method of accounting, amounts (except amounts includible in computing a partner's gross income) accrued only by reason of the death of the taxpayer shall not be included in computing gross income for the period in which falls the date of the taxpayer's death.

(d) (1) All income accrued by reason of death only, as set forth in paragraph (d) of this Section shall constitute taxable income of the estate when received by it or of a beneficiary when received by him and not previously included in the return of the estate.

(e) The gross income shall be computed upon the basis of the taxable's annual accounting period, fiscal year or calendar year as the case may be, in accordance with the method of accounting regularly employed in keeping the books of such taxable; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income the computation shall be made in accordance with such method as in the opinion of the Commissioner does clearly reflect the income.

If the taxable's annual accounting period is other than a fiscal year, or if the taxable has no annual accounting period or

does not keep books, the gross income shall be computed on the basis of the calendar year.

(f) Whenever in the opinion of the Commissioner the use of inventories is necessary in order clearly to determine the income of any taxable, inventories shall be taken by such taxpayer upon such basis as the Commissioner shall prescribe, and conforming as nearly as may be to the best accounting practice in the trade or business, and as most clearly reflecting the income.

EXEMPTED INCOME

Section 3. (a) The following income shall be exempt from income tax:

(1) The proceeds of life insurance policies paid upon the death of the insured to any taxable, including the increment or interest on installment payments, whether the election for installment payments was made by the insured or by the beneficiary after the death of the insured.

(2) The amount received by the insured as a return of premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon the surrender of the contract.

(3) The value of property acquired by gift, bequest, devise or inheritance but the income received from such property after its acquisition shall be included in taxable income.

(4) Interest upon the obligations of the State of Delaware or any political subdivision thereof or upon the obligations of the District of Columbia, of the United States or of its possessions.

(5) Dividends paid out of earnings or profits accrued prior to January 1, 1920.

(6) Dividends paid in the capital stock of the corporation, joint stock company, or association which has declared and authorized the distribution.

(7) The amount received as alimony or support from a person who has paid tax thereon under this Article.

(8) Any amounts paid to injured employees or to the dependents of deceased employees under the terms of "The Delaware Workmen's Compensation Law."

(9) Amounts received, through accident or health insurance as compensation for personal injuries or sickness, and the amount of any damages received whether by suit or agreement on account of personal injuries or sickness.

(10) Amounts received as a pension, annuity or similar allowance for personal injuries or sickness resulting from active service in the armed forces of the United States.

(11) Gain from the sale or exchange of capital assets.

(12) Amounts received under the G. I. Bill of Rights by former members of the armed forces of the United States in World War II.

(13) Amounts received as old age and survivor benefits under the Federal Social Security Law or as aid to dependent children, old age assistance or aid to the needy blind under the laws of the State of Delaware.

(b) (1) Every taxable shall be entitled to a personal exemption of One Thousand and Forty Dollars (\$1040.00).

(2) There shall be a credit of Five Hundred and Twenty Dollars (\$520.00) for each person (including husband or wife) dependent upon and receiving his or her chief support from the taxpayer if such dependent person (other than husband or wife) is under twenty years of age or is incapable of self-support because mentally or physically defective.

(3) In the case of death or separation of husband or wife, the exemption and credits authorized shall be apportioned to the time of death or separation. A separated wife or husband shall be allowed an exemption of One Thousand and Forty Dollars

(\$1040.00) and a credit of Five Hundred and Twenty Dollars (\$520.00) for each dependent. In no case shall the total exemption and credits for any year exceed that which would have been allowed had the death or separation not occurred.

(4) If, through death, change of residence or otherwise, a taxable is required to report income for a portion of the year only, exemptions, credits and deductions sustained during the said portion of a year shall be allowed, provided that if such deductions cannot be accurately ascertained for the taxable period, a proportionate part of the deductions for the whole year shall be allowed.

DEDUCTIONS

Section 4. In computing gross income, the following deductions, if incurred and actually paid or accrued during the calendar year by the taxable in carrying on any business operated for profit or in connection with real estate held for income producing purposes, shall be allowed:

(1) The ordinary and necessary expenses.

(2) Interest.

(3) Taxes, except Federal income taxes, taxes imposed by this Act and taxes assessed for local benefits of a kind tending to increase the value of the property assessed.

(4) A reasonable allowance for the exhaustion, wear and tear, obsolescence and depletion of property arising out of its use or employment in the trade or business of the taxpayer.

(5) Losses sustained during the income year in the operation of farms or in other agricultural, horticultural, dairy or poultry pursuits or in the raising or preparation of animals, birds, poultry, vegetables, fruit, fish or seafood for the market. Depreciation of buildings or other property used in such operations may be included in losses incurred but no personal or household expenses of the owner or manager of the operation or of his family shall be included in such losses.

(6) Debts ascertained during the income year to be worthless and represented by accounts or bills receivable arising from professional fees, salaries, wages or from sale of merchandise or stock in trade appertaining to the business of the taxable, provided that such accounts or bills receivable have previously and while uncollected been included as income in an income tax return to this State.

(7) In the case of the death of the taxpayer, there shall be allowed for the taxable period in which falls the date of his death, such deductions as are allowable under this Act but only to the extent actually paid during such period, except, in the case of the taxpayer whose income is computed upon the basis of the accrual method of accounting; amounts (except amounts includible in computing a partner's distributable share) accrued only by reason of the death of the taxpayer shall not be allowed as deductions or credits for the period in which falls the date of the taxpayer's death.

TRUSTS AND ESTATES.

Section 5. (a) The tax imposed by this Act shall apply to the income of estates or of any kind of property held in trust whether distributable currently or accumulated for future distribution but only to the extent that such income may be distributable or accumulated for future distribution to a taxable as defined in Section 1. of this Act.

(b) The fiduciary shall be responsible for making the return of income for an estate or trust for which he or it acts. The gross income of the estate or trust shall be computed in the same manner and on the same basis as hereinbefore provided in this Act.

(c) In determining the gross income of an estate or trust under this Section there shall be allowed as a deduction the amount of any gross income properly paid to or credited subject to withdrawal by any legatee, heir or other beneficiary, but such shares of gross income to the extent distributed or distributable to a taxable as defined in Section 1. of this Act shall be included as taxable income on the return of the beneficiary.

(\$1040.00) and a credit of Five Hundred and Twenty Dollars (\$520.00) for each dependent. In no case shall the total exemption and credits for any year exceed that which would have been allowed had the death or separation not occurred.

(4) If, through death, change of residence or otherwise, a taxable is required to report income for a portion of the year only, exemptions, credits and deductions sustained during the said portion of a year shall be allowed, provided that if such deductions cannot be accurately ascertained for the taxable period, a proportionate part of the deductions for the whole year shall be allowed.

DEDUCTIONS

Section 4. In computing gross income, the following deductions, if incurred and actually paid or accrued during the calendar year by the taxable in carrying on any business operated for profit or in connection with real estate held for income producing purposes, shall be allowed:

- (1) The ordinary and necessary expenses.
- (2) Interest.
- (3) Taxes, except Federal income taxes, taxes imposed by this Act and taxes assessed for local benefits of a kind tending to increase the value of the property assessed.
- (4) A reasonable allowance for the exhaustion, wear and tear, obsolescence and depletion of property arising out of its use or employment in the trade or business of the taxpayer.
- (5) Losses sustained during the income year in the operation of farms or in other agricultural, horticultural, dairy or poultry pursuits or in the raising or preparation of animals, birds, poultry, vegetables, fruit, fish or seafood for the market. Depreciation of buildings or other property used in such operations may be included in losses incurred but no personal or household expenses of the owner or manager of the operation or of his family shall be included in such losses.

(6) Debts ascertained during the income year to be worthless and represented by accounts or bills receivable arising from professional fees, salaries, wages or from sale of merchandise or stock in trade appertaining to the business of the taxable, provided that such accounts or bills receivable have previously and while uncollected been included as income in an income tax return to this State.

(7) In the case of the death of the taxpayer, there shall be allowed for the taxable period in which falls the date of his death, such deductions as are allowable under this Act but only to the extent actually paid during such period, except, in the case of the taxpayer whose income is computed upon the basis of the accrual method of accounting; amounts (except amounts includible in computing a partner's distributable share) accrued only by reason of the death of the taxpayer shall not be allowed as deductions or credits for the period in which falls the date of the taxpayer's death.

TRUSTS AND ESTATES.

Section 5. (a) The tax imposed by this Act shall apply to the income of estates or of any kind of property held in trust whether distributable currently or accumulated for future distribution but only to the extent that such income may be distributable or accumulated for future distribution to a taxable as defined in Section 1. of this Act.

(b) The fiduciary shall be responsible for making the return of income for an estate or trust for which he or it acts. The gross income of the estate or trust shall be computed in the same manner and on the same basis as hereinbefore provided in this Act.

(c) In determining the gross income of an estate or trust under this Section there shall be allowed as a deduction the amount of any gross income properly paid to or credited subject to withdrawal by any legatee, heir or other beneficiary, but such shares of gross income to the extent distributed or distributable to a taxable as defined in Section 1. of this Act shall be included as taxable income on the return of the beneficiary.

(d) Unincorporated associations of persons, syndicates, joint ventures and co-partnerships shall make a return of income for information of the Tax Department. Said return shall show the names and addresses of taxables to whom the gross income received has accrued or has been distributed and the proportionate interest of each taxable in the gross income.

(e) Where any part of the gross income of a trust: (a) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, applied to the payments of premiums upon policies of insurance on the life of the grantor then such part of the income of the trust shall be included in computing the gross income of the grantor.

(f) As used in this Section, the term "in the discretion of the grantor" means in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question.

RETURNS TO TAX DEPARTMENT AND PAYMENT OF TAX.

Section 6. (a). Every taxable shall make a return upon the printed form provided by the Tax Department stating specifically the items of gross income, if any, the exemptions, credits and deductions and such other facts as said Tax Department may require.

(1) Returns required to be filed by this Act shall be in such form as the Tax Department shall prescribe, from time to time, and shall be filed by every taxable, with the Tax Department in its main office or at any branch office which it may establish, on or before the thirtieth day of April in each year, for the preceding year. In case of continued sickness, absence or other disability, or whenever in its judgment good cause exists, the Tax Department may allow further time for filing returns. Failure to receive or to secure the blank forms for said return shall not relieve any taxable from the obligation of making the return.

(2) A return shall be signed by the person making the return or by the representative or fiduciary acting for such taxable. The signature shall be the full name, both given name or names, and surname. If a married woman, her own name as well as the name of her husband shall appear.

(3) The Tax Commissioner may require a return to be certified under oath.

(b) Such taxable shall certify to the truth and correctness of the return. The return required by this Section may be made for a taxable, when the taxable is unable to make return, by some other person who shall state the cause of the taxable's inability to file return and, if required shall make oath that he has sufficient knowledge of the affairs of the taxable, for whom he makes the return, to make such return and that the return is true and correct. Such person so making a return for another may be held liable for the penalties provided in Section 129, Revised Code of Delaware, 1935, for makers of false or fraudulent statements or returns, if error is due to his wilful neglect or false statement.

(c) Unincorporated associations of persons and partnerships shall make a return of information as provided in Section 5 (d).

(d) The full amount of the tax payable as the same shall appear on the face of the return, less the amount of said tax withheld in accordance with the provisions of this Act, shall be paid to the Tax Department where the return is filed at the time fixed by law for filing the return, but if the amount of tax payable is more than Ten Dollars (\$10.00) the said tax may be paid in four equal installments, as follows:

One-fourth of the amount at the time fixed for filing the return;

One-fourth of the amount on the 30th day of the third month after the time fixed for filing the return;

One-fourth of the amount on the 30th day of the sixth month after the time fixed for filing the return; and

One-fourth of the amount on the 30th day of the ninth month after the time fixed for filing the return.

(e) All persons, fiduciaries, associations of persons, syndicates, joint ventures, co-partnerships or corporations in whatever capacity acting, including lessees or mortgagors of real or personal property, and employers, making payments to another person of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed and determinable profits, and incomes, of Five Hundred and Twenty Dollars (\$520.00) 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 to the taxable of the State of Delaware and the names and addresses of the recipients of such payments. The provisions of this sub-section (e) of Section 6 of this Act shall not be applicable whenever withholdings have been made by any employer from the compensation for personal services paid to any employee.

(f) All corporations making payments to a Delaware taxable of dividends amounting to One Hundred Dollars (\$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.

FAILURE TO FILE RETURNS.

(g) If the Tax Department shall be of the opinion that any taxable has failed to file a return, or to include in a return filed, either intentionally or through error, items of taxable income, it may require from such taxable a return or a supplementary return, under oath, in such form as it shall prescribe, of all the items of income which the taxable received during the year for which the return is made, whether or not taxable under the provisions of this Article. If from a supplementary return, or otherwise, the Tax Department finds that any items of income,

taxable under this Article, have been omitted to be disclosed to it, under oath of the taxable, and to be added to the original return, such supplementary return and the correction of the original return shall not relieve the taxable from any of the penalties to which he or it may be liable under the provisions of this Article. The Tax Department may proceed under the provisions of 163 Section 129, Revised Code of Delaware, 1935, whether or not it requires a return or a supplementary return under this Section.

DETERMINATION OF AMOUNT OF GAIN OR LOSS.

Section 7. (a) (1) A taxable who operates a business which regularly sells or otherwise disposes of property on the installment plan, may at his election report the gain or loss from such sales or other disposition each year as installment payments are received. The amount of income to be included under this election for any income year shall be that proportion of the installment payments actually received in that year which the gross profit realized or to be realized when payment is completed, bears to the total contract price.

(2) If a taxpayer entitled to the benefits of paragraph (1) elects for any income year to report his net income on the installment basis, then in computing his income for the year of change or any subsequent year, amounts actually received during any such year on account of sales or other dispositions of property made in any prior year shall not be excluded.

(3) If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of gain or loss shall result to the extent of the difference between the basis of the obligation and (A) in the case of satisfaction at other than face value or a sale or exchange—the amount realized, or (B) in case of a distribution, transmission, or disposition otherwise than by sale or exchange—the fair market value of the obligation at the time of such distribution, transmission or disposition. The basis of the obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

**PERSONAL LIABILITY OF WITHHOLDING AGENTS;
SUMS WITHHELD DEEMED TRUST FUNDS.**

Section 8. (a) Every withholding agent as herein defined who shall fail to withhold and/or pay to the State Tax Department any sum or sums required by this Article to be withheld and paid shall be personally and individually liable therefor to the State of Delaware; and any sum or sums withheld in accordance with the provisions of this Article shall be deemed to be held by the withholding agent in trust for the State of Delaware.

PENALTY.

(b) Any person who shall fail to make any return required by this Article to the State Tax Department, or who shall fail to withhold and/or pay any tax required by this Article to the State Tax Department, shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than One Hundred Dollars (\$100.00) or be imprisoned not more than six (6) months, or both, at the discretion of the Court.

ADMINISTRATIVE EXPENSES.

(c) The said Tax Department shall be and is hereby authorized to retain out of the sums collected under this Act such amounts as it shall deem necessary to defray the expenses of administering and enforcing the duties prescribed by this Act, until such time as appropriation therefor is provided by the General Assembly.

Section 9. The Provisions of 151 Section 117 and all Sections thereafter up to and including 170 Section 136 of the Revised Code of Delaware, 1935, as amended, shall continue in full force and effect for all purposes of this Act insofar as they are not in conflict herewith.

REPEALS.

Section 10. Article 12, Chapter 6 of the Revised Code of the State of Delaware, 1935, as amended, shall be continued in full force and effect as to all taxes, assessments, proceedings,

suits and matters arising out of or in connection with returns required to be made for the year 1948 and all prior years, and shall so continue until such time as all of said taxes, assessments, proceedings, suits and matters shall have been finally collected, determined or disposed of, at which said time Section 110 and all Sections thereafter up to and including Section 116 of the Revised Code of Delaware, 1935, as amended, shall be suspended and become inoperative until the first day of January A. D., 1951.

UNCONSTITUTIONALITY OR INVALIDITY.

Section 11. (a) The provisions of this Act are severable, and if any of its provisions shall be held to be unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein..

(b) All Acts or parts of Acts inconsistent with this Act are hereby suspended and made inoperative until the first day of January, A. D. 1951, to the extent of such inconsistency only.

Section 12. There is hereby appropriated to the State Tax Department the sum of Ten Thousand Dollars (\$10,000.00), to enable the said State Tax Department to commence operations under this Act. The said sum of Ten Thousand Dollars (\$10,000.00) hereby appropriated shall be in addition to all other moneys appropriated to the State Tax Department and shall be a Supplementary Appropriation, to be paid by the State Treasurer during the remainder of the fiscal year ending June 30, 1949, and during the fiscal year beginning July 1, 1949, and ending June 30, 1950, upon warrants of the State Tax Department out of any moneys in the General Fund not otherwise appropriated.

Approved May 27, 1949.

CHAPTER 148

FISH, OYSTERS & GAME

WITH REFERENCE TO THE LIBERATION OF WILDLIFE.

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME" WITH REFERENCE TO THE LIBERATION OF WILDLIFE.

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

Section 1. That Chapter 74 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the first two paragraphs of Section 2804. Sec. 3. thereof and by substituting and enacting in lieu of the parts so stricken out the following paragraph:

2804. Sec. 3. DUTIES, POWERS AND RESTRICTIONS OF BOARD:—It shall be the duty of the Board to protect, conserve and propagate all forms of protected wildlife of this State, and to enforce by proper actions and proceedings the law relating thereto. The Board shall authorize such studies as may be deemed necessary to the work of the Board, and shall collect, classify and preserve such statistics, data and information as in its discretion will tend to promote the objects of this Chapter.

Approved May 27, 1949.

CHAPTER 149

GENERAL ELECTIONS

PROVIDING FOR SINGLE BALLOTS FOR PRESIDENTIAL, VICE-PRESIDENTIAL, STATE, COUNTY AND DISTRICT CANDIDATES

AN ACT TO AMEND CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO GENERAL ELECTIONS, PROVIDING FOR A SINGLE BALLOT FOR PRESIDENTIAL, VICE-PRESIDENTIAL, STATE, COUNTY AND DISTRICT CANDIDATES AT A GENERAL ELECTION.

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

Section 1. That 1811. Sec. 2. of Chapter 60 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the sixth paragraph thereof and inserting a new paragraph, as follows:

There shall be a single ballot for Presidential, Vice-Presidential, State, County and District candidates. The Clerks of the Peace for the several Counties shall cause to be printed on the ballots herein provided for, the names of the candidates nominated by the parties recognized by them as political parties within the meaning of this Chapter. The nomination of the candidates for the office of Governor and other State officers, United States Senators, Representatives in Congress, President and Vice-President, 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 certificate shall be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated. The persons making such certificate shall add to their signatures their respective places of residence and shall acknowledge said certificate before an officer duly

authorized to take acknowledgments of Deeds and a certificate of such acknowledgment shall be affixed to the instrument.

Section 2. That 1813. Sec. 4. of Chapter 60 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of said 1813. Sec. 4. thereof and by substituting and enacting a new 1813. Sec. 4. as follows:

1813. Sec. 4. PUBLICATION OF NOMINATIONS; HOW ARRANGED; WHAT EXCLUDED:—The Clerk of the Peace for each county, at least ten days before an election to fill any public office, except special elections, shall cause to be published in at least two newspapers within his county the nominations to office certified to them by the Chairman and Secretary of the several political party conventions or committees as herein provided. The Clerks of the Peace in each county shall make no less than two publications in each of said 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 newspapers representing such political parties, if such there be. Such publications by the respective Clerks of the Peace shall be arranged, so far as practicable, in the order and form in which they will appear when printed on the ballots and shall designate the devices under which the list of candidates of each party shall be printed. The Clerks of the Peace shall not include, in the publications to be made according to the provisions of this Section the name of any candidate whose certificate of nomination shall have been filed in their office, who shall have notified the Clerk of the Peace in writing duly signed and acknowledged that he will not accept the nomination. The name of such candidate shall not be included with the names of the candidates to be printed on the ballots as in this Chapter provided.

Section 3. That 1814. Sec. 5. of Chapter 60 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of said 1814. Sec. 5. thereof and by substituting and enacting in lieu of the part so stricken out a new 1814. Sec. 5. as follows:

1814. Sec. 5. **BALLOTS; PRESIDENTIAL, VICE-PRESIDENTIAL, 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 the regular ballot containing the names of candidates for State, County and District offices, 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 Clerks of the Peace in each County, for each General Election, shall cause the names of all candidates to be voted for in the County and the several Hundreds and Districts in the same, to be printed in parallel columns on a ballot to be designated "Presidential, Vice-Presidential, 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.

Presidential, Vice-Presidential, 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 ballots, 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 to be plainly printed on the margin at the top of the official Presidential, Vice-Presidential, State, County and District Ballots, as nearly as possible in the following form:

“Official Ballot for Representative
District Number.....”

PRESIDENTIAL, VICE-PRESIDENTIAL, STATE,
COUNTY AND DISTRICT BALLOT.

<div>Device</div> <div>Democratic Party</div>	<div>Device</div> <div>Republican Party</div>
<div>For President</div> <div>John Doe</div>	<div>For President</div> <div>John Doe</div>
<div>For Vice-President</div> <div>John Doe</div>	<div>For Vice-President</div> <div>John Doe</div>
<div>For Governor</div> <div>John Doe</div>	<div>For Governor</div> <div>John Doe</div>
<div>For Lieutenant Governor</div> <div>John Doe</div>	<div>For Lieutenant Governor</div> <div>John Doe</div>

In years when no President and no Vice-President are to be elected, the spaces provided for the names of candidates for such offices shall not be made a part of the official ballots, and the

words "Presidential and Vice-Presidential" shall not be used as a part of the designation of the ballots printed for the General Election.

Section 4. That 1817. Sec. 8. of Chapter 60, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the last two paragraphs of said 1817. Sec. 8. and by substituting and enacting in lieu thereof a new paragraph, 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 Presidential, Vice-Presidential, State, County and District Ballot.

Approved May 27, 1949.

CHAPTER 150

ALCOHOLIC LIQUOR, WINES & BEER

PROHIBITING A MINOR FROM ENTERING OR REMAINING IN
A TAVERN, ETC.

**AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATIVE TO
ALCOHOLIC LIQUOR, WINES AND BEER, PROHIBIT-
ING A MINOR FROM ENTERING OR REMAINING IN A
TAVERN, TAPROOM OR PACKAGE STORE; PROVIDING
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 Chapter 176 of the Revised Code of Dela-
ware, 1935, as amended, be and the same is hereby further
amended by adding at the end of 6174. Section 45 thereof the
following sub-paragraph, to be known as sub-paragraph (t), as
follows:

"(t) Whoever being a minor under the age of twenty-one
years, enters or remains in a tavern, taproom or package store or
while therein has on his or her person at any time alcoholic
liquors shall be guilty of a misdemeanor and upon conviction
thereof shall be punished by a fine not exceeding Twenty-five
(\$25.00) Dollars."

Approved May 27, 1949.

CHAPTER 151

UNIFORM CONTRIBUTION AMONG TORTFEASORS ACT

AN ACT CONCERNING CONTRIBUTION AMONG TORTFEASORS, RELEASE OF TORTFEASORS, PROCEDURE ENABLING RECOVERY OF CONTRIBUTION, AND MAKING UNIFORM THE LAW WITH REFERENCE THERETO.

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

Section 1. JOINT TORTFEASORS DEFINED:—For the purposes of this Act the term “joint tortfeasors” means two or more persons jointly or severally liable in tort for the same injury to person or property, whether or not judgment has been recovered against all or some of them.

Section 2. RIGHT OF CONTRIBUTION; ACCRUAL; PRO RATA SHARE:—

(1) The right of contribution exists among joint tortfeasors.

(2) A joint tortfeasor is not entitled to a money judgment for contribution until he has by payment discharged the common liability or has paid more than his pro rata share thereof.

(3) A joint tortfeasor who enters into a settlement with the injured person is not entitled to recover contribution from another joint tortfeasor whose liability to the injured person is not extinguished by the settlement.

(4) When there is such a disproportion of fault among joint tortfeasors as to render inequitable an equal distribution among them of the common liability by contribution, the relative degrees of fault of the joint tortfeasors shall be considered in determining their pro rata shares.

Section 3. JUDGMENT AGAINST ONE TORTFEASOR:—The recovery of a judgment by the injured person against one joint tortfeasor does not discharge the other joint tortfeasors.

Section 4. RELEASE; EFFECT ON INJURED PERSON'S CLAIM:—A release by the injured person of one joint tortfeasor, whether before or after judgment, does not discharge the other tortfeasor unless the release so provides; but reduces the claim against the other tortfeasors in the amount of the consideration paid for the release, or in any amount or proportion by which the release provides that the total claim shall be reduced, if greater than the consideration paid.

Section 5. RELEASE; EFFECT ON RIGHT OF CONTRIBUTION:—A release by the injured person of one joint tortfeasor does not relieve him from liability to make contribution to another joint tortfeasor unless the release is given before the right of the other tortfeasor to secure a money judgment for contribution has accrued, and provides for a reduction, to the extent of the pro rata share of the released tortfeasor, of the injured person's damages recoverable against all the other tortfeasors.

Section 6. INDEMNITY:—This Act does not impair any right of indemnity under existing law.

Section 7. THIRD PARTY PRACTICE:—(1) Third Party Practice under the provisions of this Act shall be as provided by Rule of Court except as hereinafter provided.

(2) A pleader may either (a) state as a cross-claim against a co-party any claim that the co-party is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant; or (b) move for judgment for contribution against any other joint judgment debtor, where in a single action a judgment has been entered against joint tortfeasors one of whom has discharged the judgment by payment or has paid more than his pro rata share thereof. If relief can be obtained as provided in this Sub-section no independent action shall be maintained to enforce the claim for contribution.

(3) The court may render such judgments, one or more in number, as may be suitable under the provisions of this Act.

(4) As among joint tortfeasors against whom a judgment has been entered in a single action, the provisions of Section 2, Sub-section (4) of this Act apply only if the issue of proportionate fault is litigated between them by cross-complaint in that action.

Section 8. CONSTITUTIONALITY:—If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 9. UNIFORMITY OF INTERPRETATION:—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it.

Section 10. SHORT TITLE:—This Act may be cited as the Uniform Contribution Among Tortfeasors Act.

Approved May 27, 1949.

CHAPTER 152

FISH, OYSTERS AND GAME

RELATING TO NON-RESIDENT, SHORT TERM HUNTING AND
FISHING LICENSES

**AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED FISH,
OYSTERS AND GAME, WITH RESPECT TO SHORT
TERM HUNTING AND FISHING LICENSES ISSUED TO
NON-RESIDENTS.**

*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, as amended, be and the same is hereby further amended by striking out and repealing grammatical paragraph numbered 3rd. of 2883. Sec. 82. of said Chapter.

Approved May 27, 1949.

CHAPTER 153

APPROPRIATION

PAYMENT OF TEMPORARY INCREASES IN SALARIES OF
CERTAIN STATE EMPLOYEES**AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT
OF TEMPORARY INCREASES IN THE SALARIES OF
CERTAIN EMPLOYEES OF THE STATE FOR THE
FISCAL YEARS ENDING JUNE 30, 1950 AND JUNE 30,
1951, 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 Five Hundred Twenty Thousand Dollars (\$520,000.00) for the fiscal year ending June 30, 1950, and the sum of Five Hundred Twenty Thousand Dollars (\$520,000.00) for the fiscal year ending June 30, 1951. The amounts hereby appropriated for each of said years shall be paid by the State Treasurer for the purposes and in the manner as hereinafter set forth.

Section 2. The State Treasurer is hereby directed to pay out of the sums appropriated in Section 1 of this Act as a temporary addition to the basic salary of certain State employees covered by the provisions of this Act, (not to include, however, elected officials, attaches of the General Assembly nor any employees of the University of Delaware), an increase at the rate of Two Hundred Dollars (\$200.00) per annum, but not to exceed one-twelfth (1/12th) of said increase in any one month except that such salary increases may be paid to members of the teaching staff at Delaware State College, and employees of the State Board of Education, the Board of Public Education in the City of Wilmington, any Board of Education of a Special School District, any Board of School Trustees of school districts, or Delaware State College, in ten (10) equal monthly payments in any fiscal year.

Section 3. The Two Hundred Dollars (\$200.00) annual increase in basic salary herein provided shall be paid to all State

employees qualifying for such payments who receive annual salaries within a range of Five Hundred Dollars (\$500.00) and more to Five Thousand Dollars (\$5,000.00) and less. No increase in basic salary granted in Section 2 hereof shall cause the sum of any basic salary to exceed a total annual payment of Five Thousand Dollars (\$5,000.00).

Section 4. The temporary salary increase herein provided shall be paid to all those persons qualifying for such increases who were State employees on the 1st day of February, A. D. 1949.

Section 5. In the event of the severance of employment by any employee covered by this Act who would have otherwise been eligible for the salary increase as provided by this Act, the employment of any other person in his place or stead shall, upon satisfactory proof of employment submitted to the State Auditor, render such person eligible to the temporary salary increase herein provided, if the duties of such person are of the same nature and the position in which he is employed is regularly constituted by a department, board or other agency and/or required or authorized by law.

Section 6. The provisions of this Act shall be deemed to apply to all school employees of this State and/or any political sub-division of this State to whom any salary increase as provided in this Act would be applicable if said employee were paid entirely out of the moneys of this State.

Section 7. The temporary salary increase herein provided shall remain in effect until the end of the next biennium on June 30, 1951, for all State employees qualified for such increased payments except teachers in the public schools.

Section 8. If any State employee receives a cash salary of less than Five Hundred Dollars (\$500.00) annually but also receives as a part of the remuneration for his services, board and lodging, such board and lodging shall be considered to be of a value of One Dollar (\$1.00) per day, and the value of such board and lodging shall be added to his basic cash salary for the purpose of determining the salary increase under the provisions hereof.

Section 9. The term "basic salary" as used in this Act shall be taken to include all salary payments made through the office of the State Treasurer from moneys derived from State revenue or from any other source (except such moneys as are appropriated by the United States Government) and in respect to which salary payments a board, commission, department, officers, or other agency of the State of Delaware exercises control and the amounts of which were included on a payroll for the month of January, 1949, for payment by the State Treasurer. Subject to the foregoing limitations, any compensation for personal services in the nature of emoluments, fees, honorariums, and the like, which is not ordinarily regarded as wages in the commonly accepted sense of the term, is to be considered as salary for the purpose of determining "basic salary" as hereinabove defined. If salary is payable or paid to any State employee by one or more agencies and/or political sub-divisions of the State and/or by the Federal Government, or any agency thereof, and whether paid through the office of the State Treasurer or otherwise, and the total thereof equals or exceeds the sum of Five Thousand Dollars (\$5,000.00) per annum, such employees shall not be eligible to receive any temporary salary increase provided for by this Act.

Section 10. Every board, department, officer or other agency shall on or before the first day of the month following the month in which this Act becomes effective, submit to the State Auditor in such form as he shall prescribe a certified statement of all persons in its employ on February 1, 1949, if such persons are at present employed by said board, department, officer or other agency, and a list of persons so employed on February 1, 1949, who have since left such employment, and a list of positions existing but on said date vacant, and opposite each name and position certify to the rate of salary paid, both monthly and annually, from State moneys and from other sources, in separate columns.

For the purposes of this Act, any person employed to fill any vacancy in any permanent position as defined herein shall receive the temporary salary increase provided in this Act, and it shall be the duty of the State Auditor to enforce the provisions of this Act and to approve the amounts to be paid hereunder by the State Treasurer.

Section 11. Any moneys appropriated in this Act shall be used exclusively for the purpose of paying the temporary salary increases herein authorized, and shall not be transferred or used for the payment of any other salaries or expenses.

Section 12. All acts or parts of acts inconsistent with this act are hereby repealed to the extent of such inconsistency only.

Section 13. That this bill 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 27, 1949.

CHAPTER 154

APPROPRIATION

UNIVERSITY OF DELAWARE—AGRICULTURAL EXPERIMENT
STATION**AN ACT APPROPRIATING CERTAIN MONIES TO THE
UNIVERSITY OF DELAWARE, AGRICULTURAL EX-
PERIMENT STATION, FOR INITIATING OR EXPAND-
ING RESEARCH.**

WHEREAS, there exists the need of expanding research in the fields of poultry and dairy cattle diseases, marketing of all agricultural commodities, dairy cattle feeding production, field crop production, and other research pertinent to the continued success of the agricultural enterprises of the State of Delaware; and

WHEREAS, farmers and farmers' organizations and others interested in the general welfare of agriculture of the State have indicated there is a need for such research; and

WHEREAS, the agricultural enterprise of the State comprises one of the leading industries of the State; and

WHEREAS, agricultural enterprises contribute to the health and general welfare of the total population; 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 University of Delaware, the sum of Forty-Four Thousand Dollars (\$44,000.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used in expanding the program of agricultural research in the fields of poultry and dairy cattle diseases, marketing of all agricultural commodities, dairy cattle feeding production, field crops production, and other research pertinent

to the continued success of the agricultural enterprises of the State of Delaware.

Section 2. The amount hereby appropriated shall be paid by the State Treasurer upon warrants approved by the proper officials of the University of Delaware.

Section 3. This Bill shall be known as a Supplementary Appropriation Act and the amount hereby appropriated shall be paid out of any money in the General Fund of the State Treasury not otherwise appropriated.

Approved May 27, 1949.

CHAPTER 155

APPROPRIATION

UNIVERSITY OF DELAWARE—AGRICULTURAL EXTENSION
SERVICE**AN ACT APPROPRIATING CERTAIN MONIES TO THE
UNIVERSITY OF DELAWARE, AGRICULTURAL
EXTENSION SERVICE, FOR THE PURPOSE OF INITI-
ATING OR EXPANDING THE AGRICULTURAL EX-
TENSION SERVICE.**

WHEREAS, there exists a need for initiating or expanding the Agricultural Extension Program in the fields of poultry diseases; the production of nursery stock and ornamentals, and the control of diseases of the same; and rural-urban home economics; and other services pertinent to the success of the agricultural industry of the State of Delaware; and

WHEREAS, farmers and farmers' organizations have repeatedly requested the expansion of Extension services into new fields; and

WHEREAS, the production of these commodities represents an important segment of the total agriculture of the State; and

WHEREAS, the Agricultural Extension Service has been requested to render additional service in these fields; 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 University of Delaware, the sum of Twenty Thousand Dollars (\$20,000.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used in expanding the Agricultural Extension program in the fields of poultry diseases; the production of nursery stock and ornamentals, and the control of diseases of the same;

rural-urban home economics; and other services pertinent to the success of the agricultural industry of the State of Delaware.

Section 2. The amount hereby appropriated shall be paid by the State Treasurer upon warrants approved by the proper officials of the University of Delaware.

Section 3. This Bill shall be known as a Supplementary Appropriation Act and the amount hereby appropriated shall be paid out of any money in the General Fund of the State Treasury not otherwise appropriated.

Approved May 27, 1949.

CHAPTER 156

DEFICIENCY APPROPRIATION

STATE BOARD OF EDUCATION

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR USE IN PAYMENT OF PENSIONS TO RETIRED AND DISABLED PUBLIC SCHOOL TEACHERS OF DELAWARE.

WHEREAS, the State Board of Education is required by law to pay pensions or allowances to the retired and disabled teachers who have taught in the public schools within the State of Delaware; and

WHEREAS, the appropriation provided in Chapter 36, Volume 46, Laws of Delaware, 1947, is inadequate to make the payments therein directed in accordance with the provisions of Chapter 106, Volume 45, Laws of Delaware, 1945, as amended, Now, Therefore,

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

Section 1. That in addition to any other monies appropriated to the State Board of Education for the fiscal year ending June 30, 1949, there is hereby appropriated to the State Board of Education the further sum of Seven Thousand Dollars (\$7,000) as a deficiency and emergency appropriation for the use of the State Board of Education in paying pensions or allowances for retired and disabled teachers who have taught in the public schools within the State of Delaware.

That the said sum should be paid to the State Board of Education on the approval of this Act for its use during the remainder of the fiscal year ending June 30, 1949 according to the provisions of Chapter 36, Volume 46, Laws of Delaware and Chapter 106, Volume 45, Laws of Delaware, as amended.

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

Approved May 27, 1949.

CHAPTER 157

REGULATIONS CONCERNING TRADE

RELATING TO MORTGAGES ON CHATTELS AND CROPS

AN ACT TO AMEND CHAPTER 79 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO MORTGAGES ON CHATTELS AND CROPS; PROVIDING FOR MORTGAGES ON CHATTELS OF ANY KIND INCLUDING LIVESTOCK, POULTRY, FARM MACHINERY, FARM EQUIPMENT AND CROPS GROWN, GROWING OR TO BE GROWN; PROVIDING FOR THE FILING, DOCKETING AND INDEXING THEREOF IN RECORDERS' OFFICES AND THE EFFECT THEREOF; PRESCRIBING FEES, REGULATING ASSIGNMENT, RELEASE, SATISFACTION AND EXTENSION OF THE LIENS OF SUCH MORTGAGES; PRESCRIBING METHODS OF FORECLOSURES; DEFINING DEFAULTS AND VIOLATIONS AND FIXING PENALTIES, AND REPEALING ARTICLES 2, 10 AND 11 OF THE 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 79 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of Article 2, all of Article 10 and all of Article 11 and inserting in lieu thereof a new Article to be styled Article 11, 3371. Section 48 as follows:

3371. Sec. 48. (a) Chattel Mortgages Authorized:—Any person, association, partnership or corporation may give as security for any funds borrowed or to be borrowed or for any pre-existing indebtedness, a chattel mortgage upon chattels of any kind or description, including livestock, poultry, farm machinery, farm equipment and crops, including annual or perennial crops, and other plant products, either grown or growing at the time of the execution of such chattel mortgage, or to be planted or grown within one year thereafter. For the purposes of this Act all such crops shall be deemed to be personal property and mortgageable as such.

(b) **Formal Requirements:**—Any mortgage, executed under and pursuant to this Act, shall be in writing and signed by the mortgager or his duly authorized agent. Any such mortgage may be acknowledged but an acknowledgment shall not be necessary to the validity thereof or to entitle it to be filed and docketed. The property covered or to become covered by any such chattel mortgage may be described as all that property of a specified class so identified by reference to location, brands, marks, numbers or otherwise as to distinguish it from other property of the same class, or such property may be described in any other manner authorized by law.

(c) **Property Mortgageable:**—Any chattel mortgage executed under and pursuant to this Act may also cover chattels of the same class as that described in the mortgage provided the same are required by the mortgagor, subsequent to the execution of the chattel mortgage, and prior to its extinguishment; and any such mortgage also may include replacements of any of the mortgaged property and all increase, issue, progeny and produce of mortgaged animals, poultry and livestock and other property mortgaged under the provisions of the Act.

Any chattel mortgage conveying livestock or poultry and hay, grain or other foodstuffs or crops shall not be invalid in any particular because provision is contained therein or the mortgagee agrees that the mortgagor may use and consume any such hay, grain, food, forage, fodder or crops in preserving or preparing for market the livestock or poultry covered by the mortgage.

(d) **Debts Which May Be Secured:**—Any chattel mortgage executed under and pursuant to this Act may secure a pre-existing debt, advances currently made or contracted for, and future advances, whether obligatory or optional to be made by the mortgagee within a period of three (3) years from the date of the execution of such mortgage, but not to exceed in the aggregate outstanding at any one time an amount stated in the mortgage. Such a chattel mortgage may also secure advances and expenditures of the mortgagee for taxes, levies, insurance and repairs to or maintenance of the property described in the chattel mortgage, together with interest on such advances and expenditures at the rate fixed therefor by the terms of the bond

or note or the chattel mortgage securing same. All future advances made within the terms of such chattel mortgage shall be secured to the same extent and shall have the same priority of lien as if made at the time of the execution of the mortgage.

(e) Priority of Lien:—Any chattel mortgage executed pursuant to this Act shall be a lien upon the property therein described, which lien shall be good and valid against and superior to all rights of subsequent creditors, subsequent purchasers, subsequent mortgagees and other subsequent lienors and encumbrancers, and all persons subsequently dealing with the mortgaged property or subsequently acquiring an interest therein from the time of filing of the mortgage, as provided in Paragraph (i) of this Act; Provided, however, that such filing of a chattel mortgage against any motor vehicle, with respect to which a certificate of title is issuable under the laws of this State shall not constitute notice of the lien against such motor vehicles as to the State, or creditors or purchasers unless and until a statement of such lien is noted and recorded in the manner required by law for the recording of liens against motor vehicles. The lien of any chattel mortgage executed pursuant to this Act on crops grown, growing or to be grown shall be superior to the lien of any mortgages, deeds of trust or judgments or other liens upon the realty or land upon which any such crop has been or is to be seeded or may be growing and any sale made under any mortgage, deed of trust or judgment or other lien upon such realty or land before such crops have been severed shall be made subject to the lien on the crops as provided for in this Act.

(f) Effect of Removal of Property:—Any of the property covered by a chattel mortgage executed pursuant to this Act which may be removed without the written consent of the mortgagee from the county in which it was located at the time of the execution of the mortgage, or from the county in which the mortgage is filed, shall remain subject to the lien of the mortgage.

Any of such property which may be removed, with the written consent of the mortgagee, from the county in which it was located at the time of execution of the mortgage or from the county in which the mortgage is filed shall remain subject

to the lien of the mortgage for a period of only six months from the date of removal unless, within such period, a true copy of the mortgage is filed in the office of the recorder in the county to which the property is removed.

(g) Effect of Sale of Mortgaged Property:—Any property covered by a chattel mortgage which may be sold by the mortgagor shall remain subject to the lien of the mortgage, unless the mortgagee expressly consents in writing to such sale, free and acquit of the mortgage lien, and the consent of the mortgagee to the sale of a part of the property shall not invalidate or impair the lien of the mortgage as to other property covered by the mortgage.

If the mortgagor, with or without the written consent of the mortgagee, shall make sale of the mortgaged property, or any part thereof, the proceeds realized through such sale shall be subject to the lien of the mortgage and the mortgagee at his option may enforce his lien against the chattels or against the proceeds; Provided, however, that the mortgagee shall receive only one full satisfaction of the debt secured by the mortgage; And provided further, that the mortgagee in consenting in writing to sale of the mortgaged property, or a part thereof, may authorize and permit the mortgagor to sell such mortgaged chattels, free and acquit of the mortgage lien, upon condition that the proceeds of sale be paid to the mortgagee, and if consent to sale is given on such terms and conditions, any purchaser or grantee of the mortgaged chattels shall acquire title to the chattels free and acquit of the lien, but the lien shall remain attached to the proceeds realized through sale until payment thereof to the mortgagee.

(h) Default:—If the mortgagor, without the consent of the mortgagee, shall remove any of the mortgaged chattels from the county or counties stipulated in the chattel mortgage or shall substantially injure the same or shall conceal, or undertake or purport to sell, or otherwise dispose of them, or any substantial part thereof, under claim of full ownership or otherwise, by his wilful act or neglect shall substantially impair their value save in so far as is consistent with a reasonable use of the chattel or chattels, such action shall constitute a default under the chattel mortgage.

(i) **Manner and Effect of Filing:**—Any chattel mortgage executed pursuant to this Act may be filed in the office of the recorder for each county in which the chattels or any portion of the chattels are located at the time of filing the same, either by filing the original mortgage or by filing a true copy thereof duly certified by the recorder of the original county, and when so filed such chattel mortgage shall constitute a lien on the property described therein from the time of such filing which lien shall be good and valid as hereinbefore provided for the full amount of indebtedness intended to be secured thereby. The recorder shall maintain a book to be known as the "Chattel Mortgage Book" in which he shall docket each mortgage presented to him for filing pursuant to this Act, and in said docket he shall set forth the date and the hour of filing, the name of the mortgagor, the name of the mortgagee, the amount advanced or to be advanced and the limit thereof, and a brief description of the chattels or crops described in the instrument, and the premises upon which such chattels and crops are located, and he shall retain the instrument in his office for future public inspection. The recorder shall likewise maintain a "Chattel Mortgage Index" in which he shall index alphabetically under the names of the mortgagors and the mortgagees, all chattel mortgages filed pursuant to this Act and in which the date of filing such instruments shall be noted.

Any instrument affecting the lien of a chattel mortgage or its ownership may be filed in each office in which the chattel mortgage is filed, and from the date of filing thereof each such instrument shall be good and valid as against subsequent creditors, subsequent purchasers, subsequent mortgagees, other subsequent lienors and other persons subsequently dealing with the property or subsequently acquiring an interest therein. The fact and date of filing of each such instrument shall be noted by the recorder on the margin of the page on which the chattel mortgage is docketed.

(j) **Fees:**—The recorder shall be entitled to charge and receive for services rendered hereunder the following fees:

For filing, indexing and docketing each chattel mortgage,
Two Dollars (\$2.00).

For filing, indexing and noting each assignment, One Dollar (\$1.00).

For filing and noting each satisfaction, partial release, extension or subordination by written instrument, fifty cents (50c).

For attesting the entry of a marginal satisfaction and noting the satisfaction on the index, fifty cents (50c).

For indexing and attesting the entry of a marginal assignment, fifty cents (50c).

For a certified copy of a chattel mortgage filed hereunder, the sum of One Dollar (\$1.00), provided a copy of the instrument is furnished by the person requesting the same.

(k) Transfer of Mortgages From Other States Authorized:—When chattels are brought into this State subject to a chattel mortgage or other chattel lien filed or recorded in another state, such chattel mortgage or other chattel lien instrument, or a copy thereof, certified by the officer in whose office it was filed or recorded may be filed as chattel mortgages provided for herein are filed, and when so filed, any such instrument shall be indexed and docketed as herein required upon an affidavit of the mortgagee setting forth a brief description of the lands upon which such chattels are located in this State, and upon such filing, the chattel lien instrument shall have the same force and effect and be subject to all the terms and conditions of this Act to the same extent and in the same manner as though executed and filed in this State pursuant to this Act.

(l) Assignments:—Any chattel mortgage executed under and pursuant to this Act may be assigned by an instrument, in writing, signed by the mortgagee or assignee, and setting forth the amount of the debt as of the date of the assignment, and upon presentation of such assignment to the recorder, the recorder shall file the same and note on the margin of the page in which the chattel mortgage is docketed the fact of the assignment, the date of the notation, the name and address of the assignor, the name and address of the assignee, the date of the assignment, and the amount of the debt as of the date of the assignment and such assignment shall, except as to the parties thereto,

take effect and be valid only from the time of the marginal notation as herein provided: however, any such chattel mortgage may be assigned on the margin of the page where such chattel mortgage is docketed, which assignment shall be attested by the recorder.

(m) Satisfaction:—Any such chattel mortgage may be satisfied by an instrument in writing signed by the mortgagee or assignee, and upon presentation of such instrument to the recorder, the recorder shall file the same and note the fact of such satisfaction and the date thereof on the margin of the page of the book where the chattel mortgage is docketed, and when so noted such satisfaction shall fully and effectually release the lien of such mortgage: Provided, however, that any such chattel mortgage may be satisfied on the margin of the page where such chattel mortgage is docketed, which satisfaction shall be attested by the recorder. The satisfaction of a chattel mortgage shall be noted by the recorder on the line of the page on which the chattel mortgage is indexed.

(n) Period of Lien:—Such chattel mortgages shall, except between the parties thereto, take effect and be valid only from the time of filing as herein provided. As between the parties, such mortgage shall be and remain a lien on the property mortgaged until the debt secured thereby is paid, but as to third parties shall remain a lien for a period of only five (5) years, unless the lien thereof is extended by filing, prior to the expiration of such period, with the recorder an affidavit of the mortgagee or his assignee stating the amount then secured by the lien, in which case the mortgage shall remain a lien for an additional period of five (5) years from the date of the filing of such affidavit. The lien of any mortgage may be further extended with like effect by the filing of successive like affidavits. The recorder shall note each extension of a chattel mortgage lien and date of filing the same on the margin of the page of the book where the chattel mortgage is docketed and shall likewise index each such extension in the "Chattel Mortgage Index" in the same manner as is herein provided for the indexing of chattel mortgages.

(o) Remedies on Default:—Upon default in performance of any of the terms and covenants of any chattel mortgage or of

any bond or note secured thereby, the mortgagee, assignee or the duly authorized attorney or agent of such mortgagee or assignee shall have the right, with or without process of law, immediately to take possession of the mortgaged property and to do all things necessary to preserve the same, and any expense incurred thereby shall be included in and secured by the lien of such chattel mortgage. In the event of repossession of the mortgaged property, in accordance with the foregoing provision, the mortgagee may sell the same at public or private sale after giving a written notice of at least ten (10) days thereof to the mortgagor by mailing same to him at his last known address. Any surplus realized in excess of debt secured by the mortgage and costs shall be paid over to the mortgagor and personal liability for any deficit may be enforced in the manner authorized by law. The mortgagor or his assignee at any time prior to the sale of the mortgaged property as above provided shall have the right to redeem the same and to reacquire possession thereof upon making payment to the mortgagee or his assignee of the indebtedness secured by such chattel mortgage, together with interest thereon, and other charges secured by the same.

Upon default in the payment of the mortgage debt, either as to principal or interest, or upon default in the performance of any covenant contained in the chattel mortgage or bond or note, the chattel mortgage may be foreclosed by any of the methods authorized by law for the foreclosure of a mortgage, including the entry of judgment on a warrant of attorney contained in the bond, or note secured by the chattel mortgage. The lien of any levy which may be made upon the mortgaged property by virtue of any execution based upon a judgment entered upon such bond or note shall relate back and be effective as of the date of the filing of the chattel mortgage. In such foreclosure proceedings the mortgaged chattels may be sold in the manner authorized by law for the sale of personal property taken in execution.

(p) Penal Provision:—Any person who, without the written consent of the mortgagee or his assignee, shall wilfully sell any property mortgaged by him or his predecessor in title in conformity with the provisions of this Act, either before or after the debt is due and before the debt is paid, or shall wilfully injure, destroy, conceal or without notice to the mortgagee,

abandon or shall wilfully deface any marks identifying any such mortgaged property shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment not exceeding one year, or to pay a fine of double the value of the personal property so sold, injured, destroyed, defaced, concealed or abandoned, or both, at the discretion of the court.

(q) Corporation Mortgages, To Secure Bonds, Not Within The Act:—None of the provisions of this Act are applicable to mortgages or deeds of trust including both real and personal property executed by a corporation to secure an issue of bonds.

(r) Saving Clause:—This Act shall not be construed to adversely affect or impair the lien of or rights under any existing chattel or crop mortgage, nor shall this Act be construed to repeal or affect any act relating to chattel mortgages not herein expressly repealed.

(s) Separability:—If any provision of this Act, or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Approved May 27, 1949.

CHAPTER 158

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES
FOR IMPROVEMENT OF INDIAN RIVER AND BAY IN
SUSSEX COUNTY

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COSTS OF THE IMPROVEMENT OF THE INDIAN RIVER AND BAY IN SUSSEX COUNTY, AND AUTHORIZING AND EMPOWERING THE SAID COMMISSION TO ACT AS THE AGENCY OF THE STATE OF DELAWARE TO DO ALL THINGS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES GOVERNMENT RELATIVE TO THE STATE'S CONTRIBUTION TO SAID IMPROVEMENTS.

WHEREAS, Indian River from the Inlet at the Ocean Front has by reason of natural elements shoaled from said Inlet for all of its distance up to the town of Millsboro, so that except there be extreme tides it has become impossible for boats drawing more than four feet of water to land their passengers and freight at any of the docks or wharves in or near the said Town of Millsboro, and

WHEREAS, it has become necessary for said Indian River to be dredged so that all shipping may have safe and sure passage from Indian River Inlet to the said docks and wharves at the head of said River, and

WHEREAS, the United States Government, through its proper agencies, is prepared to expend the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for said project, provided the State of Delaware will authorize and empower the proper State authorities to make necessary contracts with the United States government and others; to secure all lands, easements, and rights-of-way and spoil-disposal areas for the initial work and for subsequent maintenance; to hold and save the United States free from claims for damages resulting from improve-

ment; and to give assurances satisfactory to the Secretary of War that suitable terminal facilities will be provided and maintained, open to all on equal terms,

NOW, THEREFORE, in order to avail the State of Delaware of the offer on the part of the government of the United States,

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

Section 1. That the Delaware Commission of Shell Fisheries is hereby authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States and to do all other things necessary to be done in order that the State of Delaware may avail itself of the offer of the federal government to improve the Indian River and Bay in Sussex County.

Section 2. That the sum of Fifty-five Thousand (\$55,000.00) Dollars is hereby appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, Fifty Thousand (\$50,000.00) Dollars of which sum so appropriated shall be paid to the proper agency of the United States government as the contribution of the State of Delaware to the initial cost of the improvement mentioned herein, and Five Thousand (\$5,000.00) Dollars of which appropriation shall be used for other purposes necessary to be done or performed on the part of the State of Delaware.

The amount so appropriated shall be paid out by the State Treasurer of the State of Delaware upon warrants duly signed and approved by the proper officers of the Delaware Commission of Shell Fisheries.

Section 3. This bill shall be known as a Supplementary Appropriation Bill, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved May 27, 1949.

CHAPTER 159

MOTOR VEHICLES

RELATING TO DRAWN AND SEMI-TRAILER TYPE OF
EARTH MOVING SCRAPERS OR HAULERS

**AN ACT TO AMEND CHAPTER 165, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, ENTITLED, "MOTOR
VEHICLES," RELATING TO DRAWN AND SEMI-
TRAILER TYPE OF EARTH MOVING SCRAPERS OR
HAULERS.**

*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 further amended by adding a new paragraph to 5564 Section 26 thereof, to be known as paragraph (m) as follows:

(m) For the registration of drawn or semi-trailer type of earth moving scrapers or haulers the fee shall be Ten Dollars (\$10.00) for the first Five Thousand (5,000) pounds of the gross weight of the machine and Fifty Cents (\$0.50) for each additional Five Hundred (500) pounds or fraction thereof of the gross weight.

Approved May 27, 1949.

CHAPTER 160

DELAWARE WORKMEN'S COMPENSATION LAW

INCREASING PAYMENTS OF COMPENSATION THEREUNDER

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "DELAWARE WORKMEN'S COMPENSATION LAW," BY INCREASING THE PAYMENTS OF COMPENSATION THEREUNDER.

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

Section 1. That 6080. Sec. 10. Subsection (a) of Chapter 175 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing all of Subsection (a) thereof and by substituting in lieu of the part so stricken out a new Subsection (a) as follows:

(a) During the continuance 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 Twenty-five Dollars (\$25.00) 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 sub-section (a) shall require the payment of compensation after disability shall cease.

Section 2. That 6080. Sec. 10. Subsection (b) of Chapter 175 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing all of Subsection (b) thereof and by substituting in lieu of the part so stricken out a new Subsection (b) as follows:

(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 Twenty-Five Dollars (\$25.00) per week. This compensation shall be paid during the period of such partial disability for work, not, however, beyond three hundred (300) weeks.

Section 3. That 6080. Sec. 10. Subsection (c) of Chapter 175 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing all of the last paragraph of Subsection (c) thereof and by substituting in lieu of the part so stricken out the following new last paragraph, as follows:

This compensation shall not be more than Twenty-five Dollars (\$25.00) 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.

Section 4. That 6080. Section 10. of Chapter 175 of the Revised Code of Delaware, 1935, as amended, be amended by adding thereto a new subsection to be known as Subsection (h) as follows:

(h) An insurance carrier for the employer or the self-insurer delaying the first payment of Compensation after fifteen (15) days from the date of the accident, such delay being avoidable or due to negligence, shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding One Hundred Dollars (\$100.00).

Approved May 27, 1949.

CHAPTER 161

TRANSFER OF CERTAIN FUNDS

AN ACT TO TRANSFER CERTAIN FUNDS TO THE MAINTENANCE AND/OR OPERATION ACCOUNTS OF ROSE HILL-MINQUADALE SCHOOL DISTRICT NUMBER 47 IN NEW CASTLE COUNTY.

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

Section 1. That the sum of Thirty-four Hundred Forty-two Dollars and Two Cents (\$3442.02), which sum has heretofore been levied and collected by Rose Hill-Minquadale School District Number 47 in New Castle County in excess of the monies needed for the payment of interest on its bonds, interest on same, or for other purposes, be and the same is hereby transferred to the maintenance and/or operation accounts of said Rose Hill-Minquadale School District Number 47 in New Castle County to be used and dispersed as other funds in said accounts, as provided by law.

Approved May 27, 1949.

CHAPTER 162

DEFICIENCY APPROPRIATION

STATE POLICE PENSION BOARD

AN ACT MAKING AN APPROPRIATION TO THE STATE POLICE PENSION BOARD FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF LAW RELATING TO STATE POLICE PENSIONS.

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 Police Pension Board the sum of Fifteen Thousand Dollars (\$15,000.00) for the purpose of carrying out the provisions of the law relating to the State Police Pension system.

Section 2. The money hereby appropriated shall be available to the State Police Pension Board and shall be paid out by the State Treasurer upon proper vouchers submitted by said Board during the remainder of the fiscal year ending the 30th day of June, A. D., 1949. Any part of the aforesaid sum of Fifteen Thousand Dollars (\$15,000.00) remaining unexpended on the first day of July, A. D., 1949, shall revert to the General Fund in the Treasury of the State of Delaware.

Section 3. This Bill shall be known as a supplementary and a deficiency appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 31, 1949.

CHAPTER 163

APPROPRIATION

UNIVERSITY OF DELAWARE

AN ACT APPROPRIATING CERTAIN MONIES TO THE UNIVERSITY OF DELAWARE FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING A SHORT COURSE IN AGRICULTURE AND HORTICULTURE AT THE UNIVERSITY OF DELAWARE.

WHEREAS, the Revised Code of Delaware, 1935, Chapter 72, Section 3, states, "Course of Instruction In Agriculture and Horticulture:—The University of Delaware shall establish and maintain at University of Delaware, a short course in agriculture and horticulture, during the winter term of each and every year, in which shall be given such courses of instruction in agriculture and horticulture as may be determined upon by the University of Delaware and the State Board of Agriculture, and shall be continued from such time as said University and said Board of Agriculture shall determine."; and

WHEREAS, farmers and farmers' organizations of the State have indicated that there is a need for such a short course; and

WHEREAS, agriculture constitutes a very important part of the industry of the State; and

WHEREAS, a large proportion of the State population lives on farms or derives their living from the handling and processing of agricultural products; 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 University of Delaware, the sum of Six Thousand Dollars (\$6,000.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the purpose of contributing

to the establishment and maintenance of a short course in Agriculture at the University of Delaware.

Section 2. Tuition for such courses of instruction shall be free to all persons engaged in agricultural pursuits in the State of Delaware.

Section 3. The amount hereby appropriated shall be paid by the State Treasurer upon warrants approved by the proper officials of the University of Delaware.

Section 4. This Bill shall be known as a Supplementary Appropriation Act and the amount hereby appropriated shall be paid out of any money in the General Fund of the State Treasury not otherwise appropriated.

Approved May 31, 1949.

CHAPTER 164

FISH, OYSTERS AND GAME

RACCOONS

AN ACT PROVIDING FOR THE TRAPPING AND OTHERWISE TAKING OF RACCOONS IN A PART OF NEW CASTLE AND KENT COUNTIES DURING ANY TIME OF THE YEAR EXCEPTING ON SUNDAYS.

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

Section 1. That on and after the passage of this Act it shall be lawful for any person or persons to trap or otherwise take raccoons from any lands in New Castle County or Kent County from the Southerly boundary limits of the City of Wilmington, and East and Southeast of the center line of U. S. Route No. 13, thence following said center line of U. S. Route 13 to the point where U. S. Route No. 13 forms a junction with U. S. Route 113 and thence along the center line of U. S. Route 113 to a line dividing Kent County from Sussex County during any time of the year excepting on Sundays.

Section 2. All Acts or parts of Acts inconsistent herewith are hereby repealed in so far as such inconsistency exists.

Approved May 31, 1949.

CHAPTER 165

UNIFORM PROOF OF STATUTES ACT

AN ACT CONCERNING THE PROOF OF STATUTES OF OTHER JURISDICTIONS AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO.

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

Section 1. PUBLICATIONS COVERED BY THIS ACT:—Printed books or pamphlets purporting on their face to be the session or other statutes of any of the United States, or the territories thereof, or of any foreign jurisdiction, and to have been printed and published by the authority of any such State, territory or foreign jurisdiction or proved to be commonly recognized in its courts shall be received in the courts of this State as prima facie evidence of such statutes.

Section 2. UNIFORMITY OF INTERPRETATION:—This Act shall be so interpreted and construed as to effectuate its general purposes to make uniform the laws of those States which enact it.

Section 3. SHORT TITLE:—This Act may be cited as the Uniform Proof of Statutes Act.

Section 4. REPEAL:—All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved May 31, 1949.

CHAPTER 166

REGISTER IN CHANCERY—SUSSEX COUNTY

NEW SEAL OF OFFICE

AN ACT TO AUTHORIZE THE REGISTER IN CHANCERY OF THE STATE OF DELAWARE, IN AND FOR SUSSEX 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 the Register in Chancery of the State of Delaware, in and for Sussex County, be and he is hereby authorized to procure for his office a new press and seal, said seal to be made of steel or brass of the same diameter as the present seal of his office and engraved with the same device and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the said office of the said Court of Chancery of the State of Delaware, in and for Sussex County.

Section 2. That when the said seal shall be so procured as aforesaid, the said Register in Chancery shall cause the present seal in his office to be broken and destroyed in the presence of the Sheriff of said County.

Section 3. That the Board of Trustees of Sussex County shall pay the necessary costs of procuring said new seal.

Approved May 31, 1949.

CHAPTER 167

CLERK OF THE ORPHANS' COURT—SUSSEX COUNTY

NEW SEAL OF OFFICE

AN ACT AUTHORIZING THE CLERK OF THE ORPHANS' COURT OF THE STATE OF DELAWARE, IN AND FOR SUSSEX COUNTY, TO PROCURE A NEW PRESS AND SEAL OF OFFICE.

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

Section 1. That the Clerk of the Orphans' Court of the State of Delaware, in and for Sussex County, be and he is hereby authorized to procure for his office, a new press and seal, said seal to be made of steel or brass of the same diameter as the present seal of his office and engraved with the same device and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the said Orphans' Court of the State of Delaware, in and for Sussex County.

Section 2. That when the said seal shall be so procured as aforesaid, the Clerk of the Orphans' Court of the State of Delaware, in and for Sussex County, shall cause the present seal in his office to be broken and destroyed in the presence of the Sheriff of Sussex County.

Section 3. The Board of Trustees of Sussex County shall pay the necessary costs of procuring said seal.

Approved May 31, 1949.

CHAPTER 168

EDUCATION

PROVIDING FOR ELECTION OF BOARD OF SCHOOL TRUSTEES
OF ROSE HILL-MINQUADALE SCHOOL DISTRICT

**AN ACT PROVIDING FOR THE ELECTION OF BOARD OF
SCHOOL TRUSTEES OF ROSE HILL-MINQUADALE
SCHOOL DISTRICT.**

*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, as amended, be and the same is hereby further amended by repealing (but only insofar as the same shall apply to the School District of Rose Hill-Minquadale in New Castle County, Delaware) the following Section thereof: 2643. Sec. 21.

Section 2. That Chapter 71 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding after 2643. Sec. 21. of said Chapter the following new Section, to be known as 2643D. Sec. 21D., as follows:

2643D. Sec. 21D. In the Rose Hill-Minquadale School District in New Castle County, as at present constituted, there shall be a Board of School Trustees who shall be representatives of the State Board of Education in said School District, and shall exercise the powers granted to Trustees by this Chapter. The said Board of School Trustees of Rose Hill-Minquadale School District shall be composed of four members, who shall be citizens of the State of Delaware and residents of the said School District. The Board of School Trustees shall be elected from the residents of the Rose-Hill Minquadale District by the qualified voters of that District at the annual election, which shall be held on the second Saturday in May, between the hours of one and five o'clock in the afternoon. The present Board of School Trustees of Rose Hill-Minquadale School District, shall, by this act, be appointed to serve, and shall act as the Board of School Trustees of said School District from and after the passage

hereof, until the Board of School Trustees are duly elected and qualify; and that after the annual election held on the second Saturday of May, 1949, after the passage of this Act, four members of the Board of School Trustees in the Rose Hill-Minquadale School District shall be elected, one of whom shall be elected for one year, one for two years, one for three years and one for four years from the first day of July next succeeding their election; and the person receiving the highest number of votes shall be elected for the term of four years; the person receiving the next highest number of votes, for a term of three years; the person receiving the third highest number of votes, for a term of two years; and the person receiving the fourth highest number of votes, for a term of one year. At each annual election thereafter, the successor of every member of the Board of School Trustees in the Rose Hill-Minquadale School District shall be elected by the qualified voters of said School District for a term of four years from the first day of July next succeeding their election and until their respective successors qualify.

In the event that there are not any nominations filed for the members of the Board of School Trustees in the Rose Hill-Minquadale School District, as hereinafter provided, and an election of Board of School Trustees is not held in the Rose Hill-Minquadale School District on the second Saturday of May, 1949, after the passage of this Act, the present Board of School Trustees in said School District shall, by this Act, be appointed to serve and shall act as the Board of School Trustees for the following term, until the second Saturday in May, 1950, at which time there shall be an election as provided for above, and there shall be elected four members of the Board of Trustees for the terms as provided for above.

The annual school election in the Rose Hill-Minquadale School District shall be conducted by members of the Board of School Trustees of said District. The Chairman of the Board of School Trustees of the Rose Hill-Minquadale School District shall preside at the election and two other members of the said Board shall be in charge of the election. Provided, that if, for any reason, one or more of the Board members should be unable to serve as election officers, the said Board of School Trustees shall designate another person or persons, to sit in such capacity, and provided further, that should the Board of School

Trustees of said School District fail or neglect to provide election officers at such election, the voters present, when the polls open, shall designate and appoint election officers to conduct the election in such School District. A school election shall be held in the principal school house in the said Rose Hill-Minquadale School District.

At least twenty days before an election as hereinbefore fixed, the Clerk of the Peace of New Castle County shall cause to be published in at least two newspapers published within the County, notice of said School District election, stating the offices to be filled, the date when the nomination shall be filed, and the date and place of said School District Election. The Clerk of the Peace of New Castle County shall also cause like notices to be posted in at least three public places in said School District.

At least fifteen days before the date of the election, as hereinbefore fixed, nominations shall be filed with the Clerk of the Peace of New Castle County. The said nomination shall be in writing signed by at least fifteen citizens and residents of the said School District. The school election shall be by ballot and the Clerk of the Peace shall cause to be printed ballots which shall contain the names of all persons nominated which shall be entered alphabetically and without Party designation. The Clerk of the Peace shall deliver or cause to be delivered such ballots to the persons appointed or selected to hold the election on or before the opening of the polls, and every qualified voter calling for a ballot shall receive one from the persons holding the election.

Every person desiring to vote at said election shall have all the qualifications as provided for by Article 17 of this Chapter. 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. 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 decreed duly elected to the offices for the term stated. In case of a tie, the persons holding the election shall, by majority vote, decide which of the candidates so tied shall be elected.

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 voting, the names of the persons chosen, shall subscribe the form, and shall give to the persons elected certificates of election, which book, containing such minutes, shall be preserved by the Board of School Trustees of said School District, and it shall be evidence in any Court of Law and Equity. 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. The ballots and other needed election supplies shall be provided by the Clerk of the Peace and paid for by the Levy Court of New Castle County, including the costs of publication and notices.

A vacancy on a Board of School Trustees for any cause shall be filled by the remaining members of the Board of School Trustees for the unexpired term. Any member ceasing to be a resident, of his respective School District, his office, thereupon, becomes vacant.

Approved May 31, 1949.

CHAPTER 169

COUNTY TREASURERS AND COLLECTION OF TAXES

RELATING TO PAWNBROKERS AND JUNK DEALERS

AN ACT TO AMEND CHAPTER 45 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "COUNTY TREASURERS AND COLLECTION OF TAXES," BY THE REPEAL OF 1391. SEC. 51. THEREOF AND BY SUBSTITUTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS 1391. SEC. 51. IN RELATION TO PAWNBROKERS AND JUNK DEALERS.

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

Section 1. That Chapter 45 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 1391. Sec. 51., and by substituting in lieu thereof a new Section to be known as 1391. Sec. 51., as follows:

1391. Sec. 51. SALE BY JUNK DEALER; WHEN; PURCHASE FROM MINOR, UNLAWFUL:—No person, corporation or firm so conducting the business of a junk dealer shall take from or receive by purchase, gift or otherwise, any second-hand metal property whatsoever from any minor.

Approved May 31, 1949.

CHAPTER 170

APPROPRIATION

STATE BOARD OF AGRICULTURE
FOR VACCINATION OF CALVES AND TESTING OF CATTLE FOR
BANG'S DISEASE

**AN ACT MAKING AN APPROPRIATION TO THE STATE
BOARD OF AGRICULTURE FOR THE VACCINATION
OF CALVES AND TESTING OF CATTLE FOR BANG'S
DISEASE UNDER THE PROVISIONS OF CHAPTER 264,
VOLUME 46, LAWS OF DELAWARE, 1947.**

*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 Agriculture the sum of Seventeen Thousand Dollars (\$17,000.00) for the vaccination of calves and the testing of cattle for Bang's Disease under the provisions of Chapter 264, Volume 46, Laws of Delaware, 1947, of which the sum of Seven Thousand Dollars (\$7,000.00) shall be available for the fiscal year beginning July 1, 1949, and ending June 30, 1950, and the sum of Ten Thousand Dollars (\$10,000.00) shall be available for the fiscal year beginning July 1, 1950, and ending June 30, 1951. Such sums shall be paid by the State Treasurer upon warrants duly approved by the proper officers of the State Board of Agriculture.

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

Approved May 31, 1949.

CHAPTER 171
APPROPRIATION

STATE BOARD OF AGRICULTURE
FOR ANTI-HOG CHOLERA SERUM AND VIRUS

**AN ACT TO AMEND ARTICLE 6, CHAPTER 21, OF THE
REVISED CODE OF DELAWARE, 1935, RELATING TO
ANTI-HOG CHOLERA SERUM BY APPROPRIATING
MONEY TO THE STATE BOARD OF AGRICULTURE TO
BE USED FOR ANTI-HOG CHOLERA SERUM AND
VIRUS AND MAKING PROVISIONS FOR ITS DISTRI-
BUTION.**

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

Section 1. That the sum of Eleven Thousand Dollars be and the same is hereby appropriated to the State Board of Agriculture to purchase anti-hog cholera serum and virus to be distributed in accordance with this Act. Of the sum hereby appropriated, the sum of Three Thousand Dollars shall be for use until June 30, 1949, the sum of Four Thousand Dollars shall be for the fiscal year beginning July 1, 1949 and ending June 30, 1950, and the remaining sum of Four Thousand Dollars shall be for the fiscal year beginning July 1, 1950 and ending June 30, 1951.

Section 2. The Board of Agriculture is hereby authorized and directed to supply free hog cholera serum and virus to any licensed veterinarian of the State of Delaware to be used in inoculating shoats and hogs owned by citizens of the State of Delaware and located within the state of Delaware; provided, however, that the serum furnished shall not be used to inoculate in any one year more than twenty-five shoats and hogs legitimately owned by any one owner entitled to free hog cholera serum and virus under this Act.

Section 3. The veterinarians to whom such free serum and virus is furnished shall render prompt reports to the State Board of Agriculture of all hogs inoculated.

Section 4. That this Act shall be known as a supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 31, 1949.

CHAPTER 172

NEW CASTLE COUNTY LEVY COURT

RELATIVE TO PAYMENT OF EMPLOYEES ON DAY PRECEDING
HOLIDAY

**AN ACT AUTHORIZING THE LEVY COURT OF NEW
CASTLE COUNTY TO PAY ALL ITS EMPLOYEES ON
THE DAY PRECEDING A HOLIDAY, SATURDAY OR
SUNDAY.**

*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 whenever the semi-monthly pay day for employees of New Castle County falls on a Holiday, Saturday or Sunday is hereby authorized to pay said employees their salaries on the day immediately preceding said Holiday, Saturday or Sunday.

Approved May 31, 1949.

CHAPTER 173

APPROPRIATION

ADJUTANT GENERAL

**AN ACT APPROPRIATING MONEY TO THE ADJUTANT
GENERAL FOR THE PAYMENT OF OPERATIONS OF
HIS DEPARTMENT FOR THE BALANCE OF THE FIS-
CAL YEAR 1949.**

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

Section 1. That the sum of Twelve Thousand Dollars (\$12,000.00) be and the same is hereby appropriated to the Adjutant General of the State of Delaware as an additional appropriation to that made for the fiscal year ending June 30th, 1949, for the purpose of paying the cost of operations of his department for the remainder of the present fiscal year ending June 30th, 1949.

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 May 31, 1949.

CHAPTER 174

INDUSTRIAL ACCIDENT BOARD

RELATING TO THE TRANSFER OF CERTAIN BONDS

AN ACT TO AUTHORIZE THE INDUSTRIAL ACCIDENT BOARD TO TRANSFER CERTAIN BONDS NOW HELD BY THE INDUSTRIAL ACCIDENT BOARD IN TRUST OF CERTAIN INSURANCE CARRIERS AND SELF-INSURERS TO THE INSURANCE COMMISSIONER 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 6096. Sec. 26 of Chapter 175 of the Revised Code of Delaware, 1935, as amended, be further amended by adding thereto a new sentence at the end of the first paragraph thereof, as follows:

That all bonds of insurance carriers or self-insurers deposited to secure their obligations under the Delaware Workmen's Compensation Law shall be registered in the name of the State of Delaware and shall be deposited with the Insurance Commissioner of the State of Delaware.

Approved May 31, 1949.

CHAPTER 175

FISH, OYSTERS AND GAME

SQUIRRELS

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO FISH, OYSTERS AND GAME, BY PROVIDING FOR THE SEASON WITHIN WHICH SQUIRRELS MAY BE CAUGHT OR KILLED IN NEW CASTLE COUNTY.

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

Section 1. That Chapter 74 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding at the end of 2821. Sec. 20 thereof a new paragraph as follows:

"In New Castle County, the open season during which it shall be lawful to hunt, catch or kill squirrels shall be from October 1 to November 15, next following."

Approved May 31, 1949.

CHAPTER 176

PROVIDING FOR TRANSFER OF CERTAIN CASES FROM THE
HOME FOR FEEBLEMINDED AT STOCKLEY TO DELAWARE
STATE HEALTH AND WELFARE CENTER

**AN ACT TO AMEND CHAPTER 76 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
INSANE, PROVIDING FOR THE TRANSFER OF ALL
EPILEPTIC AND BEDRIDDEN CASES FROM THE
HOME FOR FEEBLEMINDED PERSONS IN STOCKLEY,
UNDER THE JURISDICTION OF THE DELAWARE
COMMISSION FOR THE FEEBLEMINDED, TO THE
DELAWARE STATE HEALTH AND WELFARE
CENTER.**

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

Section 1. That Chapter 76 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of 3100H. Sec. 35H. a new paragraph, as follows:

"Said Center, upon application of the Superintendent of the Home for the care and training of feeble-minded persons, at Stockley, under the jurisdiction of the Delaware Commission for the Feeble-minded, shall also receive all epileptic and bedridden persons now committed to the Home for the care and training of feeble-minded persons under the jurisdiction of the Delaware Commission for the Feeble-minded."

Approved May 31, 1949.

CHAPTER 177

CONSTITUTIONAL AMENDMENT

RELATING TO THE NUMBER OF STATE JUDGES, AND THE CREATION OF THE CONSTITUTIONAL OFFICE OF VICE CHANCELLOR.

AN ACT AGREEING TO THE PROPOSED AMENDMENT TO ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE NUMBER OF STATE JUDGES, AND THE CREATION OF THE CONSTITUTIONAL OFFICE OF VICE CHANCELLOR.

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

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE NUMBER OF STATE JUDGES, AND THE CREATION OF THE CONSTITUTIONAL OFFICE OF VICE CHANCELLOR.

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

"Section 1. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of Section 2 thereof and by substituting in lieu thereof the following new Section 2:

"Section 2. There shall be seven State Judges who shall be learned in the law. One of them shall be Chancellor, one of them shall be Chief Justice, one of them shall be Vice Chancellor, and the other four of them shall be Associate Judges.

"The Chancellor, Chief Justice, Vice Chancellor and one of the Associate Judges may be appointed from and reside in any

part of the State. The other three Associate Judges may be appointed from any part of the State. They shall be resident Associate Judges, and one of them shall reside in each county.

"In case the commission of two or more of the Vice Chancellor and the Associate Judges shall be of the same date, they shall as soon as conveniently may be after their appointment, determine their seniority by lot, and certify the result to the Governor.

"Section 2. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of Section 3 thereof and by substituting in lieu thereof the following new Section 3:

"Section 3. The Chancellor, Chief Justice, Vice Chancellor and Associate Judges shall be appointed by the Governor, by and with the consent of a majority of all members elected to the Senate, for the term of twelve years. Provided, however, that the present incumbents in the offices of Chancellor, Chief Justice and Associate Judges, shall continue in said offices until the expiration of the term of office for which they may have been appointed.

"If a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy, and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term. The said appointments shall be such that no more than four of the persons occupying said offices at the same time shall have been appointed from the same political party.

"Section 3. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of Section 4 thereof and by substituting in lieu thereof the following new Section 4:

"Section 4. The Chancellor, Chief Justice, Vice Chancellor and Associate Judges shall respectively receive from the State

for their services a compensation which shall be fixed by law and paid monthly and shall not be less than the annual sum of ten thousand dollars, and they shall not receive any fees or perquisites in addition to their salaries for business done by them except as provided by law. They shall hold no other office of profit.

"Section 4. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of Section 10 thereof and by substituting in lieu thereof the following new Section 10:

"Section 10. The Chancellor and the Vice Chancellor shall hold the Court of Chancery. One shall constitute a quorum of the said court. The Chancellor shall be the senior and presiding judge of said court. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery, and the Vice Chancellor shall exercise all powers given by law to the Chancellor as the Judge holding the Court of Chancery as fully as though said powers had been specifically given to the Vice Chancellor.

"Section 5. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of Section 13 thereof and by substituting in lieu thereof the following new Section 13:

"Section 13. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions or upon appeal from the Court of General Sessions shall consist of the Chancellor, the Vice Chancellor and such of the other five Judges as did not sit in the cause below. The Chancellor when present shall preside and in his absence the Chief Justice when present shall preside, and in his absence the senior judge present of the Vice Chancellor and the Associate Judges shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn the Supreme Court.

"Section 6. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by strik-

ing out all of Section 16 thereof and by substituting in lieu thereof the following new Section 16:

"Section 16. In matters of Chancery jurisdiction in which the Chancellor and Vice Chancellor are both interested or otherwise disqualified, the Chief Justice shall have jurisdiction, and there shall be an appeal to the Supreme Court, which shall in that case consist of the four Associate Judges, the senior Associate Judge present presiding. Any three of them shall constitute a quorum, and any one of them may open and adjourn court.

"Section 7. That Article IV of the Constitution of the State of Delaware as amended by 32 Delaware Laws, Chapter 1, be and the same is hereby further amended by striking out all of Section 17 thereof and by substituting in lieu thereof the following new Section 17:

"Section 17. The Chief Justice or any Judge of the Superior Court of the State of Delaware shall have power, in the absence of the Chancellor and Vice Chancellor, from the county where any suit in equity may be instituted, or during the temporary disability of the Chancellor and Vice Chancellor, to grant restraining orders, and the Chief Justice or any Judge of the Superior Court of the State of Delaware, shall have power, during the absence of the Chancellor and Vice Chancellor from the State or their temporary disability, to grant preliminary injunctions, pursuant to the rules of the Court of Chancery; provided that nothing herein contained shall be construed to confer general jurisdiction over the case.

"Section 8. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of Section 21 thereof and by substituting in lieu thereof the following new Section 21:

"Section 21. Until the General Assembly shall otherwise provide, the Chancellor and Vice Chancellor shall each singly exercise all the powers which any law of this State vests in the Chancellor besides the general powers of the Court of Chancery, and the Chief Justice and Associate Judges shall each singly

exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

"Section 9. That Article IV of the Constitution of the State of Delaware be and the same is hereby amended by striking out all of Section 27 thereof and by substituting in lieu thereof the following new Section 27:

"Section 27. Whenever a person, not being an executor or administrator, appeals from a decree entered in the Court of Chancery, or applies for a writ of error, such appeal or writ shall be no stay of proceedings in Chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor or Vice Chancellor, who signed the decree appealed from, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error if he fail to make his plea good.

SCHEDULE

"That no conflict or confusion may arise from these amendments, it is hereby declared and ordained as follows:

"Section 1. That the present incumbents in the office of Chancellor, Chief Justice and Associate Judges shall continue in said offices respectively until the expiration of the terms of office for which they have been appointed respectively.

"Section 2. That the present incumbent in the office of Vice Chancellor shall be deemed to have been appointed to the office of Vice Chancellor, provided for by the Constitution as amended as of the date of his original appointment as Vice Chancellor, pursuant to law, and said Vice Chancellor shall hold said office of Vice Chancellor for a term of twelve years from the date of his original appointment and thereafter the office of Vice Chancellor shall be appointed as provided by the Constitution as amended.

"Section 3. The salary now provided for the office of Vice Chancellor pursuant to law shall be the salary for the office of Vice Chancellor provided for by this Constitution as amended until otherwise provided by law."

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

WHEREAS, the said proposed amendment was published by the Secretary of State three months before the then next general election; to wit: the general election of 1948, in three newspapers in each County in the State of Delaware, NOW, THEREFORE,

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

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

(Approval not required)

CHAPTER 178

NEW CASTLE COUNTY LEVY COURT

CREATION OF SANITARY DISTRICTS

AN ACT TO AMEND ARTICLE 1, CHAPTER 43 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 113, VOLUME 45, LAWS OF DELAWARE, 1945, RELATING TO THE LEVY COURT OF NEW CASTLE COUNTY AND PROVIDING FOR THE CREATION OF SANITARY DISTRICTS FOR THE PURPOSE OF PROVIDING FOR THE INSTALLATION AND MAINTENANCE OF SEWERAGE SYSTEMS AND TREATMENT PLANTS IN WHOLE OR IN PART, FOR THE ISSUING OF BONDS TO FINANCE THE COST OF SUCH IMPROVEMENTS AND PROVIDING FOR THE ASSESSMENT OF COSTS AND LEVYING OF TAXES FOR THE PAYMENT OF SUCH BONDS AND THE INTEREST THEREON AND FOR THE OPERATION AND MAINTENANCE COSTS OF SUCH SEWERAGE SYSTEMS AND SEWAGE TREATMENT PLANTS AND VALIDATING ACTS AND PROCEEDINGS HERETOFORE DONE AND TAKEN TO ESTABLISH SANITARY DISTRICTS PURSUANT TO SUCH ACT.

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

Section 1. That Article 1, 1170, Section 24 of Chapter 43 of the Revised Code of Delaware, 1935, as amended by Chapter 113, Volume 45, Laws of Delaware, 1945, be and the same is hereby amended by striking out all of the paragraphs following the first paragraph and substituting in lieu thereof the following additional paragraphs; said new paragraphs to be designated:

1170 A, Sec. 24A, 1170 B, Sec. 24B, 1170 C, Sec. 24C, 1170 D, Sec. 24D, 1170 E, Sec. 24E, 1170 F, Sec. 24F, 1170 G, Sec. 24G, 1170 H, Sec. 24H, 1170 I, Sec. 24I, 1170 J, Sec. 24J, 1170 K, Sec. 24K.

1170 A, Sec. 24A. Whenever contiguous territory containing one or more centers of population, whether incorporated or not, shall be so situated that the construction of interceptor sewers, outfall sewers and sewage treatment plants will be conducive to the preservation of the public health, said territory shall be established by the Levy Court as a sanitary district.

1170 B, Sec. 24B. Where the Levy Court has already constructed sewers to which fifty or more houses have been connected, the Levy Court may establish, upon request of the County Engineer a new district or revise the boundaries of an established district without further petitions or hearings by posting at four public places in the district notices describing the new or revised boundaries, and, in the case of the establishment of a new district, the same cost and assessment data required for districts established by vote of electors.

Within thirty days after the posting of the notices of the establishment of the district in accordance with the provisions of the previous paragraph, the Levy Court shall pass a formal resolution establishing the district, which shall contain a description of the boundaries of the district, which shall authorize and direct the County Engineer and the attorney of the Levy Court to procure the necessary land and/or rights-of-way by purchase, agreement, or condemnation in accordance with existing statutes, and which shall authorize the County Engineer to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any or all structures required to provide for the safe disposal of the sewage in the said sanitary district.

1170 C, Sec. 24C. Fifty or more legal voters resident of a proposed sanitary district may petition the Levy Court to submit the question of organizing a sanitary district to a vote of electors residing in that district. The said petition shall contain a description of the proposed district and shall be accompanied by a map drawn to scale showing the boundaries of the proposed sanitary district together with the limits of any incorporated areas which may be included in said district. The execution of the petition by an elector shall be acknowledged by him or it may be proved by the oath of a witness who shall

swear that he knows the elector and that the petition was signed by the elector in the presence of the witness.

The Levy Court, upon receipt of a petition submitted as provided in the preceding paragraph, shall, and the Levy Court may, upon its own motion and without having received such a petition, set a date for a public hearing on the question of organizing a sanitary district. The hearing shall be held at such time as may be fixed by the Levy Court and shall be previously advertised by posting a notice, in four of the most public places within the proposed district, at least ten days prior thereto and by publishing a notice in a newspaper published within the County and having a general circulation therein, once in each of two weeks immediately preceding the week in which the hearing is to be held. All interested persons, officials, residents, voters, tax payers, property owners or other persons or corporations in any way affected by the granting of said petition shall be heard on any question dealing with the location of the boundaries of the district. Such notice shall contain a description of the boundaries of the proposed sanitary district and if the public hearing be ordered as a result of the filing of a petition such boundaries shall be those described in such petition.

1170 D, Sec. 24D. After the public hearing shall have been closed the Levy Court shall, by resolution, determine whether or not it is in the public interest to establish the district and, if it deems it to be in the public interest to establish the district, the Levy Court shall, by such resolution, determine what shall be the boundaries of the district. Such boundaries may be those set forth in any such petition or may be boundaries which will include in the district the property and property-owners, and only the property and property-owners, which shall be benefited by the establishment of the district and the construction of sewage disposal facilities therein. After establishing the boundaries of such district, the Levy Court shall also cause to be prepared by the County Engineer or consulting Engineers, an estimate of the cost of proposed immediate construction and also an approximate estimate of the assessment per front foot and the amount to be included in the assessment necessary to take care of interest, amortization and maintenance costs. Said construction cost estimates and assessment estimates shall be

advertised in the same manner as herein provided for advertising the public hearing.

1170 E, Sec. 24E. The Levy Court then shall cause to be held an election within six months following the date of the hearing, at which the question shall be submitted to the voters residing within the boundaries of the sanitary district as fixed by the Levy Court as to whether the district shall be established or not. Notice of the election shall be advertised in the same manner as herein provided for advertising the public hearing. The cost of the election shall be borne by the Levy Court, which shall be reimbursed for such cost by the district, if established by the election.

The proposition shall be submitted substantially in the following form:

FOR THE SANITARY DISTRICT.....

AGAINST THE SANITARY DISTRICT.....

The majority of votes cast shall decide the matter.

The election shall be managed and the votes canvassed in such manner as may be prescribed by the Levy Court. If the majority are in favor of establishing the sanitary district, the Levy Court shall within thirty days following the election, issue a determination to the effect which shall contain a description of the sanitary district and the Court shall file a certified copy of said determination with the Clerk of the Peace. Within thirty days after the election, the Levy Court shall authorize the County Engineer and the Levy Court Attorney to procure the necessary land and/or rights-of-way by purchase, agreement, or by condemnation in accordance with existing statutes, and shall authorize the County Engineer to prepare maps, plans, specifications and estimates for any or all structures required to provide for the installation of sewers, structures incidental thereto and the safe disposal of the sewage in the said sanitary district and to let contracts for, supervise the construction and maintenance of, or the enlarging or remodeling of such structures, and to carry on such other activities as may be required by this

law or considered necessary to perform the duties herein prescribed.

1170 F, Sec. 24F. It is intended that the Levy Court construct and maintain main sewers and sewage treatment works in order to provide a satisfactory outlet for any subdivision which may at any future time connect sub-main or lateral sewers to it. The Levy Court may also undertake the construction and/or maintenance of sub-mains or laterals as agents for cities or towns when officially requested so to act and when the cost of such work is to be borne by local assessments against the property benefited, or by assessment by the Levy Court in the same manner as for unincorporated areas.

In the case where a sanitary district shall include areas wherein sanitary sewers have been constructed under the authority of the Levy Court, or by incorporated towns, corporations or individuals, the necessary adjustments shall be made with each property owner for those costs already incurred by the said property owner when said sewers were constructed. Such excess costs shall be credited to future assessments levied by said district.

1170 G, Sec. 24G. The Levy Court shall have power and authority to issue bonds of New Castle County to finance the cost of constructing sewage disposal facilities in any such sanitary district. The moneys raised by the issuance of such bonds shall be held in a separate account and shall be expended only for the construction of sewage disposal facilities in the sanitary district for which the bonds are issued. Said bonds shall bear interest at a rate which shall not exceed three per centum per annum and the income therefrom shall not be subject to State taxation. Each issue of said bonds shall be payable within thirty years after the date of the bonds of such issue. The reasonable expenses of issuing of such bonds shall be deemed a part of the cost of constructing such sewer facilities. The full faith and credit of New Castle County shall be pledged to the payment of such bonds and the interest thereon.

The Levy Court is hereby required and directed to advertise said bonds for sale in at least two issues each of two news-

papers, one of which shall be published in a newspaper of general circulation in the City of Wilmington, Delaware, and one of which shall be published in the City of New York, inviting bids for the same, which advertisements shall state the total amount of the proposed issue, the denominations of said bonds, the place of payment of said bonds and interest, the place and date of opening said bids, and the conditions under which said bonds are to be sold. Said Levy Court may give notice of the sale of said bonds in such other manner as it may decide.

The Levy Court shall have the power to require each bid for said bonds to be accompanied by a certified check in the amount of the bid, and after the bonds are awarded or sold to the successful bidder or bidders therefor, the Levy Court shall return to the unsuccessful bidder or bidders the certified check or checks submitted with the bid or bids.

The said Levy Court shall have the right to reject any and all bids, but in awarding the sale of said bonds, or any of them, they shall be sold to the person, persons, firm or corporation which, in the judgment of the said Levy Court, offers the most advantageous terms. Said bonds shall not be offered for sale until the attorney for said Levy Court has submitted his opinion in writing that the bonds will, when duly sold, executed, delivered and paid for, be validly issued in accordance with the provisions of this Act.

The said Levy Court shall direct and effect the preparation and printing of the bonds authorized by this Act, fix the rate of interest, and shall prescribe the form of said bonds and the coupons for the payment of interest thereto attached. Said bonds shall state the conditions under which they are issued. The coupons and face amount thereof shall be payable at the branch of the Farmers Bank of Delaware in the County where said bonds are issued. Said bonds shall be signed by the presiding officer of the Levy Court, countersigned by the Clerk of the Peace, and sealed with the official seal of said Levy Court.

1170 H, Sec. 24H. The Levy Court each year, at a time to be set by said Court, shall after a public hearing establish an annual assessment roll for said sanitary district and to be

known as "Sanitary District Sewer Assessment," with the said assessments to be collected by the Levy Court as are other county taxes. The County Engineer shall collect the front foot assessment. Notice of such public hearing shall recite that the assessment roll has been completed and filed and shall state that at the time and place fixed for such public hearing the Levy Court will meet and hear and consider any objections which may be made to such assessment roll. Notice of such public hearing shall be published in a newspaper published within New Castle County, and having a general circulation therein, once in each of the two weeks immediately preceding the week in which such public hearing is held. After holding such public hearing, the Levy Court may change or amend the assessment roll as it may deem necessary or just and may confirm and adopt the assessment roll as originally proposed or as amended or changed.

The total amount assessed for each year shall be sufficient to provide funds required to reimburse the County for sums to be expended for retiring the bonds which have been issued and for the payment of the interest due on the same and for maintaining or improving the sewerage system and paying the necessary general expenses of the sanitary district. The property against which such assessments are levied shall be liable for the payment of said assessments in the same manner as they are liable for other county taxes. Provided, however, that no assessment shall be made against any property which is not now subject to taxation and assessment for County and Municipal purposes.

1170 I, Sec. 24I. The Commissioners of the Levy Court of New Castle County are hereby authorized to promulgate from time to time and enforce such rules and regulations, as may be necessary, governing the use of the whole or any parts of such sewerage systems or sewage treatment plants constructed under their control either within or without the district.

1170 J, Sec. 24J. The Levy Court shall be empowered to accept grants and/or loans of money, labor, materials, equipment or technical assistance from agencies of the Federal or State Government or from inter-state agencies established by law, to accomplish the purposes of this Act and may pay the

interest and amortization on such loans in the same manner as is authorized elsewhere in this Act for bonds.

1170 K, Sec. 24K. If any clause, sentence, paragraph, section or part of this chapter shall be judged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered. This Act shall take effect immediately.

Section 2. All proceedings heretofore taken and all acts heretofore done purporting to establishing any sanitary district for the purposes set forth in said Article 1, Chapter 43 Revised Code of the State of Delaware, 1935, as amended by Chapter 113, Volume 45, Laws of Delaware, by either the Levy Court of New Castle County or by other officers or agencies of said County, are hereby legalized, validated and confirmed, notwithstanding any error or omission or irregularity in said acts or proceedings, or in any petition submitted to the Levy Court under such act, or any lack of authority therefor; provided (1) the Levy Court shall have fixed the boundaries of such sanitary district after holding a public hearing at which all interested persons, officials, residents, voters, taxpayers, property-owners or other persons or corporations in any way affected were afforded an opportunity to be heard on any question dealing with the location of the boundaries of the district, and (2) such public hearing shall have been previously advertised by posting notice thereof in one or more public places within such district at least ten days prior to such public hearing and by publishing a copy of such notice in a newspaper published within New Castle County and having a general circulation therein, once in each of the two weeks immediately preceding the week in which such public hearing was held, and (3) a majority of the voters voting at an election held in such district by order of the Levy Court shall have voted for the establishment of the district.

Section 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 2, 1949.

CHAPTER 179

DELAWARE STATE COLLEGE

ESTABLISHING SCHOLARSHIPS FOR STUDENTS

AN ACT APPROPRIATING CERTAIN MONEYS TO DELAWARE STATE COLLEGE FOR THE PURPOSE OF ESTABLISHING SCHOLARSHIPS FOR STUDENTS AT SAID COLLEGE.

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 Fifteen Thousand Dollars (\$15,000.00) annually to Delaware State College for the purpose of establishing scholarships at said College.

Section 2. That the minimum number of scholarships to be awarded in each and every year shall be thirty (30).

Section 3. That the Committee to award such scholarships shall be selected by the Board of Trustees of Delaware State College. The said Committee shall be appointed by the Board of Trustees of said College for such term or terms as said Board of Trustees may deem advisable.

Section 4. The State Treasurer is hereby authorized and directed to pay to Delaware State College the said sum of Fifteen Thousand Dollars (\$15,000.00) in each and every year upon warrants signed by the President of the College and the Secretary of the Board of Trustees of said College. The Committee shall immediately upon making recommendations for scholarships report the same to the Board of Trustees.

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

Approved June 3, 1949.

CHAPTER 180

SECRETARY OF STATE

AUTHORIZING APPOINTMENT OF AN ASSISTANT TO THE
SECRETARY OF STATE

AN ACT TO AMEND CHAPTER 14 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "SECRETARY OF STATE," BY AUTHORIZING THE SECRETARY OF STATE TO APPOINT AN ASSISTANT TO THE SECRETARY OF STATE, DESIGNATING THE DUTIES OF THE ASSISTANT TO THE SECRETARY OF STATE, AND PROVIDING FOR THE CERTIFICATION OF RECORDS.

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

Section 1. That Chapter 14 of the Revised Code of Delaware, 1935, as amended, be further amended by adding following Section 384, Sec. 4 of said Chapter the following new section to be known as 384A, Sec. 4A, as follows:

384A. Sec. 4A. Certification of Records:—Except when the Great Seal of the State of Delaware is required to be affixed to a certification of a record, the certification of all records, licenses, registrations, papers or other documents required to be certified by the Secretary of State shall be made under the signature and seal of office of the Secretary of State; provided that said signature may be a printed facsimile when attested by the Assistant to the Secretary of State.

Section 2. That Chapter 14 of the Revised Code of Delaware, 1935, as amended, be further amended by adding following Section 384A, Sec. 4A, a new section to be known as 384B, Sec. 4B, as follows:

384B. Sec. 4B. Assistant to the Secretary of State:—The Secretary of State is authorized to appoint from among the employees of his office an Assistant to the Secretary of State who shall perform such duties as he may be directed by law or by the Secretary of State to perform.

Approved June 3, 1949.

CHAPTER 181

PRINTING, DISTRIBUTION AND DISPOSAL OF

LEGISLATIVE JOURNALS

AN ACT TO AMEND CHAPTER 10 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, WITH REFERENCE TO THE PRINTING, DISTRIBUTION AND DISPOSAL OF LEGISLATIVE JOURNALS.

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

Section 1: That Chapter 10 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 344. Sec. 8. and 345. Sec. 9. thereof, and by substituting and enacting in lieu thereof two new sections as follows:

344. Sec. 8. **LEGISLATIVE JOURNALS; COMPILING; PRINTING AND DISPOSAL OF:**—The Legislative Journals shall be printed in octavo, in eight point type on ten point slug, set solid, face to approximate century in appearance; page to be forty-five picas deep from page number to foot of page inclusive, and twenty-nine picas wide, set double column, each column fourteen ems in width, rule in center dividing columns. All paragraph headings shall be in capital letters, bold face type. All bills and resolutions shall be designated by initial letters only and by number and set in bold face type; viz. **HB 210, SB 25, HCR 10, SR 5, SJR 3, HS for HB 20.**

The full title of any bill or resolution shall be printed in the consolidated Journal no more than five times: once when introduced or presented in either house, once when voted upon in either house, and once in the consolidated Index.

The yeas and nays which are required to be published, shall be in line, in compact form. The certificate of election of no more than one member from each county shall be printed in full. A brief record that certificates of election of all other members where duly received and found to be correct, shall

suffice. Not more than one member's constitutional oath of office, and not more than one attache's or employee's constitutional oath shall be printed in full. A brief record that all the other oaths were administered shall suffice.

Committee action on bills and resolutions shall be briefly noted in the Journal without the signatures of committee members; but the signatures shall appear on the initial backer of an original bill or resolution whereon shall be printed the form of a committee report on which entries shall be made to indicate the committee action.

The rules of each House shall be printed in full in the Journal in order that they may be readily available to subsequent sessions when rules are considered.

The Journals of both Houses of the General Assembly shall be printed in one volume to which shall be added one consolidated index. The index shall be in two sections: the first section being a general index by name, subject, etc.; the second section containing the titles of all bills and resolutions introduced in either House, together with references to any action taken by either House in respect to them.

In general, the compilation of the text and the specifications for printing of Journals shall be governed by the principle of elimination of unessential wording, conservation of space, and reduction of printing costs to a maximum degree consistent with a record of the proceedings of the Houses in a compact form.

The Journal texts shall be prepared by the Clerks of the respective Houses of the General Assembly immediately after each session. The consolidated index shall be prepared under the direction of the Secretary of State. Three hundred copies of the consolidated Journal, of which one hundred fifty shall be bound, shall be printed, under contract made by the Secretary of State, in accordance with specifications furnished by said Secretary, and under the superintendence of the clerks of the respective Houses. It shall be the duty of the Secretary of the Senate and the Clerk of the House, so soon as their respective Journals shall have been printed and published, to deliver the originals, together with all communications, petitions, and other related

papers not otherwise provided for, to the Public Archives Commission for proper disposition by the State Archivist.

345. Sec. 9. LEGISLATIVE JOURNALS; DISTRIBUTION OF:—The printed Journals shall be distributed as follows: One bound copy each to: the Secretary of State, the Attorneys, Secretary of the Senate, Chief Clerk of the House and all members of the session of the General Assembly of which said Journal is a record; one bound copy each to the members-elect ten days after election day; one bound copy each to the University of Delaware, Wilmington Institute Free Library, New Castle County Law Library, Judges Library at Georgetown, the Legislative Reference Bureau; two bound copies to the Library of Congress; fifty paper backed copies to the Prothonotary of New Castle County; ten paper backed copies to each of the Prothonotaries of Kent and Sussex Counties, for free distribution by Prothonotaries to citizens who may apply for same. The remainder shall be retained for subsequent sale by the State Librarian at a price fixed by the Secretary of State; with discretion left to the State Librarian to send out a reasonable number of free copies on an exchange basis.

Due to the revisions of composition of Journals herein provided for no part of this Act including the repeal of existing laws, shall be applicable to the Journals of the regular biennial session of the 115th General Assembly.

Approved June 3, 1949.

CHAPTER 182

BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES

MAKING IT UNLAWFUL TO SOLICIT OR RECEIVE DEPOSITS
OR PAYMENTS ON INCOME CONTRACTS, ETC.

**AN ACT TO AMEND ARTICLE 7 OF CHAPTER 66 OF THE
REVISED CODE OF DELAWARE, 1935, RELATIVE TO
"BANKS, SAVINGS SOCIETIES AND TRUST COM-
PANIES," MAKING IT UNLAWFUL TO SOLICIT OR
RECEIVE DEPOSITS OR PAYMENTS ON INCOME CON-
TRACTS, &c.; WITHOUT LICENSE FROM STATE BANK
COMMISSIONER; NOT TO APPLY TO CERTAIN BUSI-
NESS.**

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

Section 1. That Par. 2360. Sec. 103 of Chapter 66 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the period at the end of the first paragraph of said Section and inserting in lieu thereof a comma, and by adding thereto the following:

nor shall this Article apply to any face amount company as defined under Section 4 of the Investment Company Act of 1940 passed by the Congress of the United States which is registered with the Securities & Exchange Commission and which maintains a deposit or deposits of assets at least equal to all outstanding certificate reserve liabilities as provided by Section 28 (c) of the Investment Company Act of 1940.

Approved June 4, 1949.

CHAPTER 183

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES
OF THE STATE GOVERNMENT FOR EACH OF THE
TWO FISCAL YEARS ENDING JUNE 30, 1950 AND
JUNE 30, 1951.**

*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:

LEGISLATIVE AND ELECTIONS

AGENCIES

COMMITTEE ON UNIFORM LAWS

	Year Ending June 30	
	1950	1951
Dues	\$ 250.00	\$ 250.00
Travel	250.00	250 00
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TOTAL Committee on Uniform Laws	\$ 500.00	\$ 500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE COMMISSION ON INTERSTATE COOPERATION

Fees	\$ 5,000.00	\$ 5,000.00
Office Expense	50.00	50.00
Travel	600.00	600.00
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TOTAL Delaware Commission on Interstate Cooperation	\$ 5,650.00	\$ 5,650.00

REGISTRATIONS AND ELECTIONS

Salaries of Registrars, Assistants and Presidential Electors	\$.....	\$ 32,000.00
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TOTAL Registrations and Elections	\$.....	\$ 32,000.00

LEGISLATIVE REFERENCE BUREAU

Salary of Executive Director	\$ 5,000.00	\$ 5,000.00
Salaries and Wages of Employees	3,650.00	3,650.00
Office Expense	750.00	750.00
Travel	150.00	150.00
Repairs and Replacements	200.00	200.00
Equipment	250.00	250.00
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TOTAL Legislative Reference Bureau	\$ 10,000.00	\$ 10,000.00
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TOTAL LEGISLATIVE AND ELECTIONS	\$ 16,150.00	\$ 48,150.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

EXECUTIVE AND FINANCIAL

GOVERNOR

Salary of Governor	\$ 7,500.00	\$ 7,500.00
Salaries of Secretaries	8,000.00	8,000.00
Office Expense	1,250.00	1,250.00
Governor's Conference	200.00	200.00
Contingent Expenses	5,000.00	5,000.00
Repairs and Replacements	500.00	500.00
Equipment	250.00	250.00
TOTAL Governor	\$ 22,700.00	\$ 22,700.00

SECRETARY OF STATE

Salary of Secretary of State	\$ 7,000.00	\$ 7,000.00
Printing Laws—115th General Assembly	25,000.00	.....
Salaries and Wages of Employees	58,500.00	59,000.00
Office Expense	4,000.00	4,500.00
Travel	1,500.00	1,500.00
Magistrate Bonds	400.00	400.00
Certificate of Origin	200.00	200.00
Dissolution Account	5,500.00	6,000.00
Repairs and Replacements	3,500.00	2,500.00
Departmental Supplies	32,000.00	42,000.00
Equipment	1,000.00	1,000.00
TOTAL Secretary of State	\$138,600.00	\$124,100.00

STATE TREASURER

Salary of Treasurer	\$ 5,000.00	\$ 5,000.00
Salary of Deputy Treasurer	2,600.00	2,600.00
Salaries and Wages of Employees	10,440.00	10,440.00
Office Expense	7,400.00	8,900.00
Travel	400.00	400.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Repairs and Replacements	250.00	250.00
Expense on Rented Machines	150.00	150.00
Equipment	250.00	250.00

TOTAL State Treasurer	\$ 26,490.00	\$ 27,990.00
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PERMANENT BUDGET COMMISSION

Salary of Budget Accountant	\$ 6,000.00	\$ 6,000.00
Salaries and Wages of Employees	35,410.00	35,910.00
Office Expense	2,000.00	2,000.00
Travel	4,500.00	4,500.00
Travel—Commission Members	300.00	300.00
Repairs and Replacements	355.00	355.00
Equipment	200.00	200.00

TOTAL Permanent Budget Commission	\$ 48,765.00	\$ 49,265.00
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AUDITOR OF ACCOUNTS

Salary of Auditor	\$ 5,000.00	\$ 5,000.00
Salary of Deputy Auditor	3,800.00	3,800.00
Salaries and Wages of Employees	15,500.00	15,500.00
Office Expense	1,200.00	1,200.00
Travel	500.00	500.00
Repairs and Replacements	1,000.00	1,000.00
Equipment	3,700.00	200.00

TOTAL Auditor of Accounts	\$ 30,700.00	\$ 27,200.00
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STATE REVENUE COLLECTOR

Salary of Collector	\$ 2,000.00	\$ 2,000.00
Office Expense	40.00	40.00
Travel	400.00	400.00

TOTAL State Revenue Collector.....	\$ 2,440.00	\$ 2,440.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE INSURANCE COMMISSIONER

Salary of Commissioner	\$ 6,000.00	\$ 6,000.00
Salary of Actuary	3,000.00	3,000.00
Salaries and Wages of Employees	6,780.00	6,780.00
Office Expense	1,100.00	1,200.00
Travel	1,000.00	1,000.00
Premiums	34,000.00	35,000.00
Repairs and Replacements	100.00	100.00
Equipment	200.00	200.00
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TOTAL State Insurance Commissioner	\$ 52,180.00	\$ 53,280.00

OYSTER REVENUE COLLECTOR

Salary of Collector	\$ 1,800.00	\$ 1,800.00
Salaries and Wages of Employees	9,000.00	9,000.00
Office Expense	75.00	75.00
Travel	200.00	200.00
Operations	800.00	800.00
Repairs and Replacements	700.00	700.00
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TOTAL Oyster Revenue Collector	\$ 12,575.00	\$ 12,575.00

BOAT INSPECTOR

Salary of Inspector	\$ 1,150.00	\$ 1,150.00
Office Expense	10.00	10.00
Travel	600.00	600.00
Operations	40.00	40.00
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TOTAL Boat Inspector	\$ 1,800.00	\$ 1,800.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE TAX DEPARTMENT

Salary of Commissioner	\$ 6,333.34	\$ 6,500.00
New Positions as of 7-1-49 per Budget		
Request	20,000.00	20,000.00
Salaries and Wages of Employees	145,000.00	145,000.00
Office Expense	28,000.00	28,000.00
Travel	1,700.00	1,700.00
Annual Audit	2,200.00	2,200.00
Repairs and Replacements	1,500.00	1,250.00
TOTAL State Tax Department.....	\$204,733.34	\$204,650.00

STATE BANK COMMISSIONER

Salary of Commissioner	\$ 6,000.00	\$ 6,000.00
Salaries and Wages of Employees	28,600.00	28,600.00
Office Expense	1,880.00	1,880.00
Travel	5,000.00	5,000.00
Repairs and Replacements	400.00	400.00
TOTAL State Bank Commissioner \$	41,880.00	\$ 41,880.00

DELAWARE LIQUOR COMMISSION

Salaries and Wages of Employees	\$ 65,000.00	\$ 65,000.00
Office Expense	14,000.00	14,000.00
Travel	8,500.00	8,500.00
Operations	150.00	150.00
Repairs and Replacements	2,000.00	2,000.00
Equipment	300.00	300.00
TOTAL Delaware		
Liquor Commission	\$ 89,950.00	\$ 89,950.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE INSURANCE COMMISSIONER

Salary of Commissioner	\$ 6,000.00	\$ 6,000.00
Salary of Actuary	3,000.00	3,000.00
Salaries and Wages of Employees	6,780.00	6,780.00
Office Expense	1,100.00	1,200.00
Travel	1,000.00	1,000.00
Premiums	34,000.00	35,000.00
Repairs and Replacements	100.00	100.00
Equipment	200.00	200.00
<hr/>		
TOTAL State Insurance Commissioner	\$ 52,180.00	\$ 53,280.00

OYSTER REVENUE COLLECTOR

Salary of Collector	\$ 1,800.00	\$ 1,800.00
Salaries and Wages of Employees	9,000.00	9,000.00
Office Expense	75.00	75.00
Travel	200.00	200.00
Operations	800.00	800.00
Repairs and Replacements	700.00	700.00
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TOTAL Oyster Revenue Collector	\$ 12,575.00	\$ 12,575.00

BOAT INSPECTOR

Salary of Inspector	\$ 1,150.00	\$ 1,150.00
Office Expense	10.00	10.00
Travel	600.00	600.00
Operations	40.00	40.00
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TOTAL Boat Inspector	\$ 1,800.00	\$ 1,800.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE TAX DEPARTMENT

Salary of Commissioner	\$ 6,333.34	\$ 6,500.00
New Positions as of 7-1-49 per Budget		
Request	20,000.00	20,000.00
Salaries and Wages of Employees	145,000.00	145,000.00
Office Expense	28,000.00	28,000.00
Travel	1,700.00	1,700.00
Annual Audit	2,200.00	2,200.00
Repairs and Replacements	1,500.00	1,250.00
	<hr/>	<hr/>
TOTAL State Tax Department.....	\$204,733.34	\$204,650.00

STATE BANK COMMISSIONER

Salary of Commissioner	\$ 6,000.00	\$ 6,000.00
Salaries and Wages of Employees	28,600.00	28,600.00
Office Expense	1,880.00	1,880.00
Travel	5,000.00	5,000.00
Repairs and Replacements	400.00	400.00
	<hr/>	<hr/>
TOTAL State Bank Commissioner \$	41,880.00	\$ 41,880.00

DELAWARE LIQUOR COMMISSION

Salaries and Wages of Employees	\$ 65,000.00	\$ 65,000.00
Office Expense	14,000.00	14,000.00
Travel	8,500.00	8,500.00
Operations	150.00	150.00
Repairs and Replacements	2,000.00	2,000.00
Equipment	300.00	300.00
	<hr/>	<hr/>
TOTAL Delaware		
Liquor Commission	\$ 89,950.00	\$ 89,950.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE RACING COMMISSION

Salary of Commissioners	\$ 3.00	\$ 3.00
Salaries and Wages of Employees	1,500.00	1,500.00
Office Expense	3,118.00	2,218.00
Travel	1,000.00	1,000.00
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TOTAL Delaware Racing Commission	\$ 5,621.00	\$ 4,721.00
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TOTAL EXECUTIVE AND FINANCIAL	\$678,434.34	\$662,551.00

JUDICIAL AND LEGAL

COURT OF CHANCERY

Salary of Chancellor	\$ 12,500.00	\$ 12,500.00
Salary of Vice-Chancellor	10,000.00	10,000.00
Salaries and Wages of Employees	15,310.00	15,310.00
Office Expense	800.00	800.00
Chancellor for Reporting	200.00	200.00
Travel	600.00	600.00
Chancellor's Report	3,200.00	3,200.00
Repairs and Replacements	400.00	400.00
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TOTAL Court of Chancery	\$ 43,010.00	\$ 43,010.00

DEPARTMENT OF JUSTICE

Salary of Chief Justice	\$ 12,500.00	\$ 12,500.00
Salaries of Associate Judges	48,000.00	48,000.00
Kent County Judge for Reporting	200.00	200.00
Reports	2,850.00	2,850.00
Travel	2,500.00	2,500.00
Salary—Clerk of Supreme Court	300.00	300.00
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TOTAL Department of Justice	\$ 66,350.00	\$ 66,350.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

COMMON PLEAS COURT—KENT COUNTY

Salary of Judge	\$ 5,000.00	\$ 5,000.00
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TOTAL Common Pleas Court— Kent County	\$ 5,000.00	\$ 5,000.00

STATE LIBRARIAN

Salary of Librarian	\$ 2,000.00	\$ 2,000.00
Salary of Clerk	1,150.00	1,150.00
Office Expense	150.00	150.00
Repairs and Replacements	200.00	200.00
Equipment	1,500.00	1,500.00
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TOTAL State Librarian	\$ 5,000.00	\$ 5,000.00

ATTORNEY GENERAL

Salary of Attorney General	\$ 6,500.00	\$ 6,500.00
Salary of Chief Deputy	3,750.00	3,750.00
Salary of Deputy—New Castle County	3,500.00	3,500.00
Salary of Deputy—Kent County	3,000.00	3,000.00
Salaries and Wages of Employees	2,500.00	2,500.00
Salary of Deputy—Sussex County	3,000.00	3,000.00
Office Expense	2,000.00	2,000.00
Salaries of State Detectives	7,800.00	7,800.00
Travel	1,500.00	1,500.00
Requisition Traveling Expense	1,300.00	1,300.00
Operations	2,100.00	2,100.00
Repairs and Replacements	2,500.00	2,500.00
Equipment	200.00	200.00
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TOTAL Attorney General	\$ 39,650.00	\$ 39,650.00
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TOTAL JUDICIAL AND LEGAL	\$159,010.00	\$159,010.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DEBT SERVICE—FIXED OBLIGATIONS

INTEREST

Women's College Bonds—Loan of 1925	\$ 4,887.50	\$ 4,675.00
State Highway Refunding Bonds—		
2½ %	20,000.00	17,500.00
State Highway Refunding Bonds		
2¾ %	17,875.00	17,875.00
Improvement Bonds—2⅛ %	2,220.63	1,901.87
State Building Bonds 1937—2 %	2,650.00	2,350.00
State Highway Loan 1939—1⅝ %	15,023.13	14,519.37
Public Improvement Bonds 1941		
1-1/10 %	8,690.00	8,140.00
Public Improvement Bonds of 1946—		
Newport No. 21	525.00	450.00
Public Improvement Bonds of 1946—		
Rose Hill-Minquadale No. 47	315.00	270.00
Public Improvement Bonds of 1948:		
Delaware State Hospital	3,648.00	3,456.00
Sussex County Negro High School	3,040.00	2,880.00
Commission for the Feeble-Minded	1,680.00	1,600.00
State Welfare Home	3,792.00	3,584.00
Post War State Highway		
Improvement	37,500.00	37,500.00
School Building Bonds—1948	21,105.50	20,000.50
TOTAL Interest	\$142,951.76	\$136,701.74

REDEMPTIONS

Women's College Bonds—Loan 1925	\$ 5,000.00	\$ 5,000.00
State Highway Refunding Bonds—		
2½ %	100,000.00	100,000.00
Improvement Bonds—2⅛ %	15,000.00	15,000.00
State Building Bonds—1937	15,000.00	15,000.00
State Highway Loan—1939	31,000.00	31,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Public Improvement Bonds—1941	50,000.00	50,000.00
Public Improvement Bonds of 1946—		
Newport No. 21	10,000.00	10,000.00
Public Improvement Bonds of 1946—		
Rose Hill-Minquadale No. 47	6,000.00	6,000.00
Public Improvement Bonds of 1948		
Delaware State Hospital	\$ 12,000.00	\$ 12,000.00
Sussex County Negro High School	10,000.00	10,000.00
Commission for the Feeble-Minded	5,000.00	5,000.00
State Welfare Home	13,000.00	13,000.00
School Building Bonds—1948	65,000.00	65,000.00
 TOTAL Redemptions	 \$337,000.00	 \$337,000.00
 TOTAL Fixed Obligations	 \$479,951.76	 \$473,701.74
 TOTAL DEBT SERVICE	 \$479,951.76	 \$473,701.74

REGULATORY BOARDS

MEDICAL COUNCIL OF DELAWARE

Salary of Secretary	\$ 200.00	\$ 200.00
Salary of Assistant Secretary	200.00	200.00
Salaries and Wages of Employees	100.00	100.00
Office Expense	575.00	575.00
Travel	625.00	625.00
 TOTAL Medical Council of Delaware	 \$ 1,700.00	 \$ 1,700.00

STATE BOARD OF PHARMACY

Salary of Secretary-Treasurer	\$ 2,400.00	\$ 2,400.00
Salary of Members	600.00	600.00
Office Expense	400.00	400.00
Travel	1,000.00	1,000.00
 TOTAL State Board of Pharmacy	 \$ 4,400.00	 \$ 4,400.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE BOARD OF DENTAL EXAMINERS

Salary of Members	\$ 120.00	\$ 120.00
Salary of Secretary-Treasurer	300.00	300.00
Salaries and Wages of Employees	150.00	150.00
Office Expense	100.00	100.00
Travel	205.00	205.00

TOTAL State Board of Dental Examiners	\$ 875.00	\$ 875.00
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STATE BOARD OF EXAMINERS FOR BARBERS

Salary of President	\$ 182.65	\$ 182.65
Salary of Secretary	334.70	334.70
Salary of Treasurer	182.65	182.65
Office Expense	50.00	50.00
Travel	40.00	40.00

TOTAL State Board of Examiners for Barbers	\$ 790.00	\$ 790.00
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BOARD OF VETERINARY EXAMINERS

Salaries and Wages of Employees	\$ 150.00	\$ 150.00
Office Expense	25.00	25.00
Travel	25.00	25.00

TOTAL Board of Veterinary Examiners	\$ 200.00	\$ 200.00
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STATE BOARD OF ACCOUNTANCY

Salaries and Wages of Employees	\$ 250.00	\$ 250.00
Office Expense	300.00	300.00
Travel	100.00	100.00

TOTAL State Board Accountancy	\$ 650.00	\$ 650.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BOARD OF EXAMINERS IN OPTOMETRY

Salaries and Wages of Employees	\$ 105.00	\$ 105.00
Office Expense	45.00	45.00
Travel	75.00	75.00
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TOTAL Board of Examiners in Optometry	\$ 225.00	\$ 225.00

BOARD OF EXAMINERS FOR REGISTERED NURSES

Salary of Executive Secretary and Educational Advisor	\$ 1,800.00	\$ 1,800.00
Salaries of Board Members	400.00	400.00
Salaries and Wages of Employees	100.00	100.00
Office Expense	1,650.00	1,650.00
Travel	200.00	200.00
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TOTAL Board of Examiners for Registered Nurses	\$ 4,150.00	\$ 4,150.00

STATE BOARD OF EXAMINERS IN UNDERTAKING

Salary of Treasurer	\$ 50.00	\$ 50.00
Salary of Secretary	50.00	50.00
Salaries and Wages of Employees	300.00	300.00
Office Expense	97.00	97.00
Travel	150.00	150.00
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TOTAL State Board of Examiners in Undertaking	\$ 647.00	\$ 647.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE REAL ESTATE COMMISSION

Salaries of Commissioners	\$ 510.00	\$ 510.00
Salary of Examiner	80.00	80.00
Salaries and Wages of Employees	450.00	450.00
Office Expense	250.00	250.00
Travel	54.00	54.00

TOTAL Delaware Real Estate Commission	\$ 1,344.00	\$ 1,344.00
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STATE BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS

Salaries and Wages of Employees	\$ 220.00	\$ 220.00
Office Expense	440.00	440.00
Travel	400.00	400.00
Equipment	50.00	50.00

TOTAL State Board of Examiners and Registration of Architects	\$ 1,110.00	\$ 1,110.00
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STATE ATHLETIC COMMISSION

Salaries of Commissioners	\$ 900.00	\$ 900.00
Salaries and Wages of Employees	150.00	150.00
Office Expense	393.00	393.00
Travel	125.00	125.00

TOTAL State Athletic Commission	\$ 1,568.00	\$ 1,568.00
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ATLANTIC STATES MARINE FISHERIES COMMISSION

Dues	\$ 700.00	\$ 700.00
Travel	200.00	200.00

TOTAL Atlantic States Marine Fisheries Commission	\$ 900.00	\$ 900.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

Salary of Secretary	\$ 850.00	\$ 900.00
Office Expense	1,050.00	1,050.00
Travel	300.00	300.00

TOTAL Board of Registration for Professional Engineers and Land Surveyors	\$ 2,200.00	\$ 2,250.00
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TOTAL REGULATORY BOARDS	\$ 20,759.00	\$ 20,809.00
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ENFORCEMENT BOARDS

LABOR COMMISSION OF DELAWARE

Salary of Child Labor Inspector	\$ 2,300.00	\$ 2,300.00
Salary of Ten-Hour Law Inspector	2,300.00	2,300.00
Salaries and Wages of Employees	1,965.00	1,965.00
Office Expense	2,035.00	2,035.00
Travel	500.00	500.00
Repairs and Replacements	300.00	300.00

TOTAL Labor Commission of Delaware	\$ 9,400.00	\$ 9,400.00
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PAROLE BOARD

Salary of Parole Officer	\$ 2,800.00	\$ 2,800.00
Salaries of Parole Members	480.00	480.00
Office Expense	250.00	250.00
Travel	1,000.00	1,000.00
Equipment	100.00	100.00

TOTAL Parole Board	\$ 4,630.00	\$ 4,630.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE REAL ESTATE COMMISSION

Salaries of Commissioners	\$ 510.00	\$ 510.00
Salary of Examiner	80.00	80.00
Salaries and Wages of Employees	450.00	450.00
Office Expense	250.00	250.00
Travel	54.00	54.00

TOTAL Delaware Real Estate		
Commission	\$ 1,344.00	\$ 1,344.00

STATE BOARD OF EXAMINERS AND REGISTRATION OF ARCHITECTS

Salaries and Wages of Employees	\$ 220.00	\$ 220.00
Office Expense	440.00	440.00
Travel	400.00	400.00
Equipment	50.00	50.00

TOTAL State Board of Examiners		
and Registration of Architects	\$ 1,110.00	\$ 1,110.00

STATE ATHLETIC COMMISSION

Salaries of Commissioners	\$ 900.00	\$ 900.00
Salaries and Wages of Employees	150.00	150.00
Office Expense	393.00	393.00
Travel	125.00	125.00

TOTAL State		
Athletic Commission	\$ 1,568.00	\$ 1,568.00

ATLANTIC STATES MARINE FISHERIES COMMISSION

Dues	\$ 700.00	\$ 700.00
Travel	200.00	200.00

TOTAL Atlantic States		
Marine Fisheries Commission	\$ 900.00	\$ 900.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

Salary of Secretary	\$ 850.00	\$ 900.00
Office Expense	1,050.00	1,050.00
Travel	300.00	300.00
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TOTAL Board of Registration for Professional Engineers and Land Surveyors	\$ 2,200.00	\$ 2,250.00
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TOTAL REGULATORY BOARDS	\$ 20,759.00	\$ 20,809.00

ENFORCEMENT BOARDS

LABOR COMMISSION OF DELAWARE

Salary of Child Labor Inspector	\$ 2,300.00	\$ 2,300.00
Salary of Ten-Hour Law Inspector	2,300.00	2,300.00
Salaries and Wages of Employees	1,965.00	1,965.00
Office Expense	2,035.00	2,035.00
Travel	500.00	500.00
Repairs and Replacements	300.00	300.00
<hr/>		
TOTAL Labor Commission of Delaware	\$ 9,400.00	\$ 9,400.00

PAROLE BOARD

Salary of Parole Officer	\$ 2,800.00	\$ 2,800.00
Salaries of Parole Members	480.00	480.00
Office Expense	250.00	250.00
Travel	1,000.00	1,000.00
Equipment	100.00	100.00
<hr/>		
TOTAL Parole Board	\$ 4,630.00	\$ 4,630.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

OUT-OF-STATE PAROLE SUPERVISION

Expense of Administration	\$ 200.00	\$ 200.00
TOTAL Out-of-State Parole Supervision	\$ 200.00	\$ 200.00

BOARD OF PARDONS

Salary of Lieutenant-Governor	\$ 144.00	\$ 144.00
Witness Fees	100.00	100.00
Travel	56.00	56.00
TOTAL Board of Pardons	\$ 300.00	\$ 300.00

BOARD OF BOILER RULES

Salary of Chief Inspector	\$ 3,700.00	\$ 3,700.00
Salary of Secretary	1,500.00	1,500.00
Office Expense	450.00	450.00
Travel	750.00	750.00
TOTAL Board of Boiler Rules	\$ 6,400.00	\$ 6,400.00

REGULATORS OF WEIGHTS AND MEASURES

Salaries of Regulators	\$ 4,700.00	\$ 4,700.00
Office Expense	100.00	100.00
Travel	1,800.00	1,800.00
Operations	250.00	250.00
TOTAL Regulators of Weights and Measures	\$ 6,850.00	\$ 6,850.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

INDUSTRIAL ACCIDENT BOARD

Salaries of Members	\$ 9,600.00	\$ 9,600.00
Salaries and Wages of Employees	7,900.00	7,900.00
Office Expense	6,160.00	5,060.00
Travel	850.00	850.00
Repairs and Replacements	275.00	40.00
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TOTAL Industrial Accident Board	\$ 24,785.00	\$ 23,450.00

NATIONAL GUARD—ADJUTANT GENERAL

Salary of Adjutant General	\$ 2,700.00	\$ 2,700.00
Salary of Executive Officer	2,400.00	2,400.00
Salary of Secretary	1,900.00	1,900.00
Salary of Care Taker—Bethany Beach	1,500.00	1,500.00
Salaries and Wages of Employees	30,000.00	30,000.00
Office Expense	4,500.00	4,500.00
Travel	2,000.00	2,000.00
Operations	30,000.00	30,000.00
Repairs and Replacements	15,000.00	10,000.00
Equipment	7,500.00	7,500.00
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TOTAL National Guard— Adjutant General	\$ 97,500.00	\$ 92,500.00

TOTAL ENFORCEMENT

BOARDS	\$150,065.00	\$143,730.00
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PENSIONS

DELAWARE STATE EMPLOYEES PENSIONS—ADMINISTRATION

Salaries and Wages of Employees	\$ 500.00	\$ 500.00
Office Expense	250.00	250.00
Travel	250.00	250.00
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TOTAL Administration	\$ 1,000.00	\$ 1,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BENEFITS

Benefits	\$336,100.00	\$384,900.00
TOTAL Benefits	\$336,100.00	\$384,900.00
TOTAL Pensions	\$337,100.00	\$385,900.00

MISCELLANEOUS

CUSTODIAN

Salary of Custodian	\$ 2,600.00	\$ 2,600.00
Salaries and Wages of Employees	30,000.00	30,000.00
Office Expense	400.00	400.00
Operations	20,000.00	20,000.00
Repairs, 19-21 The Green	2,500.00	.....
Repairs and Replacements	40,000.00	40,000.00
Equipment	1,000.00	1,000.00
TOTAL Custodian	\$ 96,500.00	\$ 94,000.00

STATE BUILDING AND GROUNDS COMMISSION

Operations	\$ 1,000.00	\$ 1,000.00
TOTAL State Building and Grounds Commission	\$ 1,000.00	\$ 1,000.00

FIRE COMPANIES (FROM TAX RECEIPTS)

Insurance Tax	\$130,000.00	\$140,000.00
TOTAL Fire Companies (From Tax Receipts)	\$130,000.00	\$140,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE LIBRARY COMMISSION

Salaries and Wages of Employees	\$ 9,000.00	\$ 9,000.00
Office Expense	650.00	650.00
Travel	1,100.00	1,100.00
Repairs and Replacements	650.00	2,300.00
Equipment	3,700.00	3,500.00
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TOTAL State Library Commission \$	15,100.00	\$ 16,550.00

PUBLIC ARCHIVES COMMISSION

Salaries and Wages of Employees	\$ 18,260.00	\$ 18,500.00
Office Expense	1,185.00	1,185.00
Travel	600.00	600.00
Operations	1,200.00	1,200.00
Additional Microfilming	5,500.00	5,500.00
Repairs and Replacements	75.00	75.00
Equipment	825.00	825.00
Permanent Improvements	300.00	300.00
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TOTAL Public Archives Commission	\$ 27,945.00	\$ 28,185.00

PORTRAIT COMMISSION OF DELAWARE

Office Expense	\$ 25.00	\$ 25.00
Travel	50.00	50.00
Repairs and Replacements	225.00	225.00
Equipment	400.00	400.00
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TOTAL Portrait Commission of Delaware	\$ 700.00	\$ 700.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE MUSEUM COMMISSION

Salaries and Wages of Employees	\$ 3,600.00	\$ 7,080.00
Office Expense	50.00	420.00
Travel	100.00	200.00
Operations		300.00
Repairs and Replacements		500.00
Equipment		3,000.00

TOTAL State Museum Commission	\$ 3,750.00	\$ 11,500.00
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TOTAL MISCELLANEOUS	\$274,995.00	\$291,935.00
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ROADS: MAINTENANCE, POLICE, ETC.

STATE HIGHWAY DEPARTMENT—ADMINISTRATION

Salaries and Wages of Employees	\$ 32,000.00	\$ 32,000.00
Office Expense	7,500.00	7,500.00
Travel	1,000.00	1,000.00
Operations	4,000.00	4,000.00
Delaware Safety Council	10,000.00	10,000.00
Repairs and Replacements	3,500.00	2,000.00
Equipment	1,000.00	1,000.00

TOTAL Administration	\$ 59,000.00	\$ 57,500.00
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MOTOR VEHICLE DIVISION

Salaries and Wages of Employees	\$ 150,000.00	\$ 150,000.00
Office Expense	25,000.00	25,000.00
Travel	1,500.00	1,500.00
Operations	45,000.00	45,000.00
Repairs and Replacements	10,000.00	10,000.00
Equipment	1,000.00	1,000.00

TOTAL Motor Vehicle Division	\$ 232,500.00	\$ 232,500.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE POLICE DIVISION

Salaries and Wages of Employees	\$ 411,000.00	\$ 411,000.00
Office Expense	17,000.00	17,000.00
Travel	4,500.00	4,500.00
Operations	115,000.00	115,000.00
Repairs and Replacements	55,000.00	55,000.00
Equipment	15,000.00	10,000.00
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TOTAL State Police Division.....	\$ 617,500.00	\$ 612,500.00

MOTOR FUEL TAX DIVISION

Salaries and Wages of Employees.....	\$ 10,500.00	\$ 10,500.00
Office Expense	1,200.00	1,200.00
Travel	1,000.00	1,000.00
Repairs and Replacements	100.00	100.00
Equipment	100.00	100.00
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TOTAL Motor Fuel Tax Division	\$ 12,900.00	\$ 12,900.00

OUTDOOR ADVERTISING

Salaries and Wages of Employees.....	\$ 1,400.00	\$ 1,400.00
Office Expense	50.00	50.00
Travel	500.00	500.00
Operations	50.00	50.00
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TOTAL Outdoor Advertising.....	\$ 2,000.00	\$ 2,000.00

MAINTENANCE

Salaries and Wages of Employees.....	\$1,000,000.00	\$1,000,000.00
Office Expense	9,500.00	9,500.00
Operations	300,000.00	300,000.00
Repairs and Replacements	575,000.00	600,000.00
Equipment	48,000.00	60,000.00
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TOTAL Maintenance	\$1,932,500.00	\$1,969,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

HIGHWAY CONSTRUCTION

Operations	\$1,000,000.00	\$1,000,000.00
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TOTAL Highway Construction	\$1,000,000.00	\$1,000,000.00
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TOTAL ROADS: MAINTENANCE, POLICE, ETC.	\$3,856,400.00	\$3,886,900.00

HEALTH

STATE BOARD OF HEALTH

Salary of Vacancies as of 7-1-49	\$ 13,000.00	\$ 13,000.00
Salaries and Wages of Employees	125,000.00	125,000.00
Office Expense	5,800.00	5,800.00
Rent	10,100.00	10,100.00
Travel	7,500.00	7,500.00
Operations	12,500.00	12,500.00
Examination Prior To		
Marriage License	4,000.00	4,000.00
Repairs and Replacements	3,000.00	13,000.00
Equipment	800.00	800.00
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TOTAL State Board of Health	\$181,700.00	\$191,700.00

AGRICULTURE, FORESTRY, ETC.

STATE BOARD OF AGRICULTURE

Salaries and Wages of Employees	\$122,700.00	\$122,700.00
Office Expense	7,500.00	7,500.00
Farm Products Inspection	3,000.00	3,000.00
Travel	15,600.00	15,600.00
Operations	25,950.00	25,950.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Repairs and Replacements	5,500.00	5,500.00
Equipment	2,025.00	1,575.00
Permanent Improvements	2,500.00
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TOTAL State Board of Agriculture	\$184,775.00	\$181,825.00

PENINSULA HORTICULTURAL SOCIETY

Office Expense	\$ 875.00	\$ 875.00
Travel	25.00	25.00
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TOTAL Peninsula Horticultural Society	\$ 900.00	\$ 900.00

CROP IMPROVEMENT ASSOCIATION

Salaries and Wages of Employees	\$ 45.00	\$ 45.00
Office Expense	55.00	55.00
Operations	350.00	350.00
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TOTAL Crop Improvement Association	\$ 450.00	\$ 450.00

SOIL CONSERVATION COMMISSION

Salaries and Wages of Employees	\$ 100.00	\$ 100.00
Office Expense	350.00	350.00
Travel	250.00	250.00
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TOTAL Soil Conservation Commission	\$ 700.00	\$ 700.00
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TOTAL Agriculture	\$186,825.00	\$183,875.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE FORESTRY DEPARTMENT—ADMINISTRATION

Salaries and Wages of Employees	\$ 22,500.00	\$ 22,500.00
Office Expense	1,300.00	1,300.00
Travel	1,600.00	1,600.00
Operations	1,000.00	1,000.00
Repairs and Replacements	2,500.00	2,000.00
Equipment	525.00	475.00
Permanent Improvements	1,000.00	1,000.00
TOTAL Administration	\$ 30,425.00	\$ 29,875.00

SPECIAL FIRE PROTECTION AND EXTINCTION

Salaries and Wages of Employees	\$ 8,000.00	\$ 8,000.00
Office Expense	1,000.00	750.00
Travel	800.00	800.00
Operations	600.00	600.00
Repairs and Replacements	2,500.00	2,500.00
Equipment	1,500.00	1,500.00
Permanent Improvements	300.00	300.00
TOTAL Special Fire Protection and Extinction	\$ 14,700.00	\$ 14,450.00
TOTAL Forestry	\$ 45,125.00	\$ 44,325.00

GAME AND FISH COMMISSION

Salaries of Commissioners	\$ 900.00	\$ 900.00
Salary of Chief Warden	3,300.00	3,300.00
Game Technician	4,300.00	4,300.00
Salaries and Wages of Employees	29,000.00	29,000.00
Office Expense	2,500.00	2,500.00
Pittman-Robertson Act Matching Funds	12,000.00	12,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Travel	14,500.00	14,500.00
Operations	28,000.00	28,000.00
Repairs and Replacements	2,500.00	2,500.00
Equipment	1,000.00	1,000.00
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TOTAL Game and Fish Commission	\$ 98,000.00	\$ 98,000.00
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TOTAL AGRICULTURE, FORESTRY, ETC.	\$329,950.00	\$326,200.00

PUBLIC WELFARE

GOVERNOR

Blind and Deaf Wards of the State Board and Tuition	\$ 22,000.00	\$ 22,000.00
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TOTAL Governor—Blind and Deaf Wards of the State	\$ 22,000.00	\$ 22,000.00

DELAWARE COMMISSION FOR THE BLIND

Salaries and Wages of Employees	\$ 25,000.00	\$ 25,000.00
Office Expense	950.00	950.00
Travel	2,000.00	2,000.00
Operations	5,000.00	5,000.00
Materials	7,000.00	7,000.00
Repairs and Replacements	2,000.00	3,000.00
Assistance Grants	23,000.00	25,000.00
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TOTAL Commission for the Blind	\$ 64,950.00	\$ 67,950.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE BOARD OF WELFARE

Administration	\$ 8,800.00	\$ 8,800.00
Supervision	6,700.00	6,700.00
Direct Care	165,125.00	165,125.00
Salaries and Wages of Employees	66,000.00	70,000.00
Office Expense	10,000.00	10,000.00
Travel	6,500.00	6,500.00
Pension Grants	116,325.00	116,325.00
Medical	2,000.00	2,000.00
Repairs and Replacements	3,200.00	3,200.00
Equipment	6,000.00	800.00
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TOTAL State Board of Welfare	\$390,650.00	\$389,450.00

OLD AGE WELFARE COMMISSION—PENSION ACCOUNT

Salaries and Wages of Employees	\$ 20,000.00	\$ 22,500.00
Office Expense	6,000.00	6,000.00
Travel	3,500.00	3,500.00
Operations	181,500.00	176,500.00
Repairs and Replacements	1,000.00	1,000.00
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TOTAL Old Age Welfare Commission—Pension Account	\$212,000.00	\$209,500.00

STATE WELFARE HOME

Salaries and Wages of Employees	\$ 75,000.00	\$ 75,000.00
Office Expense	2,000.00	2,000.00
Travel	600.00	600.00
Physician-Assistant Superintendent	3,750.00	3,750.00
Operations	75,000.00	75,000.00
Repairs and Replacements	2,000.00	2,000.00
Equipment	350.00	200.00
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TOTAL State Welfare Home	\$158,700.00	\$158,550.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DELAWARE STATE HOSPITAL

Salaries and Wages of Employees	\$536,465.00	\$536,465.00
Office Expense	7,775.00	7,775.00
Travel	4,170.00	4,170.00
Operations	307,840.00	307,840.00
Repairs and Replacements	43,750.00	43,750.00
TOTAL Delaware State Hospital.....	\$900,000.00	\$900,000.00

GOVERNOR BACON HEALTH CENTER

Salaries and Wages of Employees	\$305,000.00	\$305,000.00
Office Expense	6,550.00	6,550.00
Travel	4,000.00	4,000.00
Operations	164,700.00	164,700.00
Repairs and Replacements	19,750.00	19,750.00
TOTAL Governor Bacon Health Center	\$500,000.00	\$500,000.00

DELAWARE COMMISSION FOR THE FEEBLE-MINDED

Salary of Resident Physician	\$ 7,500.00	\$ 7,500.00
Salary of Blind Instructor	1,800.00	1,800.00
Salaries—New Positions and Vacancies as of 7-1-49	25,000.00	25,000.00
Salaries and Wages of Employees	120,700.00	120,700.00
Office Expense	3,000.00	3,000.00
Travel	2,000.00	2,000.00
Operations	189,625.00	189,625.00
Repairs and Replacements	25,000.00	24,300.00
Equipment	6,000.00	4,000.00
TOTAL Delaware Commission for the Feeble-Minded	\$380,625.00	\$377,925.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

FERRIS SCHOOL FOR BOYS

Salaries and Wages of Employees	\$ 85,000.00	\$ 85,000.00
Office Expense	2,500.00	2,500.00
Travel	5,000.00	5,000.00
Operations	75,000.00	75,000.00
Repairs and Replacements	16,000.00	16,000.00
Equipment	5,000.00	5,000.00
Permanent Improvements	4,000.00	4,000.00
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TOTAL Ferris School for Boys.....	\$192,500.00	\$192,500.00

KRUSE SCHOOL

Salaries and Wages of Employees	\$ 27,000.00	\$ 27,000.00
Office Expense	1,500.00	1,500.00
Travel	1,200.00	1,200.00
Operations	23,000.00	23,000.00
Repairs and Replacements	6,500.00	5,000.00
Equipment	500.00	500.00
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TOTAL Kruse School	\$ 59,700.00	\$ 58,200.00

STATE BOARD OF HEALTH—EDGEWOOD SANATORIUM

Salaries and Wages of Employees	\$ 32,500.00	\$ 32,500.00
Office Expense	500.00	500.00
Travel	450.00	450.00
Operations	30,000.00	30,000.00
Repairs and Replacements	800.00	800.00
Equipment	2,000.00	400.00
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TOTAL State Board of Health—

Edgewood Sanatorium	\$ 66,250.00	\$ 64,650.00
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STATE BOARD OF HEALTH—BRANDYWINE SANATORIUM

Salaries of New Employees	\$ 13,000.00	\$ 13,000.00
Salaries and Wages of Employees	95,000.00	95,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Office Expense	3,100.00	3,100.00
Travel	1,400.00	1,400.00
Operations	105,000.00	105,000.00
Repairs and Replacements	8,000.00	7,000.00
Equipment	515.00	515.00
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TOTAL Brandywine Sanatorium.....	\$226,015.00	\$225,015.00
		<hr/>
TOTAL PUBLIC WELFARE.....	\$3,173,390.00	\$3,165,740.00

GRANTS-IN-AID

HISTORICAL SOCIETY OF DELAWARE

Office Expense	\$ 500.00	\$ 500.00
		<hr/>
TOTAL Historical Society of Delaware	\$ 500.00	\$ 500.00

LEWES MEMORIAL COMMISSION

Salaries and Wages of Employees	\$ 2,100.00	\$ 2,100.00
Office Expense	185.00	185.00
Travel	75.00	75.00
Operations	400.00	400.00
Repairs and Replacements	100.00	100.00
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TOTAL Lewes Memorial Commission	\$ 2,860.00	\$ 2,860.00

DELAWARE DAY COMMISSION

Operations	\$ 200.00	\$ 200.00
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TOTAL Delaware Day Commission	\$ 200.00	\$ 200.00
		<hr/>
TOTAL GRANTS-IN-AID	\$ 3,560.00	\$ 3,560.00
		<hr/>
TOTAL AGENCIES, GRANTS, ETC.	\$9,661,465.10	\$9,759,886.74

APPROPRIATION
EXPENSES OF STATE GOVERNMENT

EDUCATION

UNIVERSITY OF DELAWARE

ADMINISTRATION

Salaries and Wages of Employees	\$500,000.00	\$500,000.00
Office Expense	5,000.00	5,000.00
Operations	76,575.00	76,575.00
Repairs and Replacements	20,000.00	20,000.00
Equipment	20,000.00	20,000.00
TOTAL Administration	\$621,575.00	\$621,575.00

CHAIR OF HISTORY

Salaries and Wages of Employees	\$ 2,500.00	\$ 2,500.00
TOTAL Chair of History	\$ 2,500.00	\$ 2,500.00

CHAIR OF PHYSICAL EDUCATION

Salaries and Wages of Employees	\$ 4,250.00	\$ 4,250.00
Operations	250.00	250.00
TOTAL Chair of Physical Education	\$ 4,500.00	\$ 4,500.00

SUMMER SCHOOL FOR TEACHERS

Salaries and Wages of Employees	\$ 10,000.00	\$ 10,000.00
TOTAL Summer School for Teachers	\$ 10,000.00	\$ 10,000.00

SMITH-LEVER AGRICULTURE EXTENSION

Salaries and Wages of Employees	\$ 22,100.00	\$ 22,100.00
Office Expense	600.00	600.00
Travel	6,000.00	6,000.00
TOTAL Smith-Lever Agriculture Extension	\$ 28,700.00	\$ 28,700.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SCHOLARSHIPS

Scholarships	\$ 5,000.00	\$ 5,000.00
TOTAL Scholarships	\$ 5,000.00	\$ 5,000.00

SCHOOL OF AGRICULTURE—EXTENSION SERVICE

Salaries and Wages of Employees	\$ 100.00	\$ 100.00
Operations	950.00	950.00
TOTAL School of Agriculture— Extension Service	\$ 1,050.00	\$ 1,050.00

AGRICULTURE AND FARM EXPERIMENTAL STATION

Salaries and Wages of Employees	\$ 28,600.00	\$ 28,600.00
Office Expense	875.00	875.00
Travel	400.00	400.00
Operations	7,000.00	7,000.00
Repairs and Replacements	1,800.00	1,800.00
TOTAL Agriculture and Farm Experimental Station	\$ 38,675.00	\$ 38,675.00

POULTRY AND ENTOMOLOGY

Salaries and Wages of Employees	\$ 5,000.00	\$ 5,000.00
Office Expense	75.00	75.00
Travel	800.00	800.00
Operations	1,125.00	1,125.00
TOTAL Poultry and Entomology	\$ 7,000.00	\$ 7,000.00

FOWL TYPHOID

Salaries and Wages of Employees	\$ 3,800.00	\$ 3,800.00
Travel	250.00	250.00
Operations	1,125.00	1,125.00
Repairs and Replacements	75.00	75.00
Equipment	250.00	250.00
TOTAL Fowl Typhoid	\$ 5,500.00	\$ 5,500.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DAIRY SPECIALISTS

Salaries and Wages of Dairy Specialists	\$ 4,675.00	\$ 4,675.00
Office Expense	125.00	125.00
Travel	700.00	700.00
TOTAL Dairy Specialists	\$ 5,500.00	\$ 5,500.00

AGRICULTURAL EXPERIMENTAL SUB-STATION

Salaries and Wages of Employees	\$ 6,000.00	\$ 6,000.00
Operations	4,000.00	4,000.00
TOTAL Agricultural Experimental Sub-Station	\$ 10,000.00	\$ 10,000.00

AGRICULTURE SUB-STATION

Salaries and Wages of Employees	\$ 6,000.00	\$ 6,000.00
Operations	4,000.00	4,000.00
TOTAL Agriculture Sub-Station.....	\$ 10,000.00	\$ 10,000.00
TOTAL University of Delaware.....	\$750,000.00	\$750,000.00

DELAWARE STATE COLLEGE

Salaries and Wages of Employees	\$130,250.00	\$130,250.00
Office Expense	3,000.00	3,000.00
Travel	1,500.00	1,500.00
Operations	35,000.00	35,000.00
Repairs and Replacements	10,000.00	10,000.00
Equipment	15,000.00	15,000.00
Permanent Improvements	5,000.00	5,000.00
TOTAL Delaware State College.....	\$199,750.00	\$199,750.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

STATE BOARD OF EDUCATION

GENERAL OR ADMINISTRATIVE CONTROL

Salaries	\$ 58,000.00	\$ 58,000.00
Office Supplies	13,000.00	13,000.00
Travel	3,000.00	3,000.00
Telephone and Telegraph	2,500.00	2,500.00
Other Costs	800.00	800.00
Special Printing Course of Study.....	2,500.00	2,500.00
Convention Travel	500.00	500.00

INSTRUCTIONAL SERVICE

Salaries	88,368.00	88,968.00
Instructional Service Supplies	3,600.00	3,600.00
Travel	9,000.00	9,000.00
Text Books	1,500.00	1,500.00
Other Costs	6,500.00	6,500.00
Visual Education	3,500.00	3,500.00

MAINTENANCE

Repairs and Replacements .....	.....	.....
Salaries	2,350.00	2,350.00
Supplies and Replacements	2,000.00	2,000.00
Other Costs	6,000.00	5,826.00

FIXED CHARGES

Fire Insurance	12,500.00	12,500.00
Other Insurance	2,100.00	2,100.00
Other Fixed Charges	175.00	175.00
Rent	3,700.00	3,700.00

AUXILIARY AND COORDINATE ACTIVITIES

Vocational Education (Ag., Home Ec., Trades)

Salaries	20,500.00	20,500.00
Travel	2,900.00	2,900.00
Other Vocational Costs	2,740.00	2,740.00
Training (Ag., Home Ec., Etc.)	3,000.00	3,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

Adult Education

Salaries	6,000.00	6,000.00
Travel	600.00	600.00
Other Adult Education Costs	600.00	600.00

School Lunch Program

Salaries	3,400.00	3,400.00
Secretary's Salary	800.00	800.00
Travel	1,000.00	1,000.00

Teacher Training

University of Delaware	8,500.00	8,500.00
Delaware State College	2,300.00	2,300.00
Wilmington	1,800.00	1,800.00

Sanatoria	1,228.00	1,265.00
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Children's Beach House ..	1,228.00	1,265.00
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Service Bureau

Salaries	5,400.00	5,400.00
Other Costs	200.00	200.00

Visiting Teachers

Salaries ..	11,000.00	11,000.00
Travel	3,200.00	3,200.00
Other Costs	300.00	300.00
Substitute Teachers	10,000.00	10,000.00
Scholarships	7,500.00	7,500.00

Student Driver Training

Salaries ..	22,000.00	22,000.00
Travel ..	4,000.00	4,000.00
Other Costs ..	1,600.00	1,600.00
Equipment ..	2,000.00	2,000.00

Transportation

Salaries ..	5,300.00	5,300.00
Travel ..	525.00	525.00
Contract Service ..	375,000.00	375,000.00
Insurance ..	2,500.00	2,500.00
Other Costs ..	500.00	500.00
Private Allowances ..	17,000.00	17,000.00
Boarding ..	17,000.00	17,000.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

CAPITAL OUTLAY

Equipment	1,000.00	500.00
Transportation	20,000.00	20,000.00
Library Books	500.00	500.00
Other Costs	250.00	250.00

TOTAL State Board of Education	\$784,964.00	\$784,964.00
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BOARD OF VOCATIONAL EDUCATION— REHABILITATION DIVISION

Case Service	\$ 30,000.00	\$ 30,000.00
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TOTAL Board of Vocational Education—Rehabilitation Division	\$ 30,000.00	\$ 30,000.00
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LOCAL SCHOOL DISTRICTS

ALFRED I. duPONT, NO. 7

SALARIES

Administrative	\$ 3,900.00	\$ 4,000.00
Clerical	1,600.00	1,600.00
Instructional	63,730.00	68,230.00
Janitorial	4,000.00	4,000.00
Health	1,800.00	1,800.00
CAPITAL OUTLAY	2,200.00	1,900.00
ALL OTHER COSTS (24 Units)	12,600.00	12,600.00

TOTAL	\$ 89,830.00	\$ 94,130.00
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RICHARDSON PARK, NO. 20

SALARIES

Administrative	\$ 4,200.00	\$ 4,300.00
Clerical	1,400.00	1,400.00
Instructional	86,060.00	89,185.00
Janitorial	4,800.00	4,800.00
Health	1,600.00	1,600.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

CAPITAL OUTLAY	3,950.00	3,150.00
ALL OTHER COSTS (34 Units)	17,850.00	17,850.00
TOTAL	\$119,860.00	\$122,285.00

NEWPORT, NO. 21

SALARIES

Administrative	\$ 3,975.00	\$ 4,075.00
Clerical	1,600.00	1,600.00
Instructional	63,035.00	69,635.00
Janitorial	4,000.00	4,000.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	3,100.00	2,200.00
ALL OTHER COSTS (25 Units)	13,125.00	13,125.00
TOTAL	\$ 90,435.00	\$ 96,235.00

HOCKESSIN, NO. 29

SALARIES

Instructional	\$ 10,250.00	\$ 10,600.00
Janitorial	1,100.00	1,100.00
Health	300.00	300.00
CAPITAL OUTLAY	1,750.00	450.00
ALL OTHER COSTS (5 Units)	2,625.00	2,625.00
TOTAL	\$ 16,025.00	\$ 15,075.00

STANTON, NO. 38

SALARIES

Instructional	18,385.00	19,060.00
Janitorial	1,600.00	1,600.00
CAPITAL OUTLAY	550.00	550.00
ALL OTHER COSTS (7 Units)	3,675.00	3,675.00
TOTAL	\$ 24,210.00	\$ 24,885.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

CHRISTIANA, NO. 44

SALARIES

Instructional	\$ 11,840.00	\$ 12,305.00
Janitorial	1,000.00	1,000.00
CAPITAL OUTLAY	825.00	333.00
ALL OTHER COSTS (6 Units)	3,150.00	3,150.00
TOTAL	\$ 16,815.00	\$ 16,788.00

ROSE HILL-MINQUADALE, NO. 47

SALARIES

Administrative	\$ 3,755.00	\$ 3,855.00
Clerical	1,300.00	1,400.00
Instructional	55,430.00	57,745.00
Janitorial	2,600.00	2,600.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	600.00	700.00
ALL OTHER COSTS (23 Units)	12,075.00	12,075.00
TOTAL	\$ 77,360.00	\$ 79,975.00

DELAWARE CITY, NO. 52

SALARIES

Administrative	\$ 3,850.00	\$ 3,950.00
Clerical	1,100.00	1,200.00
Instructional	30,895.00	32,145.00
Janitorial	2,300.00	2,300.00
Health	1,000.00	1,000.00
CAPITAL OUTLAY	650.00	650.00
ALL OTHER COSTS (8 Units)	4,200.00	4,200.00
TOTAL	\$ 43,995.00	\$ 45,445.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

COMMODORE MacDONOUGH, NO. 53

SALARIES

Instructional	\$ 19,540.00	\$ 20,390.00
Janitorial	2,000.00	2,000.00
Health	800.00	800.00
CAPITAL OUTLAY	2,250.00	750.00
ALL OTHER COSTS (8 Units)	4,200.00	4,200.00
TOTAL	\$ 28,790.00	\$ 28,140.00

MIDDLETOWN, NO. 60

SALARIES

Administrative	\$ 4,400.00	\$ 4,500.00
Clerical	1,450.00	1,450.00
Instructional	74,440.00	78,310.00
Janitorial	3,600.00	3,600.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	3,500.00	2,100.00
ALL OTHER COSTS (27 Units)	14,175.00	14,175.00
TOTAL	\$103,165.00	\$105,735.00

MARSHALLTON, NO. 77

SALARIES

Administrative	\$ 4,000.00	\$ 4,100.00
Clerical	1,500.00	1,500.00
Instructional	69,610.00	72,160.00
Janitorial	3,600.00	3,600.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	1,000.00	1,000.00
ALL OTHER COSTS (27 Units)	14,175.00	14,175.00
TOTAL	\$ 95,485.00	\$ 98,135.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

TOWNSEND, NO. 81

SALARIES

Instructional	\$ 20,950.00	\$ 21,750.00
Janitorial	1,400.00	1,400.00
Health	600.00	600.00
CAPITAL OUTLAY	350.00	350.00
ALL OTHER COSTS (9 Units)	4,725.00	4,725.00
TOTAL	\$ 28,025.00	\$ 28,825.00

YORKLYN, NO. 91

SALARIES

Instructional	\$ 11,510.00	\$ 11,885.00
Janitorial	1,300.00	1,300.00
CAPITAL OUTLAY	450.00	450.00
ALL OTHER COSTS (4 Units)	2,100.00	2,100.00
TOTAL	\$ 15,360.00	\$ 15,735.00

OAK GROVE, NO. 130

SALARIES

Administrative	\$ 3,750.00	\$ 3,850.00
Clerical	1,400.00	1,400.00
Instructional	45,450.00	47,250.00
Janitorial	3,500.00	3,500.00
Health	1,500.00	1,500.00
CAPITAL OUTLAY	4,600.00	1,900.00
ALL OTHER COSTS (22 Units)	11,550.00	11,550.00
TOTAL	\$ 71,750.00	\$ 70,950.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

HENRY C. CONRAD, NO. 131

SALARIES

Administrative	\$ 4,575.00	\$ 4,675.00
Clerical	1,800.00	1,800.00
Instructional	86,850.00	90,050.00
Janitorial	5,400.00	5,400.00
Health	1,700.00	1,800.00
CAPITAL OUTLAY	6,750.00	3,725.00
ALL OTHER COSTS (32 Units)	16,800.00	16,800.00
TOTAL	\$123,875.00	\$124,250.00

NEWPORT, NO. 106-C

SALARIES

Administrative	\$ 3,180.00	\$ 3,280.00
Clerical	500.00	500.00
Instructional	21,240.00	22,315.00
Janitorial	1,800.00	1,800.00
Health	600.00	600.00
CAPITAL OUTLAY	1,650.00	1,550.00
ALL OTHER COSTS (10 Units)	5,250.00	5,250.00
TOTAL	\$ 34,220.00	\$ 35,295.00

MIDDLETOWN, NO. 120-C

SALARIES

Administrative	\$ 3,550.00	\$ 3,650.00
Clerical	500.00	500.00
Instructional	32,145.00	33,320.00
Janitorial	1,600.00	1,600.00
Health	800.00	800.00
CAPITAL OUTLAY	550.00	450.00
ALL OTHER COSTS (12 Units)	6,300.00	6,300.00
TOTAL	\$ 45,445.00	\$ 46,620.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

MILLSIDE, NO. 132-C

SALARIES

Instructional	\$ 19,640.00	\$ 20,390.00
Janitorial	1,600.00	1,600.00
CAPITAL OUTLAY	1,500.00	600.00
ALL OTHER COSTS (10 Units)	5,250.00	5,250.00
TOTAL	\$ 27,990.00	\$ 27,840.00

FREDERICA, NO. 32

SALARIES

Clerical	\$ 200.00	\$ 200.00
Instructional	17,155.00	17,730.00
Janitorial	1,200.00	1,200.00
CAPITAL OUTLAY	575.00	575.00
ALL OTHER COSTS (8 Units)	4,200.00	4,200.00
TOTAL	\$ 23,330.00	\$ 23,905.00

FELTON, NO. 54

SALARIES

Administrative	\$ 3,700.00	\$ 3,800.00
Clerical	1,200.00	1,300.00
Instructional	45,115.00	46,465.00
Janitorial	1,900.00	1,900.00
Health	1,500.00	1,600.00
CAPITAL OUTLAY	3,700.00	1,050.00
ALL OTHER COSTS (15 Units)	7,875.00	7,875.00
TOTAL	\$ 64,990.00	\$ 63,990.00

HARTLY, NO. 96

SALARIES

Instructional	\$ 12,750.00	\$ 13,150.00
Janitorial	1,000.00	1,000.00
CAPITAL OUTLAY	150.00	150.00
ALL OTHER COSTS (7 Units)	3,675.00	3,675.00
TOTAL	\$ 17,575.00	\$ 17,975.00

APPROPRIATION
EXPENSES OF STATE GOVERNMENT

CLAYTON, NO. 119

SALARIES

Clerical	\$ 100.00	\$ 100.00
Instructional	23,745.00	24,670.00
Janitorial	1,600.00	1,600.00
CAPITAL OUTLAY	350.00	350.00
ALL OTHER COSTS (10 Units)	5,250.00	5,250.00
TOTAL	\$ 31,045.00	\$ 31,970.00

MILTON, NO. 8

SALARIES

Administrative	\$ 3,650.00	\$ 3,750.00
Clerical	1,600.00	1,600.00
Instructional	54,000.00	55,845.00
Janitorial	3,200.00	3,200.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	700.00	600.00
ALL OTHER COSTS (18 Units)	9,450.00	9,450.00
TOTAL	\$ 74,200.00	\$ 76,045.00

MILLSBORO, NO. 23

SALARIES

Administrative	\$ 4,300.00	\$ 4,400.00
Clerical	1,600.00	1,600.00
Instructional	59,700.00	61,700.00
Janitorial	3,600.00	3,600.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	3,350.00	1,600.00
ALL OTHER COSTS (23 Units)	12,075.00	12,075.00
TOTAL	\$ 86,225.00	\$ 86,575.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

LORD BALTIMORE, NO. 28

SALARIES

Administrative	\$ 3,650.00	\$ 3,750.00
Clerical	1,200.00	1,200.00
Instructional	56,280.00	58,255.00
Janitorial	3,000.00	3,000.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	2,525.00	575.00
ALL OTHER COSTS (19 Units)	9,975.00	9,975.00
TOTAL	\$ 78,230.00	\$ 78,355.00

SELBYVILLE, NO. 32

SALARIES

Administrative	\$ 4,250.00	\$ 4,350.00
Clerical	1,200.00	1,200.00
Instructional	43,460.00	47,260.00
Janitorial	2,400.00	2,400.00
Health	1,550.00	1,650.00
CAPITAL OUTLAY	1,100.00	1,000.00
ALL OTHER COSTS (15 Units)	7,875.00	7,875.00
TOTAL	\$ 61,835.00	\$ 65,735.00

GUMBORO, NO. 37

SALARIES

Instructional	\$ 10,140.00	\$ 10,465.00
Janitorial	800.00	800.00
CAPITAL OUTLAY	300.00	300.00
ALL OTHER COSTS (5 Units)	2,625.00	2,625.00
TOTAL	\$ 13,865.00	\$ 14,190.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

BRIDGEVILLE, NO. 90

SALARIES

Administrative	\$ 4,450.00	\$ 4,550.00
Clerical	1,400.00	1,400.00
Instructional	75,495.00	78,370.00
Janitorial	3,100.00	3,200.00
Health	1,400.00	1,500.00
CAPITAL OUTLAY	3,450.00	1,500.00
ALL OTHER COSTS (25 Units)	13,125.00	13,125.00
TOTAL	\$102,420.00	\$103,645.00

GREENWOOD, NO. 91

SALARIES

Administrative	\$ 3,675.00	\$ 3,775.00
Clerical	1,400.00	1,400.00
Instructional	46,090.00	47,590.00
Janitorial	2,800.00	2,800.00
Health	1,500.00	1,500.00
CAPITAL OUTLAY	2,175.00	450.00
ALL OTHER COSTS (17 Units)	8,925.00	8,925.00
TOTAL	\$ 66,565.00	\$ 66,440.00

JOHN M. CLAYTON, NO. 97

SALARIES

Administrative	\$ 3,250.00	\$ 3,350.00
Clerical	1,200.00	1,300.00
Instructional	49,750.00	51,750.00
Janitorial	2,400.00	2,400.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	1,250.00	750.00
ALL OTHER COSTS (17 Units)	8,925.00	8,925.00
TOTAL	\$ 68,375.00	\$ 70,075.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

ELLENDALE, NO. 125

SALARIES

Clerical	\$ 300.00	\$ 300.00
Instructional	10,620.00	10,945.00
Janitorial	1,000.00	1,000.00
CAPITAL OUTLAY	1,300.00	1,100.00
ALL OTHER COSTS (5 Units)	2,625.00	2,625.00
TOTAL	\$ 15,845.00	\$ 15,970.00

DELMAR, NO. 163

SALARIES

Administrative	\$ 4,300.00	\$ 4,400.00
Clerical	1,300.00	1,300.00
Instructional	54,405.00	56,180.00
Janitorial	2,500.00	2,500.00
Health	1,200.00	1,200.00
CAPITAL OUTLAY	900.00	785.00
ALL OTHER COSTS (14 Units)	7,350.00	7,350.00
TOTAL	\$ 71,955.00	\$ 73,715.00

MILLSBORO, NO. 204-C

SALARIES

Instructional	\$ 10,230.00	\$ 10,230.00
Janitorial	1,000.00	1,000.00
CAPITAL OUTLAY	220.00	145.00
ALL OTHER COSTS (6 Units)	3,150.00	3,150.00
TOTAL	\$ 14,600.00	\$ 14,525.00

FRANKFORD, NO. 206-C

SALARIES

Instructional	\$ 10,030.00	\$ 10,030.00
Janitorial	315.00	315.00
CAPITAL OUTLAY	380.00	245.00
ALL OTHER COSTS (5 Units)	2,625.00	2,625.00
TOTAL	\$ 13,350.00	\$ 13,215.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SELBYVILLE, NO. 210-C

SALARIES

Instructional	\$ 9,830.00	\$ 10,130.00
Janitorial	400.00	400.00
CAPITAL OUTLAY	400.00	250.00
ALL OTHER COSTS (5 Units)	2,625.00	2,625.00
TOTAL	\$ 13,255.00	\$ 13,405.00

BRIDGEVILLE, NO. 220-C

SALARIES

Instructional	\$ 15,930.00	\$ 16,430.00
Janitorial	525.00	525.00
CAPITAL OUTLAY	475.00	75.00
ALL OTHER COSTS (5 Units)	2,625.00	2,625.00
TOTAL	\$ 19,555.00	\$ 19,655.00

STATE BOARD OF EDUCATION FOR 1, 2, AND 3
TEACHER SCHOOLS OF THE STATE BOARD UNITS

SALARIES

Instructional	\$268,545.00	\$278,420.00
Janitorial	13,495.00	13,545.00
CAPITAL OUTLAY	10,436.50	8,863.00
ALL OTHER COSTS (114 Units)	59,850.00	59,850.00
TOTAL	\$352,326.50	\$360,678.00
TOTAL Local Districts	\$2,242,176.50	\$2,286,406.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

SPECIAL SCHOOL DISTRICTS

ALEXIS I. duPONT

SALARIES

Administrative	\$ 5,200.00	\$ 5,200.00
Clerical	2,000.00	2,000.00
Instructional	88,550.00	91,650.00
Janitorial	6,300.00	6,300.00
Health	1,600.00	1,600.00
CAPITAL OUTLAY	1,500.00	1,500.00
ALL OTHER COSTS (20 Units)	15,225.00	15,225.00
TOTAL	\$120,375.00	\$123,475.00

CAESAR RODNEY

SALARIES

Administrative	\$ 5,000.00	\$ 5,000.00
Clerical	3,000.00	3,000.00
Instructional	108,240.00	114,240.00
Janitorial	6,400.00	6,400.00
Health	1,800.00	1,800.00
CAPITAL OUTLAY	2,500.00	2,500.00
ALL OTHER COSTS (41 Units)	21,525.00	21,525.00
TOTAL	\$148,465.00	\$154,465.00

CLAYMONT

SALARIES

Administrative	\$ 5,300.00	\$ 5,300.00
Clerical	4,200.00	4,200.00
Instructional	106,365.00	112,465.00
Janitorial	10,000.00	10,000.00
Health	2,100.00	2,100.00
CAPITAL OUTLAY	5,700.00	5,700.00
ALL OTHER COSTS (38 Units)	19,950.00	19,950.00
TOTAL	\$153,615.00	\$159,715.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

DOVER

SALARIES

Administrative	\$ 5,400.00	\$ 5,400.00
Clerical	4,200.00	4,200.00
Instructional	193,110.00	200,315.00
Janitorial	9,850.00	9,850.00
Health	1,780.00	1,880.00
CAPITAL OUTLAY	10,000.00	5,000.00
ALL OTHER COSTS (71 Units)	37,275.00	37,275.00
TOTAL	\$261,615.00	\$263,920.00

GEORGETOWN

SALARIES

Administrative	\$ 5,000.00	\$ 5,000.00
Clerical	2,300.00	2,300.00
Instructional	106,485.00	110,585.00
Janitorial	5,850.00	5,850.00
Health	1,900.00	1,900.00
CAPITAL OUTLAY	11,400.00	2,900.00
ALL OTHER COSTS (38 Units)	19,950.00	19,950.00
TOTAL	\$152,885.00	\$148,485.00

HARRINGTON

SALARIES

Administrative	\$ 5,000.00	\$ 5,000.00
Clerical	1,700.00	1,700.00
Instructional	85,980.00	88,505.00
Janitorial	6,000.00	6,000.00
Health	1,400.00	1,400.00
CAPITAL OUTLAY	1,950.00	1,950.00
ALL OTHER COSTS (30 Units)	15,750.00	15,750.00
TOTAL	\$117,780.00	\$120,305.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

LAUREL

SALARIES

Administrative	\$ 5,500.00	\$ 5,500.00
Clerical	3,300.00	3,300.00
Instructional	154,850.00	159,950.00
Janitorial	9,200.00	9,200.00
Health	2,000.00	2,000.00
CAPITAL OUTLAY	4,350.00	5,350.00
ALL OTHER COSTS (56 Units)	29,400.00	29,400.00
TOTAL	\$208,600.00	\$214,700.00

LEWES

SALARIES

Administrative	\$ 5,000.00	\$ 5,000.00
Clerical	2,400.00	2,400.00
Instructional	82,385.00	85,460.00
Janitorial	6,000.00	6,000.00
Health	1,800.00	1,800.00
CAPITAL OUTLAY	4,100.00	1,350.00
ALL OTHER COSTS (33 Units)	17,325.00	17,325.00
TOTAL	\$119,010.00	\$119,335.00

MILFORD

SALARIES

Administrative	\$ 4,995.00	\$ 4,995.00
Clerical	5,250.00	5,250.00
Instructional	146,410.00	149,310.00
Janitorial	11,300.00	11,300.00
Health	2,050.00	2,050.00
CAPITAL OUTLAY	4,000.00	2,000.00
ALL OTHER COSTS (52 Units)	27,300.00	27,300.00
TOTAL	\$201,305.00	\$202,205.00

APPROPRIATION
EXPENSES OF STATE GOVERNMENT

MT. PLEASANT
SALARIES

Administrative	\$ 5,000.00	\$ 5,000.00
Clerical	4,100.00	4,100.00
Instructional	167,360.00	175,860.00
Janitorial	13,600.00	13,600.00
Health	1,800.00	1,800.00
CAPITAL OUTLAY	12,200.00	10,500.00
ALL OTHER COSTS (60 Units)	31,500.00	31,500.00
TOTAL	\$235,560.00	\$242,360.00

NEWARK
SALARIES

Administrative	\$ 5,000.00	\$ 5,000.00
Clerical	5,700.00	5,700.00
Instructional	175,406.00	188,696.00
Janitorial	13,600.00	13,600.00
Health	1,900.00	1,900.00
CAPITAL OUTLAY	7,650.00	4,400.00
ALL OTHER COSTS (68 Units)	35,700.00	35,700.00
TOTAL	\$244,956.00	\$254,996.00

NEW CASTLE
SALARIES

Administrative	\$ 5,500.00	\$ 5,500.00
Clerical	4,000.00	4,000.00
Instructional	140,300.00	149,470.00
Janitorial	11,000.00	11,000.00
Health	1,800.00	1,800.00
CAPITAL OUTLAY	9,800.00	9,800.00
ALL OTHER COSTS (55 Units)	28,875.00	28,875.00
TOTAL	\$201,275.00	\$210,445.00

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

REHOBOTH

SALARIES

Administrative	\$ 4,200.00	\$ 4,200.00
Clerical	2,200.00	2,200.00
Instructional	45,300.00	47,000.00
Janitorial	3,000.00	3,000.00
Health	900.00	900.00
CAPITAL OUTLAY	2,450.00	2,465.00
ALL OTHER COSTS (13 Units)	6,825.00	6,825.00
TOTAL	\$ 64,875.00	\$ 66,590.00

SEAFORD

SALARIES

Administrative	\$ 5,200.00	\$ 5,200.00
Clerical	3,600.00	3,600.00
Instructional	162,450.00	171,750.00
Janitorial	9,600.00	9,600.00
Health	1,800.00	1,800.00
CAPITAL OUTLAY	3,800.00	3,800.00
ALL OTHER COSTS (56 Units)	29,400.00	29,400.00
TOTAL	\$215,850.00	\$225,150.00

SMYRNA

SALARIES

Administrative	\$ 4,500.00	\$ 4,500.00
Clerical	3,000.00	3,000.00
Instructional	95,795.00	99,445.00
Janitorial	6,300.00	6,300.00
Health	1,500.00	1,500.00
CAPITAL OUTLAY	1,900.00	1,900.00
ALL OTHER COSTS (38 Units)	19,950.00	19,950.00
TOTAL	\$132,945.00	\$136,595.00

TOTAL SPECIAL DISTRICTS	\$2,579,111.00	\$2,642,741.00
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APPROPRIATION

EXPENSES OF STATE GOVERNMENT

WILMINGTON BOARD OF EDUCATION

SALARIES

Administrative	\$ 25,440.00	\$ 25,440.00
Clerical	40,000.00	40,000.00
Instructional	1,581,282.00	1,627,527.00
Janitorial	148,000.00	148,000.00
Health	4,000.00	4,000.00
CAPITAL OUTLAY	18,400.00	18,400.00
ALL OTHER COSTS (540 Units)	283,500.00	283,500.00
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TOTAL	\$ 2,100,622.00	\$ 2,146,867.00
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TOTAL EDUCATION	\$ 8,686,623.50	\$ 8,840,728.00
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GRAND TOTAL	\$18,348,088.60	\$18,600,614.74

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 herein above 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 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

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

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 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 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 notes or certificates, 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 payments of the principal and interest of the notes or certificates of indebtedness shall be, and the same are exempted from taxation for any purpose by this State.

Section 6. That all expenses incident to the advertising, preparation, the issuing and delivering of said notes or certifi-

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

cates of indebtedness shall be allowed to the 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 the other disbursements of the public fund.

Section 7. 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 not 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 provision of the Delaware State Plan for vocational education, but rather shall be treated as a return of moneys advanced by the State for vocational education and paid to the State Treasurer and by him deposited to the credit of the General Fund of the State.

Section 8. In the case of any consolidation as defined in Sections 12 and 14, Chapter 71, of the Revised Code of Delaware, 1935, being Code Sections 2634 and 2636, it shall be lawful for Permanent Budget Commission to transfer the unexpended balance, or any part thereof of any appropriation under this act for the closed district or districts to the appropriation of the district or districts with which any such closed districts are consolidated.

Section 9. Any amount of money derived from the income from the State School Fund shall, for the purposes of this act,

APPROPRIATION

EXPENSES OF STATE GOVERNMENT

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 10. When authorized by the Permanent Budget Commission, any appropriation or part thereof in Section 1 may be transferred to any other appropriation of the same Department, Board or Commission.

Section 11. 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.

Approved June 4, 1949.

CHAPTER 184

STATE BOARD OF HEALTH

ESTABLISHING BASIC PLUMBING PRINCIPLES IN KENT COUNTY

AN ACT TO PROTECT THE PUBLIC HEALTH AND WELFARE BY AUTHORIZING THE STATE BOARD OF HEALTH TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION OF WATER AND SEWAGE SYSTEMS AND TO ADOPT RULES AND REGULATIONS IN KENT COUNTY, DELAWARE, OF BASIC PLUMBING PRINCIPLES; DEFINITION OF PRINCIPLES; PLUMBING SYSTEM; FIXTURES; CROSS CONNECTIONS; POLLUTION OF WATER AND SEWAGE; ADEQUATE WATER SUPPLY AND HOT WATER TANKS; SEWER CONNECTIONS; FAMILY WATER CLOSETS; PUBLIC OR PRIVATE SEWAGE DISPOSAL PLANTS; HOT WATER TANK AND BOILERS; FIXTURES; TRAPS—REFRIGERATOR TRAPS; PRIVATE AND PUBLIC SEWERS; PROVIDING FOR A PLUMBING INSPECTOR AND THE REGISTRATION OF ALL PLUMBERS CARRYING ON BUSINESS IN KENT COUNTY; AND PROVIDING FOR PENALTIES OF THIS ACT.

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

Section 1. To Establish Basic Plumbing Principles:—There is hereby created and established basic plumbing principles which shall act as the basis for the formation of all detailed plumbing regulations adopted by the State Board of Health, Local or District Boards of Health or City Councils.

Section 2. Definition of Plumbing:—Plumbing is the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried wastes.

Section 3. Definition of Plumbing System:—The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes;

the house drain and house sewer; the storm water drainage; with their devices, appurtenances and connections all within or adjacent to the building.

Section 4. Definition of Plumbing Fixtures:—Plumbing fixtures are receptacles intended to receive and discharge water, liquid, or water-carried wastes into a drainage system with which they are connected.

Section 5. Safe Water Supply:—All premises intended for human habitation or occupancy shall be provided with a supply of pure and wholesome water.

Section 6. Cross Connection:—Cross connections between safe and unsafe water supply distributing systems shall not be permitted unless such connections have the written approval of the State Board of Health.

Section 7. Pollution of Water Supply by Sewage:—No plumbing, fixture, construction, valves, fitting, device, apparatus, or connection that will provide a cross connection between a safe water supply and a sewage system or will permit or make possible the back flow of sewage or waste into a water supply system shall be installed.

Section 8. Adequate Water Supply:—Buildings in which water closets and other plumbing fixtures exist shall be provided with a supply of water adequate in volume and pressure for flushing purposes.

Section 9. Size of Water Supply:—The pipes conveying water to water closets shall be of sufficient size to supply the water at a rate required for adequate flushing without unduly reducing the pressure at other fixtures.

Section 10. Hot Water Tanks or Boilers:—Devices for heating water and storing it in "boilers," or hot water tanks, shall be so designed and installed as to prevent all danger of explosion and also prevent a back flow of hot water through a meter connected with a public water supply.

Section 11. Separate Sewer Connections:—Every building intended for human habitation or occupancy on premises abut-

ting on a street in which there is a public sewer shall have a separate connection.

Section 12. Family Private Water Closet:—In multiple dwellings provided with a house drainage system, there shall be for each family at least one private water closet.

Section 13. Plumbing Fixture Materials:—Plumbing fixtures shall be made of smooth non-absorbent material, shall be free from concealed fouling surfaces, and shall be set free of inclosures.

Section 14. House Drainage System. (Design, Construction and Maintenance). The entire house drainage system shall be so designed, constructed and maintained as to conduct the waste water or sewage quickly from the fixture to the place of disposal with velocities which will guard against fouling and the deposit of solids and will prevent clogging.

Section 15. Drainage Pipes—Utility and Service:—The drainage pipes shall be so designed and constructed as to be proof, for a reasonable life of the building, against leakage of water or drain air due to defective materials, imperfect connections, corrosions, settlements, vibrations of the ground or building, temperature changes, freezing, or other causes.

Section 16. Accessible Drainage Systems:—The Drainage System shall be provided with an adequate number of cleanouts so arranged that in case of stoppage the pipes may be readily accessible.

Section 17. Fixture Traps:—Each fixture or combination fixture shall be provided with a separate, accessible, self-scouring, reliable water-sealed trap placed as near to the fixture as possible.

Section 18. Air Circulation Assured:—The house drainage system shall be so designed that there will be an adequate circulation of air in all pipes and no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

Section 19. Roof Terminals, Soil or Waste Stacks:—The soil stack shall extend full size upward through the roof and

have a free opening, the roof terminal being so located that there will be no danger of air passing from it to any window and no danger of clogging of the pipe by the frost or by articles being thrown into it or of roof water draining into it.

Section 20. Water or Air-pressure Test:—The plumbing system shall be subjected to a water or air pressure test and to a final test in such manner as to disclose all leaks and imperfections in the work.

Section 21. Substances Not to Enter House Drainage System:—No substance which will clog the pipes, produce explosive mixtures, or destroy the pipes or their joints, shall be allowed to enter the house drainage system.

Section 22. Refrigerator Wastes:—Refrigerators, ice boxes, or receptacles for storing food shall not be connected directly with the drainage system.

Section 23. Light and Ventilation:—No water closet or urinal shall be located in a room or compartment which is not properly lighted and ventilated to the outer air.

Section 24. Private Sewage Treatment and Disposal System:—If water closets or other plumbing fixtures exist in buildings where there is no sewer within reasonable distance, suitable provision shall be made for the disposing of the house sewage by some method of sewage treatment and disposal satisfactory to the health authority having jurisdiction.

Section 25. Back Flow of Sewage:—Where a house drainage system may be subjected to back flow of sewage suitable provision shall be made to prevent its overflow in the building.

Section 26. Storm water from roofs and paved areas, yards, courts, and courtyards, shall be drained into a storm water sewerage system or a combined sewerage system but not into a sanitary sewerage system intended for sewage only. Inside roof leaders, downspouts, and storm water house drains shall be designed and constructed as are other drainage pipes.

Section 27. Privy Vaults:—Privy Vaults or cesspools shall not be permitted on premises accessible to a public sewer.

Section 28. Private Water Supply:—Dug wells, or other sources of private water supply shall not be permitted on premises accessible to a public water supply unless said private water supply has been approved in writing by the State Board of Health.

Section 29. Sanitary Maintenance: — Plumbing systems shall be maintained in a sanitary condition.

Section 30. All Plumbing to Conform with Basic Principles:—All plumbing hereafter installed throughout the State shall conform to the basic plumbing principles herein provided.

Section 31. Detailed Regulations:—The State Board of Health shall adopt and enforce detailed plumbing code in conformity with the basic plumbing principles herein provided and may revise the code when necessary.

Section 32. Local or City Regulations:—Every City, Town or other subdivision in Kent County having a water supply or a sewerage system shall enforce the detailed plumbing code of the Delaware State Board of Health or adopt and enforce its own plumbing regulations which shall not be in conflict with the basic plumbing principles and be subject to the approval of the Delaware State Board of Health.

Section 33. State Board To Register Plumbers; Adopt Rules and Regulations:—The Delaware State Board of Health to provide for the health of the citizens of the State of Delaware, residing in Kent County, shall have power, and is hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of water and sewer systems, building and house drainage systems, and to provide for the registration of plumbers and persons engaged in the business of plumbing in the State of Delaware, and for the enforcement of such rules and regulations; to make provision for the punishment of any person or persons, firm, association or corporation who shall violate or assist in the violation or refuse to comply with the same.

Section 34. Inspection and Inspectors:—The said Delaware State Board of Health shall by rules and regulations also establish a system of inspection and supervision over all water and sewer systems, building and house drainage systems and ventilation of the same. And appoint such inspectors as may be necessary, at such compensation as may be approved by said Delaware State Board of Health, and make provision for payment of same.

The compensation of said plumbing inspectors shall be fixed by the State Board of Health. All Plumbing Inspectors must be practical plumbers with at least 10 years' experience and skilled and well trained in matters pertaining to plumbing and sanitation generally. All Plumbing Inspectors shall, as far as may be necessary for the performance of their duties and the maintenance of the health of the citizens of Kent County, shall have the right to enter any building or premises in the said County. They have the right to inspect and order the removal of any plumbing fixture, soil, drain, waste, vent pipe or pipes, cesspools, septic tanks and privies when they, in their sole discretion, are deemed in an unsanitary condition.

Section 35. Independent Sections:—The invalidity of any section or part thereof, of this Act shall not, affect the validity of any other section, or part thereof, which can be given effect without such invalid part.

Section 36. Additional Regulations:—Nothing herein shall be construed to limit the State Board of Health, Councils of Cities, or Sanitary Bodies of Communities, from making further and additional regulations not in conflict with any of the provisions contained in this Act.

Section 37. Act Not to Apply:—The provisions of this Act shall not apply to the construction or erection of any building, or to any addition thereto, or alteration thereof, the contract for which construction, erection or equipment has been entered into prior to the date at which this Act takes effect.

Section 38. Penalty:—Any person or persons, firm, association or corporation, who shall violate or assist in the violation of the provisions of this Act or any order, code, or regulation

issued hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five dollars (\$25.00) nor more than One Hundred dollars (\$100.00) or imprisonment in the County Jail for a period of not more than sixty days or both for each and every violation thereof.

Section 39. Appropriation:—An appropriation in the sum of Five Thousand Dollars (\$5,000.00) shall be made for the fiscal year 1949-1950 and for each fiscal year thereafter to be paid to the State Board of Health to carry into effect the provisions of this Act.

Section 40. This Bill shall be known as a Supplementary Appropriation Bill, and the funds hereby appropriated shall be paid out of monies in the State Treasury not otherwise appropriated.

Approved June 4, 1949.

CHAPTER 185

UNEMPLOYMENT COMPENSATION COMMISSION

RELATIVE TO BENEFIT PAYMENTS AND THE DURATION
THEREOF**AN ACT TO AMEND CHAPTER 258, VOLUME 41, LAWS OF
DELAWARE, AS AMENDED, BY CHANGING THE PRO-
VISIONS RELATIVE TO BENEFIT PAYMENTS AND
THE DURATION THEREOF.**

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

Section 1. That Section 3 of said Chapter 258, Volume 41, Laws of Delaware, as amended, be and the same is hereby amended by striking out all of subsection (b) thereof and inserting in lieu thereof a new subsection (b) reading as follows:

(b) 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 Twenty-Five Dollars, the weekly benefit amount shall be deemed to be Twenty-Five Dollars, or if less than Seven Dollars, shall be deemed to be Seven Dollars, and if not a multiple of Fifty Cents, shall be computed to the next higher multiple of Fifty Cents.

Section 2. That Section 3 of said Chapter 258, Volume 41, Laws of Delaware, as amended, be and the same is hereby amended by striking out the first sentence of subsection (d) thereof and inserting in lieu of said sentence a new sentence, reading as follows:

(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of twenty-six times his weekly benefit amount or one-fourth of his wages for employment by employers paid during his base period; provided, that if such amount is

not a multiple of Fifty Cents it shall be computed to the next higher multiple of Fifty Cents; and provided that in no event shall such total amount of benefits be less than eleven times the weekly benefit amount.

Approved June 8, 1949.

CHAPTER 186

APPROPRIATION

UNIVERSITY OF DELAWARE

ESTABLISHING SCHOLARSHIPS AT DELAWARE COLLEGE

AN ACT TO AMEND CHAPTER 19, VOLUME 42, OF THE LAWS OF DELAWARE, RELATIVE TO APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR THE PURPOSE OF ESTABLISHING SCHOLARSHIPS FOR DELAWARE, AT DELAWARE COLLEGE, UNIVERSITY OF DELAWARE.

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

Section 1. That Chapter 19, Volume 42, of the Laws of Delaware be and the same is hereby amended by striking out all of Sections 1, 2, 3, 4 and 5, and inserting in lieu thereof the following sections:

Section 1. That there is hereby appropriated the sum of ten thousand dollars (\$10,000.00) annually to the Delaware College, University of Delaware for the purpose of establishing scholarships at Delaware College, University of Delaware.

Section 2. The minimum number of scholarships to be awarded in each and every year shall be twenty (20).

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

Section 4. The State Treasurer is hereby authorized and directed to pay to the University of Delaware for Delaware

College the said sum of ten thousand dollars (\$10,000.00) in each and every year upon warrant or warrants signed by the Chairman and Secretary of the Committee.

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

Approved June 8, 1949.

CHAPTER 187

COURTS

SALARY OF COURT CRIER IN KENT COUNTY

AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "GENERAL PROVISIONS CONCERNING COURTS," INCREASING THE SALARY OF THE COURT CRIER IN KENT COUNTY.

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

Section 1. That Chapter 108 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out of the first sentence of 4245. Section 11 thereof the following words:

"holding such office in Kent County shall receive a salary of Seven Hundred Dollars (\$700.00) per year,"

and inserting in lieu thereof the following:

"holding such office in Kent County shall receive a salary of Nine Hundred Dollars (\$900.00) per year."

Approved June 8, 1949.

CHAPTER 188

LAUREL

AN ACT TO AMEND CHAPTER 164, VOLUME 29, LAWS OF DELAWARE, BEING AN ACT ENTITLED: "AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL," BY GIVING AUTHORITY TO THE MAYOR AND COUNCIL OF LAUREL TO LEVY AND IMPOSE ANNUAL SERVICE CHARGES FOR THE USE OF SEWERS IN THE TOWN OF LAUREL.

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

Section 1. That Chapter 164, Volume 29, Laws of Delaware, be amended by adding to Section 6 of said Chapter a new paragraph designated paragraph (31) as follows:

(31) To enact ordinances regulating the use of the sewers of the Town, and to impose upon the users of sewers an annual service charge or fee, and for the collection thereof; provided, however, that the service charge or fee for all privately owned dwelling houses shall not exceed the sum of Twelve (\$12.00) Dollars in any one year.

Approved June 8, 1949.

CHAPTER 189

DELMAR

AN ACT TO AMEND CHAPTER 182 OF VOLUME 45, LAWS OF DELAWARE, 1944-5, ENTITLED, "AN ACT TO REINCORPORATE THE TOWN OF DELMAR," BY CHANGING THE HOURS FOR HOLDING THE TOWN ELECTION, CHANGING THE DATE ON WHICH THE NEWLY ELECTED COUNCIL AND MAYOR SHALL ASSUME THEIR DUTIES AND BY INCREASING THE LIMIT OF TAXATION FOR GENERAL TOWN PURPOSES.

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 Paragraph (A) Section 6 of Chapter 182, of Volume 45, Laws of Delaware, 1944-5, be and the same is hereby amended by striking out the word "four" on the fourth line of said Section, after the word "and" and before the word "o'clock," and inserting in lieu thereof the word "seven."

Section 2. That Section 7 of Chapter 182, of Volume 45, Laws of Delaware, 1944-5, be and the same is hereby amended by striking out the first line of said Section and inserting in lieu thereof the following:

"On the first Monday of May, 1949 and."

Section 3. That Section 14 of Chapter 182, of Volume 45, Laws of Delaware, 1944-5, be and the same is hereby amended by striking out the words "Ten Thousand (\$10,000.00)" on the fourth line of the last paragraph of said Section, after the word "exceeding" and before the word "Dollars" and inserting in lieu thereof the words "Twelve Thousand (\$12,000.00)."

Approved June 8, 1949.

CHAPTER 190

COURTS

INCREASING THE SALARY OF THE CLERK
OF THE SUPREME COURT**AN ACT TO AMEND CHAPTER 110 OF THE REVISED CODE
OF DELAWARE, 1935, BY INCREASING THE SALARY
OF THE CLERK OF 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 4262. Sec. 2. of Chapter 110, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the fourth sentence of said Section and inserting in lieu thereof the following sentence:

He shall be paid a salary of One Thousand Dollars (\$1,000.00) per annum, payable by the State Treasurer in quarterly installments of Two Hundred and Fifty Dollars (\$250.00) each, and the annual sum of One Thousand Dollars (\$1,000.00) is hereby appropriated out of any money in the Treasury for that purpose.

Approved June 8, 1949.

CHAPTER 191

DIVORCE

CHANGING THE TIME WITHIN WHICH A DECREE NISI
SHALL BECOME ABSOLUTE

**AN ACT TO AMEND CHAPTER 86 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO DIVORCE,
CHANGING THE TIME WITHIN WHICH A DECREE
NISI SHALL BECOME ABSOLUTE; EXCEPTION IN
ACTIONS OF DIVORCE HERETOFORE INSTITUTED.**

*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, be and the same is hereby amended by striking out and repealing all of 3519. Sec. 23. thereof and inserting in lieu thereof a new section to be styled 3519. Sec. 23. as follows:

3519. Sec. 23. Decree Absolute for Divorce; When, How Obtained:—A decree nisi shall become absolute after the expiration of three months from the entry thereof, unless appealed from or proceedings for review are pending, or the Court before the expiration of said period for sufficient cause, upon its own motion, or upon the application of any person, whether interested or not, otherwise orders; and at the expiration of three months such final and absolute decree shall then be entered upon application to the court by the plaintiff, unless prior to that time cause be shown to the contrary.

In all actions of divorce now pending in which a decree nisi has been entered a decree nisi shall become absolute after the expiration of three months from the passage of this Act; provided, however, that this provision shall not apply to any decree for divorce which shall become absolute in accordance with the provisions of this section as heretofore in effect prior to the expiration of three months from the approval of this Act.

Approved June 8, 1949.

CHAPTER 192

NEW CASTLE COUNTY LEVY COURT

INCREASE OF SALARIES AND WAGES OF ALL ELECTIVE AND
APPOINTIVE MEMBERS OF NEW CASTLE COUNTY
TO BECOME PERMANENT

**AN ACT TO AMEND CHAPTER 298, OF VOLUME 46, LAWS
OF DELAWARE, 1947, ENTITLED "AN ACT TO IN-
CREASE THE SALARIES AND WAGES OF ALL ELEC-
TIVE AND APPOINTIVE MEMBERS OF NEW CASTLE
COUNTY WHO RECEIVE THEIR CHECKS OR PAY
FROM THE NEW CASTLE COUNTY LEVY COURT,"
PROVIDING THAT SUCH INCREASES OF SALARIES
BECOME PERMANENT.**

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

Section 1. That Chapter 298, Volume 46 of the Laws of Delaware entitled, "An Act to Increase the Salaries and Wages of All Elective and Appointive Employees of New Castle County Who Receive Their Checks or Pay from the New Castle County Levy Court" be, and the same is hereby amended by striking out all of Section 2 of said Act and in lieu thereof enacting and inserting the following paragraph to be known as Section 2:

Section 2. The increases in salaries provided by Chapter 109, Volume 45, Laws of Delaware be and the same hereby are made permanent.

Approved June 8, 1949.

CHAPTER 193

APPROPRIATION

STATE HIGHWAY DEPARTMENT
MOSQUITO CONTROL**AN ACT TO APPROPRIATE THE SUM OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) TO THE STATE HIGHWAY DEPARTMENT FOR MOSQUITO CONTROL.**

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

Section 1. There is hereby appropriated to the State Highway Department for the purpose of aiding in carrying out control measures for the eradication of mosquitoes, the sum of One Hundred Fifty Thousand Dollars (\$150,000.00), which sum shall be available to the State Highway Department during the remainder of the fiscal year ending on the thirtieth day of June, A. D. 1949, and throughout both years of the ensuing biennium ending on the thirtieth day of June, A. D. 1951.

Any part of said appropriation not expended for the purpose stated by the thirtieth day of June, A. D. 1951, shall revert to the General Fund of the State Treasury.

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

Approved June 8, 1949.

CHAPTER 194

APPROPRIATION

STATE BOARD OF HEALTH

CANCER CONTROL

AN ACT APPROPRIATING MONEY TO THE STATE BOARD OF HEALTH FOR CANCER CONTROL, TO BE ADMINISTERED SOLELY BY THE STATE BOARD OF HEALTH.

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

Section 1. There is hereby appropriated to the State Board of Health the sum of Fifty Thousand Dollars (\$50,000.00) for the fiscal year beginning on July 1, 1949, and ending on June 30, 1950, and the sum of Fifty Thousand Dollars (\$50,000.00) for the fiscal year beginning on July 1, 1950, and ending on June 30, 1951, to be used for the detection of cancer, for research in cancer and for other purposes related to cancer prevention and control.

Section 2. That Section 2 of Chapter 262, Volume 46, Laws of Delaware, 1947, be and the same is hereby repealed.

Section 3. That the State Board of Health be and it is hereby authorized and empowered to appoint an Advisory Committee to serve in a consultant capacity to the State Board of Health relative to the promotion and operation of the cancer program of the State Board of Health as herein provided.

Section 4. This Bill shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 195

EDUCATION

UNIFORM STATE SUPPORTED SALARY SCHEDULE FOR
SUPERINTENDENTS, PRINCIPALS, TEACHERS, NURSES,
SECRETARIES, CLERKS AND CUSTODIANS

**AN ACT TO AMEND CHAPTER 48, VOLUME 46, LAWS OF
DELAWARE, 1947, BY PROVIDING A UNIFORM STATE
SUPPORTED SALARY SCHEDULE FOR SUPERIN-
TENDENTS, PRINCIPALS, TEACHERS, NURSES, SEC-
RETARIES, CLERKS, CUSTODIANS AND FOR PROVID-
ING SUPERVISION FOR CUSTODIAL PERSONNEL, IN
THE VARIOUS SCHOOL DISTRICTS OF THE STATE,
AND PROVIDING APPROPRIATIONS THEREFOR.**

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

Section 1. That Chapter 48 of Volume 46, Laws of Delaware, 1947, is hereby amended by the repeal of said Chapter and by enacting in lieu thereof a new Chapter 48, Volume 46, Laws of Delaware, 1947, as follows:

VOL. 46, CHAPTER 48, LAWS OF DELAWARE, 1947

Section 1. There is hereby established a permanent State Supported Uniform Salary Schedule and Classification of and for superintendents, principals in the following various school districts in the State as follows:

A. (1) Teachers who hold appropriate certificates, and whose salaries are paid for ten months per year shall receive annual salaries according to the following schedule:

Years of Experience	No Degree	Bachelor's Degree	Master's Degree	Doctor's Degree
0	\$2000	\$2400	\$2600	\$3000
1	2160	2560	2760	3160
2	2320	2720	2920	3320

Years of Experience	No Degree	Bachelor's Degree	Master's Degree	Doctor's Degree
3	2480	2880	3080	3480
4	2640	3040	3240	3640
5	2800	3200	3400	3800
6	2960	3360	3560	3960
7	3120	3520	3720	4120
8	3280	3680	3880	4280
9	3440	3840	4040	4440
10 or more	3600	4000	4200	4600

A. (2) A teacher who is employed for more than ten months per year and paid accordingly shall receive a payment of one-tenth of the amount designated in the schedule, A. (1), for such teacher for each additional month of employment per year.

B. The administrative or supervisory annual salary for the superintendent or principal of a school district, who is the chief school officer of his district and who holds a certificate appropriate for his position shall be calculated according to the following schedule: To the appropriate amount in the schedule, A. (1), for such a person shall be added the following:

Months	No. of Teachers					
	3-5	6-11	12-16	17-25	26-39	40 or more
10	\$300	\$400	\$500	\$ 700	\$ 900	\$1,100
11	—	—	700	900	1,200	1,400
12	—	—	—	1,100	1,500	1,700

The number of teachers used in the calculations of the salary of a principal or superintendent shall not include the principal or superintendent.

C. The administrative or supervisory annual salary of a principal who is subordinate to a chief school officer in a district shall be calculated by adding to the appropriate amount in schedule A. (1) for such person, the following:

(1) For a principal in charge of a school in a separate building when such building is located on a site away from the main building, add amounts as follows:

(a) If he has three, but not more than seven teachers, add \$200;

(b) If he has eight, but not more than fourteen teachers, add \$350;

(c) If he has fifteen or more teachers, add \$500.

(2) For a principal in charge of an elementary or secondary school when such a school is located in the main building or on the same site, who spends more than one-half his school time in teaching and who has under his direction fifteen or more teachers, add \$500.00.

(3) For a principal in charge of an elementary or a secondary school which is located in the main building or on the same site as the main building, who spends less than one-half of his school time in teaching and who has under his direction twenty or more teachers, add \$750.00.

(4) A teacher who is counted in (1), (2), or (3), above shall not be counted in more than one calculation, if his time is divided between two schools. The number of teachers shall not include the principal.

D. (1) "Years of Experience" as herein used shall mean years of service in a public school or a regularly organized private school. Ninety-one days in any school year shall constitute one year of experience, provided, however, that not more than one year of experience may be credited for any one calendar year, provided that years of service in the armed forces shall be counted also as years of experience in accordance with the rules and regulations adopted by the State Board of Education in this respect.

D. (2) The words "preparation," "bachelor's degree," "master's degree," "doctor's degree," "Principal," "superintendent," "elementary school," "secondary school," as herein used shall have the meanings as are now or shall be defined by The State Board of Education.

D. (3) The term "school district" as used in this Act shall mean a school district, a special school district, or the school district of the City of Wilmington.

Section 2. There is hereby established a permanent State Supported Uniform Salary Schedule for school secretaries and clerks in the various school districts of the State as follows:

A. Secretaries who have qualifications required by the rules of the State Board of Education and who work and are paid for twelve months per year shall be paid as follows:

No. of Years Experience	Salary Per Month
0	\$150
1	160
2	170
3	180
4	190
5	200
6	210
7	220
8	230
9	240
10 or more	250

B. Clerks who have qualifications required by the State Board of Education and who work and are paid for ten months per year shall be paid as follows:

No. of Years Experience	Salary Per Month
0	\$133.33
1	141.33
2	149.33
3	157.33
4	165.33
5	173.33
6	181.33
7	189.33
8	197.33
9	205.33
10 or more	213.33

C. Experience of school secretaries and clerks shall be evaluated by the State Board of Education, taking into consideration the number of months and the nature of the services rendered.

Section 3. There is hereby established a permanent State Supported Uniform Salary Schedule for school nurses in the various school districts of the State as follows:

Years of Experience	Registered Nurses Without Public School or Public Health Experience	Registered Nurses With 15 Credits or 1 Year Public Health
0	\$2,000	\$2,200
1	2,160	2,360
2	2,320	2,520
3	2,480	2,680
4	2,640	2,840
5	2,800	3,000
6	2,960	3,160
7	3,120	3,320
8	3,280	3,480
9	3,440	3,640
10 or more	3,600	3,800

Experience of school nurses shall be evaluated by the State Board of Education, taking into consideration the number of months and the nature of the services rendered.

Section 4. School custodians who have qualifications required by the State Board of Education and who work and are paid for twelve months per year, shall be paid as follows:

Chief Custodian	\$2700 to \$3100
Fireman	2100 to 2700
Custodian-Fireman	2000 to 2600
Custodian	1800 to 2400

Experience of school custodians shall be evaluated by the State Board of Education taking into consideration the number of months and the nature of the services rendered.

Section 5. (A) The salary paid from State funds to any person employed by a school district in this State at the time of the approval of this Act shall not be increased more than \$600 in any one year by reason of the application of this salary schedule, nor shall such salary exceed the amount provided in the aforesaid schedules.

(B) The salary paid from State funds to any person employed by a school district in this State at the time of the approval of this Act shall not be reduced by reason of the application of this salary schedule, except in the case of a change in classification.

(C) Any person employed by a school district in this State who does not fully meet the qualifications set up by the State Board of Education shall not receive any salary paid in part by State funds unless said salary shall be at least Four Hundred Dollars (\$400.00) less than the amounts provided in the salary schedules in this Act.

Section 6. (A) To carry out the provision of this Act as it applies to persons covered by Section 1. (A), in the allocation of funds, the State Board of Education shall allocate the funds appropriated in Section 7. (A) to the Board of Public Education in Wilmington, to each of the Boards of Education of the special school districts throughout the State, and to the State Board of Education for school districts of the State Board Unit for the year beginning July 1, 1949, and ending June 30, 1950, the amounts required to pay the difference between the salaries provided according to the former Chapter 48, Volume 46, Laws of Delaware, 1947, which are included in the appropriations to the respective units aforesaid, and the salaries provided for in this Act, for employees in service in the respective districts on May 1, 1949, or for vacancies existing on that date; and for the year beginning July 1, 1950 and ending June 30, 1951, the amounts required to pay the difference between the salaries provided according to the former Chapter 48, Volume 46, Laws of Delaware, 1947, which are included in the appropriations to the respective units aforesaid, and the salaries provided for in this Act, for employees in service in the respective districts on May 1, 1950, or for vacancies existing on that date.

(B) To carry out the provisions of this Act as it applies to Section 1-B, Section 2, Section 3, and Section 4, the State Board of Education shall allocate to the Board of Public Education in Wilmington, to each of the Boards of Education of the special school districts throughout the State, and to the State Board of Education for the school districts of the State Board Unit, for the year beginning July 1, 1949, and ending June 30, 1950, the amounts required to bring the salaries of employees covered by this Act in the employ of the respective districts on May 1, 1949, or of vacancies existing on that date, up to the amounts herein provided for; and for the year beginning July 1, 1950, and ending June 30, 1951, the amounts required to bring the salaries of employees covered by this Act in the employ of the respective districts on May 1, 1950, or vacancies existing on that date, up to the amounts herein provided for.

Section 7. There is hereby appropriated to the State Board of Education as follows:

A. For the purpose of carrying out the provisions of Section 1. (a) for the fiscal year beginning July 1, 1949, and ending June 30, 1950, the sum of One Million Seventy-five Thousand and Thirty-five Dollars (\$1,075,035.00) and, for the fiscal year beginning July 1, 1950, and ending June 30, 1951, the sum of One Million Eight Hundred Forty-five Thousand Seven Hundred Seventy Dollars (\$1,845,770.00).

B. For the purpose of carrying out the provisions of Section 1-B and C, for the fiscal year beginning July 1, 1949, and ending June 30, 1950, the sum of Seventy Thousand Dollars (\$70,000.00); and, for the fiscal year beginning July 1, 1950, and ending June 30, 1951, the sum of One Hundred and Forty-five Thousand Dollars (\$145,000.00).

C. For the purpose of carrying out the provisions of Section 2, for the fiscal year beginning July 1, 1949, and ending June 30, 1950, the sum of Seventy Thousand Dollars (\$70,000.00); and, for the fiscal year beginning July 1, 1950, and ending June 30, 1951, the sum of One Hundred Thousand Dollars (\$100,000.00).

D. For the purpose of carrying out the provisions of Section 3, for the fiscal year beginning July 1, 1949, and ending June 30, 1950, the sum of Thirty-four Thousand Four Hundred Dollars (\$34,400.00); and for the fiscal year beginning July 1, 1950, and ending June 30, 1951, the sum of Sixty Thousand Two Hundred Dollars (\$60,200.00).

E. For the purpose of carrying out the provisions of Section 4 and for providing supervision for custodial personnel by the State Board of Education for the fiscal year beginning July 1, 1949, and ending June 30, 1950, the sum of \$190,000.00; and, for the fiscal year beginning July 1, 1950, and ending June 30, 1951, the sum of \$200,000.00.

Section 8. The amounts appropriated in A, B, C, D, and E, of Section 7, shall be used only for the salaries of employees in the groups designated and shall not be transferred from one group to another.

Section 9. The State Board of Education shall determine the number of employees in each district to be paid in accordance with Section 1, Schedule A (2); Section 1, Schedule B; Section 1, Schedule C; Section 2, Schedule A; Section 2, Schedule B; Section 3; and Section 4; and shall have the authority to make such rules and regulations as shall make the application of the aforesaid salary schedule uniform throughout the State.

Section 10. Nothing contained in this Act shall be interpreted to prevent any Board of Education or Board of School Trustees from paying an additional amount of salary to any employee, provided the additional amount be supplied by other funds than those supplied by State Appropriations.

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.

Section 12. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Section 13. This Act shall be cited as the "Uniform State Supported Salary Schedule for Superintendents, Principals, Teachers, Nurses, Secretaries, and Clerks of Schools."

Section 14. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 196

COURTS

INCREASING ANNUAL APPROPRIATION FOR COMPENSATION OF REPORTERS AND STENOGRAPHERS, AND FOR OFFICE SUPPLIES AND EQUIPMENT

AN ACT TO AMEND CHAPTER 108 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY INCREASING THE ANNUAL APPROPRIATION FOR THE COMPENSATION OF REPORTERS AND STENOGRAPHERS AND FOR OFFICE SUPPLIES AND EQUIPMENT OF THE LAW COURTS OF THIS STATE, AND MAKING A DEFICIENCY APPROPRIATION THEREFOR DURING THE FISCAL YEAR 1949.

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

Section 1. That 4246. Sec. 12 of Chapter 108 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the last paragraph of said Section, as the same appears in Chapter 221, Volume 43, Laws of Delaware, 1941, and enacting in lieu thereof the following:

For the payment of the compensation of the Court Reporters, Office Stenographers, office supplies and equipment and other necessary expenses of the Courts, beginning July 1, 1949, there is hereby appropriated the sum of Twenty Thousand Dollars (\$20,000.00) annually.

Section 2. There is hereby appropriated for the fiscal year beginning July 1, 1948, and ending June 30, 1949, in addition to the moneys heretofore appropriated for the purposes set out in Section 1 of this Act, the sum of Four Thousand Dollars (\$4,000.00). This appropriation shall be known as a Deficiency Appropriation and shall be paid by the State Treasurer out of any moneys in the General Fund not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 197

DELMAR

AN ACT TO AMEND CHAPTER 182 OF VOLUME 45, LAWS OF DELAWARE, 1944-5, ENTITLED, "AN ACT TO REINCORPORATE THE TOWN OF DELMAR," BY CHANGING THE HOURS FOR HOLDING THE TOWN ELECTION, CHANGING THE DATE ON WHICH THE NEWLY ELECTED COUNCIL AND MAYOR SHALL ASSUME THEIR DUTIES AND BY CHANGING THE DATE WHEN TAXES SHALL BE DUE AND PAYABLE.

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 Paragraph (A) Section 6 of Chapter 182, of Volume 45, Laws of Delaware, 1944-5, be and the same is hereby amended by striking out the word "four" on the fourth line of said Section, after the word "and" and before the word "o'clock," and inserting in lieu thereof the word "seven."

Section 2. That Section 7 of Chapter 182, of Volume 45, Laws of Delaware, 1944-5, be and the same is hereby amended by striking out the first line of said Section and inserting in lieu thereof the following:

"On the first Monday of May, 1949 and."

Section 3. That the third paragraph of Section 15 of Chapter 182, of Volume 45, Laws of Delaware, 1944-5, be and the same is hereby amended by striking out and repealing the entire paragraph and inserting in lieu thereof a new paragraph, as follows:

"All taxes shall be due and payable on July 1st of each and every year."

Approved June 8, 1949.

CHAPTER 198

UNEMPLOYMENT COMPENSATION COMMISSION

INCREASING THE SALARIES OF THE MEMBERS THEREOF

AN ACT TO AMEND CHAPTER 258, VOLUME 41, LAWS OF DELAWARE, 1937, AS AMENDED, (KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW"), BY INCREASING THE SALARIES OF THE MEMBERS OF THE UNEMPLOYMENT COMPENSATION COMMISSION.

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

Section 1. That Section 10 (a) of Chapter 258, 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 sixth sentence thereof which now reads: "The Chairman of the Commission shall receive an annual salary of Six Thousand Dollars (\$6,000) while the annual salary of each associate member shall be \$2,400; the members of the Commission shall devote to the duties of their office such time as is necessary for the satisfactory execution thereof" and by substituting in lieu thereof the following new sixth sentence, to read: The Chairman of the Commission shall receive an annual salary of Seven Thousand Two Hundred Dollars (\$7,200) while the annual salary of each associate member shall be Three Thousand Two Hundred Dollars (\$3,200); the members of the Commission shall devote to the duties of their office such time as is necessary for the satisfactory execution thereof.

Section 2. This Act shall be effective immediately.

Approved June 8, 1949.

CHAPTER 199

SALARIES OF STATE OFFICERS

INCREASING SALARY OF VICE-CHANCELLOR

AN ACT TO AMEND CHAPTER 148, VOLUME 42, LAWS OF DELAWARE, AS AMENDED, CREATING THE OFFICE OF VICE-CHANCELLOR, BY INCREASING THE SALARY OF THE VICE-CHANCELLOR.

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

Section 1. That Chapter 148, Volume 42, Laws of Delaware, as amended, entitled, "An Act Creating the Office of Vice-Chancellor of the State of Delaware, Defining His Duties, Powers, Term, Qualifications and Salary," as amended by Chapter 244, Volume 45, Laws of Delaware, 1945, and by Chapter 249, Volume 46, Laws of Delaware, 1947, be and the same hereby is further amended by striking out of Section 4 the words and figures,

"Ten Thousand Dollars (\$10,000.00)"

and inserting in lieu thereof the words and figures,

"Fifteen Thousand Dollars (\$15,000.00)."

Approved June 8, 1949.

CHAPTER 200

SALARIES OF STATE OFFICERS

INCREASING SALARIES OF CHANCELLOR, CHIEF JUSTICE
AND ASSOCIATE JUDGES**AN ACT AMENDING CHAPTER 12 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATIVE TO
SALARIES OF STATE OFFICERS, BY PROVIDING FOR
AN INCREASE IN THE SALARIES OF THE CHANCEL-
LOR, CHIEF JUSTICE, AND ASSOCIATE JUDGES.**

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

Section 1. That Chapter 12 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by striking out 369. Sec. 7. of Chapter 12 and inserting in lieu thereof the following:

369. Sec. 7. JUDICIARY: THE CHANCELLOR, CHIEF JUSTICE AND ASSOCIATE JUDGES SHALL RECEIVE AS COMPENSATION FOR THEIR SERVICE THE FOLLOWING SALARIES, TO WIT:—The Chancellor shall receive annually the sum of Fifteen Thousand Five Hundred Dollars (\$15,500.00); the Chief Justice shall receive annually the sum of Fifteen Thousand Five Hundred Dollars (\$15,500.00); the Associate Judges shall each receive annually the sum of Fifteen Thousand Dollars (\$15,000.00).

The Chancellor shall receive as compensation for reporting the decisions of the Court of Chancery, the Orphans' Court in the respective Counties, and appeals in the Supreme Court from the Court of Chancery, and Orphans' Court, the additional sum of Two Hundred Dollars (\$200.00) per annum; and the Associate Judge resident in Kent County shall receive as additional compensation for reporting all other decisions of the Supreme Court, the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer in the respective Counties, the additional sum of Two Hundred Dollars (\$200.00) per annum.

Approved June 8, 1949.

CHAPTER 201

KENT COUNTY LEVY COURT

REGISTER OF WILLS AUTHORIZED TO PROCURE
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 the Register of Wills of the State of Delaware, in and for Kent County, be and he is hereby authorized to procure for his office a new press and seal, said seal to be made of steel or brass of the same diameter as the present seal of his office and engraved with the same device and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the said office of the said Register of Wills of the State of Delaware, in and for Kent County.

Section 2. That when the said seal shall be so procured as aforesaid, the said Register of Wills shall cause the present seal in his office to be broken and destroyed in the presence of the Sheriff of said County.

Section 3. That the Levy Court of Kent County shall pay the necessary costs of procuring said new seal.

Approved June 8, 1949.

CHAPTER 202

DEFICIENCY APPROPRIATION

STATE OLD AGE WELFARE COMMISSION

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
THE STATE OLD AGE WELFARE COMMISSION FOR
THE MAINTENANCE AND OPERATION OF THE STATE
WELFARE HOME.**

*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 money appropriated to the State Old Age Welfare Commission, there is hereby appropriated an additional sum of Eighteen Thousand Dollars (\$18,000.00) for the fiscal year ending June 30, A. D., 1949.

Section 2. The money hereby appropriated shall be used by the State Old Age Welfare Commission for operation and maintenance of the State Welfare Home. The State Treasurer is hereby directed to pay out the funds hereby appropriated upon warrant or warrants duly approved by the proper officials of the State Old Age Welfare Commission.

Section 3. This bill shall be known as a Supplementary and deficiency appropriation act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 203

AUTHORIZING STATE OF DELAWARE TO BORROW \$9,000,000.00
AND ISSUE BONDS THEREFOR

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW NINE MILLION DOLLARS (\$9,000,000.00) AND ISSUE BONDS THEREFOR, TO PROVIDE A HIGHWAY IMPROVEMENT PROGRAM, FOR THE PURPOSE OF ACQUIRING LANDS AND RIGHTS-OF-WAY AND CONSTRUCTING AND RECONSTRUCTING ROADS, HIGHWAYS, BRIDGES AND IMPROVEMENTS INCIDENTAL THERETO, AND PROVIDING THE FORM OF THE BONDS AND COUPONS AS WELL AS THE PROCEDURE FOR THE SALE THEREOF, PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF SAID BONDS, AND APPROPRIATING THE SUM RECEIVED THEREFROM TO THE STATE HIGHWAY DEPARTMENT.

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. The Governor, Secretary of State and State Treasurer 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 Nine Million Dollars (\$9,000,000.00), which shall be used for the purpose of construction and reconstruction of roads, highways, bridges, dams, locks, sewers, water mains and underpasses, and for the acquisition of land, rights-of-way, and the surveying, grading, and landscaping thereof, and for the costs of labor, material, equipment, supplies, and for buildings or any other purposes incidental and necessary to the foregoing; and the said "Issuing Officers" are hereby authorized, fully empowered and directed to sell, execute and deliver bonds in conformity with the provisions of this act to an amount not to exceed the said sum of Nine Million Dollars (\$9,000,000.00). The said bonds may be issued at one time, from time to time, and in such

series and amounts as the "Issuing Officers" shall determine to be required, subject to the provisions contained in this Act.

Section 2. The said bonds issued in accordance with the provisions of this act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this act authorized, of the bonds hereby authorized to be issued and the coupons thereto attached, and the said bonds shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 3. The said bonds shall recite that they are issued for the purposes set forth in Section 1 of this act, that they are issued in pursuance of this act and the Constitution of this State, and upon the sale and delivery of any such bond, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds and the legality and validity of such bonds and of the principal debt and interest represented thereby, and the legality and validity of such bonds thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bond or bonds.

Section 4. The bonds issued under the authority of this act shall be in denominations of One Thousand Dollars (\$1,000.00), or multiple thereof, as shall be decided by the "Issuing Officers," or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such date as the "Issuing Officers" shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the "Issuing Officers," which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers Banks of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

The said bonds shall mature as the "Issuing Officers" may determine; provided, however, that the principal amount of

said bonds, or any series thereof, shall be made to mature fully within twenty (20) years from the date of the issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer and shall have the impression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer which may be engraved, printed or written on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 5. For the purpose of designation and identification, any bond issued under the authority of this act shall be known and styled "State Highway Improvement Bond of 1949."

Section 6. The said bonds shall be in the following form, to wit:

UNITED STATES OF AMERICA
STATE OF DELAWARE

No.

State Highway Improvement Bond of 1949

THESE PRESENTS CERTIFY AND MAKE KNOWN that the STATE OF DELAWARE is held and firmly bound unto the bearer in the sum of Dollars (\$), lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers Bank of the State of Delaware, at Dover, Delaware, on

the day of, A. D. 19....., with interest at the rate of per centum (%), per annum, likewise payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the day of and of each and every year, while the said principal sum remains unpaid, upon the presentation of the coupons hereto annexed representing such semi-annual installments of interest.

This bond is one of the bonds authorized to be issued by an act of the 115th Session of the General Assembly of the State of Delaware entitled "An Act Authorizing the State of Delaware to Borrow Nine Million Dollars (\$9,000,000.00) and Issue Bonds Therefor, To Provide a Highway Improvement Program, for the Purpose of Acquiring Lands and Rights-of-Way and Constructing and Reconstructing Roads, Highways, Bridges and Improvements Incidental Thereto, and Providing the Form of the Bonds and Coupons as well as the Procedure for the Sale Thereof, Providing for the Payment of Principal and Interest of said Bonds, and Appropriating the Sum Received Therefrom to the State Highway Department," and is issued for the purpose set forth in Section 1 of said act and in pursuance of said act and the Constitution of the State of Delaware.

Dated at Dover, Delaware, the day of , A. D. 19......

WITNESS the Great Seal of the State of Delaware and the Hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

.....
Governor

.....
Secretary of State

.....
State Treasurer

And the coupons shall be in the following form, to wit:

No.....

The State of Delaware will pay to the bearer at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the first day of, A. D. 19....., the sum of Dollars (\$) for six months' interest on Bond No. State Highway Improvement Bond of 1949.

Dated, 19.....

.....
State Treasurer

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following:

"This bond paid and redeemed this day of, A. D. 19.....

.....
State Treasurer"

As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid." All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this act is unpaid and not redeemed.

Section 7. Whenever the bonds authorized by this act may be issued in conformity with the provisions of this act, the "Issuing Officers" are hereby directed to advertise twice a week for four successive weeks in such newspapers and journals in and out of the State as in their judgment may be conducive to the sale of said bonds, that they will receive bids at such place or places that may be named in said advertisement for such

bonds under such regulations as may be made in the discretion of the "Issuing Officers," and the accrued interest between the date of the bonds and the time of sale and delivery of and payment of said bonds shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the "Issuing Officers," provided that any overdue coupons attached to the bonds shall, before the sale of said bonds, be detached and cancelled in accordance with the provisions of this act, and upon the day mentioned in said advertisement as the day for opening bids for said bonds, the "Issuing Officers," or the majority of them, shall receive such bids for the purchase of the bonds designated in said advertisement to be sold, and on the opening of said bids, as many of said bonds as shall have been bid for shall be awarded by the said "Issuing Officers" to the highest responsible bidder or bidders therefor, for cash, provided, the amount bid is adequate in the judgment of the "Issuing Officers," or the majority of them. If two or more bidders have made the same bid and such bid is the highest, and the bonds so bid for by the highest responsible bidders are in excess of or equal to the whole amount of the bonds so offered for sale, such bonds shall be awarded to such highest responsible bidders bidding the same price in a ratable proportion. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the "Issuing Officers" at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 8. Any money received from the sale of said bonds, or any series thereof, issued under the provisions of this act, shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware, at Dover, and shall be used exclusively for the purposes set forth in this act and for the purpose of paying the costs and expenses incident to the issuance of said bonds.

There is hereby appropriated to the State Highway Department of the State of Delaware the said sum of Nine Million Dollars (\$9,000,000.00), or so much thereof as shall be received from the sale of the bonds authorized hereby, which shall be used for the purposes set forth herein, and the State Treasurer is hereby authorized and directed to disburse the said moneys

upon warrants signed by the Chairman and the Secretary or the Chief Engineer of the State Highway Department, stating the use of the moneys for which such warrant calls, which use shall be for the purposes set forth in this act. Any of said funds remaining unexpended at the end of any fiscal year shall not revert to the use or purposes of any other funds of the State, but shall remain in said account to be used exclusively for the purposes set forth in this act.

Section 9. That the General Assembly shall appropriate funds sufficient to provide for the payment of interest and principal maturities of said bonds from the date of issue to the end of the ensuing biennium on June 30, 1951, and the Budget Appropriation Bill which shall be enacted and approved by the the General Assembly at the 116th Session and at each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved June 8, 1949.

CHAPTER 204

AUTHORIZING STATE OF DELAWARE TO BORROW \$1,280,000.00
AND ISSUE BONDS THEREFOR

AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW THE SUM OF ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$1,280,000) AND TO ISSUE BONDS THEREFOR TO REDEEM AND REFUND A PORTION OF CERTAIN BONDS OF THE STATE OF DELAWARE KNOWN AS "STATE HIGHWAY REFUNDING BONDS," AND APPROPRIATING FUNDS FOR THE PAYMENT OF COSTS AND EXPENSES INCIDENT TO THE CALLING OF SAID BONDS AND THE ISSUANCE OF THE NEW BONDS, TO PAY THE INTEREST ON SAID NEW BONDS AND TO REDEEM THE OUTSTANDING BONDS.

WHEREAS, by a certain act of the General Assembly of the State of Delaware entitled "AN ACT AUTHORIZING THE REFUNDING OF CERTAIN HIGHWAY BONDS OF THE STATE OF DELAWARE BY ISSUING REFUNDING BONDS THEREFOR," approved April 9, 1935, the State of Delaware was authorized and empowered to borrow the sum of Two Million Eight Hundred Forty Thousand Dollars (\$2,840,000) and to issue bonds to secure the same; and

WHEREAS, under the provisions of said act bonds of the State of Delaware were issued; and

WHEREAS, of the bonds so issued there now remains unpaid and outstanding the sum of Nine Hundred Thousand Dollars (\$900,000) with the annual interest rate of $2\frac{1}{2}\%$ and Six Hundred Fifty Thousand Dollars (\$650,000) with the annual interest rate of $2\frac{3}{4}\%$; and

WHEREAS, under the provisions of said act authorizing the issuance of said bonds it is provided that said bonds may be redeemed, at the option of the State of Delaware, at the rate of $102\frac{1}{2}\%$ of the principal debt of said bonds on any first day of April or first day of October after the said bonds have been issued for one year; and

WHEREAS, it is now proposed to redeem a portion of said bonds thus authorized and issued and outstanding and to refund the same; NOW, THEREFORE,

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

Section 1. The Governor, Secretary of State and State Treasurer 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 Two Hundred Eighty Thousand Dollars (\$1,280,000), which shall be used for the purpose of refunding that portion of the bonds of the State of Delaware issued and outstanding which were authorized under the provisions of an act of the General Assembly of the State of Delaware entitled "AN ACT AUTHORIZING THE REFUNDING OF CERTAIN HIGHWAY BONDS OF THE STATE OF DELAWARE BY ISSUING REFUNDING BONDS THEREFOR," approved April 9, 1935, which mature on April 1, 1952, and annually thereafter to and including April 1, 1964; and the said "Issuing Officers" are hereby authorized, fully empowered and directed to sell, execute and deliver bonds in conformity with the provisions of this act to an amount not to exceed the said sum of One Million Two Hundred Eighty Thousand Dollars (\$1,280,000). The said bonds shall be issued in such series and amounts as the "Issuing Officers" shall determine.

Section 2. The said bonds issued in accordance with the provisions of this act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this act authorized, of the bonds hereby authorized to be issued and the coupons thereto attached, and the said bonds shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 3. The said bonds shall recite that they are issued for the purposes set forth in Section 1 of this Act, that they are issued in pursuance of this act and the Constitution of this State, and upon the sale and delivery of any such bond, such recitals shall be conclusive upon the State of Delaware and all

and every other person whatsoever of the right, power and authority for the issuance of said bonds and the legality and validity of such bonds and of the principal debt and interest represented thereby, and the legality and validity of such bonds thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bond or bonds.

Section 4. The bonds issued under the authority of this act shall be in denominations of One Thousand Dollars (\$1,000), or multiple thereof, as shall be decided by the "Issuing Officers," or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such date as the "Issuing Officers" shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the "Issuing Officers," which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

The said bonds shall mature at the rate of One Hundred Thousand Dollars (\$100,000) per annum from April 1, 1952, to April 1, 1963, inclusive, and Eighty Thousand Dollars (\$80,000) shall be due April 1, 1964.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer and shall have the impression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer which may be engraved, printed or written on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 5. For the purpose of designation and identification any bond issued under the authority of this act shall be known and styled "State Highway Refunding Bond of 1949."

Section 6. The said bonds shall be in the following form, to wit:

UNITED STATES OF AMERICA
STATE OF DELAWARE

No.....

State Highway Refunding Bond of 1949

THESE PRESENTS CERTIFY AND MAKE KNOWN That the STATE OF DELAWARE is held and firmly bound unto the bearer in the sum of Dollars (\$), lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the day of, A. D. 19, with interest at the rate of per centum (%), per annum, likewise payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the day of and of each and every year, while the said principal sum remains unpaid, upon the presentation of the coupons hereto annexed representing such semi-annual installments of interest.

This bond is one of the bonds authorized to be issued by an act of the 115th Session of the General Assembly of the State of Delaware entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW THE SUM OF ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$1,280,000) AND TO ISSUE BONDS THEREFOR TO REDEEM AND REFUND A PORTION OF CERTAIN BONDS OF THE STATE

OF DELAWARE KNOWN AS 'STATE HIGHWAY REFUNDING BONDS,' AND APPROPRIATING FUNDS FOR THE PAYMENT OF COSTS AND EXPENSES INCIDENT TO THE CALLING OF SAID BONDS AND THE ISSUANCE OF THE NEW BONDS, TO PAY THE INTEREST ON SAID NEW BONDS AND TO REDEEM THE OUTSTANDING BONDS," AND IS ISSUED FOR THE PURPOSE set forth in Section 1 of said act and in pursuance of said act and the Constitution of the State of Delaware.

Dated at Dover, Delaware, the day of
....., A. D. 19.....

WITNESS the Great Seal of the State of Delaware and the Hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

.....
Governor

.....
Secretary of State

.....
State Treasurer

And the coupons shall be in the following form, to wit:

No.

The State of Delaware will pay to the bearer at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the first day of, A. D. 19, the sum of Dollars (\$) for six months' interest on Bond No. State Highway Refunding Bond of 1949.
Dated, 19

.....
State Treasurer

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid

and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following:

"This bond paid and redeemed this
day of, A. D. 19.....

.....
State Treasurer"

As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid." All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this act is unpaid and not redeemed.

Section 7. Whenever the bonds authorized by this act may be issued in conformity with the provisions of this act, the "Issuing Officers" are hereby directed to advertise twice a week for four successive weeks in such newspapers and journals in and out of the State as in their judgment may be conducive to the sale of said bonds, that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the "Issuing Officers," and the accrued interest between the date of the bonds and the time of sale and delivery of and payment of said bonds shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the "Issuing Officers," provided that any overdue coupons attached to the bonds shall, before the sale of said bonds, be detached and cancelled in accordance with the provisions of this act, and upon the day mentioned in said advertisement as the day for opening bids for said bonds, the "Issuing Officers," or the majority of them, shall receive such bids for the purchase of the bonds designated in said advertisement to be sold, and on the opening of said bids, as many of said bonds as shall have been bid for shall be awarded by the said "Issuing Officers" to the highest responsible bidder or bidders therefor, for cash, provided, the amount bid is adequate in the judgment of the "Issuing

Officers," or the majority of them, and is not less than par. If two or more bidders have made the same bid and such bid is the highest, and the bonds so bid for by the highest responsible bidders are in excess of or equal to the whole amount of the bonds so offered for sale, such bonds shall be awarded to such highest responsible bidders bidding the same price in a ratable proportion. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the "Issuing Officers," at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 8. All moneys received from the sale of any or all of said bonds shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware, at Dover, and shall be used exclusively for the purposes set forth in this act, and for no other purpose whatsoever.

Section 9. As soon as practicable after the receipt of the moneys from the sale of bonds authorized by this act, the outstanding highway bonds of the State of Delaware issued pursuant to the provisions of the act of the General Assembly entitled "AN ACT AUTHORIZING THE REFUNDING OF CERTAIN HIGHWAY BONDS OF THE STATE OF DELAWARE BY ISSUING REFUNDING BONDS THEREFOR," approved April 9, 1935, herein authorized to be redeemed and refunded, shall be called for payment by the proper officers and shall be redeemed and fully paid and cancelled.

Section 10. There is hereby appropriated out of the General Funds of the State of Delaware not otherwise appropriated such sum of money as shall be sufficient to pay (1) the proper charges and expenses incident to the preparation and sale of the bonds authorized by this act; (2) the proper charges and expenses incident to the calling for redemption of the outstanding bonds to be refunded by the provisions of this act; (3) the interest of the bonds authorized by this act from the date of the issue thereof to the end of the ensuing biennium on June 30, 1951; and (4) the difference between the amount required to redeem the outstanding bonds and the amount received from the sale of the bonds herein authorized, if any.

The Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 116th Session and at each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved June 8, 1949.

CHAPTER 205

APPROPRIATION

STATE OLD AGE WELFARE COMMISSION
FOR FURNISHING RECENTLY ERECTED BUILDING**AN ACT MAKING AN APPROPRIATION TO THE STATE
OLD AGE WELFARE COMMISSION FOR FURNISHING
A BUILDING RECENTLY ERECTED AT THE STATE
WELFARE HOME.**

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

Section 1. There is hereby appropriated to the State Old Age Welfare Commission the sum of Thirty-Five Thousand Dollars (\$35,000.00) for the furnishing of a building recently erected at the State Welfare Home.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the State Old Age Welfare Commission drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of this 115th General Assembly of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 8, 1949.

CHAPTER 206

APPROPRIATION

STATE BUILDING AND GROUNDS COMMISSION
FOR REPAIRS, ALTERATION, FURNISHING AND EQUIPPING
STATE BUILDINGS IN STATE CAPITOL GROUP

**AN ACT MAKING AN APPROPRIATION TO THE STATE
BUILDING AND GROUNDS COMMISSION FOR RE-
PAIRS, ALTERATION, FURNISHING AND EQUIPPING
OF STATE BUILDINGS IN THE STATE CAPITOL
GROUP AND FOR LANDSCAPING AND PLANTING
STATE LANDS AT DOVER.**

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

Section 1. There is hereby appropriated the sum of One Hundred Thousand Dollars (\$100,000.00) to the State Building and Grounds Commission for repairs and alterations to State buildings in the Capitol Group at Dover, for furnishing and equipping The Governor's Office and other important public rooms or halls in said buildings, and for landscaping and planting the State lands at Dover.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the State Building and Grounds Commission drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of this 115th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 8, 1949.

CHAPTER 207

APPROPRIATION

FERRIS SCHOOL FOR BOYS
FOR ERECTION OF DORMITORY COTTAGE AND BUILDING FOR
VOCATIONAL TRAINING

**AN ACT MAKING AN APPROPRIATION TO THE FERRIS
SCHOOL FOR BOYS FOR THE ERECTION OF A DOR-
MITORY COTTAGE AND A BUILDING FOR Voca-
TIONAL TRAINING.**

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

Section 1. There is hereby appropriated to the Ferris School for Boys the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), One Hundred Twenty Thousand Dollars (\$120,000.00) of which shall be for the erection and construction of a dormitory cottage to accommodate approximately thirty-five (35) boys, and One Hundred Thirty Thousand Dollars (\$130,000.00) of which shall be for the erection, construction and equipping of a building for vocational training.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the Ferris School for Boys drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of this 115th General Assembly of the State of Delaware, entitled "An Act Authorizing the State of Delaware to Borrow a Certain Sum of Money for Sundry Capital Improvements and Expenditures in the Nature of Capital Investments, and to Issue Bonds therefor."

Approved June 8, 1949.

CHAPTER 208

APPROPRIATION

DELAWARE HARNESS RACING COMMISSION

AN ACT APPROPRIATING MONEY TO THE DELAWARE HARNESS RACING COMMISSION FOR EXPENSES FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1950 AND JUNE 30, 1951.

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

Section 1. That the sum of Six Thousand Dollars (\$6,000.00) be and the same is hereby appropriated to the Delaware Harness Racing Commission for expenses for the fiscal year beginning July 1, 1949 and June 30, 1950 and a similar sum is hereby appropriated for the fiscal year beginning July 1, 1950 and ending June 30, 1951.

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

Approved June 8, 1949.

CHAPTER 209

DELAWARE HARNESS RACING COMMISSION

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REGULATION, CONTROL AND LICENSING OF HARNESS RACING IN THE STATE OF DELAWARE," BEING CHAPTER 303, VOLUME 45, LAWS OF DELAWARE, 1944-45, RELATING TO PAYMENT OF EXPENSES OF THE COMMISSION.

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

Section 1. That Chapter 303, Volume 45, Laws of Delaware, 1944-45, be and the same is hereby amended by striking out and deleting Section 12 and by inserting in lieu a new Section 12 as follows:

Section 12. On and after July 1, 1949, the expenses of the Commission shall be paid out of the appropriation to the said Commission and not from receipts and money received by the Commission. All receipts and money received by the Commission shall be reported and paid over to the State Treasurer to the credit of the General Fund of the State of Delaware according to Chapter 77, Volume 42, Laws of Delaware.

Approved June 8, 1949.

CHAPTER 210

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR EXPENSES FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1950, AND JUNE 30, 1951.

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

Section 1. That the sum of Fifteen Thousand Dollars (\$15,000.00) be and the same is hereby appropriated to the Delaware Commission of Shell Fisheries for the fiscal year beginning July 1, 1949, and ending June 30, 1950, and a like sum of Fifteen Thousand Dollars (\$15,000.00) for the fiscal year beginning July 1, 1950, and ending June 30, 1951.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the sums hereby appropriated shall be paid by the State Treasurer upon warrants of the said Commission out of any moneys in the General Fund not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 211

APPROPRIATION

AMERICAN LEGION AND VETERANS OF FOREIGN WARS
FOR FURNISHING OF SERVICES TO VETERANS AND
THEIR DEPENDENTS**AN ACT MAKING APPROPRIATIONS TO THE AMERICAN
LEGION, DEPARTMENT OF DELAWARE AND THE
VETERANS OF FOREIGN WARS, DEPARTMENT OF
DELAWARE, FOR THE FURNISHING OF SERVICES
TO VETERANS AND THEIR DEPENDENTS BY THE
DULY CONSTITUTED DEPARTMENT SERVICE OFFI-
CERS OF SAID ORGANIZATIONS.**

*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 Twelve Thousand (\$12,000.00) Dollars be and the same is hereby appropriated, Three Thousand (\$3,000.00) to the American Legion, Department of Delaware, and Three Thousand (\$3,000.00) Dollars to the Veterans of Foreign Wars, Department of Delaware, for each of the fiscal years beginning July 1, 1949 and July 1, 1950.

The amounts hereby appropriated shall be paid to the duly elected finance officers of the organizations named within three months after the beginning of the fiscal years named aforesaid, the warrants for such sums to be signed by the respective finance officers of the organizations named and approved by the Auditor of Accounts.

Section 2. Purposes For Which Appropriation Used:—The funds hereby appropriated shall be used by the respective organizations named to furnish services through duly selected service officers to Veterans of the Armed Forces of the United States.

The services mentioned in the preceding paragraph shall include the handling of claims as claims attorney and as a

research specialist, any and all claims that any veteran or his dependents may have against the Federal Government of the United States of America as the result of service during a time of national emergency or in peace time.

The services provided for by the Act shall include services by said service officers as contact agents for all Veterans for employment and rehabilitation; assistance in procurement of State burial allowances; the procurement and assignment of attorneys to assist deserving Veterans in civil court cases and to act as an intermediary to procure assistance, financial or otherwise, from State or private welfare organizations.

Section 3. The two organizations herein named and to which appropriations are hereby made shall each, through their respective service officers, present at the beginning of each biennial session of the General Assembly of the State of Delaware, a report to the Governor of the State and to the presiding officers of both branches of the General Assembly, concerning the accomplishments during the preceding biennium and also a detailed statement as to the expenditure of the appropriations hereby made.

Section 4. This Act shall be known as a supplementary appropriation bill and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 212

APPROPRIATION

KENT AND SUSSEX FAIR, INC.
PRIZES**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 House concurring therein):

Section 1. That the sum of Ten Thousand (\$10,000.00) Dollars 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, 1949 and ending June 30, 1950, and a like sum of Ten Thousand Dollars (\$10,000.00) for the fiscal year beginning July 1, 1950 and ending June 30, 1951. 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 Ten Thousand Dollars (\$10,000.00) for each of said years and should said sum be less than the amount appropriated by this Act, then the unused balance shall each year remain in and revert to the State Treasury and shall in no case be paid to said corporation.

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 June 8, 1949.

CHAPTER 213

APPROPRIATION

CERTAIN FIRE COMPANIES
MAINTENANCE AND OPERATION OF AMBULANCE**AN ACT APPROPRIATING MONEY TO CERTAIN FIRE
COMPANIES IN THE STATE OF DELAWARE WHICH
MAINTAIN AND OPERATE AN AMBULANCE.**

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 to each and every Fire Company in the State of Delaware, outside the limits of the City of Wilmington, which did on the first day of November, A. D. 1948, and does now maintain and operate an ambulance for the purpose of public service, there is hereby appropriated the sum of Five Hundred Dollars (\$500.00) annually for each of the fiscal years beginning July 1, 1949, and beginning July 1, 1950, to be used for the maintenance and operation of the said ambulance in the public service.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the State Treasurer to each of the said Fire Companies maintaining and operating an ambulance in the public service within three months after the beginning of each of said fiscal years; and a certificate of the Secretary of Delaware Volunteer Firemen's Association to the effect that a Fire Company did on the first day of November, A. D. 1948, and does now maintain and operate an ambulance in the public service shall be sufficient authority for the payment of said sum of Five Hundred Dollars (\$500.00) by the State Treasurer to said Fire Company.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated by Section 1 of this Act shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 214

APPROPRIATION

WOODS HAVEN SCHOOL FOR GIRLS

AN ACT APPROPRIATING MONEY TO THE WOODS HAVEN SCHOOL FOR GIRLS.

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

Section 1. That the sum of One Hundred Fifteen Thousand Eight Hundred Fifty Dollars (\$115,850.00) be and the same is hereby appropriated to the Woods Haven School for Girls for the maintenance and training of girls committed thereto, and for salaries, wages and for operation.

The said sum shall be paid to said School in two annual payments of Fifty-seven Thousand Three Hundred Fifty Dollars (\$57,350.00) for the year ending June 30, 1950 and Fifty-eight Thousand Five Hundred Dollars (\$58,500.00) for the year ending June 30, 1951.

	Year ending June 30	
	1950	1951
Salaries and wages of Employees . . .	\$25,000.00	\$25,000.00
Office Expense	900.00	900.00
Travel	1,600.00	1,600.00
Operations	20,000.00	20,000.00
Repairs and Replacements	9,000.00	9,000.00
Equipment	850.00	2,000.00
	<hr/>	<hr/>
	\$57,350.00	\$58,500.00

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 June 8, 1949.

CHAPTER 215

DELMAR

AN ACT TO AMEND CHAPTER 182, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF DELMAR," BY PROVIDING LIMITATIONS OF SEWER RENTALS.

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 182, Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by striking out and repealing all of the last paragraph on page 705 thereof, being a part of Section 15 of Chapter 182 as aforesaid, being the first paragraph under the heading "Sewer Rental and Collections," and by substituting and enacting in lieu of the part so stricken out the following:

The Town Council may by ordinance or resolution, prescribe and fix sewer rentals, not to exceed for each Outlet, Ten Dollars (\$10.00) for any one calendar year.

Approved June 8, 1949.

CHAPTER 216

APPROPRIATION

STATE EMERGENCY FUND

AN ACT MAKING APPROPRIATION FOR A STATE EMERGENCY FUND FOR CERTAIN EMERGENCIES AND CONDITIONS NOT OTHERWISE PROVIDED FOR, FOR THE RESPECTIVE YEARS OF THE BIENNIUM JULY 1, 1949 TO JUNE 30, 1951, 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 One Million Dollars (\$1,000,000.00) 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" or to a "condition not otherwise provided for" 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 condition not otherwise provided for, or for a total of emergencies and conditions not otherwise provided for of like kind in any one fiscal year, authorizing a particular agency to expend such amount as is necessary to meet a specific emergency or condition as hereinafter defined.

Section 3. **PROOF OF EMERGENCY:**—An emergency or a condition not otherwise provided for shall be deemed to exist only when declared by the Governor to have been determined by him by and with the consent of the majority of the members of the Permanent Budget Commission. Such determination may be made after proof of emergency or condition not otherwise provided for, 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 or a condition not otherwise provided for 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 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.

(a) To replace any building or other structure and/or equipment 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) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(b) To provide for repairs of an extraordinary nature 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, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an

amount not to exceed Twenty Thousand Dollars (\$20,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(c) To provide for repairs to buildings or equipment of an extraordinary nature any State Department, Agency, or Institution, may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Thirty Thousand Dollars (\$30,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(d) To provide for the rehabilitation of citizens of this State, the State Board of Vocational Education may, upon submission of satisfactory proof of emergency, and/or for the participation in any rehabilitation program, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) for each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(e) To provide additional funds for Vocational Rehabilitation case service when sums appropriated therefor have become exhausted as a result of an increase in the case load as of July 1, 1949, the State Board of Education may, upon satisfactory proof of emergency, expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(f) 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 proof of emergency, be authorized to expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(g) To provide for the care of needy, dependent children outside their own homes when sums appropriated therefor have become exhausted as a result of the increase in the number of dependent children requiring such care over the total of children furnished such care on July 1, 1949 and/or to provide aid for dependent children when sums appropriated therefor have become

exhausted as a result of the increase in number of children requiring such care above the total of children receiving such care on July 1, 1949, the State Board of Welfare may, upon submission of satisfactory proof of emergency, be authorized to expend for the fiscal year ending June 30, 1950 all or any part of an amount not to exceed Fifty Thousand Dollars (\$50,000.00) and for the fiscal year ending June 30, 1951 all or any part of an amount not to exceed Seventy-five Thousand Dollars (\$75,000.00), provided, however, that no part of the sums herein appropriated for either of the fiscal years aforesaid, shall be made available to said board for the program for aid to dependent children unless the Levy Court of the County in which all or any part of such sums is to be expended shall first authorize the additional expenditure and make an appropriation therefor, and provided further that if the Levy Court of any County shall not have the funds available to provide the share of such County of the emergency needs hereinabove mentioned, the said share of the said County may be provided out of the funds hereby appropriated for such purposes upon the execution and delivering by the Levy Court of such County of an undertaking in writing to reimburse the State Treasury for any sums so advanced on behalf of such County.

(h) To provide for the purchase of fuel for heating school buildings, the State Board of Education, if the building is located in a school district outside of the City of Wilmington, or the Board of Public Education in Wilmington, if the building is located in the consolidated school district in the City of Wilmington, when sums appropriated therefor have become exhausted, may, upon satisfactory proof of emergency, expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00), provided, however, the fuel so purchased is to be consumed before the expiration of the fiscal year in which it is purchased in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(i) To provide Special Fire Protection, the State Forestry Department may, upon satisfactory proof of emergency and after the sums appropriated therefor have been exhausted, expend all or any part of an amount not to exceed Four Thousand Dollars (\$4,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(j) To provide for additional teachers and/or all other costs caused by increased enrollment, the State Board of Education may, upon satisfactory proof of increased enrollment and need therefor, be authorized to expend all or any part of an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) for the fiscal year beginning July 1, 1949 and ending June 30, 1950, and not to exceed Two Hundred Thousand Dollars (\$200,000.00) for the fiscal year beginning on July 1, 1950 and ending June 30, 1951.

(k) 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 destruction or condemnation, be authorized to expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(l) To provide for the payment of lost and/or out-dated checks issued by any State Treasurer, the Auditor of Accounts may, upon submission of satisfactory proof thereof, be authorized to expend for the redemption thereof all or any part of an amount not to exceed Five Hundred Dollars (\$500.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(m) To provide for the purchase of equipment for installation in unit or units for treatment of alcoholics at the Governor Bacon Health Center, the Board of Trustees of Delaware State Hospital may, upon submission of satisfactory proof, be authorized to expend all or any part of an amount not to exceed Thirty-five Thousand Dollars (\$35,000.00) during the biennium July 1, 1949 to June 30, 1951.

(n) To provide for the purchase of equipment for installation in building for criminally insane at the Delaware State Hospital, the Board of Trustees of the Delaware State Hospital may, upon submission of satisfactory proof, be authorized to expend all or any part of an amount not to exceed Thirty Thousand Dollars (\$30,000.00) during the biennium July 1, 1949 to June 30, 1951.

(o) To provide for the purchase of new bookkeeping machines and equipment (in the event such purchases become necessary as a result of failure of existing machines and equipment) 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 Ten Thousand Dollars (\$10,000.00) during the biennium ending June 30, 1951.

(p) To provide for the payment of special audit or audits made necessary as a result of unforeseen circumstances, the Attorney General or 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 Five Thousand Dollars (\$5,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(q) To provide an appropriation for administration, operation, repairs and replacements in the event unforeseen demands require it, the Board of Trustees of Delaware State College may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Fifty Thousand Dollars (\$50,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(r) To provide an appropriation for administrative salaries in the event unforeseen demand requires it, the Old Age Welfare Commission may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for the fiscal year beginning July 1, 1949, and ending June 30, 1950, and not to exceed Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) for the fiscal year beginning on July 1, 1950, and ending June 30, 1951.

Section 5. CONDITION NOT OTHERWISE PROVIDED FOR DEFINED:—It is further provided that a condition not otherwise provided for shall exist only when an expenditure not otherwise authorized by the Budget Appropriation Act or any Supplementary Appropriation Act and for which funds have not been otherwise provided in the budget of any department or agency of this State, has become necessary to the general welfare.

(a) To provide the National Guard with an appropriation for pay of necessary men and personnel which unforeseen circumstances may require, the Adjutant General may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Twenty Thousand Dollars (\$20,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(b) To provide relief for the unemployable the State Old Age Welfare Commission may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(c) To match any funds made available by the Federal Government for teacher training in agriculture, the Board of Trustees for Delaware State College may, upon submission of satisfactory proof of the availability of such Federal funds, be authorized to expend all or any part of an amount not to exceed Eight Hundred Eighty-eight Dollars (\$888.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(d) To provide additional funds for Vocational Education in accordance with the State Plan for Vocational Education, meeting the requirements of Public Law 586, 79th Congress (George-Barden Law), the State Board of Vocational Education may, upon submission of satisfactory proof of emergency, expend all or any part of an amount, not to exceed Twenty-one Thousand Seven Hundred Dollars (\$21,700.00) for matching purposes, in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(e) To provide for the payment of old age pensions when sums appropriated therefor have become exhausted as a result of increase of the number of recipients as of July 1, 1949, or an increase in the amount payable, the Old Age Welfare Commission may, upon satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(f) To provide for administration and operation, the Delaware Aeronautics Commission may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(g) To provide for installation of new water distributing system for the purpose of adequate fire protection and/or renovating and repairing electric lights for State buildings in the City of Dover, the State Custodian may, upon submission of satisfactory proof of need, expend all or any part of an amount not to exceed Twenty-three Thousand Dollars (\$23,000.00) during the biennium ending June 30, 1951.

(h) To provide for the control of contagious diseases, the State Board of Agriculture may, upon submission of satisfactory proof of conditions not otherwise provided for as a result of out-break of contagious diseases of poultry and/or livestock, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(i) To provide for an abnormal number of claims upon the Department of Livestock Sanitation, the State Board of Agriculture may, upon submission of satisfactory proof of such claims, expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(j) To provide for the maintenance and operation of buildings and equipment and for the instruction of high school students necessitated by the separation of functions for the purposes of accreditation for the Delaware State College, the Board of Trustees of the said Delaware State College, and/or the Board of Education of the Dover Special School District may, upon submission of satisfactory proof of conditions not otherwise provided for, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(k) To provide for deficiency in appropriation for the payment of benefits under the "Delaware State Employees' Pension Act", the State Treasurer may, upon submission of satisfactory proof of need, expend all or any part of an amount not to exceed Twenty Thousand Dollars (\$20,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(l) Upon satisfactory proof of an emergency not otherwise herein provided for, the Governor may be authorized to expend all or any part of an amount not to exceed Fifty Thousand Dollars (\$50,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(m) To provide for any deficiency in appropriation for the payment of salary increases under the Temporary Salary Increase Bill, the Auditor of Accounts may, upon submission of satisfactory proof of need, expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(n) To provide for deficiency in appropriation for the payment of premiums on Workmen's Compensation Insurance, the governing authority of the various State agencies and institutions and/or heads of departments may, upon submission of satisfactory proof of need, expend all or any part of an amount not to exceed Five Thousand Dollars (\$5,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(o) To provide an appropriation to match Federal marketing research funds, the State Board of Agriculture may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(p) To provide an additional appropriation for salaries, in the event it becomes necessary to employ full-time personnel in lieu of part-time personnel, the State Board of Agriculture may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Eleven

Thousand Four Hundred Dollars (\$11,400.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(q) To provide for the necessary wiring and the installation of a bell system at Kruse School, the Board of Trustees may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) during the biennium July 1, 1949 to June 30, 1951.

(r) To provide supplementary relief for hardship cases receiving assistance under the "aid to dependent children" program of the State Board of Welfare, the State Old Age Welfare Commission through its Relief Department may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951; provided, that such supplementary assistance shall be given only to such persons, and in such amounts, as may be recommended by State Board of Welfare, and further provided, that no part of the sums herein appropriated for supplementary assistance shall be made available to said Commission unless the Levy Court of the County in which all or any part of such sums is to be expended shall first authorize the additional expenditure and make an appropriation therefor.

(s) To provide the National Guard with an additional appropriation for administration, operation and repairs and replacements in the event unforeseen demands require it, the Adjutant General may, upon submission of satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Sixteen Thousand Dollars (\$16,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(t) To match any funds made available by the Federal Government for the purpose of furnishing vocational training to volunteer firemen, the State Board of Education may, upon submission of satisfactory proof of the availability of such Federal funds, be authorized to expend all or any part of an amount not to exceed Nine Hundred Dollars (\$900.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(u) To provide for mosquito control and the elimination of mosquito infested areas, the State Highway Department may, upon submission of satisfactory proof of conditions not otherwise provided for, be authorized to expend all or any part of an amount not to exceed Thirty Thousand Dollars (\$30,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(v) To provide for deficiency in appropriations for any salary accounts, the State Treasurer may, upon submission of satisfactory proof of such deficiency, be authorized to expend all or any part of an amount not to exceed Twenty Thousand Dollars (\$20,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(w) To provide for the purchase and/or leasing of equipment for the installation of a modern accounting and statistical system, the State Tax Commissioner may, upon submission of satisfactory proof of such need, be authorized to expend all or any part of an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) for each year of the biennium July 1, 1949 to June 30, 1951.

(x) To provide for all expenses incident to the advertising, preparation, the issuing and preparation of any bond issue, the Secretary of State may, upon submission of satisfactory proof, be authorized to expend all or any part of an amount not to exceed Five Thousand Dollars (\$5,000.00) during the biennium July 1, 1949 to June 30, 1951.

(y) To provide Governor Bacon Health Center with an additional appropriation for salaries in the event unforeseen demands require it, the Board of Trustees of the Delaware State Hospital may, upon submission of satisfactory proof, be authorized to expend all or any part of an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) in each of the respective years of the biennium July 1, 1949 to June 30, 1951.

(z) To provide an appropriation for reconstruction and repair of waterfront piers, docks, pilings and/or sand revetments due to unforeseen damages the State Highway Department may,

upon the satisfactory proof of need, be authorized to expend all or any part of an amount not to exceed Thirty Thousand Dollars (\$30,000.00) during the biennium ending June 30, 1951.

(zz) To provide for delayed improvements to school buildings or equipment in the following districts, to the extent of the amounts indicated opposite the name of each said school district in the following table, and for the fiscal year under which said amount appears.

<u>DISTRICT</u>	<u>1950</u>	<u>1951</u>
Claymont	6700.00	1600.00
Georgetown	7846.00	—
Laurel	1650.00	2650.00
Lewes	3077.00	—
Mt. Pleasant	4372.56	672.56
Rehoboth	1095.00	1110.00
Hockessin	1470.00	170.00
Stanton	2943.00	218.00
Christiana	202.00	—
Delaware City — White	1490.00	1490.00
Commodore MacDonough	1535.00	—
Yorklyn	195.00	180.00
Oak Grove	500.00	—
H. C. Conrad	2175.00	—
Felton	800.00	—
Millsboro	1965.00	—
John M. Clayton	1135.00	—
Ellendale	1770.00	920.00

Section 6. 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 7. That the Governor, Secretary of State and the State Treasurer shall constitute a commission to negotiate and arrange for the sale or disposition of any notes or certificates of indebtedness to provide for the payment of any appropriations herein contained in the same manner and form as is provided in any budget appropriation bill authorized by this session of the General Assembly and approved by the Governor.

Section 8. 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 9. All acts or parts of acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved June 8, 1949.

CHAPTER 217

DELMAR

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR," BY PROVIDING FOR A REFERENDUM VOTE BEFORE MAKING ANY INCREASE IN WATER RENTS.

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 182, Laws of Delaware, Volume 45, be and the same is hereby amended by striking out the period at the end of paragraph (d) Section 20 thereof and by substituting a semi-colon in lieu thereof and adding the following words immediately after the semi-colon:

"; provided, however, that the Council shall not increase the water rents now charged the citizens of the Town of Delmar nor enter into any agreements to increase said water rents beyond the prices charged at the time of the passage of this Act."

Section 2. That Chapter 182, Volume 45, Laws of Delaware, be and the same is hereby further amended by adding an additional paragraph to be designated "e" at the end of Section 20 of said chapter, as follows:

e. (1) Before making any increase or agreement for increase in water rents charged citizens of the Town of Delmar, the Council shall by resolution state the amount of such proposed increase, the purpose for which such proposed increase is to be made, and the time and place for a hearing at which all interested citizens may be heard upon the resolution.

(2) Notice of the time and place of the hearing on the resolution concerning an increase in water rents or charges shall be printed in a newspaper of general circulation in the Town at

least one week before the time set for the hearing, which hearing shall be held at the time and place designated in such printed notice.

(3) If after the hearing the Council is still favorable to an increase or agreement for an increase in water rents charged citizens and residents of the Town of Delmar, then a second resolution shall be passed by the Council within thirty (30) days after the said hearing, ordering a special election to be held not less than thirty (30) days and not more than sixty (60) days after the date of the second resolution, such special election to be for the purpose of voting for or against the proposed increase or proposed agreement for increase.

(4) The notice of the time and place for holding the said special election shall be printed in a newspaper of general circulation in the Town once a week for three (3) consecutive weeks prior to the date set for the election. The said special election shall be conducted by a Board of Electors as provided in the Charter of the Town of Delmar as the same appears in Chapter 182 of Volume 45, Laws of Delaware, and in the manner in which an annual Town election is conducted.

(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 to vote at the last preceding annual Town election shall have one vote for every dollar and fractional part of dollar 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.

(7) The Board of Election shall count the votes for and against the proposed increase in water rent or proposed agreement for increase in water rent and shall announce the results thereof by certificate under their hands of the number of votes

cast for and against the proposed increase or proposed agreement for increase 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.

(8) If the number of votes cast against the proposed increase of charges for water rents or against the agreement proposing an increase in water rents shall be greater than the number of votes favorable to such proposed increase or proposed agreement for increase then the Council shall not put into effect any increase in water rents and shall not conclude any proposed agreement for an increase in water rents charged to the residents of the Town of Delmar. The water rents shall only be increased or an agreement increasing such rents shall only be concluded by the Council if a majority of the votes cast at said special election shall favor such proposed increase or such proposed agreement for increase in water rents.

Approved June 8, 1949.

CHAPTER 218

APPROPRIATION

HOSPITALS

AN ACT TO APPROPRIATE 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, 1949 and July 1, 1950 the sum of money set after the names of such hospitals, respectively, viz.:

To Kent General Hospital at Dover,.....	\$ 34,000.00
To Milford Memorial Hospital, Inc., at Milford,	50,000.00
To Beebe Hospital of Sussex County, Inc., at Lewes,	52,000.00
To Homeopathic Hospital Association of Delaware, at Wilmington,	105,000.00
To St. Francis Hospital, Incorporated, at Wilmington,	57,500.00
To the Delaware Hospital, Inc., at Wilmington,..	188,500.00
To Wilmington General Hospital Association, at Wilmington,	86,000.00
Total,	<u>\$573,000.00</u>

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 1949 and 1950.

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 June 8, 1949.

CHAPTER 219

DOVER

**AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF
DELAWARE, ENTITLED "AN ACT CHANGING THE
NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF
DOVER' AND ESTABLISHING A CHARTER THEREFOR,
AS AMENDED."**

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

Section 1. That Section 5, Chapter 158, Volume 36, Laws of Delaware, being "An Act Changing the name of 'The Town of Dover' to 'The City of Dover,' and establishing a charter therefor, as amended," be and the same is hereby amended by striking out in the first line of Paragraph 3 of said Section 5, the word "One" and inserting in lieu thereof the word "Two."

Approved June 8, 1949.

CHAPTER 220

APPROPRIATION

STATE SOIL CONSERVATION COMMISSION
DRAINAGE OF TAX DITCHES IN SUSSEX COUNTY**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
STATE SOIL CONSERVATION COMMISSION FOR THE
DRAINAGE OF TAX DITCHES IN SUSSEX COUNTY.**

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in Sussex County, State of Delaware; and WHEREAS, land owners, adjacent to and near said tax ditches, have agreed to contribute funds for said purposes; 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 Soil Conservation Commission the sum of Twenty-five Thousand Dollars (\$25,000.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Sussex County.

Section 2. For the purposes of this Act, the Levy Court of Sussex County is hereby authorized and directed to appropriate to the State Soil Conservation Commission the further sum of Twenty-five Thousand Dollars (\$25,000.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Sussex County.

Section 3. That the money hereby appropriated shall be paid to the State Soil Conservation Commission by the State

Treasurer and the Levy Court of Sussex County from time to time upon certification to the State Treasurer and the Levy Court of Sussex County by the Board of Soil District Supervisors of the Soil Conservation District of Sussex County that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out and draining of said tax ditches, a specified sum of money to be used on said project. The State Treasurer, and the Levy Court of Sussex County, shall each make payment to said State Soil Conservation Commission the sum of Fifty Cents (\$.50) for every Dollar (\$1.00) or more so certified to the State Treasurer and the Levy Court of Sussex County by the Board of Soil District Supervisors of the Soil Conservation District of Sussex County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said tax ditches in Sussex County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be transferred by said Commission to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County, and shall be used and expended by said Board on such tax ditches for which contributions from farmers and others benefiting from such cleaning out and draining have been collected or received as shall be determined by the said Board of Soil District Supervisors.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated by Section 1 of this Act shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 221

SUSSEX COUNTY LEVY COURT

APPROPRIATION TO BOARD OF SOIL DISTRICT SUPERVISORS
OF THE SOIL CONSERVATION DISTRICT OF SUSSEX COUNTY
FOR PURPOSE OF EMPLOYING A MANAGER

**AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX
COUNTY TO MAKE AVAILABLE TO THE BOARD OF
SOIL DISTRICT SUPERVISORS OF THE SOIL CON-
SERVATION DISTRICT OF SUSSEX COUNTY CERTAIN
FUNDS FOR THE EMPLOYMENT OF A MANAGER OF
OPERATIONS.**

*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 to make available for, and to pay to, the Board of Soil District Supervisors of the Soil Conservation District of Sussex County the sum of Five Thousand (\$5,000.00) Dollars for the fiscal year beginning July 1, A. D. 1949 and ending on the Thirtieth day of June, A. D. 1950, and a like sum of Five Thousand (\$5,000.00) Dollars for the fiscal year beginning on the First day of July, A. D. 1950 and ending on the Thirtieth day of June, A. D. 1951.

Section 2. The funds hereby authorized to be made available to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County shall be used, when made available, for the purpose of employing a manager of the drainage and other operations of the said District Supervisors of the Soil Conservation District of Sussex County.

Approved June 8, 1949.

CHAPTER 222

APPROPRIATION

THE ADJUTANT GENERAL
UNIFORM ALLOWANCE FOR OFFICERS OF THE
DELAWARE NATIONAL GUARD**AN ACT APPROPRIATING MONEY FOR UNIFORM ALLOWANCE OF THE OFFICERS OF THE DELAWARE NATIONAL GUARD.**

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

Section 1. That the sum of Eight Thousand Dollars (\$8,000.00) is hereby appropriated out of the Treasury of the State of Delaware to the Adjutant General of Delaware for the fiscal year beginning July 1, 1949, and ending June 30, 1950, and the sum of Eight Thousand Dollars (\$8,000.00) is hereby appropriated out of the Treasury of the State of Delaware to The Adjutant General of Delaware for the fiscal year beginning July 1, 1950, and ending June 30, 1951, for the purpose of paying to each commissioned officer and each warrant officer of the Delaware National Guard who is by law entitled thereto the sum provided by law to assist the said officers or warrant officers in defraying the cost of their uniforms and equipment.

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 June 8, 1949.

CHAPTER 223

KENT COUNTY LEVY COURT

INCREASING TAX RATE IN KENT COUNTY

AN ACT TO AMEND CHAPTER 43 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "LEVY COURTS," WITH REFERENCE TO THE TAX RATE IN KENT COUNTY.

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

Section 1. That Chapter 43 of the Revised Code of Delaware, 1935, as amended, be and the same is further amended by striking out and repealing the word "forty" where it appears in the last paragraph of 1236. Sec. 90. thereof, and by substituting and enacting in lieu of the word so stricken out the word "fifty."

Approved June 8, 1949.

CHAPTER 224

WILMINGTON

PROVIDING FOR A DEPARTMENT OF HEALTH

AN ACT TO AMEND CHAPTER 207 OF VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON," AS AMENDED BY CHAPTER 557 OF VOLUME 20, LAWS OF DELAWARE, BY PROVIDING FOR A DEPARTMENT OF HEALTH FOR THE CITY OF WILMINGTON IN LIEU OF THE BOARD OF HEALTH, AND DEFINING ITS AUTHORITY, JURISDICTION, POWER AND DUTIES, TERM OF OFFICE AND SALARY.

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 136 of Chapter 207, Volume 17, Laws of Delaware, as the same was amended by Chapter 557, Volume 20, Laws of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof the following:

On and after the Thirtieth day of June, A. D. 1949, there is hereby created a department for "The Mayor and Council of Wilmington," to be known as the "Department of Health" which shall consist of six members, who shall be appointed by the Mayor, subject to confirmation by The Council, from the citizens of the City of Wilmington. Two members shall be appointed to serve for four years, two for three years, and two for two years beginning on the First day of July next succeeding their appointment and until their successors qualify. Following the expiration of the term of office of each member, his successor shall be appointed to serve for four years and until his successor shall qualify. No more than three members of the Board shall belong to the same political party, nor shall any member hold any other

municipal office while serving as a member of the Department of Health. At least two members of the department shall be licensed physicians of the State, and one member shall be a licensed plumber. Upon the organization of the Department of Health appointed under and in accordance with the provisions of this Act, the terms of office of the members of the present Board of Health shall immediately terminate, but the present Board of Health shall continue until the First day of July, A. D. 1949. Vacancies in the said department, caused by death, resignation or otherwise shall be filled by the Mayor for the residue of the unexpired term, and shall also be subject to confirmation by The Council. Any member may be removed for malfeasance in office by the Mayor with the concurrence of two-thirds of all the members elected to the Council.

Section 2. On and after the first day of July, A. D. 1949, the said Department of Health shall have all the powers, authority, and jurisdiction conferred and shall be subject to all the duties enjoined upon members of the Board of Health of the City of Wilmington by the laws of this State and the ordinances of the said City relative to the Board of Health of the said City. The said members of the Department of Health shall each receive a salary of seven hundred and fifty dollars per year, to be paid to them as other salaried officials of the City of Wilmington are paid; provided, however, that such salaries may be increased by The Council in the manner provided by law.

Approved June 8, 1949.

CHAPTER 225

WILMINGTON

PENSION BENEFITS

AN ACT TO AMEND CHAPTER 237, VOLUME 46, LAWS OF DELAWARE ENTITLED "AN ACT PROVIDING FOR THE PAYMENT OF PENSION BENEFITS TO CERTAIN EMPLOYEES OF THE MAYOR AND COUNCIL OF WILMINGTON, FIXING AGES OF RETIREMENT, ESTABLISHING BENEFITS PAYABLE AND THE SOURCE OF PAYMENT THEREOF, PROVIDING FOR APPLICATIONS FOR PENSIONS AND THE PROCEDURE TO BE FOLLOWED WITH RESPECT THERETO, PROVIDING THAT PENSION BENEFITS SHALL BE FREE OF ATTACHMENT AND LIABILITY FOR STATE AND LOCAL INCOME TAXES AND NON-ASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," BY REDUCING THE PERIOD OF SERVICE FOR VOLUNTARY RETIREMENT FROM THIRTY-FIVE YEARS TO THIRTY YEARS.

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 237, Volume 46, Laws of Delaware, be and the same is hereby amended by striking out the words "thirty-five" in the fourth line of said section, and inserting in lieu thereof the word "thirty."

Approved June 8, 1949.

CHAPTER 226

APPROPRIATION

TO REIMBURSE THE STATE HIGHWAY DEPARTMENT
FOR MONEYS ADVANCED TO STATE POLICE PENSION BOARD

**AN ACT TO REIMBURSE THE STATE HIGHWAY DEPARTMENT
FOR MONEY ADVANCED TO THE STATE POLICE
PENSION BOARD FOR STATE POLICE PENSIONS.**

WHEREAS, due to failure of enactment of a deficiency appropriation Bill making an appropriation to the State Police Pension Board at the 1947 Session of the Delaware General Assembly, there were insufficient funds available to pay pensions to the retired members of the Delaware State Police Force as provided by Law; and

WHEREAS, the Attorney General of the State of Delaware advised the State Highway Department that it was the responsible agency to supply such deficiency out of funds available; and

WHEREAS, the said Department did transfer to the State Police Pension Board the sum of Thirty-five Thousand (\$35,000) Dollars to make possible the payment of State Police Pensions during the biennium ending on the thirtieth day of June, A. D. 1949, and

WHEREAS, the State Highway Department had use for the funds so diverted in order to carry on the various activities of the Department, and desires to be reimbursed for the amount so advanced or diverted by it; NOW THEREFORE

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

Section 1. That the sum of Thirty-five Thousand (\$35,000.00) Dollars is hereby appropriated to the construction account of the State Highway Department and the State Treasurer is hereby directed to pay all or any part of such sum upon a warrant or warrants approved by the proper officials of the State Highway Department.

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

Approved June 8, 1949.

CHAPTER 227

APPROPRIATION

THE ADJUTANT GENERAL
FOR USE OF FEDERALLY RECOGNIZED UNITS OF THE
DELAWARE NATIONAL GUARD

**AN ACT APPROPRIATING MONEY FOR PAYMENT TO
FEDERALLY RECOGNIZED UNITS OF THE DELA-
WARE NATIONAL GUARD.**

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

Section 1. That the sum of Seven Thousand Dollars (\$7,000.00) is hereby appropriated out of the Treasury of the State of Delaware to The Adjutant General of Delaware for the fiscal year beginning July 1, 1949, and ending June 30, 1950, and a like sum of Seven Thousand Dollars (\$7,000.00) is hereby appropriated out of the Treasury of the State of Delaware to The Adjutant General of Delaware for the fiscal year beginning July 1, 1950, and ending June 30, 1951, for the purpose of paying to each federally recognized unit of company size of the Delaware National Guard the sum of Five Hundred Dollars (\$500.00) to be expended by the said unit in accordance with the regulations of the United States Army governing unit funds.

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 June 8, 1949.

CHAPTER 228

BOWERS

AN ACT TO AMEND CHAPTER 207, VOLUME 24, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BOWERS," AS AMENDED, BY PROVIDING FOR THE APPOINTMENT OF A FIRE MARSHALL AND DEFINING HIS DUTIES.

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 207, Volume 24, Laws of Delaware as amended, be and the same is hereby further amended by striking out and repealing Section 8 of said Chapter and enacting in lieu thereof the following:

Section 8. That the Commissioners of the said Town may appoint such number of town constables as shall be deemed necessary, who shall constitute the Town Police, and may also appoint a Fire Marshall. The Commissioners shall also have power and authority to remove any of the Constables or the Fire Marshall at any time and appoint others in the place of those removed if it shall be deemed necessary to make such appointment or appointments. It shall be the duty of the Fire Marshall to inspect or cause to be inspected, as often as may be deemed necessary, all buildings, premises and public thoroughfares for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire or for the purpose of ascertaining any violations of the provision of any ordinance of said Commissioners of the Town of Bowers relating to fire hazards.

Approved June 8, 1949.

CHAPTER 229

APPROPRIATION

THE STATE BOARD OF HEALTH
SERVICES TO CRIPPLED CHILDREN

**AN ACT APPROPRIATING MONEY TO THE STATE BOARD
OF HEALTH FOR SERVICES TO CRIPPLED 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 Thirty-one Thousand Seven Hundred and Fifty Dollars (\$31,750.00) be and the same is hereby appropriated to the State Board of Health for the fiscal year beginning July 1, 1949, and that the sum of Thirty-one Thousand Seven Hundred and Fifty Dollars (\$31,750.00) be and the same is hereby appropriated to the State Board of Health for the fiscal year beginning July 1, 1950, to be used for services to the Crippled Children of the State of Delaware for case finding, medical, surgical and medical social service, hospitalization, rehabilitation and follow-up in a cooperative program between the Governor Bacon Health Center and the State Board of Health.

Section 2. This bill 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 from sums not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 230

APPROPRIATION

DISABLED AMERICAN VETERANS OF DELAWARE

AN ACT APPROPRIATING MONEY TO THE DISABLED AMERICAN VETERANS 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 (\$1,000.00) Dollars be and the same is hereby appropriated to the Disabled American Veterans of Delaware for operation expenses for the biennium beginning July 1, 1949 and ending June 30, 1951. Five Hundred (\$500.00) Dollars of said sum shall be paid within three months after July 1, 1949 and a like sum of Five Hundred (\$500.00) Dollars shall be paid within three months after July 1, 1950 to the service officer of the Disabled American Veterans of Delaware, upon warrants signed by the said service officer.

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 June 8, 1949.

CHAPTER 231

MILFORD

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO CHANGE THE NAME OF 'THE TOWN OF MILFORD' TO 'THE CITY OF MILFORD' AND ESTABLISHING A CHARTER THEREOF" BEING CHAPTER 162, VOLUME 38, LAWS OF DELAWARE BY AUTHORIZING THE CITY COUNCIL TO LEVY A SEWER TAX.

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 Chapter 162, Volume 37, Laws of Delaware, be and the same is hereby amended, by adding a new paragraph to Section 28 thereof in the following language:

The Council is hereby authorized to levy a sewer tax on each person, firm or corporation having property connected to the municipal sewerage system, the said sewer tax to be collectible at law precisely as if it were a tax upon real estate, provided that the money raised by the City of Milford from such sewer tax shall be spent for no other purpose than the maintenance, improvement, extension or enlargement of the City of Milford municipal sewerage system, including the disposal plant maintained in connection therewith, and provided that the sewer tax for any particular property shall not in any case exceed 60% of the water bill for the same property for a similar period.

The City of Milford shall have complete charge and supervision over all sewers on all streets within the limits of the City, including all sewer lines leading from the street to the property line. All stoppages or damage to sewer lines leading to the property line shall be repaired by the City, without any cost whatsoever to the owner or owners thereof, within 48 hours after the report thereof has been received at the City Office;

otherwise, the property owner or owners are hereby authorized and empowered to have the work necessary for the repair of said damage or stoppages performed and shall be permitted to deduct the costs thereof from the sewer taxes which may be levied against said property.

Approved June 8, 1949.

CHAPTER 232

APPROPRIATION

STATE BOARD OF EDUCATION
FOR REALLOCATION TO LORD BALTIMORE
SCHOOL DISTRICT #28

AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR REALLOCATION TO LORD BALTIMORE SCHOOL DISTRICT #28, IN LIEU OF, AND NOT IN ADDITION TO, THE SUM INTENDED TO BE APPROPRIATED IN CHAPTER 171, VOLUME 46, LAWS OF DELAWARE, 1947, AND AUTHORIZING A BOND ISSUE TO PROVIDE THE SAID APPROPRIATION.

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 there is hereby appropriated to the State Board of Education the sum of One Hundred Sixty Eight Thousand Dollars (\$168,000.00) to be used and reallocated by the said Board to Lord Baltimore School District #28 for the purposes and in the manner set forth in Chapter 171, Volume 46, Laws of Delaware, 1947. The said sum of One Hundred Sixty Eight Thousand Dollars (\$168,000.00) shall be in lieu of, and not in addition to, the sum intended to be appropriated to the State Board of Education for reallocation to Lord Baltimore School District #28 in said Chapter 171, Volume 46, Laws of Delaware, 1947.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the State Board of Education drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of this 115th General Assembly, of the State of Dela-

ware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 8, 1949.

CHAPTER 233

APPROPRIATION

TO FORMER MEMBERS OF THE DEPARTMENT OF ELECTIONS
FOR NEW CASTLE COUNTY, IN PAYMENT
OF SERVICES RENDERED

AN ACT APPROPRIATING MONEY TO SIGMUND SCHORR, LEROY F. HAWKE, JOHN F. NEWELL, THOMAS COOCH, LELAND WILDS, LEON H. RYAN, WILLIAM K. PENNINGTON, JAMES E. BROWN, JAMES L. BROWN, AND JOHN W. FOREMAN, IN PAYMENT OF SERVICES RENDERED BY THEM FOR ACTING AS MEMBERS OF THE DEPARTMENT OF ELECTIONS FOR NEW CASTLE COUNTY.

WHEREAS, by an Act approved April 4, 1947, (46 Laws of Delaware, Chapter 182), there was purported to be established a Department of Elections for New Castle County to be composed of eleven members and to have jurisdiction over all matters and things then vested in the then existing Department of Elections for New Castle County; and

WHEREAS, said Act provided that each of said members was to receive as compensation for his services a salary of \$750.00 per annum; and

WHEREAS, pursuant to said Act, the Governor of the State of Delaware did, on June 26, 1947, appoint and issue commissions to Sigmund Schorr, Leroy F. Hawke, John F. Newell, Thomas Cooch, Leland Wilds, Leon H. Ryan, William K. Pennington, James E. Brown, James L. Brown, John W. Foreman, each of whom thereafter took the Constitutional oath of office as a member of said Department of Elections for New Castle County, which said oaths are now on file with the Clerk of the Peace, New Castle County, Court House, Wilmington, Delaware; and

WHEREAS, said appointees, having been appointed and qualified to their respective offices as aforesaid, did organize

said Department of Elections for New Castle County on July 8, 1947; and

WHEREAS, there was instituted in the Superior Court of the State of Delaware on July 11, 1947, an action entitled "The State of Delaware upon the relation of Albert W. James, Attorney General v. Sigmund Schorr, Lawrence Hawke, John F. Newell, Thomas Cooch, Leland Wilds, Leon H. Ryan, William K. Pennington, James E. Brown, James L. Brown, John W. Foreman, and Walter G. Tatnall," said action being Number 192 to the May term 1947 in said court, the gist of which was that said Act violated the Constitution of the State of Delaware and that the persons appointed pursuant to said Act had no authority to hold the offices; and

WHEREAS, the said Superior Court, pursuant to a Mandate of the Supreme Court of the State of Delaware, entered an order on February 21, 1949, declaring in effect that said Act did in fact violate the provisions of the Constitution of the State of Delaware and the persons appointed pursuant to said Act did in fact have no authority to hold said offices; and

WHEREAS, said, Walter G. Tatnall, now deceased, was a member of the Department of Elections for New Castle County which existed prior to the enactment of said Act; and

WHEREAS, the other members of the Department of Elections for New Castle County appointed pursuant to said Act served as members of the Department of Elections for New Castle County and performed the duties of that office as provided in said Act; and

WHEREAS, said other members of said Department of Elections for New Castle County have not been compensated for their services in any amount; NOW, THEREFORE,

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

Section 1. That the sum of \$1,108.34 each is hereby appropriated to Sigmund Schorr, Leroy F. Hawke, John F. Newell,

Thomas Cooch, Leland Wilds, Leon H. Ryan, William K. Pennington, James E. Brown James L. Brown, and John W. Foreman, in payment for their services rendered as members of the Department of Elections for New Castle County from July 8, 1947, to December 31, 1948.

Section 2. This bill shall be known as a Supplementary Appropriation Bill and the funds hereby appropriated, to-wit the total sum of \$11,083.40, shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 234

STATE TAX COMMISSIONER

INCREASING THE SALARY OF THE COMMISSIONER, DEPUTY COMMISSIONER AND OTHER APPOINTEES OF THE STATE TAX COMMISSIONER

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED, IN RELATION TO INCREASING SALARY OF STATE TAX COMMISSIONER, DEPUTY TAX COMMISSIONER AND INCREASING MAXIMUM SALARY OF OTHER APPOINTEES OF STATE TAX COMMISSIONER.

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

Section 1. That Section 118, of said Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 152 of said Code, as amended, be and the same is hereby further amended by striking out paragraph (b) (1) of said Section 118, as amended, and substituting in lieu thereof the following:

(b) (1) After the expiration of the term of office of the State Tax Commissioner on November 1, 1949, the State Tax Commissioner shall be paid a salary of Eight Thousand Dollars (\$8,000.00) per annum in equal monthly installments.

Section 2. That Section 120, of said Chapter 6 of the Revised Code of the State of Delaware, 1935, being Code Section 154 of said Code, as amended, be and the same is hereby further amended by striking out paragraph (d) of said Section 120, as amended, and substituting in lieu thereof the following:

(d) Fix the salaries of all appointees of the Tax Commissioner, provided, however, that the salary of no appointee shall exceed Five Thousand Five Hundred Dollars (\$5,500.00) per annum, with the exception that the Tax Commissioner may appoint one deputy at an annual salary not to exceed Six Thousand Five Hundred Dollars (\$6,500.00) per annum.

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

Approved June 8, 1949.

CHAPTER 235

STATE REVENUE

CIGAR AND CIGARETTE TAX ACT

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935 AS AMENDED, RELATING TO STATE REVENUE BY PROVIDING FOR A TAX ON THE SALE OF CIGARS AND CIGARETTES AND THE ADMINISTRATION AND ENFORCEMENT THEREOF AND MAKING APPROPRIATION FOR THE EXPENSES INCURRED THEREIN.

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

Section 1. This Act shall be known as the Cigar and Cigarette Tax Act.

Section 2. As used in this Act the following words and phrases are defined as follows:

The words "Tax Department" and "department" and "Tax Commissioner" mean the State Tax Department and the State Tax Commissioner as created by and defined in Article 12 of Chapter 6 of the Revised Code of Delaware, 1935.

The word "cigarette" means any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapping or cover of which is made of paper or any other substance or material except tobacco.

The word "cigar" shall mean all rolls of tobacco or any substitute therefor wrapped with tobacco.

The word "Person" includes any individual, co-partnership, society, association, corporation, joint stock company, and any combination of individuals and also an executor, administrator, receiver, trustee or other fiduciary.

The word "Sale" in addition to its usual meaning, includes any barter, exchange or transfer of title to cigarettes by any means or in any manner whatsoever.

The words "Retail Sale" or "Sale at Retail" mean a sale to a consumer or to any person for any purpose other than resale.

The word "Dealer" means any wholesale dealer and retail dealer as hereinafter defined.

The words "Wholesale Dealer" mean any person who sells cigarettes to retail dealers or other persons for purpose of resale only.

The words "Retail Dealer" mean any person other than a wholesale dealer engaged in the business of selling cigarettes.

The word "Package" means the individual package, box or other container in or from which retail sales of cigarettes are normally made or intended to be made.

For the purposes of this Act the singular shall include the plural; and the masculine shall include the feminine and the neuter.

Section 3. There is hereby imposed and shall be paid a tax on all cigarettes possessed in this State by any person for sale on and after the first day of July 1949 at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this State under the commerce clause of the Constitution of the United States, and except such sales as are made to or by a voluntary organization of army and navy personnel operating a place for the sale of goods pursuant to regulations promulgated by the Secretary of War or the Secretary of the Navy. This tax shall be imposed upon only one sale of the same package of cigarettes.

Section 4. There is hereby imposed and shall be paid a tax on all cigars possessed in this State by any person for sale on and after the first day of July 1949 at the rate of two cents on each twenty cigars or fractional part thereof weighing not more than three pounds per thousand, and a tax of one cent on each cigar manufactured to retail for more than six cents each, and a tax of two cents on each cigar manufactured to retail for more than twenty cents each, except such sales as are made to or by a voluntary organization of army and navy personnel operating a place for the sale of goods pursuant to regulations promulgated by the Secretary of War or the Secretary of the Navy.

Section 5. The administration, enforcement and collection of all taxes, permits, licenses and fees under this Act are hereby

vested in the State Tax Department and the State Tax Commissioner and the powers conferred upon the Tax Department and the Tax Commissioner under the provisions of Article 12 of Chapter 6 of the Revised Code of Delaware, 1935, as amended; shall so far as applicable be exerciseable with respect to the provisions of this Act and the said Tax Department is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating thereto:

A. The method and means to be used in the cancellation of stamps.

B. The denominations and sale of stamps.

C. Any other matter or thing pertaining to the administration and enforcement of the provisions of this Act.

SECTION 6. UNLAWFUL TO SELL CIGARS OR CIGARETTES WITHOUT A PERMIT.

(A) During the period beginning July 1, 1949, it shall be unlawful for any person to continue to engage in or to begin to engage in, the sale of cigars or cigarettes at wholesale within this State or for any person excepting commissaries, ships' stores and voluntary unincorporated organizations of the Army or Navy personnel operating under regulations promulgated by the Secretary of War or Secretary of the Navy, to continue to engage in or begin to engage in the sale of cigars or cigarettes at retail within this State unless a cigar or cigarette permit or permits shall have been issued to him as hereinafter prescribed.

(B) Every person, desiring to continue to engage in, or to begin to engage in the sale of cigars or cigarettes at wholesale or retail within this State during the period beginning July 1, 1949, except those persons exempt under Section 6 (A) hereof, shall file an application for a permit or permits with the Tax Department. Every application for a cigar or cigarette permit shall be made upon a form prescribed, prepared, and furnished by the Tax Department, and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business within the State, whether or not the applicant is holder of a mercantile or business license in effect when the application is made, and if so the number of such license and the county for which such license was issued, and such other information as the Tax Department may require. If the applicant has or intends to have more than one place of business within the

State the application shall state the location of each place of business. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the Tax Department for purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in the case of an association, by a member or partner thereof, and in the case of a corporation, by an executive officer thereof, or some person specifically authorized to sign the application, to which shall be attached the written evidence of his authority.

At the time of making such application the applicant shall pay to the Tax Department a permit fee of One Dollar (\$1.00) for each permit.

Upon approval of the application and the payment of the permit fee herein required, the Tax Department shall grant and issue to each applicant a cigar or cigarette permit for each place of business within this State as set forth in his application. Cigar or cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued, and for the transaction of business at the places designated therein, and shall at all times be conspicuously displayed at the places for which issued. All permits shall expire on the thirtieth day of June annually unless sooner suspended, surrendered or revoked for cause by the Tax Department.

(C) Permits issued under the provisions of this Act, may be renewed annually before the first day of July, upon application made to the Tax Department and the payment of a renewal fee of One Dollar (\$1.00).

Whenever any permit issued under the provisions of this Act is defaced, destroyed or lost, the Tax Department may issue a duplicate to the holder of the defaced, destroyed or lost permit under the payment of a fee of fifty cents (50c).

(D) The Tax Department may suspend, or, after hearing, revoke a cigar or cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this Act, or any rules or regulations of the department prescribed, adopted, and promulgated under this Act. Suspending or revoking any cigar or cigarette permit, the department shall

request the holder thereof to surrender to it immediately all permits, or duplicates thereof, issued to him, and the holder shall surrender promptly all such permits to the department as requested. Whenever the department suspends a cigar or cigarette permit, it shall notify the holder immediately and afford him a hearing, if desired, and if a hearing has not already been afforded. After such hearing, the department shall either rescind its order of suspension, or good cause appearing therefor, shall continue the suspension or revoke the permit.

Section 7. Except as hereinafter provided, dealers shall be liable to the State as taxpayers for the payment of the tax imposed by this Act, and shall pay the tax into the State Treasury, through the department, by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department. Manufacturers of cigars or cigarettes, located either within or outside of this State, and wholesale dealers in cigars or cigarettes located outside of this State, may purchase stamps from the department and affix such stamps, in the manner hereinafter prescribed, to packages of cigars or cigarettes to be sold within this State, in which case the dealer within this State, receiving such stamped packages will not be required to purchase and affix stamps on such packages.

Section 8. Each dealer shall affix, within the time hereinafter prescribed, to each package of cigars or cigarettes, stamps furnished by and purchased from the Department, evidencing the payment of the tax imposed by this Act, and shall cancel such stamps before such cigars or cigarettes are offered for sale, or before they are otherwise disposed of, unless stamps have been affixed to such packages before such dealer received them. Each wholesale dealer in this State shall affix such stamps to each package of cigars or cigarettes, unless such stamps shall have been previously affixed thereto, and shall cancel the same, in the manner prescribed by the Department, prior to the delivery of such packages to any retail dealer in this State.

The Department shall appoint wholesale dealers in cigars or cigarettes within this State, and may appoint any other persons, within or without the State, as agents to affix the stamps to be used in paying the tax herein imposed, but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigars or cigarettes under his control, and whenever the department shall sell, consign or deliver to any such agent in any such stamps, such agent shall be entitled to

receive as compensation for his services and expenses as such agent in affixing such stamps, and to retain out of the moneys to be paid by him for such stamps, a commission of seven and one-half per centum on the par value thereof, if, and where such agent has purchased the stamps affixed by him directly from the department. The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent, upon payment by him into the State Treasury, through the department, of any moneys which may be, or become due, to the State by reason of the sale, delivery or consignment to such agent of such stamps.

Each retail dealer in this State, except those persons exempt under Section 6 (A) hereof, shall immediately upon the receipt of any cigars or cigarettes at his place of business, so affix such stamps to each package of cigars or cigarettes, unless such stamps shall have been previously affixed thereto, and shall cancel the same in the manner prescribed by the Department, or shall immediately mark in ink on each unopened box, carton or other container of such cigars or cigarettes, the word "received", and the month, day and year of such receipt, and shall affix his signature thereto. The retail dealer shall, in any event, open such box, carton or other container, and immediately affix such stamps to each package therein, and cancel the same, in the manner prescribed by the department, within twenty-four hours after such receipt, and prior to the sale of such cigars or cigarettes.

Whenever any cigars or cigarettes are found in the place of business of such retail dealer without the stamps affixed and cancelled, or not marked as having been received within the preceding twenty-four hours, as required by this section, the prima facie presumption shall arise that such cigars or cigarettes are kept therein in violation of the provisions of this Act.

Stamps shall be affixed to each package of cigars or cigarettes of an aggregate denomination not less than the amount of tax upon the contents therein, and shall be affixed in such manner that they will be visible to the purchaser. Upon affixing stamps to a package of cigars or cigarettes, the person affixing them shall cancel them by such method or in such manner as may be prescribed by the department.

Section 9. DEPARTMENT TO PREPARE AND FURNISH STAMPS. The department shall prescribe, prepare, and furnish adhesive stamps of such denominations and quantities as

may be necessary for the payment of the tax imposed and assessed by this Act. The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary.

The department shall appoint wholesale dealers in cigars or cigarettes within this State, and may appoint any other persons, within or without this State, as agents to affix the stamps to be used in paying the tax herein imposed upon sales of cigars or cigarettes, but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigars or cigarettes under his control.

Section 10. Every person engaged in the sale of cigars or cigarettes at wholesale within this State and every person engaged in the sale of cigars and cigarettes at retail within this State, except commissaries, ships' stores, and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy, shall maintain and keep, for a period of two years, such record or records of cigars and cigarettes received, sold, and delivered within this State by him, together with invoices, bills of lading, and other pertinent papers as may be required by the department.

The department, or any agent appointed in writing, by it, is hereby authorized to examine the books, papers, invoices, and other records, the stock of cigars or cigarettes, in and upon any premises where the same are placed, stored, and sold, and equipment of any such wholesale or retail dealer pertaining to the sale and delivery of cigars or cigarettes taxable under this Act, to verify the accuracy of the payment of the tax imposed and assessed by this Act. Every such person is hereby directed and required to give to the Tax Commissioner, or his duly authorized representative, the means, facilities, and opportunity for such examinations as are hereby provided and required.

Section 11. Whenever any cigars or cigarettes, upon which stamps have been placed by a wholesale dealer, have been sold and shipped by him into another state for resale, or have been sold to commissaries, ships' stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of Navy for resale to authorized purchasers, or have become unfit for use and consumption or unsaleable or have been destroyed, such dealer shall be entitled to a refund on the

actual amount of tax paid by him with respect to such cigars or cigarettes. If the department is satisfied that any dealer is entitled to a refund, it shall certify the proposed amount of such refund to the State Tax Board for approval, and thereafter shall issue to such dealer stamps of sufficient value to cover the refund or pay to him cash as approved by the Board. The department is hereby authorized to adopt, prescribe, and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds, as it may deem advisable.

The department may promulgate rules and regulations to relieve manufacturers and dealers from affixing the stamps on such cigars or cigarettes as are sold and shipped to points outside the State for resale outside the State, or on such cigars or cigarettes as are sold to commissaries, ships' stores and voluntary unincorporated organizations of the Army and the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of Navy for resale to authorized purchasers.

Section 12. PERSONS DELIVERING CIGARS OR CIGARETTES MUST HAVE INVOICES. Every person, other than a common carrier, or the employes, thereof, who shall possess or transport any cigars or cigarettes upon the public highways, roads or streets of this State, for the purpose of delivery, sale or disposition, shall be required to have in his actual possession invoices, or delivery tickets for such cigars or cigarettes. The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigars or cigarettes in this State and subject to the provisions of this Act.

Section 13. PENALTY SECTION. (A). Any person who shall sell cigars or cigarettes without being the holder of a permit or permits, as required by this Act, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of Twenty-five Dollars (\$25.00) and costs of prosecution, and in default of payment thereof, to undergo imprisonment for not more than ten (10) days.

(B) Any person who shall sell cigars or cigarettes without purchasing and affixing stamps to each package thereof, as required by this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced for the first offense to pay a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) or to suffer imprisonment for a term not exceeding six (6) months, or both, in the

discretion of the court, and in the case of a conviction of a second or subsequent offense hereunder, shall be sentenced to pay a fine of not less than Five Hundred Dollars (\$500.00) or more than One Thousand Dollars (\$1,000.00) and to suffer imprisonment for a term of not less than six (6) months or more than three (3) years.

(C) Any person who shall fail, neglect or refuse to comply with or shall violate the rules and regulations prescribed, adopted and promulgated by the department under the provisions of this Act, or who shall refuse to permit the department, or any agent appointed, by it, in writing, to examine his books, papers, invoices, and other records, his stock of cigars and cigarettes in and upon any premises where the same are prepared, stored, and sold, and his equipment pertaining to the sale of cigars and cigarettes taxable under this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00), or to suffer imprisonment of not more than six (6) months, or both, in the discretion of the court.

(D) Any person who falsely or fraudulently makes, forges, alters or counterfeits any stamp prescribed by the department, under the provisions of this Act, or causes or procures to be falsely or fraudulently made, forged, altered or counterfeited any such stamp, or knowingly and wilfully utters, publishes, passes or tenders, as true, any such false, altered, forged or counterfeited stamp, or uses more than once any stamp provided for and required by this Act, for the purpose of evading the tax hereby imposed or assessed, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years.

Section 14. The sum of Ten Thousand Dollars (\$10,000.00) in addition to all other monies appropriated under the General Budget Appropriation Bill, is hereby appropriated and the State Treasurer is hereby authorized to pay out of any funds not otherwise appropriated on warrants of the State Tax Commissioner, the salaries and expenses incurred in the administration, enforcement and collection of the provisions of this Act.

Section 15. All acts or parts of acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved June 8, 1949.

CHAPTER 236
STATE REVENUE

INCREASING THE AMOUNT OF GASOLINE TAX

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO STATE REVENUE BY INCREASING THE AMOUNT OF THE GASOLINE TAX.

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

Section 1. That 212. Sec. 178. of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and deleting sub-paragraph (a) thereof and by inserting in lieu thereof a new sub-paragraph (a), as follows:

(a) That there is hereby levied a tax of five cents (\$.05) per gallon on all motor fuel as herein defined which is sold or delivered or used in this State and is not under the protection of the Interstate Commerce Clause of the Constitution of the United States; provided, that the tax herein imposed and assessed shall be collected by and paid to the State of Delaware but once in respect to any motor fuel. Nothing herein shall be construed to exempt from the tax any dealer in motor fuel on the motor fuel used in making such distribution. The tax herein levied shall be collected in the manner hereinafter provided.

Approved June 8, 1949.

CHAPTER 237

APPROPRIATION

STATE TREASURER AUTHORIZED TO PURCHASE CERTAIN
HIGHWAY IMPROVEMENT BONDS AND STATE AID 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, MATURING DURING THE FISCAL BIENNIUM ENDING JUNE 30, 1951, AND MAKING APPROPRIATIONS THEREFOR.

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 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, 1949 and ending on June 30, 1951.

Section 2. The Highway Improvement Bonds and State Aid Bonds, heretofore referred to in this Act, are as follows:

New Castle County Bonds authorized under the following acts—Chapter 88 of Volume 32, Laws of Delaware; Chapter 94 of Volume 33, Laws of Delaware; Chapter 101 of Volume 29, Laws of Delaware; Chapter 103 of Volume 34, Laws of Delaware; Chapter 25 of Volume 26, Laws of Delaware; Chapter 29 of Volume 25, Laws of Delaware and Chapter 45 of Volume 27, Laws of Delaware. Kent County Bonds authorized under the following acts—Chapter 97 of Volume 33, Laws of Delaware; Chapter 104 of Volume 34, Laws of Delaware; Chapter 104 of Volume 29, Laws of Delaware; Chapter 23 of Volume 31, Laws of Delaware and Chapter 174 of Volume 27, Laws of Delaware. Sussex County Bonds authorized under the following acts—Chapter 105 of Volume 34, Laws of Delaware; Chapter 111 of

Volume 43, Laws of Delaware and Chapter 112 of Volume 43, Laws of Delaware.

Section 3. On or before June 1, 1949 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, 1949 and ending on June 30, 1951.

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 is 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 by the State Treasurer, for the fiscal year beginning July 1, 1949 and ending June 30, 1950 the sum of Three Hundred Thousand Dollars (\$300,000.00) and for the

fiscal year beginning July 1, 1950 and ending June 30, 1951 the sum of Two Hundred and Five Thousand Dollars (\$205,000.00), for the purposes herein set forth.

Section 7. This Bill shall be known as a Supplementary Appropriation Bill and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury 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 June 8, 1949.

CHAPTER 238

APPROPRIATION

STATE TREASURER AUTHORIZED TO PURCHASE PAST DUE
INTEREST COUPONS ON CERTAIN HIGHWAY IMPROVEMENT
BONDS AND STATE AID BONDS

**AN ACT APPROPRIATING MONEYS FROM THE STATE
TREASURY FOR THE PURPOSE OF PURCHASING
PAST DUE INTEREST COUPONS ON CERTAIN HIGH-
WAY 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, 1951.**

*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 the interest coupons falling due during the fiscal biennium of the State of Delaware beginning July 1, 1949 and ending June 30, 1951 on all Highway Improvement Bonds and State Aid Road Bonds heretofore issued by New Castle, Kent and Sussex Counties.

Section 2. The Highway Improvement Bonds and State Aid Road Bonds referred to in Section 1 hereof are as follows:

New Castle County Bonds authorized under the following acts—Chapter 88 of Volume 32, Laws of Delaware; Chapter 94 of Volume 33, Laws of Delaware; Chapter 101 of Volume 29, Laws of Delaware; Chapter 103 of Volume 34, Laws of Delaware; Chapter 25 of Volume 26, Laws of Delaware; Chapter 29 of Volume 25, Laws of Delaware and Chapter 45 of Volume 27, Laws of Delaware. Kent County Bonds authorized under the following acts—Chapter 97 of Volume 33, Laws of Delaware; Chapter 104 of Volume 34, Laws of Delaware; Chapter 23 of Volume 31, Laws of Delaware; Chapter 104 of Volume 29, Laws of Delaware and Chapter 174 of Volume 27, Laws of Delaware.

Sussex County Bonds authorized under the following acts—Chapter 105 of Volume 34, Laws of Delaware; Chapter 111 of Volume 43, Laws of Delaware and Chapter 112 of Volume 43, Laws of Delaware.

Section 3. On or before June 1, 1949 the Levy Court Commissioners of the Counties of New Castle, Kent and Sussex, respectively, shall certify to the State Treasurer the number of and the amount of interest coupons of said Bonds falling due during said fiscal biennium.

Section 4. Within ten days prior to the maturity date of said interest coupons 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 they and each of them hereby are 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 interest on said bonds is payable, according to the provisions thereof full and sufficient funds to purchase at par said interest coupons on all such bonds, and upon the presentation of any of said interest coupons on the date when the same become due and payable, or on any date thereafter, to purchase, or cause to be purchased, from the lawful owner or holder of such coupons said coupons at the face value thereof.

Section 5. Upon presentation at maturity of any of said interest coupons there shall be paid to the holder thereof, as the purchase price of said coupon or coupons, the face value of each maturing coupon out of the funds deposited with and made available for this specific purpose under the provisions of this Act, and upon payment thereof said coupons shall thereafter be delivered to the State Treasurer.

Section 6. There is hereby appropriated, authorized and directed to be paid out by the State Treasurer for the fiscal year beginning July 1, 1949 and ending June 30, 1950 the sum of Eighty Seven Thousand One Hundred and Twenty-Five Dollars (\$87,125.00) and for the fiscal year beginning July 1, 1950 and ending June 30, 1951 the sum of Seventy Five Thousand Two Hundred Dollars (\$75,200.00), for the purposes herein set forth.

Section 7. If any of the bonds as set forth in Section 2 hereof shall not be coupon bonds, but shall be bonds on which the interest falling due is payable directly to the registered holder thereof, the State Treasurer is hereby authorized and directed to purchase from such registered holder, at its full value any such interest obligations falling due on any of said Bonds within said biennium. Any interest obligations purchased under this Section shall be held by the State Treasurer.

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 such interest coupons and interest obligations on any of the Bonds referred to in this Act.

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.

Section 10. This Bill shall be known as a Supplementary Appropriation Bill and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 239

NEW CASTLE COUNTY LEVY COURT

REFUND OF OVER-PAYMENTS OF TAXES

AN ACT AUTHORIZING, EMPOWERING AND DIRECTING THE LEVY COURT OF NEW CASTLE COUNTY TO REFUND CERTAIN OVERPAYMENTS OF TAXES IN CONNECTION WITH A SPECIAL ASSESSMENT AGAINST CERTAIN LANDS FOR THE CONSTRUCTION OF CERTAIN ROADS IN COLONIAL PARK AND LANCASTER VILLAGE IN CHRISTIANA HUNDRED, NEW CASTLE COUNTY, DELAWARE.

WHEREAS, the State Highway Department of Delaware did construct certain roads in Colonial Park and Lancaster Village in Christiana Hundred, New Castle County, State of Delaware, said roads being known as Atkins Avenue, Ogle Avenue and Taft Avenue; and

WHEREAS, the Levy Court of New Castle County did afterwards cause an assessment to be made of all the lands abutting both sides of said roads and did levy and collect a special county tax on said lands; and

WHEREAS, the Levy Court of New Castle County recognized that the special tax collected for the purpose aforesaid, was excessive in certain cases hereinafter named, and that refunds should be made; 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 is hereby authorized, empowered and directed to refund to the persons named herein the amounts set opposite their respective names for overpayments of taxes collected on account of the construction of the roads herein named:

To Lingo and Donovan for paving at the southwest corner of Cleveland Avenue and Taft Avenue, the sum of Eighty-seven Dollars and Forty-five Cents (\$87.45).

To Wesley W. and Mary Maltman, 209 Atkins Avenue, the sum of Twenty-seven Dollars and Ninety Cents (\$27.90).

To Ernest Muncy, 210 S. Ogle Avenue, the sum of Thirty-one Dollars and Ninety-five Cents (\$31.95).

Approved June 8, 1949.

CHAPTER 240

APPROPRIATION

PENSION FUND FOR RETIRED AND DISABLED PUBLIC
SCHOOL TEACHERS OF DELAWARE

**AN ACT APPROPRIATING CERTAIN MONEYS TO PRO-
VIDE A PENSION FUND FOR RETIRED AND DIS-
ABLED PUBLIC SCHOOL TEACHERS OF DELAWARE.**

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

Section 1. That there is hereby appropriated for each of the fiscal years in the biennium beginning July 1, 1949, and ending June 30, 1951, the sum of Seventy-five Thousand Dollars (\$75,000.00) to create a fund for the purpose of paying pensions or allowances to retired and disabled teachers who have taught in public schools within the State of Delaware.

Section 2. The funds hereby appropriated shall be expended in accordance with the provisions of Chapter 106, Volume 45, Laws of Delaware, 1945, except that after the first day of July, A. D. 1949, the monthly payments made to individuals who qualify for such pensions or allowances as are provided in said Chapter 106 shall be not less than Forty Dollars (\$40.00) per month.

Section 3. This Bill shall be known as a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 241

·CAMDEN

AN ACT TO AMEND CHAPTER 159, VOLUME 43, LAWS OF DELAWARE, 1941, RELATING TO THE TOWN OF CAMDEN AND THE POWER OF THE TOWN COUNCIL TO ENTER INTO CERTAIN AGREEMENTS.

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 159, Volume 43, Laws of Delaware, 1941, be and the same is hereby amended by adding at the end of Section 18 of said Chapter a new paragraph as follows:

No Town Council of The Town of Camden can enter into any agreement or contract with any company or corporation whereby The Town of Camden will be bound for a period of time exceeding ten (10) years, unless said Council has secured authority by the popular vote of the people in a referendum election to enter into such an agreement. The notice for such election, the qualifications of electors, and the statement of the issue, shall be as provided in Sections 5 and 22 of the Charter of The Town of Camden as the same appears in Chapter 159, Volume 43, Laws of Delaware.

Approved June 8, 1949.

CHAPTER 242

DEFICIENCY APPROPRIATION

DELAWARE COMMISSION FOR FEEBLE MINDED

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE FEEBLE MINDED FOR OPERATION EXPENSES FOR THE BALANCE OF THE FISCAL YEAR ENDING JUNE 30, 1949.

WHEREAS, the Delaware Commission for the Feeble Minded is required by law to purchase fuel, bedding, food, farm seed and fertilizer, clothing, drugs, medical care and other necessities in the maintenance and operation of the State Institution for the Feeble Minded at Delaware Colony, near Stockley, Delaware, and

WHEREAS, there has been a substantial increase in the cost of living and cost of materials since the beginning of the fiscal year commencing July 1, 1948; and

WHEREAS, the funds heretofore appropriated for the use of the Delaware Commission for the Feeble Minded for operation expenses will be used prior to June 30, 1949; and

WHEREAS, unless additional funds are appropriated by the State of Delaware to the said Delaware Commission for Feeble Minded, it will be necessary for the said Commission to curtail its operation and therefore be unable to furnish the necessities to the patients now confined to said State Institution for the Feeble Minded at Delaware Colony for the balance of the fiscal year ending June 30, 1949, NOW THEREFORE

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

Section 1. That in addition to any other monies appropriated to the Delaware Commission for the Feeble Minded for the fiscal year ending June 30, 1949, there is hereby appropriated to the said Delaware Commission for the Feeble Minded the further sum of Twenty Five Thousand Dollars (\$25,000.00)

as a deficiency emergency appropriation, said sum to be used for operation expenses of the State Institution for the Feeble Minded at Delaware Colony near Stockley, Delaware, in carrying out the work and duties thereof.

That the said sum shall be paid to the said Commission on or before June 30, 1949.

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 June 8, 1949.

CHAPTER 243

NEWPORT

**AN ACT TO AMEND CHAPTER 195, VOLUME 24, LAWS OF
DELAWARE, ENTITLED "AN ACT TO REINCORPORATE
THE TOWN OF NEWPORT," BY REDUCING THE
AMOUNT OF THE TAX COLLECTOR'S BOND.**

*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 of the Legislature con-
curring therein):*

Section 1. That Section 12 of Chapter 195, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out the words "of double" after the words "penal sum" in the seventeenth line of the second paragraph thereof, and by inserting in lieu thereof the words "equal to."

Approved June 8, 1949.

CHAPTER 244

NEWPORT

**AN ACT TO AMEND CHAPTER 195, VOLUME 24, LAWS OF
DELAWARE, ENTITLED "AN ACT TO REINCORPORATE
THE TOWN OF NEWPORT," BY REDUCING THE
AMOUNT OF THE TREASURER'S BOND.**

*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 of the Legislature con-
curring therein):* .

Section 1. That Section 5 of Chapter 195, Volume 24, Laws of Delaware, be and the same is hereby amended by striking out the words "of double" after the words "penal sum" in the fourth line of the fifth paragraph thereof, and by inserting in lieu thereof the words "equal to."

Approved June 8, 1949.

CHAPTER 245

NEW CASTLE COUNTY LEVY COURT

AUTHORIZED TO BORROW \$1,000,000.00 AND ISSUE
BONDS THEREFOR

AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO BORROW A SUM NOT IN EXCESS OF ONE MILLION DOLLARS (\$1,000,000.00) AND TO ISSUE BONDS THEREFOR, THE SAID SUM TO BE EXPENDED FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF THE NEW CASTLE COUNTY AIRPORT.

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 borrow upon the faith and credit of said County, a sum not exceeding One Million Dollars (\$1,000,000.00) to be expended for additional construction at, maintenance of, and the operation of New Castle County Airport, 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 (3%) 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. The authority to borrow hereby granted shall be in addition to and enlargement of the authority to borrow contained in previous acts.

Section 2. The Levy Court of New Castle County shall decide upon and determine the form and time or times of maturity of said bonds provided that no bond shall be issued for a term exceeding forty (40) years. Said bonds may or may not at the option of the Levy Court be made redeemable at such time or times before maturity, at such price or prices and under such terms and conditions as may be fixed by the Levy Court prior to the issuance of the bonds.

Section 3. 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 County Treasurer and the Levy Court to keep a record of said bonds.

Section 4. Said bonds or any part thereof may be sold when and as the Levy Court shall by resolution determine and until sold shall remain in the custody of the County Treasurer. Whenever in the judgment of the Levy Court it shall be deemed advisable that any part or all of said bonds shall be sold, said Levy Court may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of the Levy Court for effecting the sale or negotiation of said bonds.

Section 5. Said bonds, principal and interest shall be payable at the Farmers Bank 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 they 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 may from time to time become due under the provisions of this Act.

Section 6. All of said bonds shall be dated and shall be numbered consecutively. 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 taxation.

Approved June 8, 1949.

CHAPTER 246

SALARIES OF STATE OFFICERS

INCREASING SALARIES OF STATE TREASURER AND AUDITOR
OF ACCOUNTS**AN ACT TO AMEND CHAPTER 12 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
"SALARIES OF STATE OFFICERS" BY INCREASING
THE SALARIES OF THE STATE TREASURER AND
AUDITOR OF ACCOUNTS.**

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

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

"366 Sec. 4. STATE TREASURER:—The State Treasurer shall receive as full compensation for all his services as State Treasurer and Trustee of the School Fund, a salary of Six Thousand Dollars (\$6,000.00) per annum."

Section 2. That Chapter 12 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing 367 Sec. 5 thereof and inserting in lieu thereof a new Section to be known as 367 Sec. 5:

"367 Sec. 5. AUDITOR OF ACCOUNTS:—The annual salary of the Auditor of Accounts shall be Six Thousand Dollars (\$6,000.00) as full compensation for all his services."

Approved June 8, 1949.

CHAPTER 247

REGULATIONS CONCERNING TRADE

SATURDAY A LEGAL HOLIDAY FOR STATE EMPLOYEES WITH
CERTAIN EXCEPTIONS

AN ACT TO AMEND CHAPTER 78 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY MAKING THE DAY OF THE WEEK KNOWN AS SATURDAY A HOLIDAY FOR ALL ELECTED AND APPOINTED OFFICIALS OF THE STATE OF DELAWARE, ITS AGENCIES AND THE EMPLOYEES OF SAID OFFICIALS AND AGENCIES AND FOR THE ELECTED AND APPOINTED OFFICIALS OF THE STATE OF DELAWARE (EXCEPT THE MEMBERS OF THE STATE HIGHWAY POLICE DEPARTMENT).

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, as amended, be and the same is hereby further amended by adding at the end of 3321. Sec. 197. thereof a new paragraph as follows:

The day of the week known as Saturday shall be a legal holiday for officials and employees of the State of Delaware, during the periods stated below:

1. For all elective and appointed officials, deputies, clerks, and other employees of the State of Delaware (except members of the State Highway Police Department, employees of the Motor Vehicle Department and employees assigned to rotating or shift-work schedules) from June 15th to September 15th inclusive;

2. For employees of the Motor Vehicle Department from July 1st to September 15th inclusive.

During the periods stated, State offices affected hereby shall not be open for business on Saturdays. Nothing herein shall be construed to permit the closing of motor vehicle inspection lanes on Saturdays before the hour of twelve o'clock noon.

Approved June 8, 1949.

CHAPTER 248

COUNTY OFFICES

CHANGING THE TIMES THAT OFFICES SHALL BE KEPT OPEN

AN ACT TO AMEND CHAPTER 52 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO "COUNTY OFFICES" BY CHANGING THE TIMES THAT THE OFFICES OF THE RESPECTIVE PROTHONOTARIES, CLERKS OF THE PEACE, CLERKS OF THE ORPHANS' COURT, REGISTERS IN CHANCERY, REGISTERS OF WILLS, RECORDERS AND SHERIFFS SHALL BE KEPT OPEN.

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

Section 1. That 1588. Sec. 1. of Chapter 52, Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the first paragraph and by inserting in lieu thereof a new first paragraph as follows:

The respective Prothonotaries, Clerks of the Peace, Clerks of the Orphans' Court, Registers in Chancery, Registers of Wills, Recorders and Sheriffs, shall keep all records, books, papers, and other things belonging to their respective offices, in their said offices respectively, which shall be kept open at all times (Sundays throughout the year and Saturdays during the months of July and August excepted.)

Approved June 8, 1949.

CHAPTER 249

APPROPRIATION

BOARD OF MANAGERS OF THE DETENTION HOME

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 Nine Thousand Dollars (\$9,000.00) 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 Nine Thousand Dollars (\$9,000.00) shall be paid to the said "Board of Managers of the Detention Home," in two equal, annual installments of Four Thousand Five Hundred Dollars (\$4,500.00), for the years ending June 30, 1950 and June 30, 1951.

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 June 8, 1949.

CHAPTER 250

LEWES

**AN ACT TO AUTHORIZE COMMISSIONERS OF LEWES TO
ISSUE CERTIFICATES OF INDEBTEDNESS TO PRO-
VIDE FOR THE EXPENSE OF CONSTRUCTING A
MUNICIPAL DOCK AND IMPROVING ROADS AND
STREETS, IN SAID TOWN AND PROVIDING FOR A
REFERENDUM VOTE THEREON.**

*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 concurring therein):*

Section 1. The Commissioners of Lewes, a municipal corporation, is hereby authorized and empowered to prepare and issue certificates of indebtedness not exceeding in the aggregate the sum of Fifty Thousand Dollars (\$50,000.00) of such denominations or amounts, in such form, and bearing such rate of interest, not to exceed the legal rate, and with such dates of maturity as may be deemed expedient and proper.

Section 2. The certificates of indebtedness shall all bear the same date, shall be in such amounts as may be determined by the Commissioners of Lewes, and shall be paid from the revenues of the Town of Lewes; and they shall contain a provision whereby the entire issue of said certificates of indebtedness or any part thereof, may at the option of the Commissioners of Lewes, be paid at any time.

Section 3. The said certificates of indebtedness shall be signed by the President of the Commissioners of Lewes, shall be attested by its Secretary and under its corporate seal. The secretary shall keep a record of each of said certificates of indebtedness containing the time thereof, the amount, the date of issue, the rate of interest, and the time when each shall have been paid.

Section 4. None of said certificates of indebtedness shall be issued or delivered for any purpose, except in respect to the

expenses incurred by reason of the construction by new construction of a municipal dock, reconstruction, repair or alteration of existing dock facilities, and for the improvement of roads and streets, in said Town.

Section 5. Before any certificates of indebtedness shall be issued under the provisions of this Act, a special election shall be held in the same place and in the same manner as other town elections. Notice of said election shall be given by advertisements in the nearest County newspaper and by posting notices in at least ten public places in said town at least two weeks before the said election, which said advertisements and notices shall state the time and place of the election and the amount of certificates of indebtedness proposed to be issued, and the purposes for which the said money is to be borrowed.

At such election the ballots used shall have written or printed thereon the amount of money proposed to be expended for each particular purpose as authorized by this Act, so that votes may be cast for or against each separate item listed thereon.

Ballots may be in the following form:

Special Election
Town of Lewes

..... 1942 o'clock A.
at

Amount Proposed For:

1. Road or Street
Improvement

\$

(Description of
Improvement)

For Issuance of Certifi-
cates of Indebtedness

Against Issuance of Cer-
tificates of Indebtedness

Place a cross
mark in the
proper square.

☐
☐

Amount Proposed For:

2. Construction, Recon-
struction or Repairs
of Docks

\$

For Issuance of Certifi-
cates of Indebtedness☐(Description of Work
To Be Done)Against Issuance of Cer-
tificates of Indebtedness☐

If at such election a majority of the votes cast shall be for the certificates of indebtedness, proposed to be issued for a particular purpose, then certificates of indebtedness to the amount so voted on may be issued as in this Act provided but if at such election the majority shall be against the certificates of indebtedness proposed to be issued for a particular purpose, then no certificates of indebtedness shall be issued nor money borrowed under this Act for such purpose.

Approved June 8, 1949.

CHAPTER 251

APPROPRIATION

BURIAL OF INDIGENT SOLDIERS, SAILORS AND MARINES

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

*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, 1949, and ending June 30, 1950, and beginning July 1, 1950, and ending June 30, 1951, 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 June 8, 1949.

CHAPTER 252

KENT COUNTY LEVY COURT

AUTHORIZED TO BORROW NOT EXCEEDING THE SUM OF
\$100,000.00 AND TO GIVE SECURITY THEREFOR

**AN ACT TO AMEND CHAPTER 106, VOLUME 43, LAWS OF
DELAWARE, AUTHORIZING AND EMPOWERING THE
LEVY COURT OF KENT COUNTY TO BORROW UP TO
BUT NOT EXCEEDING THE SUM OF \$100,000.00 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. That Chapter 106, Volume 43, Laws of Delaware, be amended by striking out of said chapter the figures "\$75,000.00" where they appear in line three of Section One of said Act and by substituting and enacting in lieu of the figures so stricken out the following words and figures "One Hundred Thousand Dollars (\$100,000.00)."

Approved June 8, 1949.

CHAPTER 253

APPROPRIATION

AUTHORIZING STATE TREASURER TO PAY MATURITIES AND
INTEREST ON CERTAIN STATE BONDS

**AN ACT MAKING AN APPROPRIATION TO THE STATE
TREASURER FOR THE PURPOSE OF PAYING MATU-
RITIES AND INTEREST ON CERTAIN BONDS OF THE
STATE OF DELAWARE ISSUED PURSUANT TO VARI-
OUS STATUTES OF THE STATE AUTHORIZING THE
ISSUANCE OF SAID BONDS.**

*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 Treasurer of the State of Delaware the sum of Sixty-one Thousand One Hundred Twenty-nine (\$61,129.00) Dollars for the biennium beginning on the first day of July, A. D. 1947 and ending on the Thirtieth day of June, A. D. 1949, and to be used by said official for the payment of maturities and interest on bonds of the State of Delaware issued pursuant to various statutes enacted by the General Assembly of the State of Delaware authorizing the issuance of said bonds, and itemized as follows:

Chapter 190, Volume 46, Laws of Delaware, being an authorization for the issuance of bonds, the proceeds of which are to be used for improvements of Delaware State Hospital;

Chapter 285, Volume 46, Laws of Delaware, being an authorization for the issuance of bonds, the proceeds of which are to be used for the construction of a comprehensive high school in Sussex County for negro pupils;

Chapter 291, Volume 46, Laws of Delaware, being an authorization for the issuance of bonds, the proceeds of which are to be used for improvement at the home for feeble-minded at Stockley, in Sussex County;

Chapter 289, Volume 46, Laws of Delaware, being an authorization for the issuance of bonds, the proceeds of which are to be used for construction and improvements at the State Welfare Home at Smyrna;

Chapter 194, Volume 46, Laws of Delaware, being an authorization for the issuance of bonds, the proceeds of which are to be used for Post War Highway construction and re-construction;

Chapter 171, Volume 46, Laws of Delaware, being an authorization for the issuance of bonds, the proceeds of which are to be used for the building of Public School buildings in various school districts of the State of Delaware.

Section 2. The State Treasurer of the State of Delaware is hereby authorized to use the funds hereby appropriated for the purposes authorized herein; namely, to pay maturities on the bonds herein listed and the interest due and payable from the State on the same.

Section 3. This bill shall be known as a Supplementary Appropriation Bill and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved June 8, 1949.

CHAPTER 254

PUBLIC SERVICE COMMISSION

AN ACT TO CREATE AND ESTABLISH A PUBLIC SERVICE COMMISSION, AND PRESCRIBING ITS POWERS AND DUTIES, AND TO PROVIDE FOR THE REGULATION AND CONTROL OF PUBLIC SERVICE CORPORATIONS AND PUBLIC UTILITIES, AND MAKING APPROPRIATIONS THEREFOR.

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

Section 1. A commission, vested with the powers and duties hereinafter specified, is hereby created, which shall be designated and known as "The Public Service Commission of Delaware."

The Public Service Commission (hereinafter called "the Commission") shall consist of three persons, citizens of this State, not under thirty years of age, who shall be appointed by the Governor and confirmed by the Senate. The Governor shall also designate one of the Commissioners as Chairman. Not more than two of said Commissioners shall be members of the same political party. One of the members of the said Commission shall be appointed for the term of two years, another for the term of four years, and another for the term of six years. Thereafter, and at the expiration of each term, a successor shall be appointed for a term of six years. All vacancies, except through the expiration of term, shall be filled for the unexpired term only. The Governor, with the advice and consent of the Senate, may remove any member of said Commission for neglect of duty or misconduct in office, giving to said member a copy of the charges against such person and affording an opportunity of being publicly heard in person or by counsel, upon ten days' notice. In constituting the Commission the appointments shall be made so that there shall always be on the Commission one resident of New Castle County, one resident of Kent County and one resident of Sussex County.

The members of the Commission shall each receive annual compensation of \$4,500.00, to be paid in equal monthly payments by the Treasurer of the State.

The Commission shall employ a secretary and such other employees as it may deem necessary, and fix their duties, compensation and terms of service. The Attorney General shall be the legal adviser to the Commission.

The Commissioners and Secretary and other employees of the Commission shall be entitled to receive from the State of Delaware their necessary traveling expenses while traveling on the business of said Commission, which shall be paid by the State Treasurer out of the general funds of the State on proper voucher therefor approved by the Chairman of the Commission.

The Commission shall have an office in the State House, and shall be provided with all necessary furniture, stationery and supplies, and office appliances. It shall provide itself with a seal for the authentication of its proceedings and orders. It shall have power to make all needful rules for its government and other proceedings not inconsistent with this Act. It shall meet at such times and places within this State as it may provide by rule or by special order.

Section 2. The Public Service Commission shall have general supervision and regulation of all public utilities and also over their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this Act. The term "public utility" is hereby defined to include every individual, copartnership, association, corporation, joint stock company, agency or department of the State, or any association of individuals engaged in the prosecution in common of a productive enterprise (commonly called a "Cooperative"), their lessees, trustees, or receivers appointed by any court whatsoever, that now operates or hereafter may operate, within the State of Delaware, any steam railroad, street railway, traction railway, motor bus, electric trackless trolley coach, taxicab, automobile truck, express, steam, manufactured gas, natural gas, electric light, heat, power, water, telephone or telegraph service, system, plant or equip-

ment, for public use, but shall have no supervision or regulation over any public utility or over the property, property rights, equipment, facilities or franchises of any public utility that is municipally owned.

Section 3. The Public Service Commission shall have power:

(a) To investigate, upon its own initiative or upon complaint in writing, any matter concerning any public utility as herein defined.

(b) From time to time to ascertain and determine the fair value of the property of any public utility as herein defined whenever, in the judgment of said Commission, it shall be necessary so to do for the purpose of carrying out any of the provisions of this Act, and in making such valuation the Commission may have access to and use any books, documents, or records in the possession of any department or board of this State or any political sub-division thereof. In ascertaining and determining such fair value, the Commission may determine every fact, matter, or thing which, in its judgment, does or may have any bearing on such value; and may take into consideration, among other things, the original cost of construction, particularly with reference to the amount expended in the existing and useful permanent improvements; with such consideration for the amount in market value of its bonds and stocks, the probable earning capacity of the property under particular rates prescribed by statute or ordinance, or other municipal contract, or fixed or proposed by the Commission, and for the items of expenditures for obsolete equipment and construction, as the circumstances and the historical development of the enterprise may warrant; the reproduction costs of the property, based upon the fair average price of materials, property and labor, and the developmental and going concern value of such public service company; and these, and any other elements of value, shall be given such weight by the Commission as may be just and right in each case.

(c) After hearing, upon notice, by order in writing to fix just and reasonable individual rates, joint rates, charges or

schedules thereof, as well as commutation, mileage and other special rates, which shall be imposed, observed and followed thereafter by any public utility as herein defined whenever the Commission shall determine any existing individual rate, joint rate, toll, charge or schedule thereof, or commutation, mileage, or other special rate to be unjust, unreasonable, insufficient, or unjustly discriminatory or preferential.

(d) To require every public utility as herein defined to file with the Commission complete schedules of every classification employed and of every individual or joint rate, fare, or charge made, charged or exacted by said public utility for any product supplied or service rendered within this State or specified in such requirement.

(e) After hearing, by order in writing, to fix just and reasonable standards, classifications, regulations, practices, measurements or services to be furnished, imposed, observed and followed thereafter by any public utility as herein defined.

(f) After hearing, by order in writing, to ascertain and fix adequate and reasonable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility as herein defined, and to prescribe reasonable regulations for examinations and test of such product or service and for the measurement thereof.

(g) After hearing, by order in writing, to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements.

(h) To provide for the examination and test of all appliances used for the measuring of any products or service of a public utility as herein defined.

(i) To enter, by and through its agents, experts or examiners, upon any premises occupied by any public utility as herein defined for the purpose of making the examination and tests provided for in this Act and to set up and use on such premises any apparatus and appliances necessary therefor.

(j) To fix the fees to be paid by any consumer or user of any products or service of a public utility as herein defined, who may apply to the Commission for an examination or test to be made of the meters or other appliances of the utility. If the meter so tested shall be found to be accurate within such commercially reasonable limits as the Commission may by general or special order fix for such meters or class of meters, the fee shall be paid by the consumer requiring such test, but if not so found, then the cost thereof shall be borne by the public utility furnishing said meter.

(k) After hearing, upon notice, by order in writing to direct any railroad, or street railway, or traction company, or any motor bus passenger line, steamboat company, or auto truck freight line to establish and maintain at any junction or point of connection or intersection with any other line of said company, or with any line of any other railroad, or street railway, or traction company, or motor bus, electric trackless trolley coach, passenger line, or steamboat company, or auto truck freight line, such just and reasonable connection as shall be necessary to promote the convenience of shippers of property, or of passengers, and in like manner to direct any railroad, street railway, or traction company, engaged in carrying merchandise, to construct, maintain and operate upon reasonable terms a switch connection with any private side track which may be constructed by any shipper to connect with the railroad or street railway or traction railway where, in the judgment of the Commission, such connection is reasonable and practicable, and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same.

Section 4. The Public Service Commission, after hearing, upon notice, shall have power by order in writing to require every public utility as herein defined:

(a) To comply with the laws of the State of Delaware and any ordinance of any political sub-division thereof relating thereto, and to conform to the duties imposed upon it thereby or by the provisions of its own charter, whether obtained under any general or special law of any State.

(b) To furnish safe, adequate and proper service and keep and maintain its property and equipment in such condition as to enable it so to do.

(c) To establish, construct, maintain and operate any reasonable extension of its existing facilities where, in the judgment of said Commission, such extension is reasonable and practicable and will furnish sufficient business to justify the construction and maintenance of the same, and when the financial condition of the said public utility reasonably warrants the original expenditures required to making and operating such extension.

(d) To keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business and, to that end, to require every such public utility of the same class to adopt a uniform system of accounting.

Section 5. Unless the Commission otherwise orders, no public utility shall make any change in any rate which has been duly established under this Act except after thirty days' notice to the Commission, which notice shall plainly state the changes proposed to be made in the rates then in force and the time when the changes will go into effect. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules filed and in force at the time and kept open to public inspection. The Commission, for good cause shown, may allow changes in rates without requiring the thirty days' notice under such conditions as it may prescribe. All such changes shall be immediately indicated upon its schedule by such public utility.

Whenever there is filed with the Commission by any public utility any schedule stating a new rate or rates, the Commission may, either upon complaint or upon its own initiative, upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate or rates; and pending such hearing and the decision thereon, the Commission may, at any time before said rate or rates become effective, suspend the operation of such rate or rates, but not for a longer period than ninety days beyond the time when such rate or rates would otherwise go into effect unless the Commission shall find that a longer time will be required, in which case the Commission may extend the period

for not to exceed six (6) months; provided, and notwithstanding any such order of suspension, the public utility may put such suspended rate or rates into effect on the date when it or they would have become effective, if not so suspended, by filing with the Commission a bond in a reasonable amount approved by the Commission, with sureties approved by the Commission, conditioned upon the refund, in a manner to be prescribed by order of the Commission to the persons entitled thereto of the amount of the excess, if the rate or rates so put into effect are finally determined to be excessive; or there may be substituted for such bond, other arrangements satisfactory to the Commission for the protection of the parties interested. If the public utility fails to make refund within thirty days after such final determination any person entitled to such refund may sue therefor in any court of this State of competent jurisdiction and be entitled to recover, in addition to the amount of the refund due, all court costs and reasonable attorney's fees, but no suit may be maintained for that purpose unless instituted within two years after such final determination. Any number of persons entitled to such refund may join as plaintiffs and recover their several claims in a single action; in which action the court shall render a judgment severally for each plaintiff as his interest may appear. During any such period of suspension, the Commission may, in its discretion, require that the public utility involved shall furnish to its consumers or patrons a certificate or other evidence of payment made by them under the rate or rates which the public utility has put into operation in excess of the rate or rates in effect immediately prior thereto.

If, after such hearing, the Commission finds any such rate or rates to be unjust, unreasonable or unjustly discriminatory, or in any wise in violation of law, the Commission shall determine the just and reasonable rate or rates to be charged or applied by the utility for the service in question, and shall fix the same by order to be served upon the utility; and such rate or rates are thereafter to be observed until changed, as provided by this Act.

Section 6. No public utility as herein defined without having first obtained the approval of the Commission shall (1) directly or indirectly merge or consolidate with any other company, sell, lease, assign, mortgage, except by supplemental

indenture in accordance with the terms of a mortgage outstanding September 1, 1949, or otherwise dispose of or encumber any essential part of its franchises, plant, equipment or other property, necessary or useful in the performance of its duty to the public; (2) issue any stocks, stock certificates, notes, bonds or other evidences of indebtedness payable in more than one year from the date thereof. It shall be the duty of the Commission to approve of any such proposed issue when satisfied that the same is to be made in accordance with law and the purpose of such issue be approved by said Commission. The Commission shall approve or disapprove each such issue within fifteen days after the filing of the written application for such approval. If not disapproved within said fifteen days, such issue shall be deemed to be approved. The provisions of this section relating to the issuance of securities shall not apply to securities of railroad companies subject to the jurisdiction of the Interstate Commerce Commission. Nothing herein contained shall be construed in any wise to prevent the sale or lease or other disposition by any public utility as herein defined of any of its property in the ordinary course of its business.

Section 7. No public utility as herein defined shall make, impose or exact any unjust or unreasonable or unduly preferential or unjustly discriminatory individual or joint rate for any product or service supplied or rendered by it within the State, or adopt, maintain or enforce any regulation, practice or measurement which shall be unjust, unreasonable, unduly preferential or unjustly discriminatory or otherwise in violation of law, or make, or give, directly or indirectly, any undue or unreasonable preference or advantage to any person or corporation or to any particular description of traffic, in any respect whatsoever.

Section 8. No franchise or privilege hereafter granted to any public utility as herein defined by any public authority in this State shall be valid until approved by the Public Service Commission, such approval to be given when said Commission determines that such franchise or privilege is necessary and proper for the public convenience.

Section 9. The Public Service Commission shall have power to compel the attendance of witnesses and the production

of tariffs, contracts, papers, books, accounts and all other documents, and any member of the Commission shall have power to administer oaths to all witnesses who may be called before the Commission or any member thereof. Subpoenas issued by the Commission shall be signed by one of the members thereof and attested by the Secretary and may be served by any Sheriff, Deputy Sheriff, Constable, or any employee of the Commission and return thereof made to the said Commission. The fees and mileage of witnesses required to attend before the Commission shall be computed at the rate allowed to witnesses in the Superior Courts, of the State of Delaware, such fees to be paid when the witness is excused from further attendance and the disbursements made in payment of such fees shall be audited and paid in the same manner provided for the payment of expenses of the Commission; provided, however, that no witnesses subpoenaed in the instance of parties other than the Commission shall be entitled to compensation from the State for attendance or travel unless the Commission shall certify that the testimony was material to the matter investigated. If a person subpoenaed to attend before the Commission, or a member thereof, fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the Commission, or a member thereof, refused without lawful cause to be examined or to answer a legal or pertinent question, or to produce a book or paper when ordered to do so by the Commission, or any member thereof, the Commission or such member thereof may apply to the Superior Court in and for the County where such hearing or investigation is being held or any Judge thereof in vacation, who shall have the power of the said Court for such purpose, for an order returnable in not less than two or more than ten days, directing such person to show cause before the Court, or any Judge thereof in vacation why he or she could not comply with the subpoena or order of the Commission; upon the return of such order the Court or Judge, before whom the matter shall come on for hearing, shall examine under oath the persons whose testimony may be relevant, and such person shall be given an opportunity to be heard, and if the Court or Judge shall determine that said person refused without legal excuse to obey the command of such subpoena or to be examined, or to answer a legal or pertinent question, or to produce a book or a paper which he or she was ordered to produce, said Court or

Judge may order such person to comply forthwith with the subpoena or order of the Commission, and any failure to obey such order of the Court or Judge may be punished by said Court or Judge as a contempt of said Superior Court.

Section 10. No person shall be excused from testifying or producing any book, document or paper in any investigation or inquiry by or upon hearing before the Public Service Commission, or any member thereof, upon the ground that the testimony, evidence, book, document or paper required of such person may tend to incriminate such person or subject such person to penalty, or forfeiture, but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced incriminating evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in her or his testimony. Nothing herein contained is intended to give, or shall be construed in any manner to give, any corporation immunity of any kind. No member, employee or investigator of the Public Service Commission shall be required to give testimony in any Court suit to which the said Commission is not a party with regard to information obtained by said member or employee in the discharge of official duty.

Section 11. The Public Service Commission, where the depositions of witnesses within or without the State are necessary in any hearing or investigation being held by the said Commission, may request the Superior Court in and for the County to provide for the obtaining of such depositions in accordance with the rules of said Court.

Section 12. Every order made by the Public Service Commission shall be served upon the person or public utility as herein defined affected thereby, within ten days from the time said order is filed, by personally delivering or sending by registered mail a certified copy thereof to the person to be affected thereby, or in case of a public utility to any officer or agent thereof upon whom a summons may be served in accordance with the provisions of the law of this State. All orders of the said Commission to continue service or rates in effect at the time said order is made shall be immediately operative; and all

orders shall become effective upon the date specified therein, which shall be at least twenty days after the date of said order.

Section 13. In default of compliance with any order of the Public Service Commission when the same shall become effective, the public utility affected thereby shall be subject to a penalty of Fifty Dollars (\$50.00) per day for every day during which such default continues, to be recovered in an action of debt in the name of the State and observance of the orders of the said Commission may be compelled by mandamus or injunction in appropriate cases, or by bill in equity to compel the specific performance of the order or orders so made or of the duties imposed by law upon such public utility.

Section 14. Any person who shall knowingly and wilfully perform, commit or do, or participate in performing, committing or doing, or who shall knowingly or wilfully cause, participate or join with others in causing any public utility corporation or company to do, perform or commit, or who shall advise, solicit, persuade, or knowingly and wilfully instruct, direct or order any officer, agent or employee of any public utility, corporation or company to perform, commit or do any act or thing forbidden or prohibited by this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment, in the discretion of the Court.

Section 15. The Attorney General, or any public utility affected by any order made by the Public Service Commission may appeal from such order to the Superior Court of the State of Delaware within thirty days from the date upon which such order becomes effective, as herein provided. Said appeal shall be filed with the Prothonotary of said Court and summons in said appeal shall be served upon the Secretary of the said Commission either personally or sent by registered mail to the office at the State House, Dover, Delaware, and shall also be served upon the public utility or upon the Attorney General, as the case may be. Upon every such appeal the cause shall be determined by the Court from the record (which shall include a typewritten copy of the evidence and of the findings and order of the Commission) without a jury, and the Court may affirm,

modify or revise the order of the Commission, in whole or in part, or may remand the cause to the Commission for rehearing, in whole or in part. The Superior Court is hereby vested with jurisdiction and power to hear and determine all such appeals, and with power to make any and all rules needful or convenient in the premises. Upon the determination of every appeal, a copy of the opinion and order of the Superior Court shall be certified to the Commission.

Section 16. The filing of an appeal from any order of the Public Service Commission shall in no case supersede or stay the order of the said Commission, unless the said Superior Court, or a Judge thereof in vacation, shall so direct, and the appellant may be required by the said Court, or a Judge thereof in vacation to give bond in such form and of such amount as the said Court, or the Judge thereof, allowing the stay, shall require.

Section 17. Copies of all official documents and orders filed or deposited in the office of the Public Service Commission, certified by the Chairman and the Secretary to be true copies of the original and given under the official seal of said Commission, shall be evidence in like manner as the original in all courts of the State of Delaware; such charges may be taxed and collected for such copies as are taxed and collected for like services in the Superior Court of this State.

Section 18. This Act shall in no wise be construed to prevent the issuance by any street or traction railway, motor bus, electric trackless trolley coach, auto truck freight line, telephone or telegraph companies, or any other public utility of free passes or franks to their employees, officers, agents, surgeons, physicians, attorneys-at-law and their families, and the interchange between said public utilities and common carriers of passes or franks for their employees, officers, agents, surgeons, physicians, attorneys-at-law and their families, nor to prevent the carrying without fare upon electric trackless trolley coaches, street railways, or buses, of policemen, fireman, health officers and park guards in uniform, or plain clothes detectives, sheriffs, deputy sheriffs, employees of the Street and Sewer Department of the City of Wilmington, and other public employees wearing official badges.

Section 19. If any provision of this Act shall be held to be unconstitutional or invalid, it is hereby provided that all other portions of the same, which are not expressly held to be unconstitutional or void, shall continue in full force and effect.

Section 20. There is hereby appropriated, out of any of the general funds of the State not otherwise appropriated, the sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary, which sum, or any part thereof, may be expended by the Commission in its discretion for the purpose of this Act. Said sum shall become available on the first day of September, A. D. 1949, for the fiscal year beginning July 1, 1949; and a like sum, or so much thereof as may be necessary, is hereby appropriated for the same purposes for the fiscal year beginning July 1, 1950. All expenditures from said appropriations shall be paid by the State Treasurer on proper voucher therefor, approved by the Chairman of said Commission.

Section 21. This Act shall take effect on the first day of September, A. D. 1949. Thereafter all jurisdiction, powers and authority vested in the Board of Public Utility Commissioners for the City of Wilmington, appointed under the provisions of the Act of March 29, 1911, shall be transferred to the Public Service Commission hereby created, and all matters and proceedings of any kind pending before said Board of Public Utility Commissioners for the City of Wilmington shall be transferred to the Public Service Commission hereby created. Thereupon the said Act of March 29, 1911, and all Acts amendatory thereof and supplemental thereto shall be repealed and the said Board of Public Utility Commissioners for the City of Wilmington shall thereupon cease to exist.

Approved June 15, 1949.

CHAPTER 255

MOTOR VEHICLES

PROVIDING SPECIAL LICENSE TAGS FOR MOTOR FARM TRUCKS

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO MOTOR VEHICLES AND PROVIDING SPECIAL LICENSE TAGS FOR MOTOR FARM TRUCKS USED EXCLUSIVELY IN THE OPERATION OF FARMS; BY PROHIBITING THE USE OF SUCH MOTOR FARM TRUCKS FOR HIRE; BY PROVIDING FOR THE REGISTRATION FEE OF SUCH MOTOR FARM TRUCKS USED EXCLUSIVELY BY FARMERS IN THE OPERATION OF THEIR FARMS.

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 hereby is further amended by striking out and repealing sub-paragraph (b) of 5550 Section 12 thereof and by inserting in lieu thereof a new sub-paragraph (b) of 5550 Section 12 thereof as follows:

(b) Each number plate shall have displayed thereon the registration number assigned to the vehicle, the name of this State, which may be abbreviated, and in the case of motor farm trucks used exclusively by farmers in the operation of their farms and which have been registered for the reduced fee as provided by law, such plates for such farm motor trucks shall also display in large type the letter "F" meaning for farm motor trucks only, provided, however, that in addition to the reduced registration fee to be paid for the registration of such motor farm trucks, the said owner thereof shall also pay to the Department the cost of such special number plates for such trucks. In case of vehicles registered for a gross rate of more than five thousand (5,000) 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 of 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.

Section 2. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by adding a new section to said Chapter to be known and styled as 5640B. Sec. 102B. as follows:

5640B. Sec. 102B. DRIVING MOTOR FARM TRUCKS PROHIBITED WHEN:—It shall be unlawful for any person operating a motor farm truck which is registered by a farmer to be used exclusively by farmers in the operation of their farms under the reduced registration fee provided by law, and bearing "F" license tag, to hire or rent said motor farm trucks and/or permit the same to be used for hauling merchandise, farm products or other items whatsoever under rent, hire or for pay, or to use such motor farm trucks so registered as aforesaid for any use except in the operation of the farms owned or rented by the registered owner of such trucks and/or in aid of and assistance to other farmers for harvest purposes.

Section 3. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by striking out and repealing all of sub-paragraph (3) of sub-paragraph (b) of 5564. Sec. 26. thereof and inserting in lieu thereof a new sub-paragraph (3) (a) of sub-paragraph (b) of 5564. Sec. 26. thereof as follows:

(3) (a) 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 Dol-

lars (\$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; provided, nevertheless, that the fee for registration of motor farm trucks owned and used exclusively by farmers who derive seventy per cent (70%) or more of their income from the operation of their farms shall be one-half ($\frac{1}{2}$) of the foregoing rates calculated on the gross load weight as defined herein, but in no case shall the fee for motor farm trucks be less than Ten Dollars (\$10.00).

Section 4. This Act shall not apply to any motor truck having more than one rear axle.

Approved June 15, 1949.

CHAPTER 256

STATE EMPLOYEES

PENSION BENEFITS

AN ACT TO AMEND "AN ACT PROVIDING FOR THE PAYMENT OF PENSION BENEFITS TO CERTAIN STATE EMPLOYEES, FIXING AGES OF RETIREMENT, ESTABLISHING BENEFITS PAYABLE AND THE SOURCE OF PAYMENT THEREOF, PROVIDING FOR APPLICATIONS FOR PENSIONS AND THE PROCEDURE TO BE FOLLOWED WITH RESPECT THERETO, PROVIDING THAT PENSION BENEFITS SHALL BE FREE OF ATTACHMENT AND NON-ASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," AS AMENDED, WITH REFERENCE TO ALLOWABLE INTERRUPTIONS FROM COVERED EMPLOYMENT.

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

Section 1. That Section 3, Chapter 104, Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by inserting after the word "study" in the fourth line of the third paragraph of said section the following: "or for employment in another state or foreign country as an exchange teacher when such service is performed in accordance with rules of the State Board of Education,"

Approved June 15, 1949.

CHAPTER 257

WILMINGTON

PENSION BENEFITS

AN ACT TO AMEND CHAPTER 237, VOLUME 46, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR THE PAYMENT OF PENSION BENEFITS TO CERTAIN EMPLOYEES OF THE MAYOR AND COUNCIL OF WILMINGTON, FIXING AGES OF RETIREMENT, ESTABLISHING BENEFITS PAYABLE AND THE SOURCE OF PAYMENT THEREOF, PROVIDING FOR APPLICATIONS FOR PENSIONS AND THE PROCEDURE TO BE FOLLOWED WITH RESPECT THERETO, PROVIDING THAT PENSION BENEFITS SHALL BE FREE OF ATTACHMENT AND LIABILITY FOR STATE AND LOCAL INCOME TAXES AND NON-ASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," BY DECREASING THE TERM OF SERVICE REQUIRED, INCREASING AMOUNT OF MINIMUM MONTHLY PENSION PAYMENTS, DECREASING PERIOD OF TIME REQUIRED FOR PENSIONS TO DISABLED EMPLOYEES AND INCREASING AMOUNT OF MINIMUM DISABILITY BENEFITS.

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

Section 1. That Section 2, Chapter 237, Volume 46, Laws of Delaware, be and the same is hereby amended by striking out the words "thirty-five years," where such words appear in said section, and by inserting in lieu thereof the words "thirty years."

Section 2. That Section 5, Chapter 237, Volume 46, Laws of Delaware, be and the same is hereby amended by striking out the words "Fifty Dollars" and the numerals "(\$50.00)," where such words and numerals appear in said section, and by inserting in lieu thereof the words "Seventy-five Dollars" and the numerals "(\$75.00)."

Section 3. That Section 6, Chapter 237, Volume 46, Laws of Delaware, be and the same is hereby amended by striking out the words "Twenty-Five Years" where such words appear in said section and by inserting in lieu thereof the words "Fifteen Years."

Section 4. That Section 15, Chapter 237, Volume 46, Laws of Delaware, be and the same is hereby amended by striking out of the first paragraph of said Section the words "Fifty Dollars" and the numerals "(\$50.00)," where such words and numerals appear therein, and by inserting in lieu thereof the words "Seventy-Five Dollars" and the numerals "(\$75.00)"; and by striking out the words "Twenty-five Dollars" and the numerals "(\$25.00)," where they appear therein, and by inserting in lieu thereof the words "Thirty-seven Dollars and Fifty Cents" and the numerals "(\$37.50)."

Approved June 15, 1949.

CHAPTER 258

FISH, OYSTERS AND GAME

PERMITTING THE HUNTING OF RED FOX WITH DOGS
ON SUNDAY

**AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATIVE TO
"FISH, OYSTERS AND GAME," PERMITTING THE
HUNTING OF RED FOX WITH DOGS ON SUNDAY.**

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

Section 1. That 2833. Sec. 32. of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the period at the end thereof and inserting a semi-colon and adding the following:

"Provided that in season any person or persons may hunt red fox with dogs on the first day of the week, commonly called Sunday."

Approved June 15, 1949.

CHAPTER 259

WILMINGTON

AN ACT TO AMEND CHAPTER 67 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO "THE CITY OF WILMINGTON," BY ENLARGING THE JURISDICTION OF THE MUNICIPAL COURT OF WILMINGTON TO INCLUDE ATTEMPTS.

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

Section 1. That 2414. Sec. 6. Chapter 67 of the Revised Code of Delaware, 1935, be and the same is hereby amended by inserting before the last paragraph thereof the following new paragraph; as follows:

The Municipal Court shall have jurisdiction to hear, try, and finally determine all charges of attempts to commit offenses as to which it would have jurisdiction to hear, try and determine charges of commission of the completed offense.

Approved June 15, 1949.

CHAPTER 260

SEWER REVENUE BOND ACT OF 1949

AN ACT PROVIDING FOR THE PLANNING, ACQUISITION, PURCHASE, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, BETTERMENT, EXTENSION, OPERATION, AND MAINTENANCE OF REVENUE-PRODUCING UNDERTAKINGS FOR THE COLLECTION, TREATMENT, AND DISPOSAL OF SEWAGE, WASTE, GARBAGE, AND STORM WATER BY ANY COUNTY, INCORPORATED CITY OR TOWN OF THE STATE OF DELAWARE; AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN AND THE FIXING OF RATES IN CONNECTION WITH SUCH UNDERTAKINGS; AUTHORIZING AND REGULATING THE ISSUANCE OF REVENUE BONDS FOR FINANCING SUCH UNDERTAKINGS; AND PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE RIGHTS OF THE HOLDERS THEREOF; PROVIDING FOR REFERENDUM ELECTION.

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. Short Title of Act. This act may be cited as "The Sewer Revenue Bond Act of 1949."

Section 2. Definitions. Whenever used in this Act, unless a different meaning clearly appears from the context:

(a) The term "undertaking" shall mean plants, properties, works, systems, or facilities, or any part thereof, used or useful in connection with the collection, treatment and disposal of sewage, waste, garbage and storm water.

(b) The term "municipality" shall include any county, incorporated city or town of the State of Delaware.

(c) The term "governing body" shall include bodies and boards, by whatsoever names they may be known, having authority to govern a municipality.

Section 3. Declaration of Policy. It is hereby declared to be the policy of this State that to provide benefits to the public health and welfare by the abatement, prevention or reduction of pollution of the rivers, waters and streams of this State, any municipality planning, acquiring, purchasing, constructing, reconstructing, improving, bettering or extending an undertaking pursuant to this Act, shall manage such undertaking in the most efficient manner consistent with sound economy and public advantage to the end that such pollution shall be reduced, prevented or abated and that the services of the undertaking shall be furnished to consumers at the lowest possible cost. No municipality shall operate such undertaking for gain or profit or as primarily a source of revenue to the municipality, but shall operate such undertaking for the use and benefit of the consumers served by such undertaking and for the promotion of the welfare and for the improvement of the health and safety of the inhabitants of the municipality and of the State of Delaware.

Section 4. Additional Powers of Municipalities. In addition to the powers which it may now have, any municipality shall have power under this Act: (a) to plan, construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, (b) to operate and maintain any undertaking and furnish the services, facilities and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of such municipality, (c) to enter into and perform contracts, whether long term or short term, with any industrial establishment for the provision and operation by a municipality of the undertaking to abate or reduce the pollution of waters caused by discharges of industrial wastes by the industrial establishment and the payment periodically by the industrial establishment to the municipality of amounts at least sufficient, in the determination of the governing body, to compensate the municipality for the cost of providing (including payment of principal and interest charges, if any), and of operating and maintaining the undertaking or part thereof serving such industrial establishment, (d) to issue its bonds to finance, either in

whole or in part, the cost of the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking, (e) to prescribe and collect rates, fees, charges for the services, facilities and commodities furnished by such undertaking, (f) to pledge to the punctual payment of said bonds and interest thereon an amount of the revenues of such undertaking (including the revenues of the existing facilities, if any, comprising an undertaking which is being improved, bettered, or extended, and the revenues to be derived from any improvements, betterments, extensions thereafter constructed or acquired), or of any part of such undertaking, sufficient to pay, on either an equal or priority basis, said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor, which amount may consist of all or any part or portion of such revenues, and (g) to accept from any authorized agency of the State or the Federal Government, or from persons, firms, or corporations, grants or contributions for the planning, construction, acquisition, lease, reconstruction, improvement, betterment or extension of the undertaking and to enter into agreements with such agency respecting such loans and grants. The governing body of the municipality in determining the cost of acquiring or constructing any undertaking may include all costs and estimated costs of the issuance of said bonds, all planning, engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter or money borrowed or which it is estimated will be borrowed pursuant to this Act.

Section 5. Authorization of Undertaking; Form and Contents of Bonds. The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this Act and bonds may be authorized to be issued under this Act to provide funds for such purpose or purposes by resolution or resolutions of the governing body which may be adopted at the same meeting at which they are introduced by a majority of all the members thereof then in office and shall take effect immediately upon adoption. Said bonds shall bear interest at such rate or rates not exceeding five per centum per annum, payable semi-annually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from

their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said bonds shall be sold at public sale, after advertisement, at not less than par: Provided, however that any of said bonds may be sold at private sale to the United States of America, or any agency, instrumentality or corporation thereof, at not less than par. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this act. Said bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all the purposes of the Negotiable Instruments Law of the State of Delaware.

Section 6. Covenants in Resolution Authorizing Issuance of Bonds. Any resolution or resolutions authorizing the issuance of bonds under this act may contain covenants as to (a) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof, (b) the use and disposition of the revenue of the undertaking for which said bonds are to be issued, including the creation and maintenance of reserves, (c) the transfer from the general funds of the municipality to the account or accounts of the undertaking an amount equal to the cost of furnishing such municipality or any of its departments, boards or agencies, with the services, facilities and commodities of said undertaking, (d) the issuance of other or additional bonds payable from the revenue of said undertaking, (e) the operation and maintenance of such undertaking, (f) the insurance to be carried thereon and the use and disposition of insurance moneys, (g) books of account and the inspection and audit thereof, and (h) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the appropriate court, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of said undertaking, operate and maintain the same, prescribe rates, fees, or charges, and collect, receive and apply all revenue thereafter arising therefrom in

the same manner as the municipality itself might do. The provisions of this Act and any such resolution or resolutions shall be a contract with the holder or holders of said bonds, and the duties of the municipality and of its governing body and officers under this Act and any such resolution or resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

Section 7. **Validity of Bonds.** Said bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the undertaking for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 8. **Lien of Bonds.** All bonds of the same issue may, subject to the prior and superior rights of outstanding bonds, claims or obligations, have a prior and paramount lien on the revenue of the undertaking, for which said bonds have been issued, over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue may be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution, or of delivery, by a lien on said revenue in accordance with the provisions of this Act and the resolution or resolutions authorizing said bonds, or all bonds of the same issue, or such ones thereof as may be specified, may, to the extent and in the manner prescribed, be subordinated and be junior in standing, with respect to the payment of principal and interest and the security thereof, to such other bonds as are designated in the resolution or resolutions authorizing said bonds.

Section 9. Bonds Not a General Obligation of Municipality. No holder or holders of any bonds issued under this Act shall ever have the right to compel any exercise of taxing power of the municipality to pay said bonds or the interest thereon. Each bond issued under this Act shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the municipality within the meaning of any statutory or constitutional limitation.

Section 10. Undertakings to be Self-Supporting. The governing body of a municipality issuing bonds pursuant to this Act shall prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities of such undertaking, and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

Section 11. Use of Revenue From Undertaking. Any municipality issuing bonds pursuant to this Act for the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking shall have the right to appropriate, apply or expend the revenue of such undertaking for the following purposes: (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor, (c) to pay and discharge notes, bonds or other obligations and interest thereon, not issued under this Act for the payment of which the revenue of such undertaking is or shall have been pledged, charged or encumbered, (d) to pay and discharge notes, bonds or other obligations and interest thereon, which do not constitute a lien, charge or encumbrance on the revenue of such undertaking, which shall have been issued for the purpose of financing the planning, acquisition, purchase, con-

struction, reconstructions, improvement, betterment or extension of such undertaking, and (e) to provide a reserve for betterments to such undertaking. Unless and until adequate provision has been made for the foregoing purposes, no municipality shall have the right to transfer the revenues of such undertaking to its general funds.

Section 12. Joint Action by Municipalities. Any two or more municipalities through their respective governing bodies are hereby authorized and empowered to enter into and perform such contracts and agreements as they may deem proper for or concerning the planning, construction, lease or other acquisition and the financing of an undertaking and the maintenance and operation thereof. Any such municipalities so contracting with each other may also provide in any contract or agreement for a board, commission or such other body as their governing bodies may deem proper for the supervision and general management of the undertaking and for the operation thereof, and may prescribe its powers and duties and fix the compensation of the members thereof. Such contract or agreement shall be in full force and effect when ratified by a majority of the qualified voters of such municipality voting upon such proposition at an election held in accordance with the provisions of existing law.

Section 13. Consent of Another Municipality. No municipality shall construct an undertaking wholly or partly within the corporate limits of another municipality except with the consent of the governing body of such other municipality.

Section 14. Construction of Act. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other general, special or local law. The undertaking may be planned, acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this Act for said purposes, notwithstanding that any general, special or local law may provide for the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like undertaking, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law, including, but not limited to, any requirement for the approval by the voters of any munici-

pality. Insofar as the provisions of this Act are inconsistent with the provisions of any other general, special, or local law, the provisions of this Act shall be controlling.

Section 15. **Excision of Unconstitutional or Ineffective Parts of Act.** It is hereby declared that the sections, clauses, sentences and parts of this Act are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or invalidity in any other instances.

Section 16. **Termination of Power to Issue Bonds.** Except in pursuance to any contract or agreement theretofore entered into by any municipality, no municipality shall borrow any money or deliver any bonds pursuant to this Act to the purchaser or purchasers thereof after June 30, 1953.

Section 17. This Act shall not become operative until the same has been submitted to a referendum vote of all freeholders of the municipality proposing to make any of the improvements contemplated under the provisions of such Act. The procedure therefor shall be as follows:

- (1) The proper officers of the municipality shall by resolution propose to the electors the project or improvement contemplated under the provisions of this Act. The resolution shall set forth with reasonable certainty the project or improvement contemplated, together with all other pertinent facts relative to the same; it shall set forth the amount of bonds, to be issued for the purpose of completing said project or improvement and shall direct an election to be held at a time and place to be named therein.

- (2) A copy of said resolution shall be published for at least two (2) weeks in a newspaper of general circulation in

said municipality immediately preceding the date of said election. At the same time a notice shall likewise be published of the election to be held, setting forth the proposed project or improvement, the cost thereof and the amount of bonds to be issued. Said notice shall also set forth the qualifications of persons entitled to vote, the method of voting, the date, hour and place of said election. Said notice shall be published in at least ten (10) public places in said municipality at least two (2) weeks prior to the date of said election.

(3) Said election shall be held not less than twenty (20) days nor more than thirty (30) days after the date of the first publishing of said resolution. The proper officer or officers in said municipality shall prepare from the books and records of the assessments of said municipality a list of the names of all freeholders entitled to vote. There shall be placed opposite the name of each freeholder the number of votes which each freeholder may cast, which shall be on the basis of one vote for each frontage foot of property owned by each freeholder abutting said contemplated project or improvement. Upon determining the number of votes to be cast by each freeholder, the fraction of feet shall be disregarded. Such list, except as hereinafter provided, shall constitute the voting list for said election.

(4) Thereafter, and in no event less than twelve (12) days prior to the date set for said election, the proper officer or officers of said municipality shall cause to be mailed to each person on said voting list, at the address appearing on said list, a printed notice of the time and place of said election. Said notice shall state that the purpose of said election is to determine whether or not a majority of the freeholders of said municipality is in favor of the issuance of bonds by said municipality to cover the cost of said project or improvement and shall also state the total amount of such bond issue.

(5) The election shall be held at such public place in said municipality as may be determined by the proper officers of said municipality. The voting shall be by printed ballot, which shall give the voter an opportunity clearly to indicate his consent or objection to the issuance of bonds for the project or improvement contemplated. The officers designated in said municipality, to preside at General Elections, shall preside at

said Election. The voting list theretofore prepared shall be evidence of the right of a person to vote and the number of votes to which each freeholder is entitled, except as hereinafter provided.

A. Any freeholder who has sold his property or properties in said municipality subsequent to the publishing of said resolution by the officers of said municipality shall not be permitted to vote, but the then owner of said property or properties shall be entitled to vote in his place and stead upon furnishing the election officers with the original or certified copy of the deed to said property or properties, which said deed shall clearly evidence that it was duly recorded.

B. Any person claiming the right to vote at said election as an heir of any freeholder in said municipality who has died since the preparation of said voting list, or as Trustee or Guardian under the last will and testament of any such freeholder, who has died since the preparation of said voting list, shall furnish the election officers with the original or certified copy of the will or other document evidencing his ownership of, or interest in, the property of any said freeholder and shall thereon be entitled to vote in his place and stead of such deceased freeholder.

C. Whenever the property of such deceased freeholder is left to joint tenants or tenants in common, the following rules shall prevail:

(1) The vote of any one joint tenant or tenant in common, shall be received where no other such tenant appears and claims the right to vote;

(2) Where one joint tenant or tenant in common votes in opposition to another, the vote shall be cancelled;

(3) A majority of the votes of any such joint tenant or tenant in common shall determine the manner in which the votes shall be cast;

(4) The vote of any life tenant shall be accepted over the

joint tenant or tenant in common having a reversionary interest in said municipality.

(6) Promptly after the holding of the election the election officers shall tabulate the ballots and certify the results to the proper officers of said municipality, the ballots shall be retained in safekeeping by the proper officer or officers of said municipality for one year before being destroyed. If it shall appear from the certificate of said election officers that a majority of votes cast at said election, in favor of the issuance of bonds by said municipality to cover the cost of the project or improvement contemplated, the officers of said municipality shall proceed with said project or improvement and with the issuance of bonds, or other certificate of indebtedness, to cover the cost of the project or improvement contemplated. If it shall appear from the said certificate that a majority of the votes cast were against the issuance of bonds for said project or improvement, said municipality shall not proceed with said project or improvement or with the issuance of bonds therefor. However, another election may be held by said municipality to determine the issuance of bonds for such improvement at any time after one year from the date of said election.

Section 18. Time of Taking Effect. An emergency existing, this Act shall be in force and effect from the date of its approval.

Approved June 15, 1949.

CHAPTER 261
CONSTITUTIONAL AMENDMENT
RELATING TO JUDICIARY

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

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

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

ARTICLE IV
Judiciary

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Superior Court, a Court of Chancery, an Orphans' Court, a Register's Court, Justices of the Peace, and such other courts as the General Assembly, with the concurrence of two-thirds of all the Members elected to each House, shall have by law established prior to the time this amended Article IV of this Constitution becomes effective or shall from time to time by law establish after such time.

Section 2. There shall be three Justices of the Supreme Court who shall be citizens of the State and learned in the law. One of them shall be the Chief Justice who shall be designated as such by his appointment and who when present shall preside at all sittings of the Court. In the absence of the Chief Justice the Justice present who is senior in length of service shall preside. If it is otherwise impossible to determine seniority among the Justices, they shall determine it by lot and certify accordingly to the Governor.

There shall be six other State Judges who shall be citizens of the State and learned in the law. One of them shall be Chancellor, one of them President Judge of the Superior Court and of the Orphans' Court and the other four of them Associate

Judges of the Superior Court and of the Orphans' Court. Three of the said Associate Judges shall be resident Associate Judges and one of them shall after appointment reside in each County of the State. If it is otherwise impossible to determine seniority of service among the said Associate Judges, they shall determine it by lot and certify accordingly to the Governor.

There shall also be such number of other State Judges to be known as Vice-Chancellors as shall have been provided for by the Constitution or by Act of the General Assembly prior to the time this amended Article IV of this Constitution becomes effective and as may be provided for by Act of the General Assembly after such time. Each of such Vice-Chancellors shall be citizens of the State and learned in the law.

Section 3. The Justices of the Supreme Court, the Chancellor and the Vice-Chancellor or Vice-Chancellors, and the President Judge and Associate Judges of the Superior Court and of the Orphans' Court shall be appointed by the Governor, by and with the consent of a majority of all the Members elected to the Senate, for the term of twelve years each, and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this Constitution. If a vacancy shall occur, by expiration of term or otherwise, at a time when the Senate shall not be in session, the Governor shall within thirty (30) days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term.

Appointments to the offices of the State Judiciary shall at all times be subject to all of the following limitations:

First, no more than two of the three Justices of the Supreme Court in office at the same time, shall be of the same major political party, at least one of said Justices shall be of the other major political party;

Second, no more than three of the five Judges of the Superior Court and Orphans' Court, in office at the same time, shall

be of the same major political party, at least two of the five Judges shall be of the other major political party;

Third, at any time when the total number of the offices of the three Justices of the Supreme Court, the five Judges of the Superior Court and Orphans' Court, the Chancellor and all Vice-Chancellors, shall be an even number, not more than one-half of the members of all of such offices shall be of the same major political party; and at any time when the total number of such offices shall be an odd number, then not more than a bare majority of the members of all of such offices shall be of the same major political party, the remaining members of the Courts above enumerated shall be of the other major political party.

Section 4. The Justices of the Supreme Court, the Chancellor and the Vice-Chancellor or Vice-Chancellors, and the President Judge and Associate Judges of the Superior Court and of the Orphans' Court shall respectively receive from the State for their services compensations which shall be fixed by law and paid monthly and they shall not receive any fees or perquisites in addition to their salaries for business done by them except as provided by law. They shall hold no other office of profit.

Section 5. The President Judge of the Superior Court and of the Orphans' Court and the four Associate Judges thereof shall compose the Superior Court and the Orphans' Court, as hereinafter prescribed. The said five Judges shall designate those of their number who shall hold the said courts in the several counties. No more than three of them shall sit together in either of the said courts. In each of the said courts the President Judge when present shall preside and in his absence the senior Associate Judge present shall preside.

One Judge shall constitute a quorum of the said Courts, respectively, except in the Superior Court sitting to try a criminal case involving a charge of capital felony, when three Judges shall constitute a quorum, and except in the Superior Court sitting to try cases of prosecution under Section 8 of Article V of this Constitution, when two Judges shall constitute a quorum, and except in the Orphans' Court sitting to hear appeals from

a Register's Court, when two Judges shall constitute a quorum. One Judge may open and adjourn any of said Courts.

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

Section 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the formerly existing Superior Court; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of General Sessions of the Peace and Jail Delivery; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of General Sessions; and also shall have all the jurisdiction and powers vested by the laws of this State in the formerly existing Court of Oyer and Terminer.

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

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

Section 10. The Chancellor and the Vice-Chancellor or Vice-Chancellors shall hold the Court of Chancery. One of them, respectively, shall sit alone in that court. This court shall have all the jurisdiction and powers vested by the laws of this State in the Court of Chancery. The business of the court shall be distributed by the Chancellor and the Vice-Chancellor or Vice-Chancellors between or among themselves in such manner as to expedite it. The rules of the Court of Chancery shall be made by the Chancellor and he may make general rules providing for the distribution of the business of the court between or among the Chancellor and the Vice-Chancellor or Vice-Chancellors. In any cause or matter in the Court of Chancery that is initiated by an application to a Judge of that Court, the application may be made directly to the Chancellor or a Vice-Chancellor. Causes or proceedings in the Court of Chancery shall be decided, and orders or decrees therein shall be made, by the Chancellor or Vice-Chancellor who hears them, respectively.

In cases of temporary emergency, upon written request made by the Chancellor to the President Judge of the Superior Court and of the Orphans' Court, or to the Senior Associate Judge of said Courts if the said President Judge should be incapacitated or absent from the State, such President Judge or senior Associate Judge, as the case may be, shall be authorized and it shall be his duty to designate one or more of the five Judges of the Superior Court and of the Orphans' Court to sit separately as Acting Vice-Chancellor, or Acting Vice-Chancellors, and hear and decide such causes in the Court of Chancery as the Chancellor may indicate prior to such designation that he desires to be so heard and decided. It shall be the duty of the Judges so designated to serve accordingly as Acting Vice-Chancellors. The Judges hearing and deciding such causes as such Acting Vice-Chancellors shall make all appropriate orders and decrees therein, in their own names as Acting Vice-Chancellors, and, for the purpose of said causes, shall be Judges of the Court of Chancery.

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

(1) To issue writs of error in civil causes to the Superior Court and to determine finally all matters in error in the judg-

ments and proceedings of said Superior Court in civil causes.

(2) To issue upon application of the accused, after conviction and sentence, writs of error in criminal causes to the Superior Court in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding One Hundred Dollars (\$100.00), and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Superior Court in such criminal causes; provided, however, that there shall be no writ of error to the Superior Court in cases of prosecution under Section 8 of Article V of this Constitution.

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

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

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

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

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

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

(9) To hear and determine questions of law certified to it by the Court of Chancery, Superior Court or Orphans' Court where it appears to the Supreme Court that there are important and urgent reasons for an immediate determination of such questions by it. The Supreme Court may by rules define generally the conditions under which questions may be certified to it and prescribe methods of certification.

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

Section 13. In matters of chancery jurisdiction in which the Chancellor and all the Vice-Chancellors are interested or otherwise disqualified, the President Judge of the Superior Court and of the Orphans' Court shall have jurisdiction, or, if the said President Judge is interested or otherwise disqualified, the senior Associate Judge not interested or otherwise disqualified shall have jurisdiction.

Section 14. The President Judge of the Superior Court and of the Orphans' Court or any Associate Judge shall have power, in the absence of the Chancellor and all the Vice-Chancellors

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

Section 15. The Governor shall have power to commission a judge or judges ad litem to sit in any cause in any of said Courts when by reason of legal exception to the Judges authorized to sit therein, or for other cause, there are not a sufficient number of Judges available to hold such Court. The commission in such case shall confine the office to the cause and it shall expire on the determination of the cause. The judge so appointed shall receive reasonable compensation to be fixed by the General Assembly. A Member of Congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.

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

Section 17. The General Assembly, notwithstanding anything contained in this Article, shall have power to repeal or alter any Act of the General Assembly giving jurisdiction to the former Court of Oyer and Terminer, the former Superior Court, the former Court of General Sessions of the Peace and Jail Delivery, the former Court of General Sessions, the Superior Court hereby established, the Orphans' Court or the Court of Chancery, in any matter, or giving any power to either of the said courts. The General Assembly shall also have power to confer upon the Superior Court, the Orphans' Court and the Court of Chancery jurisdiction and powers in addition to those hereinbefore mentioned. Until the General Assembly shall other-

wise direct, there shall be an appeal to the Supreme Court in all cases in which there is an appeal, according to any Act of the General Assembly, to the former Court of Errors and Appeals or to the former Supreme Court of this State.

Section 18. Until the General Assembly shall otherwise provide, the Chancellor and the Vice-Chancellor or Vice-Chancellors, respectively, shall exercise all the powers which any law of this State vests in the Chancellor, besides the general powers of the Court of Chancery, and the President Judge of the Superior Court and of the Orphans' Court and the Associate Judges of said Courts shall each singly exercise all the powers which any law of this State vests in the Judges singly of the former Superior Court, whether as members of the Court or otherwise.

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

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

Section 21. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing, upon such terms as it shall deem reasonable, amendments in pleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses and parties litigant.

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

Section 23. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but, until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly serviced with a scire facias thirty (30) days before the return thereof shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

Section 24. Whenever a person, not being an executor or administrator, appeals or applies to the Supreme Court for a writ of error, such appeal or writ shall be no stay of proceedings in the court below unless the appellant or plaintiff in error shall give sufficient security to be approved by the court below or by a judge of the Supreme Court that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

Section 25. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within six (6) months after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, non compos mentis, or a prisoner, and then within six months exclusive of the time of such disability.

Section 26. The Prothonotary of each County shall be the Clerk of the Superior Court in and for the County in which he holds office. He may issue process, take recognizance of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another until a testatum fieri facias being issued shall be entered

of record in the office of the Prothonotary of the County wherein the lands or tenements are situated. Such Prothonotary shall perform all duties heretofore performed by the Clerk of the Peace as Clerk of the former Court of General Sessions and the former Court of Oyer and Terminer.

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

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

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Superior Court; provided, however, that there shall be an appeal to the Superior Court in all cases in which the sentence shall be imprisonment exceeding one (1) month, or a fine exceeding One Hundred Dollars (\$100.00).

Section 29. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four (4) years.

Section 30. Justices of the Peace and the judges of such courts as the General Assembly may establish, or shall have established prior to the time this amended Article IV of this Constitution becomes effective, pursuant to the provisions of Section 1 or Section 28 of this Article, shall be appointed by

the Governor, by and with the consent of a majority of all the Members elected to the Senate, for such terms as shall be fixed by this Constitution or by law.

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

Section 32. An executor or administrator shall file every account with the Register of Wills for the County, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor, or administrator, shall within three (3) months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians, respectively, if residing within the State, that the account is lodged in the said office for inspection.

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

The General Assembly shall have power to transfer to the Orphans' Court all or a part of the jurisdiction by this Constitution vested in the Register of Wills and to vest in the Orphans' Court all or a part of such jurisdiction and to provide for appeals from that Court exercising such jurisdiction.

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

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

The Chancellor shall continue to be designated as Chancellor;

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

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

The Vice-Chancellor in office at and immediately before the time this amended Article IV of this Constitution becomes effective shall hold his office until the expiration of the period of twelve years from the date of the commission for the office of Vice-Chancellor held by him at the time this amended Article IV of this Constitution becomes effective and shall receive the compensation provided by law. He shall continue to be designated as Vice-Chancellor.

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

All suits, proceedings and matters pending, at the time this amended Article IV of this Constitution becomes effective, in the Superior Court as heretofore constituted shall be proceeded within the Superior Court hereby established and all the books,

records and papers of the said Superior Court as heretofore constituted shall be the books, records and papers of the Superior Court hereby established.

All indictments, proceedings and matters of a criminal nature pending in the former Court of General Sessions and in the former Court of Oyer and Terminer, at the time this amended Article IV of this Constitution becomes effective, and all books, records and papers of said former Court of General Sessions and former Court of Oyer and Terminer shall be transferred to the Superior Court hereby established, and the said indictments, proceedings and matters pending shall be proceeded with to final judgment and determination in the said Superior Court hereby established.

The Court of Chancery is not affected by this amended Article IV of this Constitution otherwise than by the provisions with respect to a Vice-Chancellor or Vice-Chancellors.

Approval not required.

CHAPTER 262

APPROPRIATION

UNIVERSITY OF DELAWARE
ESTABLISHING SCHOLARSHIPS

AN ACT APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR THE PURPOSE OF ESTABLISHING SCHOLARSHIPS AT THE UNIVERSITY OF DELAWARE; PROVIDING FOR THE APPOINTMENT OF A SCHOLARSHIP COMMITTEE AND PROVIDING THAT THE SCHOLARSHIPS BE AWARDED TO STUDENTS DESIROUS OF ENTERING THE TEACHING PROFESSION.

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 Ten Thousand Dollars (\$10,000.00) annually to the University of Delaware for the purpose of establishing scholarships at the University of Delaware.

Section 2. The minimum number of scholarships to be awarded in each and every year shall be twenty (20), which shall be awarded to students who desire, upon completion of their studies, to enter the teaching profession and who agree in writing with the scholarship committee provided below, to make themselves available as a teacher in the public schools of Delaware for a period of at least one year after graduation.

Section 3. The Committee to award such scholarships shall be five (5) in number and shall be composed of two (2) members to be selected from the faculty of the University of Delaware (other than from the School of Education, University of Delaware), one (1) member to be selected from the Alumni Association, University of Delaware, and two (2) members to be selected from the faculty of the School of Education, University of Delaware. The said Committee shall be appointed by the Board of Trustees of the University of Delaware. Such

appointment shall originally be as follows: two (2) members shall be appointed for the term of one year, one (1) member for the term of two years, another for the term of three years and another for the term of four years. Thereafter, as the terms of office of members expire, either by death, resignation, removal from the State, or otherwise, appointments shall be made for terms of four years each.

Section 4. The State Treasurer is hereby authorized and directed to pay to the University of Delaware the said sum of Ten Thousand Dollars (\$10,000.00) beginning July 1, 1949 and ending June 30, 1950, and a like sum beginning July 1, 1950 and ending June 30, 1951.

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

Approved June 15, 1949.

CHAPTER 263

COUNTY TREASURERS & COLLECTION OF TAXES
RELATING TO PAWNBROKERS AND JUNK DEALERS**AN ACT TO AMEND CHAPTER 45 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "COUNTY TREASURERS AND COLLECTION OF TAXES," BY THE REPEAL OF 1386. SEC. 46, THEREOF AND BY SUBSTITUTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS 1386. SEC. 46. IN RELATION TO PAWNBROKERS AND JUNK DEALERS.**

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

Section 1. That Chapter 45 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 1386. Sec. 46., and by substituting in lieu thereof a new Section to be known as 1386. Sec. 46., as follows:

1386. Sec. 46. SHALL KEEP ACCOUNT OF ARTICLES; BOOKS TO BE FURNISHED BY POLICE DEPARTMENT; PAWN TICKETS; REPORTS TO POLICE:—Every person, corporation or firm conducting the business of pawnbroker or junk dealer shall keep a book or books in which shall be fairly written in English within twenty-four (24) hours after each loan or purchase an accurate account and description of the goods, articles or things pawned, pledged or purchased, the amount of money loaned thereon or the amount of money paid therefor, the time of pledging or purchasing the same and the rate of interest to be paid on such loan, together with the description of the person pawning or pledging or selling such goods, articles or things, including the color of his complexion, color of eyes and hair and his or her stature and general appearance. The said book or books shall be prepared and furnished to such person, corporation or firm so conducting the business of a pawnbroker or junk dealer by the Police Department of the City of Wilmington at the expense of such person, corporation or firm so conducting the business of pawnbroker or junk dealer. It

shall also be the duty of any person engaged in the business of pawnbroker, to furnish to each applicant or customer a ticket on which is printed a number corresponding with the number used to identify the article placed in pawn, also the amount given in cash, together with all charges, and the total amount to be paid when the article is to be redeemed. Every pawnbroker shall return to the office of the Chief of Police of the City of Wilmington every day before noon a sheet showing all business transacted by him on the previous day, and giving an accurate description of the goods, articles or things pawned, pledged or purchased, the amount of money loaned thereon, or the amount of money paid therefor, the time of pledging or purchasing the same, and the rate of interest to be paid on such loan, together with a description of the person pawning or pledging such goods, articles or things, including the color of his complexion, color of eyes and hair, and his or her general appearance.

Approved June 15, 1949.

CHAPTER 264

COUNTY TREASURERS & COLLECTION OF TAXES

RELATING TO PAWNBROKERS AND JUNK DEALERS

AN ACT TO AMEND CHAPTER 45 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "COUNTY TREASURERS AND COLLECTION OF TAXES," BY THE REPEAL OF 1392. SEC. 52. THEREOF AND BY SUBSTITUTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS 1392. SEC. 52. IN RELATION TO PAWNBROKERS AND JUNK DEALERS.

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

Section 1. That Chapter 45 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 1392. Sec. 52., and by substituting in lieu thereof a new Section to be known as 1392. Sec. 52., as follows:

1392. Sec. 52. RETENTION OF PLEDGED ARTICLE FOR FOUR MONTHS; EXCEPTION; PLEDGED ARTICLE NOT DISFIGURED NOR IDENTITY DESTROYED:—No articles, goods, property or things of any kind received on deposit by purchase or as a pledge by such person, corporation or firm so conducting the business of a pawnbroker shall be permitted to be removed from the place of business of such pawnbroker for a period of four months from the time of such deposit, purchase or pledge (except the same be redeemed by the owner); provided, however, that wearing apparel shall not be removed from such place of business for a period of two months. No article, goods, property or thing coming into the hands or possession of any person, corporation or firm conducting the business of a pawnbroker shall be disfigured or its identity destroyed or affected in any manner so long as it continues in the possession of such pawnbroker.

Approved June 15, 1949.

CHAPTER 265

MOTOR VEHICLES

RELATING TO REGISTRATION

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE REGISTRATION 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 Article 2, Section 7, paragraph (a) of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by repealing 5545, Section 7, paragraph (a) and inserting in lieu thereof the following, which is to be known as paragraph (a):

(a) It shall be unlawful for any person to drive or move or for any owner knowingly to permit to be driven or moved upon any highway any vehicle, except trackless trolley coaches, 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.

Approved June 15, 1949.

CHAPTER 266

APPROPRIATION

FOR BUILDING OF A DAM ACROSS McCaulley's Mill Pond

**AN ACT PROVIDING FOR THE BUILDING OF A DAM
ACROSS McCaulley's Mill Pond, AND APPROPRI-
ATING MONEYS FOR THE CONSTRUCTION OF SAID
DAM.**

WHEREAS, the State of Delaware is now the owner of two certain lots, pieces or parcels of land at McCaulley's Mill Pond in Kent County, Delaware, having obtained the title to said lots, pieces or parcels of land, by deed of Bankson T. Holcomb and wife and others, by deed dated May 3, 1932, and recorded in Deed Record B, Vol. 14, Page 483, and now of record in the office of the Recorder of Deeds, etc. in and for Kent County, Delaware, and

WHEREAS, the State Highway Department has heretofore constructed a bridge at or near McCaulley's Mill Pond where a stream of water known as Brown's Branch flows into and over the land now owned by the State of Delaware as above mentioned, and

WHEREAS, at the time mentioned above, when said lands were deeded to the State of Delaware, there was a dam controlling the waters of said Brown's Branch, and

WHEREAS, said dam was built many years ago, out of timber, which has decayed, and as a result the dam controlling the flow of said waters, has collapsed and fallen down, so that said water flowing from Brown's Branch endangers the said State Highway bridge and its lands and the lands of other owners adjacent thereto, and

WHEREAS, it is imperative that a new dam be erected at said McCaulley's Mill Pond, NOW, THEREFORE,

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

Section 1. That the sum of Sixty-Five Thousand Dollars (\$65,000.00) is hereby appropriated to the State Highway Department for the sole purpose of constructing a dam at said McCaulley's Mill Pond at such point on lands of the State of Delaware as shall be selected by the State Highway Department.

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

Approved June 15, 1949.

CHAPTER 267

WILMINGTON

INSPECTOR OF MEATS

AN ACT TO REPEAL CHAPTER 737, VOLUME 19, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR AN INSPECTOR OF MEATS FOR THE CITY OF WILMINGTON."

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

Section 1. That Chapter 737, Volume 19, Laws of Delaware, entitled "An Act providing for an Inspector of Meats for the City of Wilmington," be and the same is hereby repealed, effective the First day of July, A. D. 1949.

Approved June 15, 1949.

CHAPTER 268

APPROPRIATION

FOR CONSTRUCTING BRIDGE OVER SILVER RUN CREEK
IN ST. GEORGES HUNDRED

**AN ACT AUTHORIZING AND DIRECTING THE STATE
HIGHWAY DEPARTMENT TO CONSTRUCT A BRIDGE
OVER SILVER RUN CREEK IN ST. GEORGES HUN-
DRED, NEW CASTLE COUNTY, 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 the State Highway Department be and it hereby is authorized and directed to construct a bridge for the transportation of motor vehicle traffic over Silver Run Creek, to replace Bridge No. 390, St. Georges Hundred, New Castle County, where Road No. 424, New Castle County, leading from Odessa to Bayview Beach, crosses the said Creek.

Section 2. That a sum not in excess of Sixty Thousand Dollars (\$60,000.00) is hereby appropriated to the State Highway Department for the construction of the bridge authorized in Section 1 hereof, and the State Treasurer is hereby directed to pay the same upon proper vouchers drawn from time to time by the State Highway Department for that purpose.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the sum hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated. The said sum hereby appropriated shall remain available for the construction of the bridge hereinbefore authorized until the same shall have been completed, whereupon any part thereof remaining unexpended shall revert to the General Fund in the State Treasury.

Approved June 15, 1949.

CHAPTER 269

WILMINGTON

SEWER REVENUE BOND ACT OF 1949

AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF WILMINGTON TO PROVIDE FOR THE PLANNING, ACQUISITION, PURCHASE, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, BETTERMENT, EXTENSION, OPERATION, AND MAINTENANCE OF REVENUE-PRODUCING UNDERTAKINGS FOR THE COLLECTION, TREATMENT, AND DISPOSAL OF SEWAGE, WASTE, GARBAGE, AND STORM WATER; AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN AND THE FIXING OF RATES IN CONNECTION WITH SUCH UNDERTAKINGS; AUTHORIZING AND REGULATING THE ISSUANCE OF REVENUE BONDS FOR FINANCING SUCH UNDERTAKINGS; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE RIGHTS OF THE HOLDERS THEREOF; AND MAKING AN APPROPRIATION TO THE MAYOR AND COUNCIL OF WILMINGTON FOR SEWAGE TREATMENT PLANTS.

WHEREAS, the State of Delaware by a legislative act approved May 8, 1941, and entitled "An Act To Promote Interstate Cooperation for the Conservation and Safeguard of Water Resources in the Delaware River Basin" (43 Laws of Delaware 280), and by agreements executed in pursuance thereof, has become obligated to participate in a program to preserve in a safe and sanitary condition the waters and watershed of the Delaware River Basin; and

WHEREAS, the purification of the waters and watershed of the Delaware River Basin will promote the general welfare of the citizens of this State by eliminating the menace to health occasioned by polluted waters, and by improving the economic and recreational opportunities in all sections of the State, 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 of each branch thereof concurring therein):

Section 1. Short Title of Act. This act may be cited as "Wilmington Sewer Revenue Bond Act of 1949."

Section 2. Definitions. Whenever used in this act, unless a different meaning clearly appears from the context:

(a) The term "undertaking" shall mean plants, properties, works, systems, or facilities, or any part thereof, used or useful in connection with the collection, treatment and disposal of sewage, waste, garbage and storm water.

(b) The term "municipality" shall mean "The Mayor and Council of Wilmington," a municipal corporation of the State of Delaware.

(c) The term "governing body" shall mean "The Council" of "The Mayor and Council of Wilmington."

Section 3. Declaration of Policy. It is hereby declared to be the policy of this State that to provide benefits to the public health and welfare by the abatement, prevention or reduction of pollution of the rivers, waters and streams of this State, any municipality planning, acquiring, purchasing, constructing, reconstructing, improving, bettering or extending an undertaking pursuant to this Act, shall manage such undertaking in the most efficient manner consistent with sound economy and public advantage to the end that such pollution shall be reduced, prevented or abated and that the services of the undertaking shall be furnished to consumers at the lowest possible cost.

Section 4. Additional Powers of Municipality. In addition to the powers which it may now have, the municipality shall have power under this Act: (a) to plan, construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land

or water rights in connection therewith; (b) to operate and maintain any undertaking and furnish the services, facilities and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of such municipality; (c) to enter into and perform contracts, whether long term or short term, with any industrial establishment for the provision and operation by a municipality of the undertaking to abate or reduce the pollution of waters caused by discharges of industrial wastes by the industrial establishment and the payment periodically by the industrial establishment to the municipality of amounts at least sufficient, in the determination of the governing body, to compensate the municipality for the cost of providing (including payment of principal and interest charges, if any), and of operating and maintaining the undertaking or part thereof serving such industrial establishment; (d) to issue its bonds to finance, either in whole or in part, the cost of the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking; (e) to prescribe and collect rates, fees, charges for the services, facilities and commodities furnished by such undertaking; (f) to pledge to the punctual payment of said bonds and interest thereon an amount of the revenues of such undertaking (including the revenues of the existing facilities, if any, comprising an undertaking which is being improved, bettered, or extended, and the revenues to be derived from any improvements, betterments, extensions thereafter constructed or acquired), or of any part of such undertaking, sufficient to pay, on either equal or priority basis, said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor, which amount may consist of all or any part or portion of such revenues; and (g) to accept from any authorized agency of the State or the Federal Government, or from persons, firms, or corporations, grants or contributions for the planning, construction, acquisition, lease, reconstruction, improvement, betterment or extension of the undertaking and to enter into agreements with such agency respecting such loans and grants. The governing body of the municipality in determining the cost of acquiring or constructing any undertaking may include all costs and estimated costs of the issuance of said bonds, all planning, engineering, inspection, fiscal and legal expenses, and interest which it is estimated

will accrue during the construction period and for six months thereafter or money borrowed or which it is estimated will be borrowed pursuant to this Act.

Section 5. Authorization of Undertaking; Form and Content of Bonds. The planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this Act and bonds may be authorized to be issued under this Act to provide funds for such purpose or purposes by resolution or resolutions of the governing body which may be adopted at the same meeting at which they are introduced by a majority of all the members thereof then in office and shall take effect immediately upon adoption. Said bonds shall bear interest at such rate or rates, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said bonds shall be sold at public sale, after advertisement: Provided, however, that any of said bonds may be sold at private sale to the United States of America, or any agency, instrumentality or corporation thereof, at not less than par. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. The rate of interest may be determined in advance of sale, or the bonds may be offered for sale at a rate of interest to be fixed by the successful bidder for such bonds.

Section 6. Covenants in Resolution Authorizing Issuance of Bonds. Any resolution or resolutions authorizing the issuance of bonds under this Act may contain covenants as to (a) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof, (b) the use and disposition of the revenue of the undertaking for which said bonds are to be issued, including the creation and maintenance of reserves, (c) the transfer from the general funds of the

municipality to the account or accounts of the undertaking an amount equal to the cost of furnishing such municipality or any of its departments, boards or agencies with the services, facilities and commodities of said undertaking, (d) the issuance of other or additional bonds payable from the revenue of said undertaking, (e) the operation and maintenance of such undertaking, (f) the insurance to be carried thereon and the use and disposition of insurance moneys, (g) books of account and the inspection and audit thereof, and (h) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the appropriate court, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of said undertaking, operate and maintain the same, prescribe rates, fees, or charges, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do. The provisions of this Act and any such resolution or resolutions shall be a contract with the holder or holder of said bonds, and the duties of the municipality and of its governing body and officers under this Act and any such resolution or resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

Section 7. Validity of Bonds. Said Bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the undertaking for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 8. Lien of Bonds. All bonds of the same issue

may, subject to the prior and superior rights of outstanding bonds, claims or obligations, have a prior and paramount lien on the revenue of the undertaking, for which said bonds have been issued, over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue may be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution, or of delivery, by a lien on said revenue in accordance with the provisions of this Act and the resolution or resolutions authorizing said bonds, or all bonds of the same issue, or such ones thereof as may be specified, may, to the extent and in the manner prescribed, be subordinated and be junior in standing, with respect to the payment of principal and interest and the security thereof, to such other bonds as are designated in the resolution or resolutions authorizing said bonds.

Section 9. Bonds to Be Issued to Finance Undertaking.

The municipality may issue either revenue bonds or general obligation bonds, or a series or combination of either type of such bonds, either in whole or in part of the total amount necessary to finance any undertaking under this Act. If revenue bonds are issued under this Act, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the municipality within the meaning of any statutory or constitutional limitation; provided, however, that in the event of some emergency, the municipality may temporarily appropriate, advance or loan such amount as is necessary to meet current interest on outstanding bonds, such advance or loan to be repaid to the municipality out of revenue subsequently received from the undertaking. If general obligation bonds are issued under this Act, the aggregate amount of any such bonds so issued shall be in addition to and not within the limitations of any existing statutory or constitutional debt limitations of the municipality.

Section 10. Undertakings to be Self-Supporting. The governing body of the municipality issuing bonds pursuant to this

Act shall prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities of such undertaking, and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor. The base for rates, charges or fees against any property shall be the measured quantity of wastes actually carried away by the sewer from such property.

Section 11. Use of Revenue From Undertaking. The municipality issuing bonds pursuant to this Act for the planning, acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking shall have the right to appropriate, apply or expend the revenue of such undertaking for the following purposes: (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor, (c) to pay and discharge notes, bonds or other obligations and interest thereon, not issued under this Act for the payment of which the revenue of such undertaking is or shall have been pledged, charged or encumbered, (d) to pay and discharge notes, bonds or other obligations and interest thereon, which do not constitute a lien, charge or encumbrance on the revenue of such undertaking, which shall have been issued for the purpose of financing the planning, acquisition, purchase, construction, reconstructions, improvement, betterment or extension of such undertaking, and (e) to repay any advance or loan made by the municipality to meet current interest on outstanding bonds, and (f) to provide a reserve for betterments to such undertaking. Unless and until adequate provision has been made for the foregoing purposes, the municipality shall have no right to transfer the revenues of such undertaking to its general funds.

Section 12. Joint Action by Municipality. The municipality through its governing body is hereby authorized and empowered to enter into and perform such contracts and agreements with others, including towns, cities, and counties, as it may deem proper for or concerning the planning, construction, lease or other acquisition and the financing of an undertaking and the maintenance and operation thereof.

Section 13. Rates, Fees, or Charges. Any rate, fee or charge prescribed pursuant to the provisions of this Act may include a discount for payment within a certain period of time and a penalty for failure to pay within a certain period of time. All rates, fees or charges prescribed pursuant to the provisions of this Section remaining unpaid from the date they become due and payable shall be and constitute a lien upon the lands and premises of the owner to which the service was furnished, and such liens shall have preference and priority to all liens of recognition, 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 services furnished hereunder. In case of sale under execution process of any lands and premises upon which the liens hereby established 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. The lien herein provided shall remain a lien for the period of five years and no longer. The municipality may also collect the rates, fees or charges out of real estate upon which there is a lien under the provisions of this section in the manner now or hereafter prescribed by law for the collection of taxes out of real estate by the municipality. The municipality may also shut off the water supply, or order any person supplying water to the premises to shut off the water supply, in the event any rate, fee or charge prescribed pursuant to the provisions of this Section remains unpaid for a period of ninety days. The rates, fees or charges fixed pursuant to this Act may be made to be payable in advance, and such rates, fees or charges may be placed in effect immediately after the issuance of any bonds pursuant to this Act.

Section 14. Delegation of Authority. The construction, erection, maintenance, and operation of any undertaking may be placed under the jurisdiction, supervision, and control of an appropriate department or agency of the municipality, such as the Street and Sewer Department, which shall be designated by the governing body of the municipality, and such department or agency shall have the full power and authority to fix the rates, fees, or charges which are to be imposed under this Act. The governing body of the municipality may also place the duty of collecting the rates, fees, or charges so imposed, under the jurisdiction, supervision and control of an appropriate department or agency of the municipality, such as the Water Department, and such rates, fees or charges may be measured in whole or in part by the quantity of water consumed. The governing body of the municipality may also delegate any other duties in connection with any undertaking or the administration thereof to an appropriate department or agency of the municipality.

Section 15. Construction of Act. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other general, special or local law. The undertaking may be planned, acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this Act for said purposes, notwithstanding that any general, special or local law may provide for the planning, acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like undertaking, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law, including, but not limited to, any requirement for the approval by the voters of the municipality or any existing debt limitations. Insofar as the provisions of this Act are inconsistent with the provisions of any other general, special, or local law, the provisions of this Act shall be controlling.

Section 16. Excision of Unconstitutional or Ineffective Parts of Act. It is hereby declared that the sections, clauses, sentences and parts of this Act are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction, and if any pro-

vision shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice in any way the applicability or invalidity in any other instances.

Section 17. Time of Taking Effect. This Act shall be in force and effect from the date of its approval.

Approved June 15, 1949.

CHAPTER 270

DELAWARE WORKMEN'S COMPENSATION LAW

EXTENDING PROVISIONS FOR PAYMENTS THEREUNDER
FOR OCCUPATIONAL DISEASES**AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED
"DELAWARE WORKMEN'S COMPENSATION LAW,"
BY EXTENDING THE PROVISIONS FOR PAYMENTS
THEREUNDER FOR OCCUPATIONAL DISEASES.**

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

Section 1. That 6114. Sec. 44 of Chapter 175 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing all of the third paragraph thereof and by substituting in lieu of the part so stricken out the following new third paragraph, as follows:

Compensable occupational diseases shall include all occupational diseases arising out of and in the course of employment only when the exposure stated in connection therewith has occurred during the employment and the disability has commenced within five months after the termination of such exposure.

Approved June 15, 1949.

CHAPTER 271

FISH, OYSTERS AND GAME

OYSTERS

AN ACT TO AMEND CHAPTER 151 OF VOLUME 44, LAWS OF DELAWARE, 1943, AS AMENDED, BY FIXING A MINIMUM SIZE FOR OYSTERS CAUGHT FROM THE WATERS OF BROADKILN RIVER, SUSSEX COUNTY AND STATE OF DELAWARE, BY PROVIDING TAXES TO BE LEVIED UPON ALL OYSTERS CAUGHT FROM THE WATERS OF SAID RIVER, BY PROVIDING THAT A PORTION OF THE TAX MONIES DERIVED FROM OYSTERS SHALL BE HELD IN TRUST TO BE USED FOR RE-STOCKING SAID RIVER, BY PROVIDING THAT ALL PERSONS CATCHING EITHER OYSTERS OR CLAMS SHALL REQUIRE LICENSES, AND BY MAKING IT UNLAWFUL TO LEASE OYSTER GROUNDS ANYWHERE EXCEPT IN CERTAIN NAMED WATERS.

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

Section 1. That Chapter 151, Vol. 44, Laws of Delaware, 1943, as amended, be, and the same is hereby, further amended by adding a new section to be known as Sec. 12B, as follows:

"Sec. 12B. On or after the passage of this Act, it shall be unlawful for any person or persons to take or catch for market, or to buy or sell, any oysters less than three inches in length from the waters of Broadkiln River, Sussex County, Delaware.

Section 2. That Chapter 151, Vol. 44, Laws of Delaware, 1943, as amended, be, and the same is hereby further amended by adding two sentences at the end of the first sentence of Section 7, as follows:

"Provided, that, on and after the passage of this Act, the State of Delaware, through the Collector of Oyster Revenue,

shall collect a tax of fifteen (15) cents per bushel on all oysters taken from the waters of Broadkiln River, Sussex County, State of Delaware, of which sum the person, firm or corporation catching the oysters shall pay ten (10) cents, and the buyer of the oysters shall pay five (5) cents; and in the event any person catches the said oysters and does not sell them within the State of Delaware, he shall pay the entire tax of fifteen (15) cents.

All fees or charges under the provisions of this Act shall be remitted to the State Treasurer, who shall place monies so collected in the General Fund of the State of Delaware, subject to withdrawal in accordance with the provisions hereof."

Section 3. That Chapter 151, Vol. 44, Laws of Delaware, 1943, as amended, be, and the same is hereby, further amended by adding a new section thereto to be known as Sec. 12D, as follows:

"Sec. 12D. On and after the passage of this Act, three-fourths of the oyster taxes collected from the removal of oysters from Broadkiln River, above provided for, shall be labelled and used as a trust fund to be used for the purpose of re-stocking the oyster beds of said Broadkiln River. When the said money shall have been spent for oysters as herein provided for a period of five (5) years, thereafter only one-half of that amount shall be spent for re-stocking."

Section 4. That Chapter 151, Vol. 44, Laws of Delaware, 1943, as amended, be, and the same is hereby further amended by adding a new section thereto to be known as Sec. 12F, as follows:

"Sec. 12F. No lease of any oyster bottom can be issued except in Delaware Bay, Indian River Bay, or Rehoboth Bay. No creeks, rivers, canals or waters other than the three bodies of water above named shall be subject to lease by any public body or agency for oyster purposes."

Approved June 15, 1949.

CHAPTER 272

JUSTICES JURISDICTION IN CIVIL CASES FOR DEBT

FEES

AN ACT TO AMEND CHAPTER 121 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "JUSTICES' JURISDICTION IN CIVIL CASES FOR DEBT," WITH REFERENCE TO FEES OF JUSTICES OF THE PEACE, CONSTABLES, SHERIFFS, WITNESSES AND PARTIES.

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

Section 1. That Chapter 121 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 4540. Sec. 51. thereof down to the heading "Constables—Fees of in Kent County," and by substituting and enacting in lieu of the part so stricken out the following:

4540. Sec. 51. JUSTICES OF THE PEACE; CONSTABLES; SHERIFFS; WITNESSES; PARTIES:—The following shall be the legal fees for services in cases before a Justice of the Peace:—

TO A JUSTICE OF THE PEACE:

For issuing a summons, scire facias or attachment (except execution attachments)	\$1.00
One subpoena for witness .....	.50
Other subpoenas for the same party, in same case, each . . .	.25
But more than two shall not be taxed for the same party; if ordered, they shall be at his cost.	
For swearing or affirming witness in a case .....	.25
Appointing, summoning and swearing referees	1.00
(But only one such fee, unless there shall be a new trial, and then not more than two in any case.)	
Entry of bail or surety, including all .....	.50

For postponing a case, to be paid by the party asking for postponement before the same shall be granted .....	.25
Entering judgment .....	.50
Entering judgment on obligation and warrant	1.00
Every affidavit certified and filed .....	.50
Entering rule to take depositions .....	.25
Transcript of docket entries or full copy of records duly certified	1.00
Copying interrogatories per line .....	.15
Every execution .....	.50
Filing and entering the return to an execution .....	.50
Writing advertisements of attachment .....	.50
For a probate .....	.25
For taking a deposition or affidavit .....	.25
For dispensing a marriage license, to be paid by party.....	.50
In proceedings for a penalty, the same fee as in other civil cases; unless the law imposing the penalty provides otherwise.	

In any case, either criminal or civil, that is docketed, heard and judgment rendered thereon, before any Justice of the Peace of this State, such Justice of the Peace shall enter as part of the cost of such case, to be taxed and collected as other costs are taxed and collected, the sum of one dollar and fifty cents to be retained by him.

IN CASES FOR ATTACHMENT FOR RENT

For every affidavit certified and filed	\$.50
For issuing attachment .....	.50
For entering return and filing attachment .....	.50
For making order for sale of goods .....	.50
For summoning and swearing referees .....	.50
For swearing garnishees, taking answer and rendering judgment for each garnishee .....	.50
For rendering judgment on report of referees .....	.50

IN CRIMINAL CASES

For taking and filing affidavit or deposition	\$.50
For issuing warrant of arrest or commitment .....	.50

Taking and certifying any recognizance in any case of a criminal nature (for one or more) .....	.50
Issuing subpoena for witnesses (either side) for the first writ .....	.25
Subsequent writs for either party .....	.25
(Each writ shall include all the witnesses named for same party, before issuing it.)	
Swearing and examining witness (Justice not to charge for more than ten witnesses) .....	.25
Entering judgment in any case of a criminal nature.....	.25

IN BASTARDY CASES

The same fees as for like services in other criminal cases, and additionally,	
For entering orders of indemnity and maintenance, for both \$	.30
Drawing and taking bond of indemnity .....	.50
Deposition of mother .....	.50

FORCIBLE ENTRY AND DETAINER

In proceedings for forcible entry, or detainer, or for holding over, the same fees as for like services in other cases; and additionally, for attendance, during the trial	\$1.50
Drawing up the records .....	.50
Issuing warrants of possession .....	.50
The witness in such proceedings, the jurors, and the sheriff, or officer, for serving subpoena or attachment for contempt, or on execution process, have the same fees as provided in Chapter 156.	

TO A CONSTABLE IN NEW CASTLE COUNTY AND TO THE SHERIFFS OF THE RESPECTIVE COUNTIES

For serving and returning a summons, or a scire facias, on one or more defendants, including all services in a cause before judgment, except mileage and summoning witnesses and referees, when residing in New Castle County, north of the Christiana River and in Kent and Sussex Counties	\$.50
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When residing in New Castle County south of the Christiana River	1.00
Mileage in serving and returning a summons or scire facias at the rate of ten cents for each mile necessarily traveled	
If no service be made, there shall be no fee or allowance of mileage, except in case of a scire facias when judgment shall be rendered thereon.	
Giving notice of an application for, or time of a new trial..	.50
For summoning referees (only one fee to be allowed unless there be a new trial and then only two), when residing in New Castle County north of Christiana River and in Kent and Sussex Counties .....	.50
When residing in New Castle County south of Christiana River	1.00
Mileage in summoning referees the same as in the case of witness.	
For summoning witness, each when residing in New Castle County north of Christiana River and in Kent and Sussex Counties .....	.25
When residing in New Castle County south of Christiana River .....	.50
And ten cents for each mile necessarily traveled, to be counted as if all the witnesses for the same party were named in the same writ and summoned at the same time.	
For summoning garnishees on execution, or other attachment, for each garnishee (and mileage as in the case of witnesses) .....	.50
For posting advertisements of attachment (all) with mileage at the rate of ten cents per mile, going to and returning from the Court House, where one of said advertisements must by law be posted .....	.50
For serving attachment to bring body .....	.50
And mileage as in the case of a summons duly served, but if the attachment is issued through the fault of an officer, he shall pay for this and the justice's fee.	
For taking goods on attachment (other than execution attachment) returning inventory and appraisement, if the goods do not exceed \$15.00 in value .....	.60

If they exceed that sum	1.00
And mileage as in the case of witnesses.	
But if the goods be sold on execution, no fee shall be charged for taking on that execution.	

ON EXECUTIONS

For giving notice to plaintiff on each execution in his hands of date of sale of goods	\$.50
For taking goods in execution .....	.50
Making inventory, appraisement and return .....	.50
Advertising, selling goods	1.00
Collecting on execution, without sale (if the writ shall have been in his hands fifteen days before the money is paid) ..	.80
On all sums collected when the execution exceeds fifty dollars there shall also be allowed five per cent, in addition to the above fees.	
For a return of "No goods" .....	.25
Mileage on execution, the same as in case of summoning witnesses.	
For conveying a person to jail, when residing in New Castle County north of Christiana River and in Kent and Sussex Counties	1.50
When residing in New Castle County south of Christiana River	3.00
And ten cents per mile from the place of arrest to the jail, and back to the justice's office.	
For serving a warrant in a criminal case, or for bastardy, when residing in New Castle County north of Christiana River and in Kent and Sussex Counties .....	.50
When residing in New Castle County south of Christiana River	1.00
Conveying defendant from one County to another, ten cents per mile going and returning.	
Summoning witnesses and conveying a person to jail and for levying execution in a bastardy case, the same fees as for like services on civil process.	

Section 2. That Constables in Kent and Sussex Counties shall be paid mileage at the rate of Ten Cents (\$.10) for each mile necessarily travelled to be counted as if all witnesses or other persons summoned were summoned at the same time.

Approved June 15, 1949.

CHAPTER 273

STATE BOARD OF AGRICULTURE

RELATING TO POULTRY VACCINATORS

AN ACT TO AMEND CHAPTER 21 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE "STATE BOARD OF AGRICULTURE" BY PROHIBITING POULTRY VACCINATORS AND POULTRY VACCINATION PERSONNEL FROM ENTERING POULTRY PREMISES WITHOUT COMPLYING WITH CERTAIN SANITARY PRECAUTIONS, AND EMPOWERING THE "STATE BOARD OF AGRICULTURE" TO ESTABLISH RULES AND REGULATIONS GOVERNING 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 21 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding after 609 Sec. 42. thereof a new section to be known as 609A. Sec. 42A., as follows:

609A. Sec. 42A. SANITARY REQUIREMENTS FOR POULTRY VACCINATION PERSONNEL:—(1) No person or persons engaged in performing vaccination work on poultry shall enter into or upon any poultry yard, poultry house or poultry premises to vaccinate any poultry for the diseases commonly called New Castle, Chicken Pox, or Laryngo-Tracheitis, unless he or they shall wear outer footwear and outer garments and shall use equipment which have been thoroughly cleaned and disinfected as prescribed hereunder before entry is made into or upon any such premises.

The outer footwear shall be overshoes or boots of rubber or other material which can be readily cleaned and disinfected, and the outer garments shall be aprons, coveralls, long coats or bibbed overalls and jackets made of rubber or rubberized material which can be readily cleaned and disinfected, or made of a pervious fabric which can be readily laundered. All outer

footwear and apparel of rubber or water repellent material must be thoroughly cleaned and disinfected with a suitable disinfectant before entry is made into or upon any such poultry premises; and if the apparel is of a pervious fabric, a freshly laundered outer garment must be worn upon entering any such poultry premises.

All equipment used by any such person or persons for catching or confining poultry or in performing any such vaccination work shall be thoroughly cleaned and disinfected with a suitable disinfectant before any such equipment shall be brought into or upon the poultry premises.

After completing any such vaccination work, all outer footwear, outer garments and equipment shall be thoroughly cleaned and disinfected before the same shall be removed from the premises.

(2) The State Board of Agriculture shall be empowered and directed to establish all rules and regulations covering the vaccination of poultry which may be necessary to carry out the purposes of this Act.

(3) Any person convicted of violating any of the provisions of this section or any of the regulations established by the State Board of Agriculture hereunder shall be guilty of a misdemeanor, and for each such offense shall be punished by fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment of not less than Five (5) days nor more than thirty (30) days, or by both fine and imprisonment.

Approved June 15, 1949.

CHAPTER 274

GENERAL ELECTIONS

RELATING TO THE FILING OF SUPPLEMENTAL CERTIFICATE
OF NOMINATION

**AN ACT TO AMEND CHAPTER 60, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, ENTITLED, "GEN-
ERAL ELECTIONS," WITH REFERENCE TO THE FIL-
ING OF A SUPPLEMENTAL CERTIFICATE OF NOM-
INATION.**

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

Section 1. That Chapter 60, Revised Code of Delaware, 1935, as amended, by Chapter 119, Vol. 44, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of the fourth paragraph of 1811. Sec. 2 thereof and by substituting and enacting in lieu of the part so stricken out a new fourth paragraph as follows:

In case of death, resignation or removal of any candidate subsequent to nomination, or upon a change in the name of any candidate for President or Vice-President, a supplemental certificate may be filed by the proper officers of the State, County, District or Hundred Committees.

Approved June 15, 1949.

CHAPTER 275

STATE BOARD OF AGRICULTURE

RELATING TO THE REGULATION AND SALE OF LIVE POULTRY

AN ACT PROVIDING FOR THE REGULATION AND SALE OF LIVE POULTRY IN THE STATE OF DELAWARE BY THE STATE BOARD OF AGRICULTURE; PROVIDING FOR THE LICENSING OF BUYERS IN TWO CLASSES; FORM OF APPLICATION; PROOF OF FINANCIAL RESPONSIBILITY REQUIRED; REVOCATION OF LICENSES; PENALTIES FOR VIOLATION; RIGHT OF APPEAL.

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. Any person, firm or corporation who purchases or attempts to purchase or who negotiates for the purchase of, either as principal, agent or employee, from producers, live poultry, the meat which is intended to be resold and used for human consumption, shall annually apply for a license therefor from the State Board of Agriculture on a form prescribed by the said Board. The fee for such licenses shall be not more than Twenty-Five Dollars (\$25.00). There shall be two forms of licenses: (1) A license to be known as a "cash license," permitting the buyer to engage in the business of buying live poultry from a producer for cash only; (2) A license to be known as a "regular license," permitting the buyer to engage in the business of buying live poultry and paying for same with a personal check. The State Board of Agriculture shall issue cash licenses to all applicants found upon investigation to be familiar with the buying and selling of poultry and having a good reputation for fair dealing, honesty and integrity.

The State Board of Agriculture shall issue no regular license as provided in this Act unless and until, along with the qualifications required for the issuance of a cash license, the applicant has submitted to the Board satisfactory evidence of his financial responsibility. The application for a license shall have attached

CHAPTER 274

GENERAL ELECTIONS

RELATING TO THE FILING OF SUPPLEMENTAL CERTIFICATE
OF NOMINATION

**AN ACT TO AMEND CHAPTER 60, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, ENTITLED, "GEN-
ERAL ELECTIONS," WITH REFERENCE TO THE FIL-
ING OF A SUPPLEMENTAL CERTIFICATE OF NOM-
INATION.**

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

Section 1. That Chapter 60, Revised Code of Delaware, 1935, as amended, by Chapter 119, Vol. 44, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of the fourth paragraph of 1811. Sec. 2 thereof and by substituting and enacting in lieu of the part so stricken out a new fourth paragraph as follows:

In case of death, resignation or removal of any candidate subsequent to nomination, or upon a change in the name of any candidate for President or Vice-President, a supplemental certificate may be filed by the proper officers of the State, County, District or Hundred Committees.

Approved June 15, 1949.

CHAPTER 275

STATE BOARD OF AGRICULTURE

RELATING TO THE REGULATION AND SALE OF LIVE POULTRY

AN ACT PROVIDING FOR THE REGULATION AND SALE OF LIVE POULTRY IN THE STATE OF DELAWARE BY THE STATE BOARD OF AGRICULTURE; PROVIDING FOR THE LICENSING OF BUYERS IN TWO CLASSES; FORM OF APPLICATION; PROOF OF FINANCIAL RESPONSIBILITY REQUIRED; REVOCATION OF LICENSES; PENALTIES FOR VIOLATION; RIGHT OF APPEAL.

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. Any person, firm or corporation who purchases or attempts to purchase or who negotiates for the purchase of, either as principal, agent or employee, from producers, live poultry, the meat which is intended to be resold and used for human consumption, shall annually apply for a license therefor from the State Board of Agriculture on a form prescribed by the said Board. The fee for such licenses shall be not more than Twenty-Five Dollars (\$25.00). There shall be two forms of licenses: (1) A license to be known as a "cash license," permitting the buyer to engage in the business of buying live poultry from a producer for cash only; (2) A license to be known as a "regular license," permitting the buyer to engage in the business of buying live poultry and paying for same with a personal check. The State Board of Agriculture shall issue cash licenses to all applicants found upon investigation to be familiar with the buying and selling of poultry and having a good reputation for fair dealing, honesty and integrity.

The State Board of Agriculture shall issue no regular license as provided in this Act unless and until, along with the qualifications required for the issuance of a cash license, the applicant has submitted to the Board satisfactory evidence of his financial responsibility. The application for a license shall have attached

thereto a financial statement of the applicant, duly sworn to by the applicant, which shall be retained as a part of the records of said Board. Thereafter, should a license be given to the applicant, the State Board of Agriculture shall require a financial statement semi-annually or at more frequent intervals as may be required by the State Board of Agriculture. In the absence of a satisfactory and acceptable financial statement, the applicant may submit to the State Board of Agriculture proof of responsibility, as hereinafter provided.

Section 2. Proof of financial responsibility may be the bond of an approved corporate surety company authorized to do business in this State under the General Laws of this State relating to surety companies. Such bond shall be conditioned for the payment of live poultry purchased in this State, the meat of which is to be used for human consumption, to the owner or owners, person, firm, partnership, or corporation, from whom or which purchased, and shall be in such terms and for such amount, not more than One Hundred Thousand Dollars (\$100,000.00) as the State Board of Agriculture shall determine. Such proof of financial responsibility may also be evidence presented to the State Board of Agriculture of a deposit by an applicant for license or by a licensee with the State Treasurer of a sum of money or collateral, the amount of which shall not be more than One Hundred Thousand Dollars (\$100,000.00), to be determined by and satisfactory to the said State Board of Agriculture. The State Treasurer shall accept any such deposits and issue receipts therefor. Additional evidence of financial responsibility shall be furnished to the Board at any time upon its request.

Section 3. The State Board of Agriculture shall issue to all applicants who are licensed under the provisions of this Act, sufficient pre-numbered bill of sale forms, prepared in such manner as shall be prescribed by the State Board of Agriculture. Every buyer licensed under the provisions of this Act shall give to the seller a copy of the bill of sale, showing the number of chickens purchased, the total number of pounds, the payment price per pound and such other information as may be required by the State Board of Agriculture; a copy thereof shall be mailed to the State Board of Agriculture not later than the day

following the date of purchase; the original or a copy thereof shall accompany said poultry while being transported and shall be subject to inspection by any authorized representative of the State Board of Agriculture or any member of the State, County or Municipal police in this State.

Section 4. Any person, persons, firm or corporation convicted of purchasing poultry without a license shall upon conviction thereof be subject to a fine not exceeding Five Thousand Dollars (\$5,000.00) or imprisonment for a term not exceeding one (1) year, or both said fine and imprisonment at the discretion of the Court. Any person, persons, firm or corporation having a cash license to purchase poultry who shall purchase poultry in this State without paying cash for the same shall upon conviction thereof be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a term not exceeding one (1) year, or both said fine and imprisonment at the discretion of the Court.

Any person, persons, firm or corporation having a regular license to purchase poultry who shall fail to pay for any poultry so purchased within thirty (30) days thereafter shall be subject to a fine not exceeding Five Thousand Dollars (\$5,000.00) or imprisonment for a term not exceeding one (1) year, or both said fine and imprisonment at the discretion of the Court. Any person licensed to purchase poultry in this State who shall fail to deliver a bill of sale therefor or to give copies thereof to the buyer or to the State Board of Agriculture as hereinbefore provided or who shall fail to have the original or copy thereof accompany said live poultry shall upon conviction thereof be subject to a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or both said fine and imprisonment at the discretion of the Court.

Section 5. The State Board of Agriculture may revoke the license of any person, persons, firm or corporation for the violation of any of the provisions of this Act or of any rule or regulation which may be prescribed by said Board. Notice of revocation shall be sent to the licensee by registered mail setting forth the reason for said revocation and fixing the time for a hearing, should one be desired by the licensee. At said hearing,

should the reason set out in said notice be sustained, the Board may continue said revocation indefinitely or for such other period of time as the Board may deem advisable or may make such other order as it may deem equitable. Any person, persons, firm or corporation affected by the ruling of the State Board of Agriculture may take an appeal within ten (10) days from notification of the board's decision to the Court of General Sessions.

The Court of General Sessions for the several Counties is hereby vested with jurisdiction to hear and determine all such appeals and may by proper rules prescribe the procedure to be followed in such appeals. Every such appeal shall be determined by the Court. Costs may be awarded by the Court in its discretion and when so awarded the same shall be collected as other costs are collected.

Section 6. The State Board of Agriculture may make such rules and regulations as it may deem advisable relative to the enforcement of the provisions of this Act.

Section 7. There is hereby appropriated to the State Board of Agriculture for the purpose of carrying out the provisions of this Act the sum of Five Thousand Dollars (\$5,000.00) for the fiscal year beginning on July 1, 1949, and ending on June 30, 1950, and the further sum of Five Thousand Dollars (\$5,000.00) for the fiscal year beginning on July 1, 1950, and ending on June 30, 1951.

Section 8. The appropriation under this Act shall be known as a Supplementary Appropriation and all moneys hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Section 9. All Acts or parts of Acts inconsistent herewith are hereby repealed as to such inconsistency only.

Approved June 15, 1949.

CHAPTER 276

APPROPRIATION

STATE BOARD OF EDUCATION
FOR NANTICOKE INDIAN SCHOOL**AN ACT MAKING AN APPROPRIATION TO THE STATE
BOARD OF EDUCATION TO BE USED FOR IMPROVE-
MENT OF FLOORS, AND EQUIPMENT AND FURNISH-
ING OF SCHOOL ROOMS AT NANTICOKE INDIAN
SCHOOL NEAR MILLSBORO, SUSSEX COUNTY.**

*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 the sum of Five Hundred Dollars (\$500.00) to be used by the said Board for the improvement of floors, and equipment and furnishing of School Rooms at Nanticoke Indian School near Millsboro, Sussex County.

Section 2. The State Board of Education is hereby directed to make the improvements of floors, equipment and furnishing of school rooms as set forth in Section 1 hereof, at an early date, and the State Treasurer is authorized to pay out of the appropriation hereby made such sum or sums as the State Board of Education may direct on warrants signed by the proper officers of said Board.

Section 3. This shall be known as a Supplementary Appropriation Bill and the sum hereby appropriated shall be paid out of the funds of the State Treasury from monies not otherwise appropriated.

Approved June 15, 1949.

CHAPTER 277

STATE HIGHWAY DEPARTMENT

AUTHORIZED TO VACATE PUBLIC ROADS

AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO VACATE PUBLIC ROADS WHICH HAVE BEEN SUPERSEDED BY IMPROVED ROADS OR HIGHWAYS.

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

Section 1. That Chapter 55 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of 1682 Section 38 of said Chapter and by substituting in lieu thereof the following:

1682. Section 38. In all cases where existing public roads in the State of Delaware have been superseded, or their necessity has ceased to exist as a part of the general highway system of the State of Delaware, by improved roads or highways constructed by the State Highway Department, the State Highway Department shall have power to vacate and abandon such public road or such part thereof as said Department may deem proper, and to determine who shall enclose the same. The procedure therefor shall be as follows:

Whenever the necessity for the continuation of an existing public road in the State of Delaware, or a portion thereof, shall cease by reason of the construction of an improved road, as hereinabove stated, the State Highway Department shall by resolution fix a time and place, at which persons interested may be heard with respect to the vacation or abandonment thereof. A copy of said resolution shall be published in a newspaper of the County in which said public road is located in at least two (2) issues thereof, prior to the date fixed for said hearing, and likewise, a copy of said resolution shall be sent by mail addressed to the owners of land touching upon said road, or part or portion thereof, at least ten (10) days before the day fixed for

said hearing. The said copies shall be addressed to the owners at their last known post office addresses, if such can be ascertained by reasonable inquiry, otherwise the publication of said resolution shall be deemed to be sufficient.

Section 2. That Chapter 55 of the Revised Code of Delaware, 1935, be and the same is hereby further amended by striking out and repealing all of 1683 Section 39 of said Chapter and by substituting in lieu thereof the following:

1683. Section 39. The State Highway Department shall on the day and at the time fixed, proceed to hear persons interested, and shall consider any objection to the vacation or abandonment of said road, or part thereof, and shall determine concerning the same. If the said State Highway Department shall determine that no necessity exists for continuing the said public road, or part thereof, they may order the same to be vacated or abandoned and may determine who shall enclose the same. The order of the State Highway Department shall be entered in the road books or records of the County in which the said public road is located, together with a description of the road, or that part thereof, ordered to be vacated or abandoned, and thereupon the said road, or part thereof, shall cease to exist as a public road, and the person or persons entitled to enclose the same may proceed to use and occupy the vacated or abandoned road.

Approved June 15, 1949.

CHAPTER 278

STATE EMPLOYEES

PENSION BENEFITS

AN ACT TO AMEND "AN ACT PROVIDING FOR THE PAYMENT OF PENSION BENEFITS TO CERTAIN STATE EMPLOYEES, FIXING AGES OF RETIREMENT, ESTABLISHING BENEFITS PAYABLE AND THE SOURCE OF PAYMENT THEREOF, PROVIDING FOR APPLICATIONS FOR PENSIONS AND THE PROCEDURE TO BE FOLLOWED WITH RESPECT THERETO, PROVIDING THAT PENSION BENEFITS SHALL BE FREE OF ATTACHMENT AND NON-ASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," BEING CHAPTER 104 OF VOLUME 45, LAWS OF DELAWARE, AS AMENDED, RELATIVE TO, THE MANNER OF DETERMINING PENSION PAYMENTS, AND EXCEPTIONS TO THE PROVISIONS CONCERNING MANDATORY RETIREMENT.

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

Section 1. That Chapter 104, Volume 45, Laws of Delaware, 1945, as amended, be and the same is hereby amended by striking out and repealing the numerals "1947" as they appear in the ninth line of Section 2, thereof and by substituting therefor and enacting in lieu thereof the numerals "1949."

Approved June 15, 1949.

CHAPTER 279

APPROPRIATION

UNIVERSITY OF DELAWARE
FOR ERECTION OF BUILDINGS FOR THE SCHOOL
OF AGRICULTURE

AN ACT APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR THE ERECTION OF BUILDINGS FOR THE SCHOOL OF AGRICULTURE ON THE UNIVERSITY FARM AND PROVIDING FOR A BOND ISSUE FOR THE PAYMENT THEREOF; PROVIDING THAT THE PROCEEDS OF THE SALE OF SAID BONDS SHALL BE DEPOSITED IN A SPECIAL ACCOUNT TO THE CREDIT OF THE UNIVERSITY OF DELAWARE; PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST AND PLEDGING THE FULL FAITH AND CREDIT OF THE STATE OF DELAWARE FOR THE PAYMENT THEREOF.

WHEREAS, there exists a need for increased capacity at the University of Delaware; and

WHEREAS, this need is particularly critical in the School of Agriculture, due to the increased enrollment of students, the demands for more agricultural research, and the requests for expansion of the Agricultural Extension Service; and

WHEREAS, this need has been recognized by farmers and farmer organizations of the State through their requests that provisions be made for meeting the necessity of providing for additional research facilities, an enlarged Agricultural Extension Service program, and improved and enlarged facilities for the training of students in agriculture; and

WHEREAS, the agriculture of the State constitutes a very important and stable segment of the total industry of the State; and

WHEREAS, a large proportion of the population of the State is engaged in farming or in activities closely related to farming; NOW, THEREFORE,

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

Section 1. That there is hereby appropriated to the University of Delaware the sum of One Million Two Hundred and Fifty Thousand Dollars (\$1,250,000.00), to be expended by the Board of Trustees of the University of Delaware for the erection of agricultural buildings on the University Farm located at Newark, Delaware, such buildings to include classrooms, research laboratories and offices for the research, instruction and Extension Staffs.

Section 2. That the money hereby appropriated shall be made available by the State Treasurer on July 1, 1949, to the University of Delaware and shall remain available to the University of Delaware until warrants covering the full amount stipulated in Section 1, have been issued by the proper officials of the University of Delaware.

Section. 3. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the Board of Trustees of the University of Delaware drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of this 115th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 16, 1949.

CHAPTER 280

EDUCATION

PROVIDING THAT THE COLLECTOR APPOINTED BY THE
SCHOOL BOARDS SHALL MAKE MONTHLY REPORTS

AN ACT TO AMEND CHAPTER 71, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO FREE PUBLIC SCHOOLS, BY PROVIDING THAT THE COLLECTOR APPOINTED BY THE SCHOOL BOARDS OF ALL THE DISTRICTS OF THIS STATE SHALL FURNISH MONTHLY REPORTS OF TAXES COLLECTED TO THE STATE TREASURER, AUDITOR OF ACCOUNTS, THE STATE BOARD OF EDUCATION AND THE LOCAL SCHOOL BOARD, GIVING A COMPLETE STATEMENT OF ALL TAXES COLLECTED WITH A BREAK-DOWN AS TO CAPITATION, DEBT SERVICE AND CURRENT EXPENSES AND SUCH OTHER INFORMATION WITH REFERENCE THERETO AS MAY BE REQUIRED BY THE AUDITOR OF ACCOUNTS OR THE STATE BOARD OF EDUCATION.

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

Section 1. That 2745. Sec. 123. of Article 14 of Chapter 71, of the Revised Code of Delaware, 1935, as amended, be further amended, by striking out 2745. Sec. 123. of said Chapter and inserting in lieu thereof a new Section, to be known as 2745. Sec. 123., as follows:

2745. Sec. 123. The Collector appointed by the Board shall on the first day of each month make a report to the Board for which he is collecting taxes, to the State Treasurer, the Auditor of Accounts, and the State Board of Education, on forms to be supplied by the Auditor of Accounts, of all taxes collected in the previous month. Said forms shall show a complete breakdown of taxes collected, such as capitation, debt service and current expenses, and such other information as may be required by either the Auditor of Accounts or the State Board of Educa-

tion. The Auditor of Accounts shall have authority from time to time to change the form of such reports in such manner as he may deem desirable. The Collector shall, at regular intervals, not less than once each calendar month, pay over to the State Treasurer all funds collected by him for said Board.

Approved June 16, 1949.

CHAPTER 281

APPROPRIATION

BETHANY BEACH FIRE COMPANY

AN ACT APPROPRIATING MONEY TO THE BETHANY BEACH FIRE COMPANY, AT BETHANY BEACH.

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. There is hereby appropriated to the Bethany Beach Fire Company, at Bethany Beach, a fire company duly organized and equipped for the fighting of fires, the sum of One Thousand Dollars (\$1,000.00) annually for each of the fiscal years beginning July 1, 1949 and July 1, 1950, to be used for the prevention and extinguishment of fires 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 Bethany Beach Fire Company within three (3) months after the beginning of each of the 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 June 16, 1949.

CHAPTER 282

CONSTITUTIONAL AMENDMENT

RELATING TO NAMES TO BE CONFIRMED BY SENATE

AN ACT PROPOSING AN AMENDMENT TO SECTION 3 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE APPOINTMENT OF MEMBERS OF THE STATE JUDICIARY BY REQUIRING THE GOVERNOR TO ADDRESS A PUBLIC LETTER TO THE PRESIDENT OF THE SENATE STATING THE NAME OF THE PERSON HE INTENDS TO APPOINT AT LEAST TEN DAYS PRIOR TO THE SUBMISSION OF SUCH PERSON'S NAME TO THE SENATE FOR CONFIRMATION.

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 Article IV of the Constitution of the State of Delaware be and the same is hereby amended by adding an additional paragraph to said Section 3 of said Article IV to read as follows:

"Before sending the name of any person to the Senate for confirmation as the appointment of the Governor to a vacancy existing among any of the law judges as aforesaid, the Governor shall, not less than ten (10) days before sending the name of such person to the Senate for confirmation, address a public letter to the President of the Senate informing him that he intends to submit to the Senate for confirmation as an appointment to such vacancy the name of the person he intends to appoint."

Approval not required.

CHAPTER 283

APPROPRIATION

DELAWARE STATE MUSEUM

AN ACT APPROPRIATING THE SUM OF FIFTY THOUSAND DOLLARS TO THE PUBLIC ARCHIVES COMMISSION FOR THE ACQUISITION, BY PURCHASE OR GIFT, OF ADDITIONAL LAND IN THE CITY OF DOVER FOR THE DELAWARE STATE MUSEUM AND THE RESTORATION OF MUSEUM BUILDINGS.

WHEREAS, the achievements of Delaware toward the growth of our Nation, from the time of our first settlement to the present time, should be perpetuated to provide a better understanding of the past and present activities in Delaware; and

WHEREAS, the historic old Presbyterian Church and adjacent Chapel building in Dover has been presented to the State to fill the long recognized need for a State Museum; and

WHEREAS, pursuant to an Act of the previous session of the General Assembly, providing for the creation of a State Museum, numbers of citizens from all parts of the State have manifested their desire for such a State Museum by contributing toward a fund for its establishment; therefore,

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

Section 1. That as soon as possible after the approval of this Act the Delaware State Museum, under the jurisdiction of the Public Archives Commission, is hereby authorized to receive a deed of gift conveying to the State of Delaware full title to the Chapel property adjacent to the Old Presbyterian Church in the City of Dover, situated on the west side of Governor's Avenue between Bank Lane and North Street on U. S. Route 13.

Section 2. That the said Commission is further empowered

to purchase or acquire by gift adjoining lands necessary for the protection of the Delaware State Museum property.

Section 3. That the sum of Fifty Thousand Dollars (\$50,000.00) is hereby appropriated to the Public Archives Commission of the State of Delaware from any moneys in the Treasury of the State of Delaware not otherwise appropriated for the purpose of defraying the expenses of the said Commission in obtaining said land and completing the restoration and renovation of the Old Presbyterian Church and Chapel buildings for use as museum and administration buildings. The State Treasurer is directed to pay the sum hereby appropriated upon warrants signed by the President and Secretary of the said Public Archives Commission.

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

Approved June 16, 1949.

CHAPTER 284

STATE HIGHWAY DEPARTMENT

EMPOWERING GOVERNOR TO FILL VACANCIES

AN ACT TO AMEND CHAPTER 166 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO THE STATE HIGHWAY DEPARTMENT, BY PROVIDING FOR THE APPOINTMENT OF MEMBERS TO FILL ANY VACANCY OCCURRING THEREIN BY THE GOVERNOR.

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, as amended by Chapter 172, Volume 42, Laws of Delaware, 1939, be and the same is hereby further amended by striking out and repealing the second paragraph of 5721. Sec. 2.

Section 2. That Chapter 166, of the Revised Code of Delaware, 1935, as amended by Chapter 173, Volume 42, Laws of Delaware, 1939, be and the same is hereby further amended by striking out and repealing the second paragraph of 5721. Sec. 2 and inserting in lieu thereof a new second paragraph, as follows:

"In case of a vacancy in the Department for any reason, the Governor shall fill said vacancy for the unexpired term."

Approved June 16, 1949.

CHAPTER 285

CREATING SCHOOL BUILDING PROGRAM BOARD AND AUTHORIZING THE STATE OF DELAWARE TO BORROW \$13,711,273.00 AND ISSUE BONDS THEREFOR

AN ACT APPROPRIATING CERTAIN MONEY TO THE STATE BOARD OF EDUCATION FOR USE BY SAID BOARD AND FOR REALLOCATION TO CERTAIN SCHOOL DISTRICTS FOR THE PURCHASE AND CONSTRUCTION OF NEW AND IMPROVED SCHOOL BUILDINGS, AND/OR ADDITIONS OR ALTERATIONS TO PRESENT SCHOOL BUILDINGS; PROVIDING FOR A BOND ISSUE FOR THE PAYMENT THEREOF; PROVIDING THAT THE PROCEEDS OF THE SALE OF SAID BONDS SHALL BE RETAINED BY THE AUDITOR OF ACCOUNTS IN SEPARATE FUNDS; AND PROVIDING FOR THE CREATION OF A SCHOOL BUILDING PROGRAM BOARD, ITS POWERS AND DUTIES.

WHEREAS, there is an immediate and pressing need for certain construction for public school purposes in certain School Districts within the State of Delaware; and

WHEREAS, certain School Districts of the State of Delaware hereinafter mentioned have funds available for school construction purposes presently available by reason of state appropriation and from the proceeds of local school bond issues; and

WHEREAS, certain other School Districts hereinafter mentioned will provide funds for school construction purposes from local sources; and

WHEREAS, due to the present high costs of construction, funds on hand for school construction purposes are not sufficient in many cases to pay for the cost of construction of required new school construction; but

WHEREAS, a survey has been made of the entire public school system of the State of Delaware, which, inter alia, recommends the consolidation of many existing school districts; and

WHEREAS, a program of consolidation of such districts may alter the building requirements of certain school districts; and

WHEREAS, under existing conditions, it may or may not be desirable to continue existing construction programs in the several school districts; NOW, THEREFORE,

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

Section 1. Whenever or wherever used in this Act, unless a different meaning is indicated or required:

(a) The term "school construction" means the purchase or construction of new buildings used for school purposes within any school district, and/or the addition or alteration of any present school building, grounds and equipment within any school district.

(b) The term "total cost" means the maximum sum or sums of money which may be spent for school construction, provided nothing contained in this Act shall prevent any school district from increasing said total cost by providing a larger amount from local sources than that stated as that district's local share.

(c) The term "state share" means the maximum sum of money which may be paid from state sources to any school district for school construction as provided in this act.

(d) The term "local share" means the sum of money specified to render permissible the use of the state share for school construction within the particular school district.

(e) The term "school district" means the Boards of School Trustees of the several school districts, the Boards of Education of the several Special School Districts, and the Board of Public Education in the City of Wilmington.

(f) The term "School Building Program Board" means the Board, the membership of which is provided for in Section 13 of this Act.

Section 2. That there is hereby appropriated to the State Board of Education the sum of Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three (\$13,711,273.00) Dollars, or so much thereof as shall be required, to carry out the purposes of this Act.

Section 3. 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, subject to the provisions contained in this Act, to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three Dollars (\$13,711,273.00), or so much thereof as shall be necessary to be used to carry out the provisions of this Act, and to issue bonds of the State of Delaware in a total sum not in excess of Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three Dollars (\$13,711,273.00). The said bonds may be issued at one time or from time to time, and in such series and amounts as the issuing officers shall determine to be required, subject to the provisions contained in this Act.

Section 4. 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 5. 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 of Delaware impressed thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting. Attached interest coupons shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears on the coupons shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds.

Section 6. That the said bonds shall recite that they are issued for the purposes set forth in 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 7. 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 8. That the said bonds shall bear interest payable semi-annually at a rate of interest not exceeding four per centum (4%) per annum.

Section 9. That the said bonds shall mature as the "issuing officers" may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within twenty (20) years from the date of issue thereof.

Section 10. That all money received from the sale of the said bonds, or any series thereof, authorized under the provisions of this Act, shall be deposited by the State Treasurer in the Farmer's Bank of the State of Delaware, at Dover, and shall be used exclusively for the purposes set forth in this Act, and according to the allocation set forth in this Act, and according to the allocation set forth in Section 12 of this Act, or so much of said allocation as shall have been determined necessary to be used to carry out the purposes of this Act, and for the purpose of paying the costs and expenses incident to the issuance of said bonds.

Section 11. That the Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and

Sixteenth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of maturity principal and interest of said bonds issued by virtue of this Act and such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellations of the said bonds and the payment of the interest thereon.

Section 12. That the total maximum amount herein appropriated, the sum of Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three Dollars (\$13,711,273.00), or so much thereof as shall be necessary to carry out the provisions of this Act, shall be allocated and/or reallocated to the following named school districts according to the following tabulation of maximum totals and shares; and/or in the proportions represented by said maximum totals and shares:

Name of District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Alexis I. duPont.....	\$ 1,000,000	\$ 835,000	\$ 165,000
Caesar Rodney	495,000	363,825	131,175
Claymont	400,000	240,000	160,000
Dover—White Schools....	216,000	129,600	86,400
Colored Schools	90,000	90,000	—
Georgetown	315,000	75,600	239,400
Harrington	637,000	242,060	394,940
Laurel	350,000	244,000	106,000
Lewes	550,000	343,750	206,250
Milford	759,000	409,860	349,140
Mt. Pleasant	550,000	330,000	220,000
New Castle	1,240,000	1,000,000	240,000
Newark	197,412	118,447	78,965
Rehoboth	550,000	541,750	8,250
Seaford—White Schools ..	423,956	254,374	169,582
Colored Schools	332,920	332,920	—
Smyrna	320,000	120,000	200,000
Arden No. 3	19,000	19,000	—
Alfred I. duPont No. 7....	337,000	264,545	72,455
Richardson Park No. 20...	500,000	312,500	187,500
Newport No. 21.....	427,000	313,845	113,155
Hockessin No. 29.....	62,000	23,560	38,440

Name of District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Stanton No. 38	210,000	79,800	130,200
Christiana No. 44	62,000	18,600	43,400
Rose Hill—Minquadale			
No. 47	390,000	198,000	192,000
C. MacDonough No. 53....	55,000	33,000	22,000
Middletown No. 60.....	250,000	160,000	90,000
Negro High School for			
New Castle County	850,000	850,000	—
Middletown No. 120-C	500,000	500,000	—
Marshallton No. 77	88,000	52,800	35,200
Townsend No. 81	120,000	45,600	74,400
Yorklyn No. 91	62,000	28,520	33,480
Oak Grove No. 130	94,000	56,400	37,600
Conrad No. 131	200,000	200,000	—
Newport No. 106-C	135,000	135,000	—
Millside No. 132-C	75,000	75,000	—
Felton No. 54	52,630	12,630	40,000
Little Creek No. 85	25,000	22,000	3,000
Hartly No. 96	37,000	22,200	14,800
Clayton No. 119	34,000	20,400	13,600
Millsboro No. 23	300,000	102,000	198,000
Selbyville No. 32	65,000	12,675	52,325
Bridgeville No. 90	190,000	45,600	144,400
Greenwood No. 91	20,000	2,000	18,000
Ellendale No. 125	35,000	16,100	18,900
Blades No. 172	180,000	160,000	20,000
Millsboro No. 204-C	55,000	55,000	—
Selbyville No. 210-C	15,000	15,000	—
Frankford No. 206-C	74,000	74,000	—
Sussex Cty. Comprehensive			
High School for Negroes.	100,000	100,000	—
Kent Cty. Comprehensive			
High School for Negroes	650,000	650,000	—
Bridgeville No. 220-C	40,000	40,000	—
Wilmington			
White Schools	1,715,000	514,500	1,200,500
Colored Schools	2,785,000	2,785,000	—
Gumboro	67,625	24,812	42,813
Total State Program	\$19,302,543	\$13,711,273	\$5,591,270

That the state share, or so much thereof as shall have been reallocated as hereinafter provided in this Act, shall be made available only on the condition that the local share, or so much thereof as shall have been reallocated as hereinafter provided in this Act, be deposited with the State Treasurer on or before June 30, 1951.

That any school district entitled under the provisions of this Act to participate in the allocation of a state share, is hereby authorized to issue bonds in the amount of the local share, or so much thereof as shall have been reallocated as hereinafter provided in this Act, provided such bonds are authorized by a referendum vote according to the provisions of Chapter 71 of the revised code of Delaware, 1935, as amended; Provided, however, that the amount of the local share to be raised by the Board of Public Education in Wilmington may be obtained by issuing bonds in the manner prescribed in Chapter 163, Volume 32, Laws of Delaware.

Section 13. That the Governor of the State of Delaware, the Secretary of State of the State of Delaware, and the President of the State Board of Education, shall be and constitute the School Building Program Board.

Section 14. That the said School Building Program Board is hereby authorized and directed to consider the plans, costs, and specifications of any school construction program proposed or pending in the several school districts mentioned in this Act, with full power to alter, amend, reduce, lessen or disapprove any such school construction program, provided that nothing herein shall be construed to give said School Building Program Board the authority to expand or change any school construction program so as to increase the total state share of such program beyond the maximum limit set forth in Section 12 of this Act.

Section 15. That the said School Building Program Board shall determine the present necessity for any school construction program in the said several school districts and, in so doing, shall take into consideration the number of pupils, actual or potential, in the school district, the feasibility and possibility of the consolidation of school districts, the present and future possibility of overcrowding of school facilities within the school

district, the condition and quality of existing school facilities within the district, and all other matters and conditions pertinent to the determination of the present necessity of the school construction program, including the reasonable future development or retardation of the school district. In making a determination of necessity, the said School Building Program Board shall do so on a basis calculated to maintain the desired standard of education within the school district. In making such determination of necessity, the School Building Program Board shall have the authority to make a determination of necessity of a school construction program for the several school districts which will have a lesser total cost than the maximum total cost for such school district than that set forth in Section 12 of this Act. Whenever a determination of necessity of a school construction program is made in an amount less than the total maximum cost for such school district as set forth in Section 12 of this Act, the state share and local share shall be reduced in the proportion they bear to the total maximum cost set forth in said section.

For the purposes of this Act, the provisions of Section 7 of Chapter 79, Volume 43, Laws of Delaware, 1941, and especially the "Basic Table" therein set forth for the determination of state and local shares for any school building program, are hereby repealed.

Section 16. That whenever the School Building Program Board shall make a determination of necessity for a school construction program within a school district, it shall certify that fact to the State Treasurer, together with the amount of the total cost, the state share, and the local share. Upon the receipt of such a certification by the State Treasurer, the said school construction program shall be deemed to be authorized and the provisions of this Act for the issuance of state and local bonds to provide the funds for school construction programs shall be in full force and effect with respect to such school construction program, and the issuing officers shall proceed to issue bonds to provide the funds for the State share thereof.

Section 17. That, in the event two or more existing school districts shall consolidate themselves or be consolidated into one school district, the maximum total cost, the maximum state share, and the maximum local share of a school construction

program for such consolidated district shall be the totals of said amounts appearing in Section 12 of this Act for the school districts so consolidating.

Section 18. That moneys paid to the State Treasurer from the sale of state bonds, as authorized by this Act, as the state share of the school construction program of a particular school district, and the moneys paid to the State Treasurer by said school district as the local share of said school construction program, shall be deposited by the State Treasurer in the Farmer's Bank of the State of Delaware and shall be retained by the Auditor of Accounts in a separate fund for each district and shall be devoted to the cost of the school construction program of such district.

Section 19. That moneys hereby appropriated and retained in separate funds as provided herein for use in defraying the cost of any school construction program, shall not revert to the State Treasury at the end of any fiscal year, but shall remain available for the purpose stated herein until the school construction has been completed.

Section 20. For the purpose of proposing plans for a school construction program in any school district, and for the purposes of the creation, powers and duties of a School Building Commission for the school construction program in any school district, the provisions of Chapter 206, Volume 36, Laws of Delaware, 1929, shall have full force and effect, insofar as its provisions are not in conflict with this Act, provided that any conflict which may arise shall be submitted to and resolved by the decision of the Governor; and provided further that membership upon any school building commission which is provided for by election in 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 21. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved June 16, 1949

CHAPTER 286

PERMANENT BUDGET COMMISSION

AN ACT TO AMEND CHAPTER 204 OF VOLUME 42, LAWS OF DELAWARE, 1939, RELATING TO THE PERMANENT BUDGET COMMISSION, BY AUTHORIZING AND DIRECTING THE SAID COMMISSION TO DESIGN AND INSTALL ADEQUATE ACCOUNTING PROCEDURES IN ANY AGENCY OF THIS STATE.

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

Section 1. That Section 4 of Chapter 204 of Volume 42, Laws of Delaware, 1939, be and the same is hereby amended by adding after paragraph (b) of said Section the following paragraph, to be known as paragraph (c):

(c) And to design and install in any agency of this State such accounting records and procedures as shall be adequate for the control of the fiscal affairs of this State, and to require any agency of this State to follow and comply with the accounting procedures so designed.

Approved June 16, 1949.

CHAPTER 287

APPROPRIATION

STATE PARK COMMISSION

AN ACT TO AMEND ARTICLE 3, CHAPTER 166, REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO PUBLIC LANDS OF THE STATE OF DELAWARE AND THE SUPERVISION AND CONTROL THEREOF.

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

Section 1. That Article 3 of Chapter 166 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding thereto after 5746. Sec. 27. of said Article a new section, to be known as 5746A. Sec. 27A., as follows:

5746A. Sec. 27A. Nothing contained in this Article shall be construed or deemed to prohibit or limit in any way the power and authority granted unto the State Park Commission of Delaware to develop, establish and maintain State Parks on the public lands of the State of Delaware in Sussex County bordering on the Atlantic Ocean as such power and authority is set forth in Chapter 259 of Volume 41, Laws of Delaware, 1937.

Anything contained in this Article to the contrary notwithstanding the State Highway Department shall not convey, lease or extend or renew any lease of lands upon which the State Park Commission shall have established a State Park in accordance herewith except with the approval of the said State Park Commission.

Section 2. There is hereby appropriated to the State Park Commission of Delaware for the purpose of supervising, repairing and controlling damage to the beach by erosion or otherwise the sum of Ten Thousand Dollars (\$10,000.00).

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.

Approved June 16, 1949.

CHAPTER 288

TRANSFER OF FUNDS

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO TRANSFER ALL MONIES AND INVESTMENTS IN THE SINKING FUND OF THIS STATE TO THE GENERAL FUND OF THE STATE OF DELAWARE.

WHEREAS, the Sinking Fund Commissioner has over a period of years accumulated a substantial surplus represented by cash and investments in its Sinking Fund; and

WHEREAS, the said Sinking Fund is an inactive account in as much as all bonds to be retired from said Fund have been retired; 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 of the State of Delaware be and he is hereby authorized and directed to transfer all monies and investments in the Sinking Fund, established by 411. Sec. 14., Revised Code of Delaware, 1935, to the General Fund of the State of Delaware.

Approved June 16, 1949.

CHAPTER 289

DELAWARE COMMISSION OF SHELL FISHERIES

RELATING TO EXPENSES OF COMMISSION

AN ACT TO AMEND CHAPTER 151, VOLUME 44, LAWS OF DELAWARE, PROVIDING FOR A DELAWARE COMMISSION OF SHELL FISHERIES, RELATING TO PAYMENT OF EXPENSES OF THE COMMISSION.

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

Section 1. That Sections 8 and 9 of Chapter 151, Volume 44, Laws of Delaware, 1943, be amended by striking out and repealing all of Sections 8 and 9 thereof as the same appear on Page 483 of Volume 44, Laws of Delaware, 1943.

Section 2. This Act shall take effect upon the first day of July, A. D. 1949.

Approved June 16, 1949.

CHAPTER 290

AUTHORIZING THE STATE OF DELAWARE TO BORROW
\$4,169,900.84 AND TO ISSUE BONDS THEREFOR

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO
BORROW A CERTAIN SUM OF MONEY FOR SUNDRY
CAPITAL IMPROVEMENTS AND EXPENDITURES IN
THE NATURE OF CAPITAL INVESTMENTS AND TO
ISSUE BONDS THEREFOR.**

WHEREAS several agencies of the State of Delaware must expend large sums of money for the erection and construction of new buildings, for repairs and alterations to existing buildings, and for the equipment and furnishing of new and existing buildings, as well as for the purchase of machinery, and for other purposes; and

WHEREAS said expenditures will be in the nature of capital improvements or investments; and

WHEREAS a single issue of State bonds may be administered more efficiently and conveniently than several separate and smaller bond issues; NOW, THEREFORE

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

Section 1. The Governor, the State Treasurer and the Secretary of State of the State of Delaware, hereinafter 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 Four Million One Hundred Sixty-Nine Thousand Nine Hundred Dollars and Eighty-Four Cents (\$4,169,900.84) in order to provide funds in the amounts specified for the following purposes, or so much as shall be appropriated by the 115th General Assembly of the State of Delaware for such purposes:

(a) To be expended by the Board of Trustees of the University of Delaware for the erection of

agricultural buildings on the University Farm located at Newark, Delaware, such buildings to include classrooms, research laboratories and offices for the research, instruction and extension Staffs. . \$1,250,000.00

(b) To be expended by the Delaware Commission for the Feeble Minded for the erection, construction and equipment of certain buildings needed at the State Institution for the Feeble Minded at Delaware Colony 144,000.00

(c) To be expended by Delaware State College for the erection, construction and equipment of certain buildings needed at said Delaware State College located near Dover, Delaware 500,000.00

(d) To be reallocated by the State Board of Education to Lord Baltimore School District #28 for the purposes set forth in Chapter 171, Volume 46, Laws of Delaware, 1947 168,000.00

(e) To be expended by the State Soil Conservation Commission for the purchase of heavy earth moving machinery and equipment needed in the soil conservation work of the State 100,000.00

(f) To be expended by the Building and Grounds Commission for repair, alteration, furnishing and equipping of State Buildings in the State Capitol Group and for landscaping and planting State lands at Dover 100,000.00

(g) To be expended by the State Park Commission for the purpose of creating State Parks, and for the construction of buildings thereon and improvements thereof, in Sussex County, Delaware, bordering on the Atlantic Ocean 500,000.00

(h) To be expended by the Ferris School for Boys for the erection of a dormitory cottage and a building for vocational training 250,000.00

(i) To be expended by the State Board of Education, the Special School Districts of the State and the City of Wilmington for delayed and essential repairs to school buildings	1,074,900.84
(j) To be expended by the State Board of Health for the construction of housing facilities for employees at Brandywine Sanitarium	48,000.00
(k) To be expended by the State Old Age Welfare Commission for furnishing a building recently erected at the State Welfare Home	35,000.00
	<hr/> \$4,169,900.84

The said "Issuing Officers" are hereby authorized, fully empowered and directed to sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the said sum of Four Million, One Hundred and Sixty-Nine Thousand Nine Hundred Dollars and Eighty-Four Cents (\$4,169,900.84). The said bonds shall be issued in such series and amounts as the "Issuing Officers" shall determine.

Section 2. The said bonds issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds hereby authorized to be issued and the coupons there-to attached, and the said bonds shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 3. The said bonds shall recite that they are issued for the purposes set forth in Section 1 of this Act, that they are issued in pursuance of this Act and the Constitution of this State, and upon the sale and delivery of any such bond, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds and the legality and validity of such bonds and of the principal debt and interest represented

thereby, and the legality and validity of such bonds thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bond or bonds.

Section 4. The bonds issued under the authority of this Act shall be in denominations of One Thousand Dollars (\$1,000.00), or multiple thereof, as shall be decided by the "Issuing Officers," or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such dates as the "Issuing Officers" shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the "Issuing Officers," which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

The said bonds shall mature as the "Issuing Officers" may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within twenty (20) years from the date of issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer and shall have the impression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer which may be engraved, printed or written on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 5. For the purpose of designation and identification any bond issued under the authority of this Act shall be known and styled "Capital Improvement Bond of 1949."

Section 6. The said bonds shall be in the following form, to-wit:

UNITED STATES OF AMERICA

STATE OF DELAWARE

No. Capital Improvement Bond of 1949.

THESE PRESENTS CERTIFY AND MAKE KNOWN THAT the STATE OF DELAWARE is held and firmly bound unto the bearer in the sum of Dollars (\$), lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the day of, A. D. 19, with interest at the rate of per centum (%), per annum, likewise payable at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the day of and of each and every year, while the said principal sum remains unpaid, upon the presentation of the coupons hereto annexed representing such semi-annual installments of interest.

This bond is one of the bonds authorized to be issued by an Act of the 115th Session of the General Assembly of the State of Delaware entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR," and is issued for the purpose set forth in Section 1 of said Act and in pursuance of said Act and the Constitution of the State of Delaware.

Dated at Dover, Delaware day of,
A. D. 19

WITNESS the Great Seal of the State of Delaware and the Hands of the Governor, Secretary of State and State Treasurer the day and year aforesaid.

.....
Governor

.....
Secretary of State

.....
State Treasurer

And the coupons shall be in the following form, to-wit:

No.

The State of Delaware will pay to the bearer at the Farmers Bank of the State of Delaware, at Dover, Delaware, on the first day of, A. D. 19, the sum of Dollars (\$) for six months' interest on Bond No. Capital Improvement Bond of 1949.

Dated, 19

.....
State Treasurer

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following:

"This bond paid and redeemed this day of, A. D. 19

.....
State Treasurer"

As the said coupons are paid, it shall be the duty of the

State Treasurer to mark the same in red ink across the face "Paid." All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this Act is unpaid and not redeemed.

Section 7. Whenever the bonds authorized by this Act may be issued in conformity with the provisions of this Act, the "Issuing Officers" are hereby directed to advertise twice a week for four successive weeks in such newspapers and journals in and out of the State as in their judgment may be conducive to the sale of said bonds, that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the "Issuing Officers," and the accrued interest between the date of the bonds and the time of sale and delivery of and payment of said bonds shall be adjusted with the purchaser thereof under such regulations as may be made in the discretion of the "Issuing Officers," provided that any overdue coupons attached to the bonds shall, before the sale of said bonds, be detached and cancelled in accordance with the provisions of this Act, and upon the day mentioned in said advertisement as the day for opening bids for said bonds, the "Issuing Officers," or the majority of them, shall receive such bids for the purchase of the bonds designated in said advertisement to be sold, and on the opening of said bids, as many of said bonds as shall have been bid for shall be awarded by the said "Issuing Officers" to the highest responsible bidder or bidders therefor, for cash, provided, the amount bid is adequate in the judgment of the "Issuing Officers," or the majority of them, and is not less than par. If two or more bidders have made the same bid and such bid is the highest, and the bonds so bid for by the highest responsible bidders are in excess of or equal to the whole amount of the bonds so offered for sale, such bonds shall be awarded to such highest responsible bidders bidding the same price in a ratable proportion. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the "Issuing Officers" at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 8. All moneys received from the sale of any or all of said bonds shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware, at Dover, and shall be used exclusively for the purposes set forth in this Act, and for no other purpose whatsoever.

Section 9. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 116th Session and at each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved June 16, 1949.

CHAPTER 291

APPROPRIATION

LAYTON HOME FOR AGED COLORED PERSONS

AN ACT MAKING AN APPROPRIATION TO THE LAYTON HOME FOR AGED COLORED PERSONS TO SUPPLEMENT THE STATE APPROPRIATION MADE TO SAID HOME FOR THE FISCAL YEAR ENDING JUNE 30, 1949.

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 thereof concurring therein):

Section 1. That there is hereby appropriated to the Layton Home for Aged Colored Persons the sum of Three Hundred Dollars (\$300.00) to supplement the State appropriations made to said Home for the fiscal year ending June 30, 1949.

Section 2. The money hereby appropriated shall be available to the Layton Home for Aged Colored Persons, and shall be paid out by the State Treasurer upon proper vouchers submitted by the Board of Trustees of said Home during the remainder of the fiscal year ending on the thirtieth day of June, A. D. 1949. Any part of the aforesaid sum of three hundred dollars (\$300.00) remaining unexpended on the first day of July, A. D. 1949 shall revert to the General Fund in the Treasury of the State of Delaware.

Section 3. This Bill shall be known as a supplementary and a deficiency appropriation act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 16, 1949.

CHAPTER 292

APPROPRIATION

DELAWARE COMMISSION FOR THE FEEBLE MINDED

AN ACT MAKING AN APPROPRIATION TO DELAWARE COMMISSION FOR THE FEEBLE MINDED TO PROVIDE FOR THE ERECTION AND EQUIPMENT OF CERTAIN BUILDINGS IN CONNECTION WITH THE STATE INSTITUTION FOR FEEBLE MINDED AT DELAWARE COLONY.

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

Section 1. That the sum of \$144,000.00, or so much thereof as may be necessary, is hereby appropriated to Delaware Commission for the Feeble Minded for the erection, construction and equipment of certain buildings needed at the State Institution for the Feeble Minded at Delaware Colony.

Section 2. The money hereby appropriated shall be expended for the erection, construction and equipment of the following named buildings:

(1) Abbatoir and Pasteurizing Plant	\$18,000.00
(2) Hay Barn	\$16,000.00
(3) Machinery Shed	\$10,000.00
(4) General Machine Shop	\$15,000.00
(5) Personnel Unit, 8 to 10 rooms and 4 apartments	\$60,000.00
(6) Furnishing and equipment for the above buildings	\$25,000.00

The money hereby appropriated shall be paid from time to time by warrants signed by the Chairman of the Delaware Commission for the Feeble Minded, and approved by the Auditor of Accounts.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be

paid by the State Treasurer, upon warrants of the Delaware Commission for the Feeble Minded drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of this 115th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 16, 1949.

CHAPTER 293

NEW CASTLE SPECIAL SCHOOL DISTRICT

ELECTION OF BOARD OF EDUCATION

AN ACT PROVIDING FOR THE ELECTION OF THE BOARD OF EDUCATION OF NEW CASTLE SPECIAL SCHOOL DISTRICT IN NEW CASTLE COUNTY.

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

Section 1. That Chapter 71 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by repealing (but only so far as the same shall apply to the Special School District known as New Castle Special School District in New Castle County) 2655 Section 33 thereof.

Section 2. That Chapter 71 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding after 2655 Section 33 thereof the following New Section to be known as 2655C Section 33C:

2655C Section 33C. The general administration and supervision of the free public schools and educational interests of the Special School District known as New Castle Special School District, in New Castle County, shall be vested in a Board of Education which shall be composed of four members, who shall be citizens of the State of Delaware and residents of the New Castle Special School District and shall be elected by the qualified voters of said Special School District at the annual election which shall be held on the second Saturday in June, 1949, between the hours of one and eight o'clock in the afternoon, and thereafter on the second Saturday in May between the hours aforesaid. The present Board of Education of said New Castle Special School District shall, by this Act, be appointed to serve and shall act as the Board of Education of said New Castle Special School District from and after the passage hereof until their successors are duly elected and qualified; and that at the annual election held on the second Saturday in June, 1949, after the passage of

this Act, four members of the Board of Education of said New Castle Special School District shall be elected, one of whom shall be elected for one year, one for two years, one for three years and one for four years from the first day of July next succeeding their election; and the person receiving the highest number of votes shall be elected for the term of four years, the person receiving the next highest number of votes for the term of three years, the person receiving the third highest number of votes, for a period of two years, and the person receiving the fourth highest number of votes for a term of one year. At each annual election thereafter the successor of a member of the Board of Education in said District whose term has expired or is about to expire shall be elected by the qualified voters of said New Castle Special School District for a term of four years from the first day of July next succeeding his election and until his successor qualifies.

In the event that there are not any nominations filed for members of the Board of Education in said District as herein-after provided, and an election of a Board of Education is not held in said Special School District on the second Saturday in June, 1949, after the passage of this Act, the present Board of Education at the New Castle Special School District shall, by this Act, be appointed to serve and shall act as the Board of Education for the following terms: the member of the Board of Education whose present term expires on the first day of July, 1949 shall serve for a term of four years; the member whose term expires on the first day of July, 1950 for a term of three years; the member whose term expires on the first day of July, 1951 for a term of two years; the member whose term expires on the first day of July, 1952, for a term of one year, and at each annual election thereafter the successor of every member of the Board of Education in said District shall be elected as hereinbefore provided.

The Annual School Election of said New Castle Special School District shall be conducted by the members of the Board of Education of said District. The President of the Board of Education of said District shall preside at the election and two other members of the said Board of Education shall be judges of the election; provided, that if, for any reason, one or more

members of the Board of Education should be unable to serve as election officers, the said Board of Education shall designate another person or persons to sit in such capacity. And provided, further, that should the Board of Education fail or neglect to provide election officers at such election, the voters present, when the polls open, shall designate and appoint election officers to conduct the election in said District. The said election shall be held at the principal school house or building in said District.

At least twenty days before an election as hereinbefore fixed, the Clerk of the Peace of New Castle County shall cause to be published in at least two newspapers published within his County notice of said New Castle Special School District election, stating the offices to be filled, the date when nominations shall be filed and the date and place of said election. The Clerk of the Peace of New Castle County shall also cause like notices to be posted in ten public places of said School District.

At least ten days before the day of election as hereinbefore fixed, nominations shall be filed with the Clerk of the Peace in New Castle County. The said nominations shall be in writing signed by at least fifteen citizens and residents of the said Special School District. The school election shall be by ballot and the Clerk of the Peace shall cause to be printed ballots which shall contain the names of all persons nominated, which shall be entered alphabetically and without party designation. The said Clerk of the Peace of New Castle County shall deliver or cause to be delivered such ballots to the persons appointed or selected to hold the election on or before opening of the polls, and every qualified voter calling for a ballot shall receive one from the persons holding the election.

Every person desiring to vote at said election shall have all the qualifications as provided for by Article 17 of this Chapter. The voter 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. 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. In case of a tie, the persons holding the election shall, by a majority vote, decide which of the candidates so tied shall be elected.

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 voting, the names of the persons chosen, shall subscribe the same, and shall give to the person elected a Certificate of Election, which book containing such minutes shall be preserved by the Board of Education and it shall be evidence in any Court of Law or Equity. 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. The ballots and other needed election supplies including costs of publication and notices shall be provided by the Clerk of the Peace of New Castle County and paid for by the Levy Court.

A vacancy on a Board of Education for any cause shall be filled by the remaining members of the Board of Education to serve until the next annual school election at which time a member of the Board shall be duly elected to fill the unexpired term thereof. Any member ceasing to be a resident of said New Castle Special School District, his office shall thereupon become vacant.

Section 3. If any word, clause, sentence, paragraph, section or part of this Act shall, for any reason, be adjudged by any Court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the word, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved June 16, 1949.

CHAPTER 294

APPROPRIATION

DISTRICT LIBRARY COMMISSIONS OF DELAWARE

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, 1949, and ending June 30, 1950, and beginning July 1, 1950, and ending June 30, 1951, the sum of Six Thousand Three Hundred Fifty Dollars (\$6,350.00) 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,	
	1950	1951
District Library Commission		
Bridgeville Free Library	\$ 150.00	\$ 150.00
Claymont Free Library	500.00	500.00
Delmar Free Library	200.00	200.00
Dover Free Library	500.00	500.00
Frankford Free Library	150.00	150.00
Georgetown Free Library	300.00	300.00
Harrington Free Library	150.00	150.00
Laurel Free Library	250.00	250.00
Lewes Free Library	200.00	200.00
Middletown Free Library	500.00	500.00
Milford Free Library	500.00	500.00
Milton Free Library	300.00	300.00
New Castle Free Library	500.00	500.00
Newark Free Library	500.00	500.00
Odessa Free Library	300.00	300.00
Rehoboth Free Library	200.00	200.00

	Year Ending June 30,	
	1950	1951
Seaford Free Library	500.00	500.00
Selbyville Free Library	150.00	150.00
Smyrna Free Library	500.00	500.00
Total District Library Commissions	<u>\$6,350.00</u>	<u>\$6,350.00</u>

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 June 16, 1949.

CHAPTER 295

FISH, OYSTERS AND GAME

REGARDING RESTRICTED EXPERIMENTAL, PROPAGATING AND
SHOOTING PRESERVES

AN ACT TO AMEND CHAPTER 74, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "FISH, OYSTERS AND GAME," REGARDING RESTRICTED EXPERIMENTAL, PROPAGATING AND SHOOTING PRESERVES, IN NEW CASTLE COUNTY, AND THE AUTHORITY OF THE BOARD WITH RESPECT THERETO.

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, as amended, be and the same is hereby further amended by adding after 2811. Sec. 10 thereof a new Code Section to be designated 2811A, Sec. 10A, as follows:

2811A, Sec. 10A. BOARD MAY ISSUE PERMITS TO AND REGULATIONS FOR RESTRICTED EXPERIMENTAL, PROPAGATING AND SHOOTING PRESERVES:—The said Board upon payment to it of a fee of Twenty-Five Dollars (\$25.00) may issue annual permits, good for one calendar year, renewable annually upon the discretion of the Board for a like period upon payment of a like fee, to persons, clubs or associations, authorizing the holders thereof to carry on, in collaboration with and pursuant to regulations hereby authorized to be issued by the said Board in furtherance of the purposes of this Act, experimental propagating, holding, raising, releasing and shooting of rabbits and game birds, such as but not limited to pheasant, grouse, quail and partridge, hereinafter sometimes referred to individually or collectively as game.

Such permits shall, however, be issued only when the applicant has produced evidence satisfactory to the Board that the proposed restricted experimental game preserve will not conflict

with any reasonable prior public interest and will, in the opinion of the Board, result in a general improvement in the quantity and quality of game in other areas of the State outside of the said restricted area, due to the travel and movement of game caused by the heavy stocking of the restricted area. In addition, in order to be eligible for such permits, the proposed restricted area must contain contiguous lands under the same ownership, lease or management, aggregating not less than five hundred (500) acres, and no permit shall be granted for reservations containing an aggregate of more than one thousand (1,000) acres, nor shall more than five thousand (5,000) acres in New Castle County only of the State of Delaware be covered by such permits at any one time. Moreover, the applicant must produce evidence satisfactory to the Board that there now exists, or that the applicant will forthwith supply, sufficient cover and feed upon the property embraced by the application to adequately support game in numbers which, in the opinion of the said Board, will be beneficial generally to other areas of the State outside of the reservation. No part of this Act shall apply in any manner to Kent County or to Sussex County.

For the purpose of stimulating an increase in the quantity of game released upon such reservations, such permittee, his or its invitees or guests, when properly licensed to hunt in accordance with the laws of this State, shall be authorized to liberate upon the said reservation game which has been propagated, raised and held upon the premises, or which has been purchased by the permittee and taken upon the said premises pursuant to such permit and may kill, without regard to sex, from such liberated game not in excess of two-thirds ($2/3$) of the total number of each species so liberated, even though the number so killed may exceed the limits otherwise prescribed by law. It shall be the duty of the holder of any such permit to furnish to the Board, not less frequently than once a month during the shooting season, an itemized list of all game released and of all game killed during the period since the last such report, and at no time shall the quantity of game killed be in excess of two-thirds ($2/3$) of the total number of each species released upon said premises prior to that time.

If, at any time, however, in the discretion of the Board,

it shall be deemed necessary to temporarily reduce the proportion of the number of game birds or rabbits killed to the proportion released, then, in that event, the Board may reduce that proportion to not less than one-half of the total number of each species so released.

All activities pursuant to such permits shall be carried on in cooperation with the said Board, and, to the extent practicable, such permittees shall assist the Board in conducting experimental breeding, propagating, feeding and care of game, and shall keep and preserve such records pertaining thereto as the Board may from time to time prescribe. All game which is released shall be marked, banded, or tagged as may be prescribed by the said Board and when so identified game killed may be transported from the preserve to the domicile of the permit holder, his or its invitee or guest. All of the activities of the holders of such permits shall be carried on at the expense of such holders and shall be without cost or obligation upon the Board of the State.

The external boundaries of all restricted areas shall be clearly defined, preferably by roads, streams or railroads, shall be fenced, except where bounded by streams, and shall be posted at intervals of not more than three hundred feet (300) with conspicuous signs not less than 11" x 16", which shall include the name of the person, club or association holding the permit and shall also include the words, "NO TRESPASSING PERMITTED—PRIVATE EXPERIMENTAL GAME AND SHOOTING PRESERVE—AUTHORIZED BY THE BOARD OF GAME AND FISH COMMISSIONERS OF THE STATE OF DELAWARE."

The shooting season upon such reservation shall be confined to the regular open season for such game, to wit: November 15th to December 31st, inclusive. Total liberations per shooting season shall be made at a ratio of not less than one male to five females of each species, except in the case of quail, which shall be liberated at a rate of approximately one male to each female.

Dogs may be trained and field trials conducted, when properly licensed, upon such restricted areas on any day, including

Sundays, except during the months of March through August, inclusive.

As a condition precedent to the issuance of any permit, as prescribed by this section, the applicant shall give the Board a surety bond in the penal sum of One Thousand Dollars (\$1,000.00) with corporate or individual surety satisfactory to the Board, conditioned upon compliance by the permit holder with the requirements of this Act.

All activities conducted pursuant to this section shall be subject to all of the game laws and regulations of this State, except only insofar as the same are in conflict with the express provisions of this section.

Approved June 16, 1949.

CHAPTER 296

WILMINGTON

AN ACT TO AMEND CHAPTER 92, VOLUME 35, LAWS OF DELAWARE, ENTITLED "AN ACT RELATING TO THE SINKING FUND 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 branch thereof concurring therein):

Section 1. That Section 3 of Chapter 92, Volume 35, Laws of Delaware, be and the same is hereby amended by striking out said Section 3 and inserting in lieu thereof the following:

Section 3. The Sinking Fund Commissioners shall determine the dates of maturity of all bonds issued for public improvement. With respect to all bonds for public improvement which may be issued by "The Mayor and Council of Wilmington" after the date of the passage and approval of this amendatory act, the Sinking Fund Commissioners shall, in their discretion, either determine the rate of interest on such bonds prior to offering the same for sale, or shall offer such bonds for sale at a rate of interest to be fixed by the successful bidder for such bonds and the Sinking Fund Commissioners shall determine which rate of interest bid is most advantageous to the City after taking into consideration any premium or discount offered in connection therewith.

Approved June 16, 1949.

CHAPTER 297

INCREASING CAPACITY OF BRIDGE OVER BALTIMORE & OHIO RAILROAD ON HARVEY ROAD, IN NEW CASTLE COUNTY

AN ACT TO REQUIRE THE RAILROAD COMPANY OWNING AND CONTROLLING THE BRIDGE OVER THE RAILROAD TRACKS OF THE BALTIMORE AND OHIO RAILROAD COMPANY ON WHAT IS KNOWN AS HARVEY ROAD, LEADING FROM THE PHILADELPHIA PIKE TO THE INTERSECTION OF SAID ROAD WITH NAAMAN'S ROAD, AT WHAT IS KNOWN AS POINT BREEZE, IN NEW CASTLE COUNTY, TO INCREASE THE CAPACITY OF SAID BRIDGE SO THAT WEIGHTS OF VEHICLE AND LOADS UP TO TWENTY TONS CAN SAFELY CROSS SAID BRIDGE.

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

Section 1. That the railroad company owning and controlling the bridge over the railroad tracks of the Baltimore and Ohio Railroad Company on what is known as Harvey Road, leading from the Philadelphia Pike to the point where the said Harvey Road intercepts the Naaman's Road, at what is known as Point Breeze, in New Castle County, be and it is hereby directed to increase the capacity of said bridge so that a weight of vehicles and loads up to twenty tons can safely cross said bridge.

Section 2. That the said railroad company shall also provide in the widening of the bridge aforesaid for a walk-way for pedestrians so that vehicular traffic will not endanger persons crossing said bridge on foot.

Section 3. Should said railroad company fail to begin the repair or reconstruction of said bridge as directed herein within six (6) months from the date of the approval of this Act, the State Highway Department of the State of Delaware is hereby directed to institute proper procedure in a Court of competent jurisdiction to compel it to proceed with said work and to complete the same.

Approved June 16, 1949.

CHAPTER 298

NEW CASTLE COUNTY LEVY COURT

RELATING TO DRAINAGE OF TAX DITCHES
IN NEW CASTLE COUNTY**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
STATE SOIL CONSERVATION COMMISSION FOR THE
DRAINAGE OF TAX DITCHES IN NEW CASTLE
COUNTY.**

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in New Castle County, State of Delaware; and

WHEREAS, land owners, adjacent to and near said ditches, have agreed to contribute funds for said 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 there is hereby appropriated to the State Soil Conservation Commission the sum of Seventy-five Hundred Dollars (\$7,500.00) for each of the fiscal years beginning July 1, 1949, and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of New Castle County.

Section 2. For the purposes of this Act, the Levy Court of New Castle County is hereby authorized and directed to appropriate to the State Soil Conservation Commission the further sum of Seventy-five Hundred Dollars (\$7,500.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of New Castle County.

Section 3. That the money hereby appropriated shall be paid to the State Soil Conservation Commission by the State Treasurer and the Levy Court of New Castle County from time to time upon certification to the State Treasurer and the Levy Court of New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out and draining of said tax ditches, a specified sum of money to be used on said project. The State Treasurer, and the Levy Court of New Castle County, shall make payments to said State Soil Conservation Commission on the basis of Fifty Cents (\$.50) for every Dollar (\$1.00) or more so certified to the State Treasurer and the Levy Court of New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said tax ditches in New Castle County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be used and expended by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County on such tax ditches for which contributions from farmers and others benefiting from such cleaning out and draining have been collected or received as shall be determined by the said Board of Soil District Supervisors.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated by Section 1 of this Act shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 16, 1949.

CHAPTER 299

KENT COUNTY LEVY COURT

RELATING TO DRAINAGE OF TAX DITCHES IN KENT COUNTY

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE
STATE SOIL CONSERVATION COMMISSION FOR THE
DRAINAGE OF TAX DITCHES IN KENT COUNTY.**

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in Kent County, State of Delaware; and

WHEREAS, land owners, adjacent to and near said tax ditches, have agreed to contribute funds for said 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 there is hereby appropriated to the State Soil Conservation Commission the sum of Seventy-five Hundred Dollars (\$7500.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Kent County.

Section 2. For the purposes of this Act, the Levy Court of Kent County is hereby authorized and directed to appropriate to the State Soil Conservation Commission the further sum of Seventy-five Hundred Dollars (\$7500.00) for each of the fiscal years beginning July 1, 1949 and ending June 30, 1950, and beginning July 1, 1950 and ending June 30, 1951, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Kent County.

Section 3. That the money hereby appropriated shall be paid to the State Soil Conservation Commission by the State Treasurer and the Levy Court of Kent County from time to time

upon certification to the State Treasurer and the Levy Court of Kent County by the Board of Soil District Supervisors of the Soil Conservation District of Kent County that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out and draining of said tax ditches, a specified sum of money to be used on said project. The State Treasurer, and the Levy Court of Kent County, shall make payment to said State Soil Conservation Commission on the basis of Fifty Cents (\$0.50) for every Dollar (\$1.00) or more so certified to the State Treasurer and the Levy Court of Kent County by the Board of Soil District Supervisors of the Soil Conservation District of Kent County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said tax ditches in Kent County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be used and expended by the Board of Soil District Supervisors of the Soil Conservation District of Kent County on such tax ditches for which contributions from farmers and others benefiting from such cleaning out and draining have been collected or received as shall be determined by the said Board of Soil District Supervisors.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated by Section 1 of this Act shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 16, 1949.

CHAPTER 300

APPROPRIATION

PUBLIC ARCHIVES COMMISSION

AN ACT MAKING APPROPRIATIONS TO THE PUBLIC ARCHIVES COMMISSION OF THE STATE OF DELAWARE FOR EACH OF THE FISCAL YEARS ENDING ON THE THIRTIETH DAY OF JUNE, A. D. 1950 AND THE THIRTIETH DAY OF JUNE, A. D. 1951 FOR SALARIES.

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

Section 1. There is hereby appropriated to the Public Archives Commission of the State of Delaware the sum of Three Thousand (\$3,000.00) Dollars for salaries for the fiscal year ending on the Thirtieth day of June, A. D. 1950, and a like sum of Three Thousand (\$3,000.00) Dollars for salaries for the fiscal year ending on the Thirtieth day of June, A. D. 1951.

Section 2. This bill shall be known as a Supplementary Appropriation Bill and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved June 16, 1949.

CHAPTER 301

RELATING TO LABOR UNIONS AND RELATIONS BETWEEN
EMPLOYERS AND EMPLOYEES

**AN ACT TO REPEAL CHAPTER 196, VOLUME 46, LAWS OF
DELAWARE, ENTITLED "AN ACT REGULATING LA-
BOR UNIONS AND RELATIONS BETWEEN EMPLOY-
ERS AND EMPLOYEES, MEMBERS OF LABOR
UNIONS."**

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

Section 1. That Chapter 196 of Volume 46 of the Laws of
the State of Delaware be and the same is hereby repealed.

Approved June 29, 1949.

CHAPTER 302

FISH, OYSTERS AND GAME

DEER

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME," REGARDING THE PROTECTION OF DEER.

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, as amended, be and the same is hereby further amended by adding after 2824. Sec. 23. of said Chapter a new Code Section to be designated 2824A. Sec. 23A. as follows:

2824A. Sec. 23A. DEER PROTECTED; PENALTIES FOR VIOLATIONS:—That it shall be unlawful to catch or attempt to catch, pursue or attempt to pursue, kill or attempt to kill, or have in possession (living or dead), any deer in the State of Delaware or to purchase, sell, or expose for sale, transport or ship any such deer or any part of such deer.

Section 2. It shall be lawful for a person to possess a deer lawfully killed in another State provided the possessor thereof has proof of such lawful killing and possession, and presents the same upon demand to any officer or official of the State of Delaware. It shall also be lawful to possess deer within an enclosure in a public zoo or park.

Section 3. Any person convicted of having violated any of the provisions of this Act in the daytime between sunrise and sunset shall be deemed guilty of a misdemeanor and shall forfeit and pay a fine of One Hundred Dollars (\$100.00) and costs of prosecution for each offense. Any person convicted of having violated any of the provisions of this Act between sunset and sunrise of any day or who makes use of an artificial light in doing or attempting to do anything prohibited by this Act, shall

be deemed guilty of a misdemeanor and shall forfeit and pay a fine of not less than One Hundred and Fifty Dollars (\$150.00) and not more than Two Hundred and Fifty Dollars (\$250.00) and costs of prosecution for each offense. Upon failure to pay forthwith any such fine so imposed under the provisions of this Act, together with costs of prosecution, such offender shall be committed to the county jail or workhouse for a period not exceeding sixty days, unless said fine and costs be sooner paid.

Approved June 29, 1949.

CHAPTER 303

EDUCATION

PROVIDING FOR REFERENDA TO AUTHORIZE THE LEVY AND COLLECTION OF ADDITIONAL TAXES FOR SCHOOL PURPOSES

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO FREE PUBLIC SCHOOLS, BY PROVIDING FOR REFERENDA TO AUTHORIZE THE LEVY AND COLLECTION OF ADDITIONAL TAXES FOR SCHOOL PURPOSES ON THE BASIS OF EITHER A SPECIFIED AMOUNT OF TAXATION OR A SPECIFIED RATE OF TAXATION AND TO CONTINUE THE TAX ON THE SAME BASIS.

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

Section 1. That Article 13 of Chapter 71 of the Revised Code of Delaware, 1935, as amended, be and the same hereby is further amended by repealing 2738. Sec. 116. and by substituting in lieu thereof the following:

2738. Sec. 116. **MUST BE AUTHORIZED BY REFERENDUM:**—Before such tax is levied, the Board of Education of a Special District or the Board of School Trustees of a School District, shall determine whether said levy shall be on the basis of a specified amount or of a specified rate of taxation and shall call a special election to be held at the usual place or places for holding school elections in the school districts. Notice shall be given for such election by notices posted on the door of the school house where such an election is to be held, at least ten days before the day of holding such election and by such advertisement in newspapers of the district or county as, in the judgment of the Board of the District, will give notice to the voters of such election. In such notice, the amount to be raised or the proposed rate of taxation and the purpose or purposes of the proposed additional taxes shall be stated. At such election every person qualified to vote at the school election in the district shall be qualified to vote.

Section 2. That Article 13 of Chapter 71 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by repealing the first sentence of 2743. Sec. 121. and by substituting in lieu thereof the following:

If the additional tax was authorized on the basis of amount of tax to be collected, the Board shall, upon the completion of the assessment, fix the rate sufficient to raise the amount determined to be raised at that time with an addition of ten per cent added thereto for delinquencies and costs of collection. If the additional tax was authorized on the basis of a specified rate of taxation, the board shall add thereto ten per cent of said authorized rate for delinquencies and costs of collection.

Section 3. That Article 13 of Chapter 71 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by repealing the first sentence of 2747. Sec. 125., and by substituting in lieu thereof the following:

The Board of Education of any Special District or the Board of School Trustees of any School District which has for one year levied a local tax under the provisions of this Article, is authorized to continue annually, without a further referendum, to levy such local tax not exceeding in amount the tax originally authorized by referendum if said original authorization was on the basis of an amount of tax or not to exceed the rate of tax originally authorized by referendum if said original authorization was on the rate of taxation, each together with an added ten per cent for delinquencies and costs of collection as provided in Sec. 121.

Approved June 29, 1949.

CHAPTER 304

APPROPRIATION

FOR DELAYED AND ESSENTIAL REPAIRS AND MAINTENANCE
TO STATE SCHOOL BUILDINGS

**AN ACT APPROPRIATING MONIES FOR DELAYED AND
ESSENTIAL REPAIRS AND MAINTENANCE TO AND
OF STATE BOARD SCHOOLS AND SPECIAL SCHOOL
DISTRICTS AND TO THE CITY OF WILMINGTON.**

WHEREAS, the General Assembly of the State of Delaware at its regular session held in the year 1947 appropriated funds for the repairs and maintenance to the buildings and to certain institutions of the State and to the buildings and equipment in the School Districts of the State, for repairs which had been delayed due to the war emergency; and

WHEREAS, much of the work needed to be done to the school properties in the State has been accomplished but there are additional repairs that should be made as soon as practicable; and

WHEREAS, certain funds for the needed repairs and maintenance of school buildings remain unexpended out of the appropriation made by the General Assembly in 1947 but the funds so available are inadequate to complete the work of making necessary repairs 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 in addition to any other monies appropriated to the State Board Schools under the supervision of the State Board of Education, to the Special School Districts of the State and to the City of Wilmington, hereinafter referred to as agencies, and in addition to the regular appropriations to said agencies that may appear in the regular budget appropriation bill for the biennium ending June 30, 1951, there is hereby appropriated an amount not to exceed the sum of One Million Seventy-

four Thousand Nine Hundred Dollars and Eighty-four Cents (\$1,074,900.84) to and for the agencies and purposes herein set forth and in the respective amounts hereinafter provided:

STATE BOARD UNITS REQUIRED REPAIRS
NEW CASTLE COUNTY

Arden #3	\$ 764.00
Alfred I. du Pont #7	6,245.00
Richardson Park #20	15,965.00
Newport #21	4,966.00
Hockessin #29	4,968.00
Harmony #32	773.00
Mt. Pleasant #34	1,890.00
Stanton #38	4,917.00
Christiana #44	1,862.00
Rose Hill-Minquadale #47	16,401.00
Delaware City #52	1,899.00
Comm. MacDonough #53	13,070.00
Glasgow #56	1,146.00
Middletown #60	6,140.00
Odessa #61	2,870.00
Port Penn #63	828.00
Taylor's Bridge #66	1,231.00
Marshallton #77	3,269.00
Townsend #81	17,400.00
Yorklyn #91	1,647.00
Pleasant Valley #92	778.00
Eden #101	1,230.00
Oak Grove #130	5,780.00
Conrad #131	10,845.00
Newport #106c	3,010.00
Hockessin #107c	1,536.00
Marshallton #108c	640.00
Christiana #111c	312.00
Iron Hill #112c	1,240.00
Kirkwood-St. Georges #117c	83.00
Delaware City #118c	2,386.00
Mt. Pleasant #119c	1,078.00
Middletown #120c	14,600.00
Lee's Chapel #124c	1,159.00

Townsend #125c	43.00
Ebenezer #126c	908.00
Millside #132c	3,075.00

KENT COUNTY

Kenton #9	\$ 2,195.00
Leipsic #11	815.00
Oak Point #20	515.00
Frederica #32	5,250.00
Farmington #39	802.00
Magnolia #50	100.00
Felton #54	6,340.00
Rose Valley #79	1,192.00
Cheswold #83	100.00
Little Creek #85	1,255.00
Wiley's #93	240.00
Hartly #96	1,645.00
Clayton #119	11,925.00
Houston #125	2,782.00
Clayton #136c	1,745.00
Kenton #140c	1,241.50
Lockwood #142c	740.12
Cheswold #143c	2,865.00
Fork Branch #145c	1,174.65
White Oak #146c	1,002.75
Parker's Chapel #153c	1,012.30
Woodside #154c	587.33
Mt. Olive #155c	1,021.85
Viola #156c	148.03
Union #158c	541.50
Reeves Crossing #159c	1,919.55

SUSSEX COUNTY

Cedar Neck #1	\$ 238.75
Lincoln #3	2,188.00
Milton #8	8,642.70
Millsboro #23	17,275.75

Lord Baltimore #28	13,226.00
Williamsville #30	668.50
Roxana #31	534.80
Selbyville #32	14,669.00
Stockley #34	1,298.75
Gumboro #37	3,760.00
Concord #58	52.50
Bridgeville #90	14,610.00
Greenwood #91	9,148.00
J. M. Clayton #97	11,679.00
Bethel #99	592.00
Ellendale #125	6,517.00
Delmar #163	31,686.00
Blades #172	2,750.00
Slaughter Neck #193c	5,133.00
Lincoln #194c	783.00
Ellendale #195c	496.50
Milton #196c	315.00
Drawbridge #197c	749.50
Nassau #198c	2,358.75
Rehoboth #200c	883.25
Rabbit's Ferry #201c	1,814.50
Friendship #202c	883.25
Warwick #203c	2,004.60
Millsboro #204c	108.85
Frankford #206c	3,342.00
Blackwater #207c	1,618.50
Selbyville #210c	706.70
Delmar #212½c	424.00
Owen's Corner #213c	1,189.00
Portsville #214c	1,876.50
Ross Point #215c	1,193.75
Concord #216c	3,328.00
Blocksom's #218c	544.25
Bridgeville #220c	3,418.50
Trinity #221c	807.00
Greenwood #222c	78.00
Hollyville #224c	740.75
Warwick #225c	1,337.00
Williamsville #226c	1,099.06
Nanticoke Indian (new building) ...	—

SPECIAL SCHOOL DISTRICTS

Alexis I. du Pont	\$ 6,589.00
Caesar Rodney	30,177.00
Claymont	16,473.00
Dover	52,520.00
Georgetown	15,660.00
Harrington	15,425.00
Laurel	63,315.00
Lewes	21,677.00
Milford	23,730.00
Mt. Pleasant	7,640.00
Newark	19,958.00
New Castle	24,112.00
Rehoboth	14,800.00
Seaford	22,960.00
Smyrna	24,855.00

BOARD OF PUBLIC INSTRUCTION
IN WILMINGTON 283,630.00

STATE BOARD OF EDUCATION—
TO DEFRAY ALL COSTS OF SU-
PERVISION AND ADMINISTRA-
TION OF THIS ACT 48,500.00

GRAND TOTAL \$1,074,900.84

Section 2. The sums hereby appropriated shall not revert to the General Fund of the State Treasury at the end of any fiscal year but shall be available to the agencies herein provided for for carrying out the purposes hereof until the appropriation is fully expended.

Section 3. Authorization for delayed repairs shall be secured from the State Board of Education through the approval of contracts unless in the judgment of said State Board of Education a contract is unnecessary or unjustifiable, providing such contract does not exceed Two Hundred Dollars (\$200.00) for each school per year.

All contracts shall be accompanied by proof of possession of Workmen's Compensation and Public Liability Insurance.

Section 4. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the proper officials of the agencies herein provided for drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of this 115th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 29, 1949.

CHAPTER 305

APPROPRIATION

BROADKILN BEACH EROSION

**AN ACT TO PROVIDE FOR PROTECTING THE BEACH AT
BROADKILN BEACH IN SUSSEX COUNTY, DELA-
WARE, FROM EROSION AND INUNDATION.**

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

Section 1. The State Highway Department is hereby authorized, empowered and directed to erect, build, rebuild, replace and repair such groins, jetties, banks, dikes and/or bulkheads along the beach known as Broadkiln Beach in Sussex County, Delaware, as in the judgment of said Department may be necessary to protect the same from erosion and inundation by the waters of the Delaware Bay.

Section 2. A sum not in excess of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated to the State Highway Department for such purposes and the State Treasurer is hereby directed to pay the same upon proper vouchers drawn from time to time by the State Highway Department for the purposes herein set forth.

Section 3. In the event that all or any part of said sum of Twenty Thousand Dollars (\$20,000.00) shall remain unexpended on June 30, 1949, or on June 30, 1950, it shall not revert to the General Fund of the State Treasury but shall remain available for said purposes up to and including June 30, 1951.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Funds of the State Treasury from funds not otherwise appropriated.

Approved June 29, 1949.

CHAPTER 306

FAMILY COURT

AN ACT TO AMEND CHAPTER 241, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CREATING A FAMILY COURT FOR NEW CASTLE COUNTY," BY CHANGING THE COMPOSITION OF THE COURT; BY PROVIDING FOR AN ASSOCIATE JUDGE INSTEAD OF A DEPUTY JUDGE; BY GRANTING TO SAID COURT EXCLUSIVE ORIGINAL JURISDICTION, INSTEAD OF CONCURRENT JURISDICTION, OVER PARAGRAPH 5168. SEC. 12 OF CHAPTER 149 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO THE OFFENSE OF TOYING WITH A FEMALE CHILD; BY GRANTING EXCLUSIVE ORIGINAL JURISDICTION OVER PARAGRAPH 5258. SEC. 9 OF CHAPTER 153 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO ADULTERY; BY INCREASING THE SALARY OF THE JUDGE; BY PROVIDING FOR THE APPOINTMENT, DUTIES AND SALARY OF THE ASSOCIATE JUDGE; BY INCREASING THE LIMITS OF THE TOTAL BUDGET OF THE COURT; BY PROVIDING FOR APPEALS OF BOTH THE COMPLAINING WITNESS AND THE DEFENDANT IN NON-SUPPORT AND BASTARDY CASES.

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

Section 1. That Volume 45, Laws of Delaware, be amended by striking out Section 2 of Chapter 241 thereof, and by enacting and inserting in lieu thereof a new Section 2, as follows:

Section 2. COURT ESTABLISHED:—There is hereby created and established a Court of Record which shall be known by the name, style and title of "The Family Court for New Castle County, Delaware." This Court shall be composed of, be in charge of and be presided over by a "Judge" and an "Asso-

ciate Judge," who may hold Court separately, jointly or concurrently, both of whom shall be appointed and shall serve as herein provided.

Section 2. That Volume 45, Laws of Delaware, be further amended by striking out the words "Deputy Judge" as they appear in the first paragraph of Section 3 of Chapter 241 thereof, and by enacting and inserting in lieu of the words so stricken out, the words "Associate Judge."

Section 3. That Volume 45, Laws of Delaware, be further amended by adding a new sub-section ("r") to consecutively follow sub-section ("q") in Section 4, of Chapter 241 thereof, relating to matters over which the Court has exclusive original jurisdiction instead of concurrent jurisdiction; said new sub-section ("r") to read as follows:

(r) Of the offense of lewdly and lasciviously playing or toying with a female child under the age of sixteen years as provided by Paragraph 5168. Sec. 12, of Chapter 149 of the Revised Code of Delaware of 1935.

Section 4. That Volume 45, Laws of Delaware, be further amended by adding a new sub-section ("s") to consecutively follow the above sub-section ("r") in Section 4 of Chapter 241 thereof, relating to matters over which the Court has exclusive original jurisdiction instead of concurrent jurisdiction; said new sub-section ("s") to read as follows:

(s) Of the Offense of Adultery as provided by Paragraphs 5258. Sec. 9 of Chapter 153 of the Revised Code of Delaware of 1935.

Section 5. That Volume 45, Laws of Delaware, be further amended by striking out sub-section (B) relative to the offense of "lewdly and lasciviously playing or toying with a female child under the age of sixteen years" as the same now appears under concurrent jurisdiction of the Family Court, as provided in Section 4 of Chapter 241 thereof.

Section 6. That Volume 45, Laws of Delaware, be further amended by striking out the fourth paragraph of Section 5 of

Chapter 241 thereof, as amended by Chapter 212 of Volume 46, Laws of Delaware, relating to the salary of the Judge; and by inserting and enacting in lieu of the part so stricken out the following new fourth paragraph:

The salary of the Judge shall be Ten Thousand Dollars (\$10,000.00) for the fiscal year beginning July 1, 1949 and ending June 30, 1950 and for each like fiscal year period thereafter.

Section 7. That Volume 45, Laws of Delaware, be further amended by striking out the fifth, sixth and seventh paragraphs of Section 5 of Chapter 241 thereof, relating to the appointment, duties and salary of the Deputy Judge and by inserting and enacting in lieu of the part so stricken out the following:

If requested by the Governor in writing so to do, the Judge shall submit to the Governor a written statement recommending a particular member of the Bar of New Castle County, Delaware, for appointment as Associate Judge of The Family Court to succeed the Associate Judge (now Deputy Judge) whose term is soon to end or has ended by expiration, resignation, disqualification or otherwise. The Governor upon the ending of the term of any Associate Judge of The Family Court, whether by expiration, resignation, disqualification, or otherwise, shall appoint an Associate Judge for the period of one year.

It shall be the duty of the Associate Judge to hold Court during the absence, disability, or disqualification of the Judge. The Associate Judge shall also hold Court either jointly or concurrently with the Judge whenever requested so to do by the Judge, provided, however, that the Associate Judge shall not be required to hold Court on more than one hundred and fifty days during the twelve months period beginning July 1, 1949 and ending June 30, 1950, nor during any like twelve months period thereafter.

The Associate Judge shall be eligible for reappointment. During his term of office the Associate Judge shall be permitted to engage in the practice of Law, excepting matters within the jurisdiction of The Family Court.

The salary of the Associate Judge shall be Five Thousand Dollars (\$5000.00) for the fiscal year beginning July 1, 1949 and ending June 30, 1950, and for each like fiscal year period thereafter.

Section 8. That Volume 45, Laws of Delaware, be further amended by striking out all of Section 8 of Chapter 241 thereof, as amended by Section 2 of Chapter 212 of Volume 46, Laws of Delaware, and by inserting and enacting in lieu of the part so stricken out the following new Section 8:

Section 8. APPOINTMENT OF DIRECTOR, PROBATION OFFICERS AND OTHER EMPLOYEES; SALARIES; BUDGET. Subject to provisions of Section 10 hereof, the Judge shall select and appoint a Director and such Probation Officers and other employees as he shall deem necessary and shall fix the salaries of all the employees of the Court except such salaries as are established by Law, and shall determine all necessary expenses incurred by the employees in the performance of their duties and all other necessary expenses of the Court; provided, however, that the total budget of The Family Court for the fiscal year beginning July 1, 1949 and ending June 30, 1950 and for each like fiscal year period thereafter shall not exceed the sum of One Hundred and Twenty Thousand Dollars (\$120,000.00).

Section 9. That Volume 45, Laws of Delaware, be further amended by striking out all of Section 16 of Chapter 241 thereof relating to Disposition of the Child, and by inserting and enacting in lieu of the part so stricken out the following new Section 16:

Section 16. DISPOSITION OF ADULTS; CHILDREN. The Court may continue the hearing of any case, adult or juvenile, from time to time in order to provide for such medical, psychological or psychiatric examinations, or for such investigation of circumstances as to the Court shall seem proper. The Court may defer delinquent proceedings in the interest of any child or prosecution against any adult properly before the Court, on such conditions as to the Court shall seem reasonable; or the Court may adjudge an adult guilty, if the facts warrant, and instead of imposing the penalty provided by law, may place such

adult on probation to keep such reasonable terms and conditions thereof, as to the Court shall seem proper, and failure to keep such terms of probation may be deemed Contempt of Court and punishable as such, or the Court may adjudge a child, dependent, neglected or delinquent, if the facts warrant, and may place such delinquent child on probation to keep such reasonable terms and conditions thereof as to the Court shall seem proper. The Court may allow a child to remain in the child's own home, subject to the supervision of the home by a probation officer of the Court and subject to being returned to the Court for further proceedings whenever such action may appear necessary; or the Court, if such action appear necessary, may cause a child to be placed in a home other than his own home, provided satisfactory arrangements can be made, subject to the supervision of the Court; or the Court may refer a child to the State Board of Welfare, or its successor, for protective supervision; or the Court may commit a child to the State Board of Welfare for foster home placement; or the Court may commit a child to any licensed child-placing agency in this State in case such agency will accept such child; or the Court may commit a child to any institution provided by the State, County or Municipality suitable for the care of children; or the Court may commit a child to any religious association, agency or institution of the child's religious faith, or of the religious faith of his parents, or either of them, within or without the State, established for the care of children, provided such religious institution will accept such child; or the Court may commit a child to any other institution within or without the State, incorporated or unincorporated, which cares for children, provided such institution will accept such child; or the Court may commit a delinquent male child to Ferris School for Boys; or a delinquent female child to Woods Haven School for Girls or to Kruse School.

When jurisdiction shall have been acquired by the Court in the case of any child, such child may be continued under the jurisdiction of the Court until he becomes twenty-one years of age. In no case shall the commitment of a child under the provisions of this Act extend beyond his twenty-first birthday.

A child committed to any institution or agency, shall be subject, in conformity with the provisions of this Act, to the

control of the Board of Managers or Trustees of such institution or agency, under the laws of the State governing such institution or agency.

Section 10. That Volume 45, Laws of Delaware, be further amended by adding a new paragraph at the end of Section 22 of Chapter 241 thereof, relating to "Appeal to General Sessions," said new paragraph to read as follows:

The Attorney General of the State of Delaware, in an action before the Family Court for New Castle County, brought for the purpose of determining whether there has been desertion, willful neglect, or failure to support a wife and/or a child under Paragraph 3527 et. seq. of Chapter 87 of the 1935 Revised Code of Delaware, or in an action before the Family Court aforesaid, brought for the purpose of determining whether the person charged by the mother of an illegitimate child, under Paragraph 3558 et. seq. of Chapter 88 of the 1935 Revised Code of Delaware, is in fact the father of the said child, shall have the right of appeal from any decision of the Family Court, in which the defendant in any of said actions shall be found "not guilty," or in which decision the amount of support fixed by the Family Court for the benefit of such wife, child or mother shall be deemed insufficient by the Attorney General.

Approved June 29, 1949.

CHAPTER 307
STATE EMPLOYEES

PENSION BENEFITS

**AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF
DELAWARE, 1945, WITH REFERENCE TO THE TIME
OF RETIREMENT OF CERTAIN STATE EMPLOYEES.**

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

Section 1. That Chapter 104, Volume 45, Laws of Delaware, as amended, be and the same is hereby further amended by striking out the word "semester," being the last word of the last paragraph of Section 4 thereof, and by substituting in lieu of the word so stricken out the words "school year."

Approved June 29, 1949.

CHAPTER 308
CREATING THE
DELAWARE STATE APPLE COMMISSION

AN ACT RELATING TO APPLES, CREATING THE DELAWARE STATE APPLE COMMISSION AND PRESCRIBING ITS POWERS AND DUTIES; PROMOTING THE SALE AND CONSUMPTION OF DELAWARE APPLES BY MAKING PROVISIONS FOR CAMPAIGNS OF EDUCATION, ADVERTISING, PUBLICITY, SALES PROMOTION AND RESEARCH; LEVYING A TAX ON APPLE PRODUCTION AND PROVIDING FOR ITS COLLECTION; APPROPRIATING MONEY FOR THE ENFORCEMENT OF THE ACT, AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ACT.

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

Section 1. DEFINITIONS.—AS USED IN THIS ACT:—

(a) The word "Commission" shall mean the Delaware State Apple Commission.

(b) The word "grower" shall mean and include individuals, corporations, partnerships, trusts, associations, cooperatives, and any and all other business units, devices and arrangements.

(c) The word "bushel" shall mean a package with a content of not less than two thousand one hundred and forty cubic inches, nor more than two thousand five hundred cubic inches.

Section 2. DELAWARE STATE APPLE COMMISSION CREATED; NUMBER OF MEMBERS; TERMS; EXPENSES PAID; ORGANIZATION:—There is hereby created a Commission to be known as the Delaware State Apple Commission consisting of three members, representing as nearly as possible the important apple producing sections of the State; within thirty days after this Act becomes effective, the Governor shall appoint the members of such Commission from a list of two eligible

growers for each member to be appointed, which list shall be supplied the Governor by the Executive Committee of the Delaware Apple Grower's Association. No more than two members of the Commission shall be of the same political party. Each member must be a citizen of Delaware and a commercial apple producer in the State. The members of the Commission shall serve each for a term of three years, except that beginning with the first appointments one member shall be appointed for one year, one member for two years, and one member for three years. As the respective terms expire, an appointment shall be made for the full term of three years. Vacancies for any cause shall be filled by the Governor for the unexpired term. The members of the Commission shall serve without compensation, but they shall be reimbursed for actual expenses incurred in attending meetings of the Commission. The Commission shall organize by the election of one of its members as Chairman and another of its members as Secretary.

Section 3. POWERS AND DUTIES OF THE COMMISSION:—

(a) All funds appropriated by this Act shall be administered by the Commission.

(b) It shall be the duty of the Commission to plan and conduct campaigns of education, advertising, publicity, sales promotion, and research for the purpose of increasing the demand for, and the consumption of, Delaware apples, and the Commission may make contracts, and do whatever else may be necessary to effectuate the purposes of this Act.

(c) The Commission shall have authority to cooperate with other State, regional, and national agricultural and horticultural organizations in research, advertising, publicity, education, and other means of promoting the sale and use of apples, and to expend appropriations made to it for such purposes.

(d) The Commission shall have authority to appoint a Secretary and such other employees as may be necessary, at salaries to be fixed by the Commission. All employees handling money under this Act shall be required to furnish surety bonds, in an amount or amounts as fixed by the Commission.

(e) It shall be the duty of the said Commission to call an annual meeting of all known commercial Delaware apple growers, during the month of January of each year. Furthermore, it shall be the duty of the Commission to, at this annual meeting, render to such growers, a full and complete report of its activities.

Section 4. TAX LEVIED:—There is hereby levied and imposed upon all apples grown in the year 1949, and annually thereafter, a tax of one cent per bushel or two cents per one hundred pounds of all apples grown and packed in Delaware, whether in bulk or loose in boxes or any other container, or packed in any style package; Provided, That the provisions of this Act shall not apply to apples sold by growers direct to cider and/or vinegar plants for use in making cider and/or vinegar; and Provided, That each grower shall be exempt from said assessment on a maximum of 500 bushels of apples for each calendar year.

Section 5. TIME OF PAYMENT OF TAX:—The tax levied by this Act shall be due and payable as follows: Fifty per centum not later than December thirty-first of each year; the balance not later than May 31st of the following year. Such tax shall be paid to the Delaware State Apple Commission and by it promptly paid into the Treasury of the State, receipts being taken from the State Treasurer for such payments.

Section 6. REPORT OF APPLES GROWN:—Every grower shall submit to the Commission not later than December thirty-first of each year a signed statement of all Delaware grown apples sold by him during the preceding crop season. Such apples shall be reported on forms prescribed and furnished by the Commission. Any grower who sells apples of the preceding year's production after December thirty-first shall file a signed statement with the Commission not later than May thirty-first showing such apples so sold by him.

Section 7. RECORDS:—The grower shall keep a complete record of the apples sold by him and shall preserve such record for a period of not less than two years from the time such apples are sold. Such record shall be open to the inspection of the Commission and its duly authorized agents.

Section 8. UNPAID TAX AND INTEREST, HOW COLLECTED:—The tax imposed by this Act and unpaid on the date on which such tax was due and payable, shall bear interest at the rate of one per centum a month from and after such due date until payment thereof. If any grower defaults in the payment of such tax and interest, and after a reasonable time refuses to make payment thereof, the Commission shall institute civil proceedings in the name of the State at the relation of the Commission, for the collection of the amounts due. The Attorney General of the State, at the request of the Commission, shall forthwith institute action in the proper Court for the collection of the amount of any tax past due under this Act, including interest thereon.

Section 9. APPROPRIATIONS; FOR WHAT EXPENDED:—All appropriations made to the Delaware Apple Commission shall be used exclusively for the administration and enforcement of this Act, including the collection of the taxes, the payment for personnel services, and expenses of employees and agents of the Commission, and the payment of rent service, payment for materials and supplies necessary to effectuate the purpose and objects of this Act, and for any other purposes which in the judgment of the Commission should be carried out in order to enforce the provisions of this Act.

Section 10.—MONEYS TO BE EXPENDED, HOW:—All moneys appropriated by this Act or by any Act of the General Assembly of the State of Delaware for the use of the Delaware Apple Commission shall be expended by said Commission by warrants countersigned by its Chairman and its Secretary, and duly itemized by law or by any rule or requirement of the appropriate Departments of the Government of the State of Delaware.

Section 11. PENALTY FOR VIOLATING ACT:—It shall be a misdemeanor for any grower knowingly to report falsely to the Commission the quantity of apples grown by him, or to falsify the records of the apples grown by him. Upon conviction for violation of the provisions of this Act, the Court may impose upon any grower so found guilty a penalty by fine not exceeding One Hundred Dollars (\$100.00), or by imprisonment not exceeding sixty (60) days, or the said Court may impose both fine and imprisonment in its discretion.

Section 12. COURTS HAVING JURISDICTION:—Any Justice of the Peace of the State of Delaware in any County thereof, any Court of Common Pleas in the State of Delaware, the Municipal Court of the City of Wilmington, the Court of General Sessions sitting in any County of the State, shall within their respective jurisdictions have authority to hear, try, and finally determine any offense committed under this Act.

Section 13. APPROPRIATION:—There is appropriated to the Delaware Apple Commission for each fiscal year of the biennium beginning on the first day of July, A. D. 1949 and ending on the thirtieth day of June, A. D. 1951 the sum of One Thousand Dollars (\$1,000.00), or a total of Two Thousand Dollars (\$2,000.00) for the said biennium. These appropriations together shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid by the State Treasurer, upon proper vouchers submitted, out of any funds in the State Treasury not otherwise appropriated. There shall be placed in the Budget Appropriation Bill carrying appropriations for the operation of the State Government, for the biennium beginning on the first day of July, A. D. 1951 a sum of money for the operation of the Delaware Apple Commission and for each fiscal year of said biennium, a sum of money equal to one-half of the amount of taxes collected by said Commission from the operation of this Act during the preceding biennium.

No portion of the money appropriated by this Act or hereafter to be appropriated to the Commission shall revert at the end of any fiscal year, but any unexpended portion of the appropriation made in any year may be expended in any following fiscal year, for the educational and advertising and other work of the Commission.

Section 14. INVALIDITY OF PART OF ACT NOT TO AFFECT REMAINDER:—If any clause, sentence or section of this Act shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate, the remainder thereof, but shall be

confined in its operation to the clause, sentence or section of this Act directly involved in the controversy in which such adjudication shall have taken place.

Section 15. This Act shall become effective on the first day of July, A. D. 1949.

Approved June 29, 1949.

CHAPTER 309

BONUS REFERENDUM

**AN ACT AUTHORIZING THE PEOPLE TO INDICATE BY
BALLOT WHETHER OR NOT THEY ARE IN FAVOR
OF THE PAYMENT OF A CASH BONUS BY THE STATE
OF DELAWARE TO VETERANS OF WORLD WAR II.**

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

Section 1. On the third Tuesday following the effective date of this Act, the citizens of the several counties in this State shall indicate by ballot whether or not they are in favor of the immediate payment of a cash bonus by the State of Delaware to veterans of World War II.

Section 2. Election Officers of the last General Election in the several election districts of the respective counties, on the day specified in the first section of this Act, at the place or places of the holding of the last general election, shall proceed, at the time of day and in the manner provided by law for holding general elections in this State, to receive the ballots of the voters qualified to vote in each of the respective election districts. In the event that any of the election officers at the last general election are unable to serve because of death, resignation prior to the passage of this Act, removal from the election district, then and in that event, the Department of Elections in each County shall appoint other persons to act in their stead. Otherwise, they shall be required to serve as provided under the existing general election law in that behalf.

Section 3. The Clerk of the Peace in each County shall cause to be printed, within the State of Delaware, one and one-half ballots for each voter in each election district in their County. They shall be printed on the same quality and color of paper and of sufficient thickness so that the printing is not distinguishable on the back. No envelopes will be furnished for or used in voting. The ballot shall be in the following form:

1. Do you favor the immediate payment of a cash bonus to veterans of World War II by the State of Delaware?

YES

☐

NO

☐

Section 4. All persons qualified to vote under the General Election Laws of this State shall be entitled to vote. The voting or balloting herein provided for shall be deemed an election in each of the election districts and shall be provided for, opened, held, conducted and closed, the result thereof ascertained and certified, and in all other respects subject to the same laws, so far as the same may be applicable, as are provided for the General Election.

Section 5. All necessary costs and expenses incurred in carrying out the provisions of this Act shall be paid for by each of the respective Counties as other County expenses are paid. Each of the said Counties shall then be reimbursed by the State Treasurer from any monies in the State Treasury, not otherwise appropriated, upon proper warrants or vouchers from the Levy Court of each County submitted to the Governor and approved by the Auditor of Accounts.

Approved June 29, 1949.

CHAPTER 310

NEW CASTLE COUNTY LEVY COURT

RELATING TO CONSTABLES AND ADDITIONAL POLICE
FOR NEW CASTLE HUNDRED

**AN ACT TO AMEND CHAPTER 51 OF THE REVISED CODE
OF DELAWARE, 1935, RELATING TO CONSTABLES
AND PROVIDING FOR ADDITIONAL POLICE FOR
NEW CASTLE HUNDRED.**

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

Section 1. That paragraph (10), of 1565. Sec. 2. of Chapter 51, of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended to read as follows, to-wit:

(10) The Levy Court of New Castle County shall appoint four Police for Brandywine Hundred and four Police for Christiana Hundred and four Police for New Castle Hundred. They shall be appointed in the month of May A. D., 1949, and shall hold office during the pleasure of the said Levy Court, and the said Levy Court shall have full authority to fill any vacancy or vacancies that may occur from time to time, by resignation, death or removal or by any other cause. All Police appointed under the provisions of this paragraph must reside in the respective Hundreds for which they are appointed, and must have resided therein at least one year immediately preceding his or their appointment. Two of the said Police so appointed in each Hundred, as aforesaid, shall be appointed from one of the chief political parties and two of the said Police, so appointed in each Hundred, as aforesaid, shall be appointed from the other chief political party. If any person appointed by virtue of this paragraph shall remove from the place where he is required by law to reside, his office shall thereupon become vacant. Such Police shall have all of the police powers that are now conferred by law upon Constables in New Castle County, and it shall be the duty of all Police appointed under the provisions of this paragraph to see that the peace and good order of the State within

the aforesaid Hundreds be duly kept according to their respective powers and authority; to arrest all persons who shall in their or either of their presence commit any riot, affray, or other breach of peace, or who shall be riotously assembled, and carry them before a Justice of the Peace in the respective Hundreds aforesaid to be dealt with according to law; to use diligence in arresting murderers, thieves and other felons, and disturbers of the peace, and in case of resistance to their or either of their authority, or other case of necessity, they may command aid of any of the people of the State; to duly prevent all bloodsheds, affrays and breaches of the peace; and to execute all other duties in accordance with the law. Such Police shall patrol said Hundred in shifts of two Police in the day-time and two Police in the night-time in their respective Hundreds, and during such hours, under such conditions and in such manner as may be prescribed by the Levy Court of New Castle County. The said Police shall be subject to such rules and regulations as the said Levy Court may prescribe, and their compensation shall be fixed by the said Levy Court. The said Levy Court is authorized to expend such sums of money as may be necessary to carry into effect the provisions of this paragraph, the said money to be paid out of the General Fund of New Castle County.

In New Castle Hundred the officers hereby authorized to be appointed shall be stationed at such points in the morning and afternoon, along highways, streets or roads in said Hundred where school children cross from one side to the other side of said highways, streets or roads, at or near school houses in going to and returning from school.

Approved June 29, 1949.

CHAPTER 311

APPROPRIATION

LEWES BEACH EROSION

AN ACT TO PROVIDE FOR PROTECTING THE BEACH OR STRAND OPPOSITE, IN FRONT OF, OR NEAR THE TOWN OF LEWES, ALONG THE DELAWARE BAY SHORE, IN SUSSEX COUNTY, DELAWARE FROM EROSION.

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

Section 1. The State Highway Department is hereby authorized, empowered and directed to provide, erect, construct and build such groins, jetties, banks, dikes, and/or bulkheads along the beach or strand opposite, in front of, or near the Town of Lewes, along the Delaware Bay Shore in Sussex County, Delaware, as in the judgment of said Department may be necessary to protect the same from erosion by the waters of the Delaware Bay.

Section 2. A sum not in excess of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated for such purposes, and the State Treasurer is hereby directed to pay the same upon proper voucher drawn from time to time by the State Highway Department for purposes hereinbefore set forth.

Section 3. In the event that all or any part of said sum of Twenty Thousand Dollars (\$20,000.00) shall remain unexpended on June 30, 1949, or on June 30, 1950, it shall not revert to the General Fund of the State Treasury, but shall remain available for said purposes up to and including June 30, 1951.

Section 4. 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 from funds not otherwise appropriated.

Approved June 29, 1949.

CHAPTER 312

APPROPRIATION

STATE SOIL CONSERVATION COMMISSION
FOR PURCHASE OF HEAVY EARTH MOVING MACHINERY
AND OTHER EQUIPMENT

AN ACT MAKING AN APPROPRIATION TO THE STATE SOIL CONSERVATION COMMISSION FOR THE PURCHASE OF HEAVY EARTH MOVING MACHINERY AND OTHER EQUIPMENT NEEDED IN THE SOIL CONSERVATION WORK OF THE STATE, MAKING PROVISION FOR THE REPAYMENT THEREOF, AND DESIGNATING THE BOARDS OF SOIL DISTRICT SUPERVISORS TO OVERSEE THE USE OF SAID EQUIPMENT AND MACHINERY.

WHEREAS, there exists the need of heavy earth moving equipment by the Board of Soil District Supervisors of the Soil Conservation Districts of the State for the purpose of cleaning out the main drainage ditches; and

WHEREAS, the cleaning of these ditches is imperative to the effective drainage of the farm lands, the economic crop production, and the general health and welfare of the people; 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 Soil Conservation Commission the sum of One Hundred Thousand (\$100,000.00) Dollars for the purchase of heavy earth moving and other machinery and equipment needed in the soil conservation work of the State.

Section 2. That the State Soil Conservation Commission upon application from the various County Boards of Soil Supervisors of the County Soil Conservation Districts shall allocate out of the total appropriation made to it by this Act, certain sums or parts thereof for use by such County Boards for the purchase of heavy earth moving and other machinery needed in

the soil conservation work of the State, and shall turn over the funds allocated as in this Section provided to the applying Board or Boards of District Soil Supervisors.

Section 3. That the various County Boards of Soil Supervisors are authorized to use the machinery so purchased in Soil Conservation work, and to make a charge for such use sufficient to cover cost of operation and repayment cost when work is done for individual persons, corporations or associations of the State.

Section 4. The repayment charges received as provided in Section 3 hereof shall be remitted by the various County Boards of Soil Supervisors to the State Soil Conservation Commission to be turned over by said Commission to the State Treasurer of the State of Delaware, at least monthly when funds are received from such use.

Section 5. The moneys so collected by a County Board of Supervisors shall be credited on the books of the State Soil Conservation Commission and upon the books of the State Treasurer as repayments on account of the total amount allocated for use in a certain Soil Conservation District.

Section 6. That the earth moving and other machinery and equipment needed for the soil conservation work of the State purchased as aforesaid shall become the property of the County Board of Soil Supervisors upon repayment by said Board of the total sum allocated to it for the purchase of the same. For the purpose of such repayment, each County Board of Soil Supervisors shall be allowed the term of Five (5) years from the date conservation funds are received by it out of the total appropriation hereby made.

Section 7. That the funds hereby appropriated shall become available on the first day of July, A. D. 1949, and shall be available for use as herein provided for a period of ten years from said date, and shall be paid by the State Treasurer upon warrants approved by the proper officials of the State Soil Conservation Commission.

Section 8. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the State Soil Conservation Commission drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds authorized by an Act of this 115th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 29, 1949.

CHAPTER 313

DOVER

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AS AMENDED, 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 of the Legislature concurring therein):

Section 1. That Section 48, Chapter 158, Volume 36, Laws of Delaware, entitled "An Act Changing the name of 'The Town of Dover' to 'The City of Dover' and establishing a charter therefor, as amended," be and the same is hereby amended by striking out in the fourth line of Paragraph One of said Section 48, the words "Twenty-five Thousand Dollars" and inserting in lieu thereof the words "One Hundred Thousand Dollars."

Approved June 29, 1949.

CHAPTER 314

DOVER

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER,' AND ESTABLISHING A CHARTER THEREFOR, AS AMENDED."

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

Section 1. That Chapter 158, Volume 36, Laws of Delaware, entitled "An Act Changing the Name of 'The Town of Dover' to 'The City of Dover' and establishing a Charter therefor, as amended" be and the same is hereby amended by repealing Section 47 of said Chapter 158, Volume 36, and inserting in lieu thereof the following to be known as Section 47 thereof:

Section 2. Section 47. That in the year 1950 and every year thereafter, there shall be made a true, just and impartial valuation and assessment of all the real property within the City and all the personal property subject to County taxes within the City (excepting farm lands to the extent that they are exempted by the provision of Section 1 of this Charter, and excepting also personal property or any farm lands actually used for or in connection with farming), locating each parcel of real property by street and number or other description, and also an assessment of all residents of the City above the age of twenty-one years, as well those owning as those not owning real property or personal property within its limits. The said valuation and assessment shall be made by an assessor or assessors who shall be elected by the Council at the previous December meeting by a majority vote thereof, and an assessor shall be a free-holder within the corporate limits of the City. Before entering upon the duties of his office, he shall be sworn or affirmed by a Justice of the Peace to perform the duties of his office with fidelity and without favor or partiality.

The assessment as aforesaid made in the year 1950 and every year thereafter, shall be made prior to the first day of March in each year.

The assessment made in the year 1950 and in every year thereafter shall be known as the General Assessment.

The assessment shall be set down by the assessor or assessors in two or more copies as the Council shall direct, and shall be delivered to the Council as soon as made. The real property and personal property of the assessors shall be assessed by the Council. The Council shall, prior to the fifteenth day of March in the year 1950 and prior to the fifteenth day of March in each year thereafter cause a copy of the general assessment to be hung up in two public places in the City, there to remain for the space of ten days for public information. With the copies of the general assessment hung up as aforesaid, shall be a notice of the day, hour and place that the Council will sit as a Board of Revision and Appeal. Notice of the hanging up of the copies of the assessment, and of the day, hour and place when the Council will sit as a Board of Revision and Appeal shall be published in at least one issue of the newspapers published in said City. On the day and 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 hung up as aforesaid and to hear appeals concerning the same. They shall have full power and authority to alter, add to, deduct, and take from the said assessment. The decision of a majority of the Council sitting shall be final and conclusive.

No Councilman shall sit on his own appeal.

The assessment as revised and adjusted by the Council as aforesaid shall be the basis for the levy and collection of taxes for the city.

The Council shall have the right to levy and collect taxes on gas mains, telephone, telegraph or trolley poles or other erection of like character within the limits of the 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.

Nothing in this act contained shall be deemed or held to invalidate or otherwise affect any assessment made prior to the approval of this act or any tax levied thereunder.

Approved June 29, 1949

CHAPTER 315

DOVER

AN ACT AUTHORIZING "THE CITY OF DOVER" TO BORROW FIVE HUNDRED THOUSAND DOLLARS AND TO ISSUE BONDS THEREFOR FOR THE PURPOSE OF THE GENERAL IMPROVEMENT OF THE WATER AND ELECTRICAL PLANT OF "THE CITY OF DOVER."

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 City of Dover," 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 City of Dover" a sum of money not exceeding Five Hundred Thousand (\$500,000.00) Dollars to be used for the purpose of the general improvement of the water and electrical plant of "The City of Dover."

Section 2. That the City Council of the said "The City of Dover," for the purpose set forth in Section 1 of this Act, shall have full power and authority to issue bonds of the said "The City of Dover" to an amount not exceeding in the aggregate the sum of Five Hundred Thousand Dollars (\$500,000.00) to be known as "The City of Dover General Improvement of the Water and Electrical Plant Bonds, series of 19 . . ."

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 and shall contain such other provisions all as said Mayor and City Council may provide and as shall be set forth in the bonds. The said bonds may be or may not be coupon bonds and may be registered or otherwise as said Mayor and City Council may deem advisable. Any and all of said bonds may be provided to

be redeemable at the option of the said Mayor and City 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 City 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 City of Dover" 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 City Council shall select the bonds to be redeemed by lot, or in such other manner as the said Mayor and City 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 City Council of "The City of Dover" 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 City Council shall deem advisable, and all the monies arising from the sale of said bonds shall be used for the carrying out of the purposes and 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 City Council, and all such bonds shall be signed by the Mayor of "The City of Dover" and by the Treasurer of "The City of Dover" 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 Mayor and City Council may direct. Facsimile signatures of the Mayor of "The City of Dover" and of the Treasurer of "The City of Dover" 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 City Council of "The City of Dover" 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 City 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 City 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 City are levied and raised, and shall be in addition to the taxes levied and raised for any and all other municipal purposes.

Section 7. That the bonds authorized by this Act may be issued at one time and in one series, or at different times and in different series, as the Mayor and the City Council may 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 Five Hundred Thousand Dollars (\$500,000.00).

Section 8. That the faith and credit of "The City of Dover" are hereby pledged for the due payment of all 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 City of Dover." 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 Index and The Delaware State News, newspapers published in the City of Dover, Delaware. 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 the City, of the age of twenty-one years, or upwards, who has, by the time of voting, paid all city 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 city assessment and tax payment records preceding of the referendum election. The judge of the election shall note on the outside of each ballot, before he deposits the ballot in the ballot box, the number of votes to which each voter is entitled, in accordance with City assessment and tax payment records.

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 the spouse first present at the polls may cast all the votes in reference to property held 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 vote * 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 by said mark of preference and also by striking out the alternative to which he is opposed. Any other writing and/or form of marking the ballot, except the number of votes noted thereon by the Judge, 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 qualifications 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 among the election officers. A majority of the election officers shall be sufficient to decide the qualifications and the number of votes of

* So enrolled

the voters. The Mayor and Council, prior to the date of the referendum election, shall designate either the City Manager or other City employee familiar with the city assessment and tax payment records to attend the election with the last City 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 probably future municipal improvements and having available such estimates of the probable cost of the same as they deem advisable. The referendum election shall be held at such suitable place in the said City as the Mayor and Council shall designate in said published notice. The polls shall be open from 2 o'clock P. M. (Eastern Standard Time) and shall close at 7 o'clock P. M. (Eastern Standard Time), unless at the time of said election Daylight Saving Time be in effect in said City in which case the polls shall open at 2 o'clock P. M. (Daylight Saving Time) and shall close at 7 o'clock P. M. (Daylight Saving 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 election 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 to the Secretary of Council, immediately after the tally sheets are compared, are in agreement and have been certified.

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 Bond Issue" this Act immediately shall become effective and the bond herein provided for, and not exceeding Five Hundred Thousand Dollars (\$500,000.00), 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 June 29, 1949.

CHAPTER 316

GENERAL ELECTIONS

WHO MAY VOTE BY ABSENTEE BALLOT

AN ACT AMENDING CHAPTER 118, VOLUME 44, LAWS OF DELAWARE, 1943, AS AMENDED, BY PROVIDING WHAT QUALIFIED ELECTORS MAY VOTE AT ANY GENERAL ELECTION BY ABSENTEE BALLOT.

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

Section 1. That Section 1 of Chapter 118, Volume 44, Laws of Delaware, 1943, as amended, be and the same is hereby further amended by striking out and repealing all of said Section and enacting in lieu thereof the following:

Section 1. Any qualified elector of this State who may be serving in the armed forces of the United States or any organization attached to and serving with the armed forces of the United States, and who because of such service in or with the armed forces of the United States may be absent or may expect to be absent at the time of any General Election from this State or from the County in which he or she is a qualified elector, may vote at such election as hereinafter provided.

Any qualified elector of this State who shall be unable, because of sickness or physical disability, or whose sickness or physical disability shall make it dangerous to the life or health of such elector, to go to the polling place in his or her Election District in order to vote at any General Election, may vote at such election as hereinafter provided; PROVIDED that an affidavit subscribed and sworn to before an officer authorized by law to administer oaths, by a person authorized to practice medicine or surgery under the laws of this State, and dated not more than sixty days prior to the next ensuing General Election, to the effect that such elector is unable to go to the polling place in his or her Election District at the forthcoming General Election because of sickness or physical disability, or that the sickness or physical disability of such elector will make it dangerous to

the life or health of such elector to go to the polling place in his or her Election District at the forthcoming General Election, shall be filed with the Department of Elections in the County in which the Election District of such elector is located before the said Department shall mail or deliver to such elector the official ballot, envelopes, or instructions as hereinafter provided.

Section 2. That Section 5 of Chapter 118, Volume 44, Laws of Delaware, 1943, as amended, be and the same is hereby further amended by striking out and repealing the second paragraph of said Section and enacting in lieu thereof the following:

There shall be printed on the face of such voucher envelope an affidavit in substantially the following form:

I do solemnly swear (or affirm) that I am a resident of the State of Delaware and will have resided therein years preceding the day of the General Election at which this ballot is to be voted, that my voting address is

.....
(City, Town or Village, if any)

at
(Street address, Road and rural delivery number, if any)

Election District , Representative District
(if known)

..... , in County;
(if known)

That I will be absent from said County on the day of said election because of SERVICE IN OR WITH THE ARMED FORCES OF THE UNITED STATES ☐ , or that I am unable, or that it would be dangerous to my life or health, to go to the polling place in the Election District in which I am registered because of SICKNESS OR PHYSICAL DISABILITY ☐ ; (check reason).

I further swear (or affirm) that I marked the enclosed ballot in secret.

(Signed)

.....
Write Name Here

.....
Print Name Here

Subscribed and sworn (or affirmed) to before me this day of, A. D. 19.....; and I hereby certify that the affiant did, in such a manner that I could not see his vote, mark such ballot, and that the affiant was not solicited or advised by me to vote for or against any candidate or candidates.

(Signed

(Notary Public, or other qualified person, stating your title).

Section 3. That Section 16 of Chapter 118, Volume 44, Laws of Delaware, 1943, as amended, be and the same is hereby further amended by adding at the end of said Section the following paragraph:

The Department of Elections of each County shall also provide a space in said Register and shall note therein the date on which it receives the affidavit of a person authorized to practice medicine or surgery under the laws of this State as to the sickness or physical disability of any elector of said County, and the name of said affiant.

Section 4. That Section 20 of Chapter 118, Volume 44, Laws of Delaware, 1943, as amended, be and the same is hereby further amended by striking out and repealing all of said Section 20 and enacting in lieu thereof the following:

Section 20. The intention of this Chapter is that only those qualified electors may vote under the provisions hereof who may be absent or who may expect to be absent, on the day of any General Election from the County in which he or she may be registered because of service in the armed forces of the United States, or because of service in an organization attached to and serving with the armed forces of the United States, or whose sickness or physical disability renders it impossible or dangerous for such elector to go to the polling place in his or her Election District in order to vote at any General Election.

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 June 29, 1949

CHAPTER 317

CONSTITUTIONAL AMENDMENT

RELATING TO THE LEGISLATURE

**AN ACT PROPOSING AN AMENDMENT TO SECTION 14,
ARTICLE II OF THE CONSTITUTION OF THE STATE
OF DELAWARE RELATING TO THE "LEGISLATURE"
PROVIDING THAT NO STATE, COUNTY OR MUNICIPAL
EMPLOYEE SHALL BE A SENATOR OR REPRESENT-
ATIVE.**

*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 Article II of the Constitution of the State of Delaware be and the same is hereby amended by striking out and repealing all of Section 14 and by inserting in lieu thereof a new Section 14, as follows:

Section 14. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State which shall have been created, or the emoluments of which shall have been increased during such time.

No member of Congress, nor any person holding any office, job or other employment for pay under this State or under any county or municipality in this State, or the United States, except officers usually appointed by the courts of justice respectively, Attorneys-at-law and officers of the militia, holding no disqualifying office, shall during his continuance in Congress or in said office, job or employment be a Senator or Representative; nor shall any person while concerned in any army or navy contract be a Senator or Representative.

Approval not required

CHAPTER 318

APPROPRIATION

SLAUGHTER BEACH EROSION

AN ACT TO PROVIDE FOR PROTECTING THE BEACH OR STRAND OPPOSITE THE TOWN OF SLAUGHTER BEACH, IN SUSSEX COUNTY, DELAWARE, FROM EROSION AND INUNDATION.

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

Section 1. The State Highway Department is hereby authorized, empowered and directed to erect, build, rebuild, replace and repair such groins, jetties, banks, dikes and/or bulkheads along the beach or strand opposite and near the Town of Slaughter Beach, in Sussex County, Delaware, as in the judgment of said Department may be necessary to protect the same from erosion or inundation by the waters of the Delaware Bay.

Section 2. A sum not in excess of Eighteen Thousand Dollars (\$18,000.00) is hereby appropriated to the State Highway Department for such purposes and the State Treasurer is hereby directed to pay the same upon proper vouchers drawn from time to time by the State Highway Department for the purposes hereinbefore set forth.

Section 3. In the event that all or any part of said sum of Eighteen Thousand Dollars (\$18,000.00) shall remain unexpended on June 30, 1949, or on June 30, 1950, it shall not revert to the General Fund of the State Treasury but shall remain available for said purposes up to and including June 30, 1951.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved June 29, 1949

CHAPTER 319

MOTOR VEHICLES

RELATING TO PENALTIES FOR VIOLATIONS

**AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE
LAWS.**

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

Section 1. That paragraph 5642, Section 104 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding the following paragraph thereto:

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).

Approved June 29, 1949

CHAPTER 320

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COST OF THE IMPROVEMENT OF A CHANNEL ACROSS REHOBOTH BAY TO THE CHANNEL LEADING FROM MILLSBORO THROUGH INDIAN RIVER TO THE INLET, AND AUTHORIZING AND EMPOWERING SAID COMMISSION TO ACT AS THE AGENT OF THE STATE OF DELAWARE.

WHEREAS, the channel leading from the point where the Lewes and Rehoboth Canal empties into Rehoboth Bay to Masseys Landing and from thence through the ditches to a proposed channel leading from Millsboro to the Indian River Inlet, has shoaled and should be dredged to such a depth and width as to allow shipping through said channel; and

WHEREAS, the United States Government through its proper agencies is prepared to expend the sum of Ninety Thousand (\$90,000.00) Dollars for said project, provided the State of Delaware makes a contribution of Twenty Thousand (\$20,000.00) Dollars to the initial cost of said work; NOW, THEREFORE,

In order to avail the State of Delaware of the offer on the part of the government of the United States,

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

Section 1. That the sum of Twenty Thousand (\$20,000.00) Dollars is hereby appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, the said sum so appropriated to be paid by the said Commission to the proper agency of the United States Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned herein.

The amount so appropriated shall be paid out by the State Treasurer of the State of Delaware upon warrants duly signed and approved by the proper officers of the Commission of Shell Fisheries.

Section 2. This bill shall be known as a Supplementary Appropriation Bill, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved June 29, 1949.

CHAPTER 321

CLAIM

CLYDE JOSEPH

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF TRUSTEES OF SUSSEX COUNTY TO PAY THE CLAIM OF CLYDE JOSEPH AND DAMAGES TO HIS AUTOMOBILE.

WHEREAS, Clyde Joseph was on the twenty-fourth day of January, 1948, the owner of a Ford five passenger sedan, Model 1946; and

WHEREAS, on the twenty-fourth day of January, A. D. 1948, Calvin Rich, Abraham White and Ellis Fassitt, while prisoners in the Sussex County Prison, having been duly sentenced by a Court of competent jurisdiction of this State to the Board of Trustees of Sussex County, did break out and escape from said jail; and

WHEREAS, the said Clyde Joseph was employed by the Board of Trustees of Sussex County as a guard in said Sussex County Prison and was so employed as a guard on the twenty-fourth day of January, A. D. 1948; and

WHEREAS, the said Calvin Rich, Abraham White and Ellis Fassitt, in breaking out of and escaping from said jail did take from the person of said Clyde Joseph the sum of \$70.00, and did steal, take and carry away the Ford five passenger sedan, Model 1946, belonging to the said Clyde Joseph, which was parked outside the said jail building, and while said Ford automobile belonging to Clyde Joseph was in the possession of the aforesaid prisoners, they did have an accident causing great damage to the said automobile; and

WHEREAS, the said Ford five passenger sedan was damaged to the extent of \$500.00; and

WHEREAS, the said Clyde Joseph has suffered great damage; 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 Board of Trustees of Sussex County is hereby authorized and directed to pay to the said Clyde Joseph, the sum of \$570.00 for damages incurred by him as a result of his Ford five passenger sedan, Model 1946, being stolen and wrecked by the said Calvin Rich, Abraham White and Ellis Fassitt, on the twenty-fourth day of January, A. D. 1948, and for the sum of \$70.00 taken from the person of said Clyde Joseph while he was a guard at the Sussex County Prison by the said Calvin Rich, Abraham White and Ellis Fassitt, while they were breaking out of and escaping from the Sussex County Prison on the said twenty-fourth day of January, A. D. 1948.

Section 2. The said sum hereby authorized and directed to be paid to Clyde Joseph shall be paid within thirty days after the approval of this act.

Approved June 29, 1949

CHAPTER 322

FISH, OYSTERS AND GAME

PROHIBITING POSSESSION OF LOADED SHOT GUN OR LOADED RIFLE IN CERTAIN VEHICLES AND CONVEYANCES.

AN ACT TO AMEND CHAPTER 74, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "FISH, OYSTERS AND GAME" BY PROHIBITING THE POSSESSION OF A LOADED SHOT GUN OR LOADED RIFLE IN CERTAIN VEHICLES AND CONVEYANCES.

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, as amended, be and the same is hereby further amended by adding at the end of 2829. Sec. 28. thereof a new paragraph as follows:

It shall be unlawful for any person to have a loaded shot gun or a loaded rifle in his or her possession in or on any automobile, other vehicle, or any piece of farm machinery, and containing any ammunition in the magazine or chamber thereof.

Approved June 29, 1949

CHAPTER 323

CONSTITUTIONAL AMENDMENT

ZONING

**AN ACT PROPOSING AN AMENDMENT TO SECTION 25 OF
ARTICLE 2 OF THE CONSTITUTION OF THE STATE OF
DELAWARE RELATING TO ZONING.**

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 agreeing thereto):

Section 1. That Section 25 of Article 2 of the Constitution of the State of Delaware, be and the same is hereby amended by striking out said section and inserting in lieu thereof a new section to be known as Section 25, as follows:

Section 25. The General Assembly may enact laws under which municipalities and the County of New Castle may adopt zoning ordinances, laws or rules limiting and restricting to specified districts and regulating therein buildings and structures according to their construction and the nature and extent of their use, as well as the use to be made of land in such districts for other than agricultural purposes; and the exercise of such authority shall be deemed to be within the police power of the State.

Approval not required

CHAPTER 324

CREATING THE WATER POLLUTION COMMISSION

**AN ACT TO CREATE A WATER POLLUTION COMMISSION
AND TO DEFINE ITS MEMBERSHIP, DUTIES AND
POWERS.**

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

Section 1. **DECLARATION OF POLICY:**—It is declared to be the public policy of the State of Delaware to maintain within its jurisdiction a reasonable quality of water consistent with public health and public enjoyment thereof, the propagation and protection of fish and wild life, including birds, mammals and other terrestrial and aquatic life, and the industrial development of the State.

Section 2. **STATEMENT OF PURPOSES:**—It is the purpose of this Act to safeguard the quality of state waters against pollution by (a) preventing new pollution in such waters and (b) controlling any pollution existing there at the time of adoption of this Act.

Section 3. **DEFINITIONS:**—When used in this Act the following words and phrases shall have the meaning ascribed to them in this Section.

(a) "Waters" shall be construed to mean public waters including lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, inland or coastal, fresh or salt, within the jurisdiction of the State of Delaware.

(b) "Sewage" means the water-carried human or animal wastes from septic tanks, water closets, residences, buildings, industrial establishments, or other places, together with such ground water infiltration, surface water, admixtures of industrial waste or other wastes as may be present.

(c) "Industrial waste" means any water-borne liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business, or from the development of any natural resource.

(d) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, and all discarded substances other than sewage or industrial waste as defined in this Section.

(e) "Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the State to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation or other legitimate and necessary uses.

(f) "Commission" means the Water Pollution Commission of the State of Delaware created by this Act.

Section 4. CREATION OF WATER POLLUTION COMMISSION:—

(a) There is hereby created the Water Pollution Commission of the State of Delaware, to be the "State Water Pollution Agency" in connection with the administration of Federal Water Pollution Control Acts.

(b) The Commission shall consist of the President of the Game and Fish Commission, the President of the Delaware Commission of Shell Fisheries, the Chief Engineer of the Wilmington Water Department, the New Castle County Engineer, the Chief Engineer of the State Highway Department, the Executive Secretary of the State Board of Health, the Director of Division of Sanitation, and one representative of industry from each of the three counties of the State, to be appointed by the Governor by and with the consent of the Senate.

(c) The three representatives of industry shall initially be appointed to hold office, for the term of one, two and three years respectively, after which their successors appointed by the

Governor, and confirmed by the Senate, shall be appointed and hold office for terms of three years each. Upon the death, resignation, or removal of any appointed member, the Governor shall, upon the Commission's certification to him of any such contingency, appoint some qualified person to fill the vacancy for the unexpired term, subject to all provisions of this Act. The term of office of every appointive member shall be from the date of his appointment and qualification until the appointment and qualification of his successors.

(d) The Game and Fish Commission may, by official administrative order, designate a deputy, qualified by education and experience, to perform the duties of the President of said Commission under this Act.

(e) The State Board of Health may, by official administrative order, designate two deputies, qualified by education and experience, to perform the duties of the Executive Secretary of the State Board of Health and of the Director of Division of Sanitation, respectively, under this Act.

Section 5. EXECUTIVE OFFICER:—The State Board of Health shall designate one of its representatives to be Secretary and Executive Officer of the Commission. The same State Board of Health shall be the Administrative Agent for the Commission on Water Pollution. It shall make such inspections, conduct such investigations and do such other acts as may be necessary to carry out the provisions of this Act, within the limits of the appropriation made for this purpose. The Administrative Agent shall have all of the powers conferred by law upon the Commission except that of enacting the orders and rules and regulations provided for in subsequent sections, subject, however, to the general direction of the Commission and the rules and regulations which it may adopt.

Section 6. COMMISSION MEETINGS:—The State Water Pollution Commission shall meet regularly in January and July of each year and special meetings may be held at any time or place, as agreed upon by the Commission or upon call of the Chairman of the Commission, the Executive Secretary of the

(c) "Industrial waste" means any water-borne liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing trade or business, or from the development of any natural resource.

(d) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, and all discarded substances other than sewage or industrial waste as defined in this Section.

(e) "Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the State to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation or other legitimate and necessary uses.

(f) "Commission" means the Water Pollution Commission of the State of Delaware created by this Act.

Section 4. CREATION OF WATER POLLUTION COMMISSION:—

(a) There is hereby created the Water Pollution Commission of the State of Delaware, to be the "State Water Pollution Agency" in connection with the administration of Federal Water Pollution Control Acts.

(b) The Commission shall consist of the President of the Game and Fish Commission, the President of the Delaware Commission of Shell Fisheries, the Chief Engineer of the Wilmington Water Department, the New Castle County Engineer, the Chief Engineer of the State Highway Department, the Executive Secretary of the State Board of Health, the Director of Division of Sanitation, and one representative of industry from each of the three counties of the State, to be appointed by the Governor by and with the consent of the Senate.

(c) The three representatives of industry shall initially be appointed to hold office, for the term of one, two and three years respectively, after which their successors appointed by the

Governor, and confirmed by the Senate, shall be appointed and hold office for terms of three years each. Upon the death, resignation, or removal of any appointed member, the Governor shall, upon the Commission's certification to him of any such contingency, appoint some qualified person to fill the vacancy for the unexpired term, subject to all provisions of this Act. The term of office of every appointive member shall be from the date of his appointment and qualification until the appointment and qualification of his successors.

(d) The Game and Fish Commission may, by official administrative order, designate a deputy, qualified by education and experience, to perform the duties of the President of said Commission under this Act.

(e) The State Board of Health may, by official administrative order, designate two deputies, qualified by education and experience, to perform the duties of the Executive Secretary of the State Board of Health and of the Director of Division of Sanitation, respectively, under this Act.

Section 5. EXECUTIVE OFFICER:—The State Board of Health shall designate one of its representatives to be Secretary and Executive Officer of the Commission. The same State Board of Health shall be the Administrative Agent for the Commission on Water Pollution. It shall make such inspections, conduct such investigations and do such other acts as may be necessary to carry out the provisions of this Act, within the limits of the appropriation made for this purpose. The Administrative Agent shall have all of the powers conferred by law upon the Commission except that of enacting the orders and rules and regulations provided for in subsequent sections, subject, however, to the general direction of the Commission and the rules and regulations which it may adopt.

Section 6. COMMISSION MEETINGS:—The State Water Pollution Commission shall meet regularly in January and July of each year and special meetings may be held at any time or place, as agreed upon by the Commission or upon call of the Chairman of the Commission, the Executive Secretary of the

Commission, or of any three members of the Commission to take up any matter within its jurisdiction. Six members of the Commission shall constitute a quorum. Any general or special order or any rule or regulation shall become effective only upon approval of at least six official members of the Commission. The said Commission members shall elect one of its members as Chairman who shall hold office at the pleasure of the Commission.

The Commission members when attending Commission meetings or when doing work for the Commission, shall be paid necessary traveling and other expenses connected with such meetings or work.

Section 7. DUTIES OF COMMISSION:—It shall be the duty of the Commission on Water Pollution and it shall have power, jurisdiction and authority:

(1) To exercise general supervision over the administration and enforcement of all laws relating to the pollution of the waters of the State.

(2) To study and investigate all problems connected with the pollution of the waters of the State and its control and to make reports and recommendations thereon.

(3) To conduct scientific experiments, investigations and research to discover economical and practicable methods for the elimination, disposal or treatment of sewage, industrial wastes and/or other wastes to control pollution of the waters of the State. To this end the Commission may cooperate with any public or private agency in the conduct of such experiments, investigations and research and may receive on behalf of the State any moneys which any such agency may contribute as its share of the cost under such cooperative arrangements.

(4) To issue general orders, adopt rules and regulations applicable throughout the State for the installation, use and operation of systems, methods and means for controlling the pollution of the waters of the State by sewage, industrial wastes, refuse and/or other wastes. Such general orders, rules and regulations

shall be issued only after an opportunity to be heard thereon shall have been afforded to interested and affected parties. Such orders shall take effect thirty days after publication thereof in at least one newspaper of general circulation in the State and in each County of the State.

(5) To issue special orders after appropriate notice and opportunity for hearing, directing particular owners, municipalities and other political entities, to secure, within a specified time, such operating results toward the control of pollution of the waters as may be reasonable and practicable of attainment.

(6) To make investigations and inspections to insure compliance with any general or special orders, rules and regulations which the Commission may issue. In the exercise of this power the Commission may require the submission and approval of plans for the installation of systems and devices for handling, treating or disposing of sewage, industrial and/or other wastes.

(7) To enter into agreements with the responsible authorities of other States, or of the Federal Government, subject to approval by the Governor, relative to methods, means and measures to be employed to control pollution of any interstate streams and other waters and to carry out such agreement by appropriate general and special orders. This power shall not be deemed to extend to the modification of any agreement with any other State concluded by direct legislative act, but, unless otherwise expressly provided, this Commission shall be the agency for the enforcement for any such legislative agreement.

Section 8. VISITORIAL POWERS OF COMMISSION:— Every municipality, other political entity and owner of an industrial establishment shall, on request of the Commission, furnish such information reasonably necessary and pertinent required by it in the discharge of its duties under this Act. Any member of the Commission or any agent of the Commission duly authorized by it may at reasonable times enter any industrial or municipal establishment for the purpose of inspecting and investigating conditions relating to the pollution of any waters of the State. No owner of any industrial or municipal establishment shall be required at any time to disclose any confidential infor-

mation relating to secret processes or economics of operation. The Commission shall have power for all purposes falling within its jurisdiction to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of necessary or essential data relating to water pollution.

Section 9. REVIEW OF ORDERS:—Any owner or other person in interest may secure a review of the necessity for and reasonableness of any general or special order of the Commission on Water Pollution in the following manner:

(a) They shall first file with the Commission a verified petition setting forth specifically the modification or change desired in such order. Upon receipt of such a petition the Commission shall order a public hearing thereon and make such further investigations as it shall deem advisable. Not more than thirty days after the filing of the petition the Commission shall affirm, repeal or change the order in question.

(b) If dissatisfied with the determination made by the Commission upon any such petition, any party in interest may file an appeal to the Superior Court of this State in accordance with the practice of said Court. In case of every such appeal the cause shall be determined by the Court from the record, (which shall include a typewritten copy of the evidence and the order of the Board), without the aid of a jury, and the Court may reverse, affirm or modify the order of the Board, or remand the cause to the Board for a rehearing. The Superior Court for the several counties of the State of Delaware is hereby vested with jurisdiction to hear and determine all appeals taken pursuant to this Chapter. The said Court may, by proper rules prescribe the procedure to be followed in case of such appeals; provided, however, that the Court shall fix a time for such hearings at the next term of said Court, after the date of such appeal, but the Court may extend the time for adequate cause shown.

(c) In lieu of the remedy provided in subsection (b) any owner may agree in writing to submit the matter to the arbitration of three reputable sanitary engineers, one chosen by the owner, one by the Commission on Water Pollution and the third by the other two. The decision of such arbitrators shall be

rendered in writing within thirty days after their selection, unless the time be extended by agreement, but no decision shall be binding unless agreed to by all of the arbitrators. The decision of the arbitrators shall be final and conclusive. All expenses of arbitration shall be paid by the owner applying therefor.

Section 10. **PENALTIES:**—Any person who shall be found guilty of violating any of the provisions of this Act or guilty of neglecting or failing to obey any general or special order of the Commission on Water Pollution lawfully issued pursuant to Section 7, shall forfeit and pay into the State Treasury a sum of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00) for each violation, failure or refusal. Each day of continued violation shall be deemed a separate offense.

Section 11. There is hereby appropriated to said Commission on Water Pollution the sum of Twenty Thousand Dollars (\$20,000.00) for the year ending July 1, 1950; and the sum of Twenty Thousand Dollars (\$20,000.00) for the year ending July 1, 1951. Said appropriations shall be used for the employment of necessary technical and clerical personnel, laboratory equipment, rent, and such other needs consistent with the carrying out of the intent of this Act.

This Act shall take effect July 1st, 1949.

Section 12. All Acts or parts of Acts inconsistent herewith are hereby repealed as to such inconsistency only; provided, that nothing in this Act shall be construed to limit or modify, in any manner, the powers and duties of the State Board of Health or the Game and Fish Commission under existing statutes.

Approved June 29, 1949

CHAPTER 325

DEFICIENCY APPROPRIATION

DELAWARE STATE COLLEGE

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO
PROVIDE FOR THE PAYMENT OF OBLIGATIONS CUR-
RENTLY OUTSTANDING AGAINST DELAWARE STATE
COLLEGE.**

WHEREAS, Delaware State College has incurred obligations far in excess of present appropriations available to the said Delaware State College; and

WHEREAS, the said outstanding obligations are long past due and constitute a serious impairment to the credit of the said Delaware State College; 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 the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, for the payment of outstanding obligations of the Delaware State College.

Section 2. That the funds hereby appropriated shall be available during the fiscal year ending June 30, 1949, and shall be paid by the State Treasurer upon proper vouchers signed by the President of the College, and the Secretary of the Board of Trustees of Delaware State College and approved by the Auditor of Accounts.

Section 3. This Act shall be known as a Supplementary and a Deficiency Appropriation Bill and the funds hereby appropriated are to be paid out of the General Funds of the State Treasury from funds not otherwise appropriated.

Approved June 29, 1949

CHAPTER 326

CONSTITUTIONAL AMENDMENT

RELATING TO COMPENSATION OF THE LIEUTENANT-GOVERNOR

**AN ACT PROPOSING AN AMENDMENT TO SECTION 19 OF
ARTICLE III OF THE CONSTITUTION OF THE STATE
OF DELAWARE, RELATING TO THE COMPENSATION
OF THE LIEUTENANT-GOVERNOR.**

*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 19 of Article III of the Constitution of the State of Delaware be amended by striking out the second paragraph of said Section and inserting in lieu thereof the following:

The Lieutenant-Governor, for his services as President of the Senate, shall receive the same compensation as the Speaker of the House of Representatives; the Lieutenant-Governor, for his services as a member of the Board of Pardons and for all other duties of the said office which may be provided by law, shall receive such compensation as shall be fixed by the General Assembly.

Approval not required

CHAPTER 327

APPROPRIATION

PALMER HOME, INCORPORATED

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 Eight Thousand Seven Hundred Dollars (\$8,700.00), 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, 1949 and ending June 30, 1951.

Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) of said sum shall be paid within three months after July 1, 1949 and a like sum of Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) shall be paid within three months after July 1, 1950.

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 June 30, 1949.

CHAPTER 328

WILMINGTON

AN ACT TO REPEAL CHAPTER 106, VOLUME 21, LAWS OF DELAWARE ENTITLED "AN ACT TO CLASSIFY REAL ESTATE FOR THE PURPOSES OF MUNICIPAL TAXATION WITHIN THE CITY OF WILMINGTON."

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

Section 1. That Chapter 106, Volume 21, Laws of Delaware, entitled "An Act to Classify Real Estate for the purposes of Municipal Taxation within the City of Wilmington" be and the same is hereby repealed.

Approved June 30, 1949.

CHAPTER 329

PUBLIC ARMS AND DEFENSE

ADJUTANT GENERAL

AN ACT TO AMEND CHAPTER 8 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED, RELATING TO PUBLIC ARMS AND DEFENSE.

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

Section 1. That 257. Sec. 2, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the word "cavalry" in line twelve of said section and inserting in lieu thereof the words "air force."

Section 2. That 260. Sec. 5, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the said section and substituting in lieu thereof a new section as follows:

260. Sec. 5. ADJUTANT GENERAL, APPOINTMENT OF; DUTIES AND SALARY:—The Adjutant General shall be appointed by the Governor, and shall have had previous military experience. He shall qualify and hold office for a term of nine years from the date of his appointment. The duties of the Adjutant General shall be as follows, to-wit: He shall be Chief-of-Staff of the Delaware National Guard and shall promulgate all orders of the Commander-in-Chief, and shall obey all orders relative to carrying into execution and perfecting any system of military discipline established by law; he shall be in attendance when the Commander-in-Chief reviews the Delaware National Guard, and perform such other military duties as the Commander-in-Chief may direct; he shall keep a register of all the officers and men of the military forces of the State, and keep in his office all records and papers required to be kept and filed therein, and make a report on or before the thirty-first day of December, in each year, to the Commander-in-Chief upon the condition of the Delaware National Guard, and statements of the

expenditures during the preceding year; and he shall furnish the proper officers of the United States Government with such reports and other information as may from time to time be necessary; he shall purchase such books, blank forms, stationery and other military stores, not otherwise provided, as may be necessary for the proper instruction and equipment of the Delaware National Guard, and issue the same upon proper requisition therefor; and furnish transportation and subsistence to the officers and men when it is necessary so to do for the transaction of military business out of funds which may be appropriated for these purposes; he may, with the approval of the Commander-in-Chief, sell or exchange from time to time such military stores belonging to the Delaware National Guard as are found unserviceable or in a state of decay, or which it may be deemed for the interest of the State to sell or exchange; he shall receive an annual salary of Twenty-five Hundred Dollars and is authorized to draw his warrant on the State Treasurer, who is authorized and directed to pay the sum out of money hereinafter appropriated for military purposes, in equal monthly installments; he shall have power and authority to employ such clerical assistance as may be necessary in the administration of his office, and the said personnel shall be paid out of funds which may be appropriated for that purpose; he shall furnish bond in such amount and form as may be directed by the Commander-in-Chief, conditioned for the faithful performance of his official duties.

The Adjutant General shall designate two individuals of the clerical force of his office as Service Officer and Assistant Service Officer, whose duties shall be to assist any residents of the State of Delaware, who have served in the armed forces of the United States in any war in which said armed forces have been engaged, their wives, children, or dependents, in adjusting their claims with the Government arising from participation of said residents in such war. For the purpose of compensating the clerks in the Adjutant General's office for the additional duties imposed upon them and for expenses necessary to carrying into effect the provisions of this paragraph, there is hereby appropriated the sum of Five Hundred Dollars annually, to be paid out of the general fund by the State Treasurer on warrants of the Adjutant General when approved by the Governor.

260 (a). Sec. 5 (a). **ACTING ADJUTANT GENERAL, APPOINTMENT OF; DUTIES:**—The Adjutant General may, during his absence from the State or while incapacitated due to illness or other cause, appoint any one of the officers of the State Staff Corps and the Departments to act as Acting Adjutant General during such absence or such incapacity. The Acting Adjutant General so appointed shall serve until the return of the Adjutant General to the State or until he shall again be capable of performing the duties of his office, as the case may be. The Acting Adjutant General shall have all the powers and authority and shall perform all the duties of the Adjutant General during his absence or incapacity.

Section 3. That 264. Sec. 9, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the said section and substituting in lieu thereof a new section as follows:

264. Sec. 9. **ENLISTED MEN; DISCHARGE OF:**—The discharge of enlisted men from the National Guard of this State shall be in conformity with the provisions of the National Defense Act and any amendments thereto governing the discharge of enlisted men.

Section 4. That 283. Sec. 28, Chapter 8 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the said section and substituting in lieu thereof a new section as follows:

283. Sec. 28. **FINES AND FORFEITURES PAID TO DELAWARE NATIONAL GUARD ASSOCIATION:**—All fines and forfeitures imposed and collected through the sentence of court-martial shall be forwarded to the Adjutant General and by him paid over to the Delaware National Guard Association Fund.

Section 5. That Chapter 70 of Volume 41, Laws of Delaware, be and the same is hereby repealed.

Section 6. That 285. Sec. 30, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing the said section and substituting in lieu thereof a new section as follows:

285. Sec. 30. GOVERNOR MAY CALL OUT NATIONAL GUARD ON EXTRAORDINARY OCCASIONS; DECLARATION OF STATE OF INSURRECTION; PAY FOR SERVICE; HOW PAID:—When it may be necessary to use any military force for public defense against foreign or domestic violence, or to provide for the protection of the lives or property of the people of the State, or in times of imminent danger of foreign or domestic violence, epidemic or breach of the public peace, or imminent danger to the lives or property of the people of this State, the Governor, as Commander-in-Chief, shall have power according to the emergency to call out any regiment, battalion, company or any part thereof for any such purpose. Whenever any portion of the Delaware National Guard is employed in aid of the civil authority, the Governor if in his judgment the maintenance of law and order will be thereby be promoted, may by proclamation declare the County or City in which the troops are serving, or any specified part thereof, to be in a state of insurrection.

For every day of service while on such duty each member of the Delaware National Guard shall receive a sum equal to twice the per diem pay and allowances that military personnel of like grade and length of service in the United States Army would be entitled to receive for a similar period of service.

Such service pay and any expenses incidental to said mobilization shall be paid by the State Treasurer from any monies not otherwise appropriated, upon warrants therefor signed by the Adjutant General, and countersigned by the Governor.

Section 7. That 286. Sec. 31, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing said section and substituting in lieu thereof a new section as follows:

286. Sec. 31. NOTICE OF REQUISITION FOR MILITARY FORCE; NEGLECT TO RESPOND; PENALTIES; COMMISSIONS REVOKED:—All such requisitions for military force shall be made known to the forces whose services are required by the Commanding Officer thereof; and upon refusal of those notified to attend the summons and perform the duty required,

they shall be liable to such punishment as a general court-martial may, upon conviction, determine.

Section 8. That 288. Sec. 33, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing said section and substituting in lieu thereof a new section as follows:

288. Sec. 33. INJURED OFFICER OR ENLISTED MAN; CARE OF; COMPENSATION; PENSION RIGHTS OF WIDOWS:—If any officer or soldier belonging to any regiment, company or detachment of the Delaware National Guard be wounded or disabled in the service of the State when called into such service, he shall receive compensation from the State of Delaware at the rate provided in the Delaware Workmen's Compensation Act, for the type of injuries sustained, based upon his civilian earning capacity or upon his military pay scale whichever is greater. The phrase "service of the State" shall include participating in armory drill, attendance at military school under proper orders, participating in special ceremonies and participating in field training unless otherwise designated by the United States Government. If any officer or enlisted man of the Delaware National Guard is killed in the service of the State, a pension shall be awarded to his widow or next of kin as the case may be in accordance with the provisions of Section 11 of the Delaware Workmen's Compensation Law. The "wages" of any such decedent shall be interpreted as either the civilian wage of the decedent or the military wage of the decedent, whichever is greater. Any such compensation or pension shall be paid by the State Treasurer from any monies not otherwise appropriated, upon warrants therefor signed by the Adjutant General, and countersigned by the Governor.

Section 9. That 290. Sec. 35, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing said section and substituting in lieu thereof a new section as follows:

290. Sec. 35. APPROPRIATION TO ANY COMPANY OR LIKE UNIT; UNIFORM ALLOWANCE OF COMMISSIONED OFFICERS; HOW PAID:—Each federally recognized unit of

company size shall receive annually from the State Treasurer the sum of Five Hundred Dollars, to be expended by the said unit in accordance with the regulations of the United States Army governing unit funds.

Each commissioned officer and each warrant officer of the Delaware National Guard who shall be in the service on the first day of July, A. D. 1948, and who has been present and performed eighty-five per cent of duty during the preceding year or such part of the preceding year during which he was a commissioned officer or warrant officer, shall receive during the fiscal year from July 1, 1948 to June 30, 1949, a sum of One Hundred Dollars to assist in defraying the cost of his uniform and equipment and after June 30, 1949, shall receive annually the sum of Fifty Dollars (\$50.00) for such purposes. Any individual hereafter commissioned or appointed an officer or warrant officer shall receive at the conclusion of his first year of service as such officer or warrant officer, provided he has performed eighty-five per cent of duty during the said year, the sum of One Hundred Dollars (\$100.00) to assist in defraying the cost of his uniform and equipment, and thereafter shall receive annually the sum of Fifty Dollars (\$50.00) for such purposes.

Section 10. That 291. Sec. 36, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 11. That 292. Sec. 37, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out of said section the words "who shall also act as Armorers" as the same appear in line ten of the said section.

Section 12. That 293. Sec. 38, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out of the first paragraph of the said section the words "sworn to or affirmed before an officer authorized by law to administer oaths or affirmations" and substituting in lieu thereof the words "certified to."

Section 13. That 294. Sec. 39, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 14. That 299. Sec. 44, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 15. That 300. Sec. 45, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 16. That 303. Sec. 48, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out the words "Nine Hundred Dollars" in line three of the said section and substituting in lieu thereof the words "Three Thousand Dollars." Provided that there shall be no increase in pay until he is released from active duty.

Section 17. That 304. Sec. 49, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing said section and substituting in lieu thereof a new section as follows:

304. Sec. 49. STATE ARMORY AND ARSENAL; USE OF; RIGHT TO LEASE; DISPOSITION OF RENTALS:—All government and State military property that the military authorities of the State may desire shall be stored in the State Arsenals; the use and occupation of the remainder of the Arsenals or Armories shall be turned over to such State Military Organization or Organizations, as may from time to time exist, subject to the supervision of the proper military authorities of the State.

The Adjutant General is hereby empowered to enter into on behalf of the State of Delaware, leases and contracts for the use of any State owned Armory, Arsenal or military reservation upon such terms and conditions and for such duration as he may deem advisable and for the best interests of the State; provided, however, that the occupation and use of any such Armory, Arsenal or military reservation under any such lease shall not in any way interfere with the operation of such Armory, Arsenal or military reservation by the armed forces of the State of Delaware.

All rentals received for the use and occupation of any Armory, Arsenal or Military Reservation shall be forwarded to

the Adjutant General and by him paid over to the State Treasurer to the credit of the General Fund.

No order shall be paid by the State Treasurer unless approved by the Adjutant General 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 certified to as true and correct.

Section 18. That 305. Sec. 50, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 19. That 309. Sec. 54, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 20. That 320. Sec. 65, Chapter 8 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Approved June 30, 1949.

CHAPTER 330

DOVER

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF DOVER' AND ESTABLISHING A CHARTER THEREFOR," BY PROVIDING COMPENSATION FOR THE MEMBERS OF THE CITY COUNCIL.

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

Section 1. That Chapter 158 of the Volume 36, Laws of Delaware, as amended, be and the same is hereby further amended by striking out and repealing Section 12 thereof, and by substituting and enacting in lieu thereof a new Section to be known as Section 12, as follows:

Section 12. Neither the Mayor nor the Vice-Mayor shall receive a salary or other compensation for the performance of the duties of the office of Mayor. The Mayor, and the Vice-Mayor while discharging the duties of the office of Mayor of the City, shall respectively be reimbursed for all expenses actually incurred in the execution of the official duties of said office.

Each member of the City Council shall be paid the sum of Ten (\$10.00) Dollars for each regular or special meeting of the City Council which he may attend, not exceeding, however, a total of fifteen (15) meetings in any one year beginning with the second Monday in February.

Any member of the City Council sitting to hear appeals from the municipal assessment, and each member of the Election Board, shall be paid the sum of Five (\$5.00) Dollars for such services.

Approved June 30, 1949.

CHAPTER 331

SUBURBAN COMMUNITY CODE

AN ACT TO AMEND CHAPTER 123, VOLUME 45, LAWS OF DELAWARE, 1945, AS AMENDED, BEING THE SUBURBAN COMMUNITY CODE, WITH RESPECT TO STREET FRONTAGE AND STREET SIDEAGE TO BE SHOWN ON COMMUNITY PLOTS; VOTING RIGHTS OF SAID PROPERTY OWNERS; LIMITATIONS ON THE ISSUANCE OF BONDS; AND ASSESSMENTS ON PROPERTY OWNERS.

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

Section 1. That Chapter 123, Volume 45, Laws of Delaware, as amended, be and the same is hereby amended by striking out and repealing all of Section 5 thereof, and substituting in lieu thereof, a new section as follows:

"Section 5. SURVEYS TO BE MADE BY STATE HIGHWAY DEPARTMENT; SURVEYS AND PLOTS OF COMMUNITY TO BE MADE; WHAT TO BE SHOWN THEREON:— Promptly upon the filing of a petition as prescribed in Section 3 hereof, the Levy Court shall adopt a resolution requesting the State Highway Department to survey and make a plot of said community, which plot shall show the boundaries of said community, the streets as then existing and the location, names and post office addresses of all freeholders in said community, as they appear on the records of the Board of Assessment of the county in which said suburban community is located, and the street frontage in feet owned by each said freeholder and in the case of corner properties the street frontage and street sideage in feet owned by each said freeholder."

Section 2. That Chapter 123, Volume 45, Laws of Delaware, as amended, be and the same is hereby amended by striking out and repealing all of Section 7 thereof, and substituting in lieu thereof, a new section as follows:

"Section 7. ELECTION TO AUTHORIZE BOND ISSUE; FREEHOLDERS ENTITLED TO VOTE THEREAT; TIME FOR HOLDING AND PREPARATION OF LIST OF QUALIFIED VOTERS; BONDS TO COVER COST OF IMPROVEMENTS; NOTICE OF ELECTION:—Upon the submission by said Chief Engineer of the State Highway Department to the Levy Court of complete plans, specifications and estimates covering said improvements, said Levy Court shall proceed to set a date for an election at which all freeholders of said community may vote, on the question whether the Levy Court should proceed to issue bonds in the manner hereinafter provided, in an amount sufficient to finance the cost of the improvements contemplated. Said election shall be held no less than twenty days and no more than thirty days after the submission of said plans and specifications and estimates to the Levy Court. The Clerk of said Levy Court shall prepare from the books and records of the Board of Assessment of the County in which said suburban community is situated, a list of the names and addresses of all freeholders of said suburban community. Opposite the name of each freeholder the Clerk shall put the number of votes each such freeholder may cast, which shall be on the basis of one vote for each front foot of property and one-half vote for each side foot of property, owned by each freeholder abutting said contemplated improvement or improvements. In determining the number of votes to be cast by each freeholder as set forth above, the fractions of feet shall be disregarded. Such list, except as hereinafter provided, shall constitute the voting list for said election."

Section 3. That Chapter 123, Volume 45, Laws of Delaware, as amended, be and the same is hereby amended by striking out and repealing all of Section 8 thereof, and substituting in lieu thereof, a new section as follows:

"Section 8. NOTICE OF ELECTION; WHAT NOTICE SHALL CONTAIN:—Thereafter and in no event less than twelve days prior to the date set for said election, the Clerk of the Levy Court shall cause to be mailed to each person on said voting list, at the address appearing on said list, a printed notice of the time and place of said election. Said notice shall state that the purpose of said election is to determine whether a majority of the

residents of said community is in favor of the issuance of bonds by the Levy Court to cover the cost of the improvement or improvements contemplated. The notice shall also set forth the total cost of the improvement or improvements as determined by Section 12 hereof; said notice shall also state the total amount of such bond issue and a clear and concise description of each of the improvements contemplated, together with the estimated cost of each improvement."

Section 4. That Chapter 123, Volume 45, Laws of Delaware, as amended, be and the same is hereby amended, by striking out and repealing all of Section 20 thereof, and substituting in lieu thereof, a new section as follows:

"Section 20. ASSESSMENT ON REAL PROPERTY IN SUBURBAN COMMUNITY; TIME FOR MAKING THEREOF; BASIS FOR MAKING; PURPOSE OF ASSESSMENT:—Not later than 30 days after the date of receipt of the final contract costs from the State Highway Department by the Levy Court, but in no event more than eight months after the sale of said bond issue, the Levy Court shall make a special assessment or levy upon all real property of every freeholder in said suburban community which is now assessable and taxable. Such assessment shall be made in such a manner that the real property of each freeholder of said community upon the basis of all front footage and in the case of corner properties all front footage and fifty per cent of the side footage abutting upon the improvement or improvements, shall equitably bear its pro rata share of the costs of said improvement or improvements. In cases of irregular corner properties the State Highway Department shall determine the footage abutting the improvement or improvements that is to be considered as front and side footage. The provisions of this section and subsequent sections in this Act relating to side footage shall cover all such projects on which construction is undertaken under the provisions of the Suburban Community Code during the 1949 calendar year and thereafter, but shall not cover projects previously constructed. The sum total of all assessments, or levies, so made, shall equal the total amount of the final contract cost, together with all interest accruing on the full amount of the bond issue until maturity. In the event that final contract costs are not determined within

the aforementioned eight month period, the Levy Court shall make a temporary special assessment or levy upon the basis of the contract bid, together with all interest accruing on the full amount of the bond issue until maturity, said temporary special assessment to be adjusted when final contract costs are known."

In the event that monies from the general fund of the Levy Court are used as heretofore provided in Section 12, the special assessment shall be determined on the basis of final contract costs plus interest. The interest rate shall be the average rate of all interest on bonds issued for similar purposes during the previous calendar year. All interest collected from such special assessments shall be deposited in the special sinking fund account as hereinafter provided for in Section 28."

Approved June 30, 1949.

CHAPTER 332

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "MOTOR VEHICLES," WITH REFERENCE TO THE MAXIMUM GROSS LOAD FOR WHICH CERTAIN MOTOR VEHICLES MAY BE REGISTERED; FEE FOR SPECIAL PERMITS; TON MILE FEE; BLANKET PERMIT FOR PILING OR POLE TRAILERS; REFUND OF FEES FOR UNUSED PERMITS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out paragraph designated (1) of 5564. Section 26 thereof, as the same last appears in Chapter 123, Volume 47, Laws of Delaware, 1947, and by substituting and enacting in lieu thereof, a new paragraph (1) as follows:

(1) Such vehicles as are authorized to operate or to be moved as provided by Section 119 of this chapter shall be registered in the same manner as other vehicles. The fee for such registration shall be at the same rate required for trucks and semi-trailers. Whenever a special permit is issued as provided by Section 119 of Chapter 165, the fee for issuing the same shall be Two Dollars, and in addition thereto, the sum of two cents per ton mile on the tonnage by which the total load, including the vehicle, exceeds the gross weight for which it is registered, except, however, that the fee for a blanket permit as set forth in Section 119 of Chapter 165 shall be Ten Dollars. Unused permits may be returned with a written certification that they were not used and certain fees levied for the permit may be refunded.

Approved June 30, 1949.

CHAPTER 333
APPROPRIATION

REHOBOTH BEACH JETTIES OR GROINS

AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT OF THE STATE OF DELAWARE TO BUILD, REPAIR OR REPLACE JETTIES AND GROINS AND OTHER INSTALLATIONS ON THE BEACH OPPOSITE REHOBOTH BEACH, SUSSEX COUNTY, DELAWARE, 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. The State Highway Department of the State of Delaware is empowered and directed to build, rebuild, replace and repair such groins and jetties along the beach or strand of the Atlantic Ocean along and adjacent to the City of Rehoboth Beach, in Sussex County, Delaware, and to build and erect such other devices and installations as in the judgment of the Department may be necessary to protect the said beach or strand from erosion by waters of the Atlantic Ocean.

Section 2. The sum of Twenty Thousand (\$20,000.00) Dollars is appropriated for the purpose stated, and the State Treasurer is directed to expend and disburse the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall proceed promptly to carry into effect the intent and purpose of this Act; and it is expressly provided that the money appropriated shall not revert to the General Fund of the State Treasury but shall remain available for the use and purpose declared until the directions hereof have been fully accomplished.

Section 4. This Act shall be known as a Supplementary Appropriation Act, and the moneys hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 30, 1949.

CHAPTER 334

APPROPRIATION

LEWES MEMORIAL COMMISSION

AN ACT TO APPROPRIATE TO THE LEWES MEMORIAL COMMISSION THE SUM OF FORTY-THREE HUNDRED DOLLARS (\$4,300.00) FOR REPAIRS TO THE ZWAAN-ENDAEL MUSEUM, AT LEWES.

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

Section 1. That the sum of Forty-Three Hundred Dollars (\$4,300.00) be, and the same is hereby, appropriated to the Lewes Memorial Commission for repairs to the Zwaanendael Museum, at Lewes.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid by the State Treasurer out of any monies in the State Treasury not otherwise appropriated.

Approved June 30, 1949.

CHAPTER 335

ALCOHOLIC LIQUOR, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 203, VOLUME 44, LAWS OF DELAWARE, RELATING TO THE PURCHASE OF ALCOHOLIC LIQUOR FOR PERSONAL USE.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, as amended by Chapter 203, Volume 44, Laws of Delaware, is hereby further amended by striking out paragraph designated (1) of 6149. Sec. 20. thereof and by inserting in lieu thereof the following paragraph:

(1) Any individual twenty-one years of age or over may purchase without license from the Commission, spirits or wine or beer by the glass or, at one purchase an amount not to exceed 3.00 gallons of spirits in a full case lot or the equivalent of four (4) bottles of spirits in less than a case lot and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of wine, and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of beer provided that such purchases are made from a person authorized to make the sale.

Approved June 30, 1949.

CHAPTER 336

ALCOHOLIC LIQUOR, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 203, VOLUME 44, LAWS OF DELAWARE, RELATING TO ALCOHOLIC LIQUOR, WINES AND BEER IN REFERENCE TO THE SALE AND DELIVERY OF ALCOHOLIC LIQUOR.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, as amended by Chapter 203, Volume 44, Laws of Delaware, be and the same is hereby amended by striking out paragraph designated (5) of 6145. Sec. 16, and inserting in lieu thereof the following:

(5) The Commission may sell at its store or stores, and deliver to any person authorized under this Chapter to purchase alcoholic liquors, alcohol, spirits, wines or beer; provided, however, that no quantity greater than 3.00 gallons of spirits in a full case lot or the equivalent to four (4) bottles of spirits in less than a case lot and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of wine, and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of beer, shall be sold to persons other than to a person personally exhibiting at the time of such purchase his or her license to purchase a stock of alcoholic liquor for personal use.

Approved June 30, 1949.

CHAPTER 337

ALCOHOLIC LIQUOR, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED BY CHAPTER 203, VOLUME 44, LAWS OF DELAWARE, RELATING TO THE PURCHASE OF ALCOHOLIC LIQUOR FOR PERSONAL USE.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, as amended by Chapter 203, Volume 44, Laws of Delaware, be and the same hereby is amended by striking out Paragraph (6) of 6146. Section 17 and inserting in lieu thereof the following paragraph:

"Any person in charge of a hotel, a restaurant, a club or a store, whether owner, lessee or manager, and recognized as such by the Commission, may purchase from the Commission or through the Commission, as provided in Section 16, Paragraph (4), but not otherwise, and may keep and sell and deliver on the premises only spirits, wine or beer by the bottle or half-bottle only, but not for consumption on the premises where sold, or in any dependency thereof; provided, however, that no quantity greater than 3.00 gallons of spirits in a full case lot or the equivalent of four (4) bottles of spirits in less than a case lot and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of wine, and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of beer shall be so sold or delivered except to a person personally exhibiting at the time of such purchase his or her license to purchase a stock of alcoholic liquor for personal use. All bottles so sold shall be delivered to the purchaser and shall be removed by him or her from the premises where sold and with the seals of such bottles unbroken."

Approved June 30, 1949.

CHAPTER 338

ALCOHOLIC LIQUOR, WINES AND BEER

AN ACT TO AMEND CHAPTER 176 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO ALCOHOLIC LIQUOR, WINES AND BEER, AS AMENDED BY CHAPTER 203, VOLUME 44, LAWS OF DELAWARE, PROVIDING THAT CERTAIN QUANTITIES OF SPIRITS AND WINE OR SPIRITS AND BEER MAY BE SOLD AND/OR PURCHASED.

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

Section 1. That Chapter 176 of the Revised Code of Delaware, 1935, as amended by Chapter 203, Volume 44, Laws of Delaware, is hereby amended by striking out paragraph designated (1) of 6148. Sec. 19, and inserting in lieu thereof the following new paragraph:

"(1) Sale of alcoholic liquor in excess of 3.00 gallons of spirits in a full case lot or the equivalent of four (4) bottles of spirits in less than a case lot and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of wine, and the equivalent of twelve (12) bottles or twenty-four (24) half-bottles of beer to be kept in stock for personal use but not for a purpose of resale, may be made to any individual holder of a license authorizing him or her to purchase such alcoholic liquor for stock."

Approved June 30, 1949.

CHAPTER 339

STATE BOARD OF HEALTH

POULTRY PROCESSING

AN ACT REGULATING THE PROCESSING OF POULTRY.

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

Section 1. No person, firm or corporation shall viscerate or dress any poultry within this State without having first applied for and having received a license from the State Board of Health. The term "person" for the purpose of this Act shall be taken to mean and include any individual, firm, association or corporation. The term "poultry processing plant" for the purpose of this Act shall be taken to mean and include any place where chickens, ducks, geese or turkeys are slaughtered, defeathered, cleaned and chilled, or cut up for commercial shipment, and shall include feeding stations, packing rooms, feeding rooms, refrigerators, dressing room, and adjacent grounds controlled by the Operator.

This Act shall not apply to or restrict the slaughtering of poultry when the same forms part of a general farm operation.

Section 2. Persons desiring a license to operate and maintain an establishment for the slaughtering of poultry shall make application in duplicate upon forms which may be secured from the State Board of Health. Said application shall contain the name and address of the applicant, the location of the viscerating or dressing plant and such other pertinent information as shall be prescribed by the State Board of Health in pursuance of the provisions of this Act.

Section 3. The application shall be accompanied by a fee of Five (\$5.00) Dollars, upon receipt of which application and fee the State Board of Health shall inspect the viscerating or dressing plant in the manner hereinafter provided, and upon a finding that the said plant is capable of being operated in a sanitary and satisfactory manner shall issue said license.

Section 4. Said license shall be for the fiscal year ending June 30th, unless sooner revoked as herein provided, and shall be renewed annually thereafter. The license fee shall be payable to the State Treasurer.

Section 5. A license may be denied at the time of the application or revoked after its issuance if the establishment of the applicant is in an unsanitary condition, or becomes so thereafter, or if the establishment of the applicant fails to provide for the removal of its filth or other refuse in a sanitary manner or in a manner not creating a noisome or obnoxious condition, or if the establishment violates any other rules or regulations laid down by the State Board of Health.

Section 6. All licenses granted shall be numbered and bear the name of the town and state and the street address, or otherwise describe the location of the establishment, and shall be displayed in a conspicuous place on the premises so covered.

Section 7. The State Board of Health shall have power to revoke any license issued under the provisions of this Act whenever it determines that any provisions of this Act have been violated. Any person, firm or corporation whose license has been so revoked shall discontinue the viscerating or dressing of poultry within this State until the provisions of this Act have been complied with and a new license issued. The State Board of Health may revoke such license temporarily until there is a compliance with such conditions as it may prescribe, or permanently for the unexpired period of such license.

Section 8. Before revoking any license the State Board of Health shall give written notice to the licensee affected, stating that it contemplates the revocation of the same and giving its reason therefor. Said notice shall appoint a time of hearing before said Board, and shall be mailed by registered mail to the licensee. On the day of hearing the licensee may present such evidence to the State Board of Health as he or it deems fit, and after hearing all the testimony, the State Board of Health shall decide the question in such manner as to it appears just and right.

Section 9. Any licensee who feels aggrieved at the State Board of Health may appeal from said decision within ten (10) days to the Resident Judge of the Superior Court of the County wherein licensee resides, and issue shall be framed in said Court and a trial had, and the decision of the Resident Judge shall be final.

Section 10. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars. A separate offense shall be deemed to be committed on each and every day such violation is continued.

Section 11. Should any person, firm or corporation continue to violate the provisions of this Act, and upon complaint of the State Board of Health, the Attorney General shall institute proceedings in the Court of Chancery for an injunction to enjoin the further operation of the poultry viscerating or dressing plant until the conditions constituting such violation or violations are corrected.

Section 12. That all Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Section 13. If any word, section, paragraph, clause, or sentence of this Act shall be declared invalid by any Court of competent jurisdiction, the remaining sections, paragraphs, clauses, and sentences shall not be affected.

Section 14. This Act shall not become effective until the Thirtieth day of June, 1949.

Approved June 30, 1949.

CHAPTER 340

DELAWARE WORKMEN'S COMPENSATION LAW

INCREASING PROVISIONS FOR PAYMENTS THEREUNDER

AN ACT TO AMEND CHAPTER 175 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "DELAWARE WORKMEN'S COMPENSATION LAW," BY INCREASING 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 6081, Sec. 11, Sub-section 1, of Chapter 175, of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said Sub-section 1 and substituting in lieu thereof a new Sub-section 1, as follows:

1. To the child or children, if there be no widow nor widower entitled to compensation, thirty per centum (30%) 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.

Section 2. That 6081, Sec. 11, Sub-section 2, of Chapter 175, of the Revised Code of Delaware, 1935, be amended by striking out and repealing all of said Sub-section 2 and substituting in lieu thereof a new Sub-section 2, as follows:

2. To the widow or widower, if there be no children, thirty per centum (30%) of wages, provided that the minimum amount payable shall not be less than Ten Dollars (\$10.00) per week.

Section 3. That 6081, Sec. 11, Sub-section 9, of Chapter 175, of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing all of the last paragraph of said Subsection 9 and substituting in lieu thereof a new paragraph as follows:

If the compensation payable under this section to or on account of any person shall for any cause cease, the compensa-

tion 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 Fifty Dollars (\$50.00) per week nor 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 Ten Dollars (\$10.00) per week. Subject to the provision of sub-section (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%). Children are not entitled to compensation during the period that compensation is payable to their mother or father, except as herein provided.

Approved June 30, 1949.

CHAPTER 341

STATE REVENUE

OCCUPATIONAL LICENSES

AN ACT TO AMEND CHAPTER 6 OF THE REVISED CODE OF THE STATE OF DELAWARE, 1935, AS AMENDED, RELATING TO OCCUPATIONAL LICENSES.

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

Section 1. That Chapter 6 of the Revised Code of Delaware, 1935, as amended by Chapter 14, Volume 41, Laws of Delaware, be and the same is hereby further amended by adding at the end of Section 5. 195. Sec. 161 of said Chapter 14, Volume 41, Laws of Delaware, a new paragraph, as follows:

Wholesale News Agency, One Hundred Dollars (\$100.00). Wholesale News Agency shall include every person engaged in the business of conducting a wholesale news agency, except any such person who is licensed as a merchant under the revenue laws of the State.

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

Approved June 30, 1949

CHAPTER 342

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "MOTOR VEHICLES," WITH RESPECT TO THE DISTANCE BETWEEN MOTOR TRUCKS WHILE BEING OPERATED UPON A HIGHWAY.

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

Section 1. That 5632. Sec. 94. Subsection (b) of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out in said Subsection (b) in the fourth line thereof, after the word "within", the word "one", and inserting in lieu thereof the word "two".

Approved June 30, 1949

CHAPTER 343

JOINT ESTATES AND PARTITION

BARRING OF CURTESY

AN ACT TO AMEND CHAPTER 95, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "JOINT ESTATES AND PARTITION," WITH REFERENCE TO THE BARRING OF CURTESY.

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

Section 1. That Chapter 95, of the Revised Code of Delaware, 1935, as amended be and the same is hereby further amended by inserting after 3757. Sec. 24 thereof a new code section to be known as 3757A. Sec. 24A, as follows:

3757A. Sec. 24A. CURTESY: HOW BARRED:—If a husband leaves his wife to go with an adulteress, or willingly lives in adultery in a state of separation from his wife, not occasioned by her fault, in either case, unless his wife be reconciled to him and suffers him to dwell with her—or if he be convicted of wrongfully killing his wife, he shall forfeit his curtesy and all demands, as her husband, upon her real or personal estate and any estate, charge, or benefit settled upon him, or upon trust for him, in lieu of courtesy.

Approved June 30, 1949

CHAPTER 344

CLAIM

FANNIE M. SCOTT

**AN ACT TO APPROPRIATE MONEY TO FANNIE M. SCOTT
AS COMPENSATION FOR DAMAGES SUFFERED BY
THE LOSS OF HER SON NORMAN DEMPSEY SCOTT
THROUGH THE NEGLIGENCE OF AN EMPLOYEE OF
THE STATE HIGHWAY DEPARTMENT.**

WHEREAS, Norman Dempsey Scott was riding as a passenger in the automobile of one Mark Shockley on the night of November 27, 1947, on State Highway No. 14; and

WHEREAS, the bridge tender stationed by the State Highway Department on the bridge over the Mispillion River on the said State Highway No. 14 was negligent and careless in that he did not lower the bridge gate across the highway before raising the bridge for the passage of a boat on the Mispillion River; and

WHEREAS, because of darkness and because of said failure of the bridge tender to lower the said gate, the driver of the automobile in which Norman Dempsey Scott was a passenger was unable to see the raised bridge in time to avoid collision therewith; and

WHEREAS, a collision did occur with the loss of the life of the said Norman Dempsey Scott, age twenty-nine; and

WHEREAS, Fannie M. Scott of Rehoboth Beach, Delaware was financially dependent for support upon her son, Norman Dempsey Scott, until the latter's death; NOW, THEREFORE,

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

Section 1. That the sum of Seven Hundred (\$700.00) Dollars be and the same is hereby appropriated unto the said Fannie M. Scott, mother of Norman Dempsey Scott, deceased, in full

settlement of all claims against the State of Delaware due to the loss of her said son.

Section 2. This bill shall be known as the Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated. The Auditor of Accounts is hereby authorized and fully empowered and directed to approve and properly execute a warrant for, and the State Treasurer is hereby authorized, fully empowered and directed to pay to Fannie M. Scott of Rehoboth Beach, Delaware the above specified sum.

Approved June 30, 1949

CHAPTER 345

APPROPRIATION

STATE BUILDING AND GROUNDS COMMISSION
FOR FIRE ALARM SYSTEM FOR STATE HOUSE AT DOVER

**AN ACT MAKING AN APPROPRIATION TO THE STATE
BUILDING AND GROUNDS COMMISSION FOR THE
PURPOSE OF INSTALLING A FIRE ALARM SYSTEM
FOR THE STATE HOUSE AT DOVER.**

*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 Building and Grounds Commission a sum of Two Thousand Five Hundred Dollars (\$2500.00) for the purpose of purchasing and installing a modern and complete fire alarm system for the State House at Dover.

Section 2. The money hereby appropriated shall be available to the State Building and Grounds Commission and shall be paid out by the State Treasury upon proper vouchers submitted by said Commission. So much of the money hereby appropriated which remains unexpended as of June 30, 1950 shall revert to the General Fund of the State Treasury.

Section 3. This Act is to be known as a Supplementary Appropriation Act and the sum hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 30, 1949

CHAPTER 346

FISH, OYSTERS AND GAME

HERRING

AN ACT TO AMEND CHAPTER 74 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED, "FISH, OYSTERS AND GAME," WITH RESPECT TO THE TIME WHEN HERRING MAY BE TAKEN.

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, as amended, be and the same is hereby further amended by striking out and repealing all of 2995. Sec. 194, thereof and by substituting and enacting in lieu of the part so stricken out a new 2995. Sec. 194. thereof, as follows:

2995. Sec. 194. HERRING FISHING; SIZE OF MESH; SATURDAY AFTERNOON AND SUNDAY FISHING PROHIBITED; CLOSED SEASON:—It shall be unlawful for any person to catch and take, or to attempt to catch and take, from the waters aforesaid, any herring with a net of any character the meshes of which shall be less than three inches stretched measure. It shall also be unlawful for any person to catch and take, or to attempt to catch and take, any herring from the waters aforesaid with a net of any character between the hours of two o'clock P. M. of every Saturday and twelve o'clock midnight of the Sunday next ensuing. It shall also be unlawful for any person to catch and take, or attempt to catch and take from the waters aforesaid, in any manner whatsoever, any herring between the tenth day of June in each year and the fifteenth day of January thence next ensuing. Any person violating any of the provisions of this Section shall upon conviction thereof, be subject to a fine of one hundred dollars together with a forfeiture of all nets, boats and other appliances used.

Approved June 30, 1949

CHAPTER 347

CLAIM

ELSIE V. WHITE

AN ACT APPROPRIATING CERTAIN MONEYS TO ELSIE V. WHITE IN PAYMENT OF THE CLAIM OF SAID ELSIE V. WHITE AGAINST THE STATE OF DELAWARE.

WHEREAS, on the Second day of August, 1947, Major Theodore B. White of Newport, Delaware, was fatally injured while in the performance of his duties as a member of the Delaware National Guard when driving a jeep to the National Guard Summer Encampment at Bethany Beach, Delaware; and

WHEREAS, the said Major Theodore B. White left to survive him a widow, Elsie V. White and five children, four of whom were under the age of eighteen years; and

WHEREAS, the said Elsie V. White made claim to the Industrial Accident Board of the State of Delaware for Compensation as a result of the death of her husband, Major Theodore B. White, which claim by an opinion dated the Twenty-seventh day of January, 1949, was refused on the ground that the National Guard of the State of Delaware was not covered by the provisions of the Industrial Accident Law; and

WHEREAS, the said opinion of the Industrial Accident Board further set forth that the remedy of the said Elsie V. White should be by a bill of claim filed with the State Legislature based upon 288. Sec. 33, Chapter 8 of the Revised Code of Delaware, 1935; and

WHEREAS, the provisions of 288. Sec. 33, Chapter 8 of the Revised Code of Delaware, 1935, provide in part that if any officer of the Delaware National Guard is killed while so serving, his family shall receive compensation according to his rank "as regulated by the pension laws of the United States"; and

WHEREAS, the pension laws of the United States provide that the rates of compensation for the widows and dependents under the age of eighteen years of veterans of World War II shall be for the widow Eighty (\$80.00) Dollars per month, and for each additional child Twelve (\$12.00) Dollars per month; 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 directed and authorized to pay to Elsie V. White the sum of Twenty-eight Thousand and Eight (\$28,008.00) Dollars in payment of compensation for loss and damage caused by the death of Major Theodore B. White.

Section 2. That this Bill shall be known as a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State Treasury.

Approved June 30, 1949

CHAPTER 348

SALARIES OF STATE OFFICERS

INCREASING SALARY OF THE GOVERNOR

AN ACT TO AMEND CHAPTER 12 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO "SALARIES OF STATE OFFICERS" BY INCREASING THE SALARY OF THE GOVERNOR.

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

Section 1. That 363. Sec. 1. of Chapter 12 of the Revised Code of Delaware be and the same is hereby amended by striking out 363. Sec. 1. of said Chapter 12 of the Revised Code of Delaware, and inserting in lieu thereof the following new Section to be known and styled as 363. Sec. 1., as follows:

363. Sec. 1. GOVERNOR:—The annual salary of the Governor shall be Ten Thousand Dollars (\$10,000), commencing with the day of his inauguration.

Section 2. This Act shall not take effect until the third Tuesday in January, A. D., 1953.

Approved June 30, 1949

CHAPTER 349

SALARIES OF STATE OFFICERS

INCREASING SALARIES OF THE ATTORNEY GENERAL
AND DEPUTIES ATTORNEY GENERAL**AN ACT TO AMEND CHAPTER 12 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
"SALARIES OF STATE OFFICERS" BY INCREASING
THE SALARIES OF THE ATTORNEY GENERAL AND
DEPUTIES ATTORNEY GENERAL.**

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

Section 1. That Chapter 12 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing 370. Sec. 8 thereof, and inserting in lieu thereof the following new Section to be known as 370. Sec. 8:

"370. Sec. 8. ATTORNEY GENERAL:—The salary of the Attorney General shall be Seventy-five Hundred (\$7,500.00) Dollars per annum."

Section 2. That Chapter 12 of the Revised Code of Delaware, 1935, as amended be and the same is hereby further amended by striking out and repealing 371. Sec. 9 thereof, and inserting in lieu thereof the following new Section to be know as 371. Sec. 9:

"371. Sec. 9. DEPUTIES ATTORNEY GENERAL:—The salary of the Chief Deputy Attorney General shall be Six Thousand Dollars (\$6,000.00) per annum; the salary of the Deputy Attorney General to be resident in New Castle County shall be Four Thousand Dollars (\$4,000.00) per annum, and the salaries of each of the Deputies to be resident in Kent and Sussex Counties respectively, shall be Thirty-five Hundred Dollars (\$3,500.00) per annum.

The two additional Deputies appointed by the Attorney General by authority of law to give assistance to the State Tax Department and to perform other duties, shall each receive a salary of Three Thousand Dollars (\$3,000.00) per annum."

Section 3. In so far as any of the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

Approved June 30, 1949

CHAPTER 350

LIENS OF OWNERS OF THRESHING MACHINES, CORN
PICKERS OR HAY BALERS**AN ACT TO AMEND CHAPTER 79, REVISED CODE OF
DELAWARE, 1935, AS AMENDED, WITH RESPECT TO
LIENS OF OWNERS OF THRESHING MACHINES, CORN
PICKERS, OR HAY BALERS, UPON GRAIN OR HAY
THRESHED, PICKED OR BALED.**

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

Section 1. That Chapter 79, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 3352. Sec. 29 thereof and by substituting and enacting a new 3352. Sec. 29, as follows:

3352. Sec. 29. THRESHING MACHINES, CORN PICKERS, HAY BALERS—LIEN ON GRAIN THRESHED, CORN PICKED, HAY BALED—PRIORITY:—The owner of a threshing machine, corn picker, hay baler shall have first lien upon any wheat, corn, hay or other grain threshed, picked or baled by him with said threshing machine, corn picker or hay baler to the full amount of his claim or bill for threshing, picking or baling the same; and if any chattel mortgage, or other lien or claim of any kind whatsoever, be placed upon any such wheat, corn, hay or other grain, either before or after the same is threshed, picked or baled, as aforesaid, then, and in any such event, such chattel mortgage or other lien or claim, as aforesaid, shall always be subject to such claim for threshing, picking or baling; and, in case of the sale of any such wheat, corn, hay or other grain, upon any claim whatsoever, the claim for threshing, picking or baling the same shall be paid out of the proceeds of any such sale, before any part of such proceeds of such sale is applied to any other claim.

Approved June 30, 1949

CHAPTER 351

TITLES TO REAL PROPERTY

RELATING TO TITLE OF MICHAEL PRICK AND EVA PRICK,
HIS WIFE, TO CERTAIN LANDS

**AN ACT FOR THE RELIEF OF MICHAEL PRICK AND EVA
PRICK, HIS WIFE, IN CONNECTION WITH THE TITLE
TO CERTAIN LAND IN NEW CASTLE COUNTY.**

WHEREAS, Michael Pricik and Eva Pricik, his wife, did by a certain Deed, dated May first A. D. 1923, purchase from Alex Pohlut and Mary Pohlut, his wife, two certain lots, pieces or parcels of land, with the buildings thereon erected, situate in the City of Wilmington, New Castle County and State of Delaware, the Deed of conveyance containing a full and accurate description of each of said lots; and

WHEREAS, Lot No. 1—is described as having for a place of beginning, a point on the easterly side of Claymont Street, 125 feet Northerly from the Northerly side of "B" Street; thence Easterly 95 feet to a corner; thence Northerly parallel with Claymont Street, 25 feet to another corner; thence Westerly parallel with "B" Street, 95 feet to the Easterly side of Claymont Street; and thence Southerly 25 feet to the place of beginning; and

WHEREAS, Lot No. 2 has for a place of beginning a point on the Westerly side of Bradford Street, 125 feet Northerly from the Northerly side of "B" Street; thence Westerly 75 feet to a corner; thence Northerly 25 feet to a corner; thence Easterly 75 feet to the Westerly side of Bradford Street; and thence Southerly 25 feet to the place of beginning; and

WHEREAS, said lots of land as described above are adjacent and abut each other and form a contiguous lot of land on Claymont Street and Bradford Street (also known as Railroad Avenue), which streets run parallel to each other; and

WHEREAS, the said Michael Pricik and Eva Pricik, his wife, did cause to be deposited with the Recorder of Deeds in and for New Castle County, Delaware, the Deed granting and con-

veying unto them all of the said lots, pieces or parcels of land with the buildings thereon erected; and

WHEREAS, the Recorder of Deeds as required by law did within the time set forth in the law governing said cases, prepare and deliver to the Board of Assessment of New Castle County, full and complete separate descriptions of Lots Nos. 1 and 2, which said descriptions did also contain the names of both the grantors, and the grantees, for assessment and tax purposes; and

WHEREAS, the said descriptions as delivered by the Recorder of Deeds in and for New Castle County, Delaware, to the Board of Assessment, are now and have been in the care and custody of the Office of the Board of Assessment for New Castle County and have never been changed or altered in any way, and do contain a full and complete description of Lot No. 1 and also of Lot No. 2; and

WHEREAS, by error, mistake or carelessness of either the members of said Board of Assessment or of some clerk employed by said Board of Assessment, there was a failure to record the description and the names of the grantors and of the grantees mentioned in the Deed hereinbefore described as Lot No. 2, leaving the title for tax purposes in the name of the Grantors and not in the name of the Grantees in said Deed, thereby permitting and allowing the taxes to accumulate from year to year against the Grantors; and

WHEREAS, the Receiver of Taxes and County Treasurer of New Castle County did place the collection of said Taxes in the hands of his then attorney, and a Monition was filed, correctly describing said Lot No. 2 and a writ of Venditione Exponas was issued and a sale had for the taxes alleged to be due against the said Alex Pohlut and Mary Pohlut, his wife, the Grantors, and that no notice, writ or other paper was ever served upon the said Michael Pricik or upon his wife Eva Pricik, the Grantees and owners of said property; and

WHEREAS, immediately upon learning that said Lot No. 2 had been sold, an appeal was made to the Levy Court of New Castle County, said Levy Court being unable under existing law,

to grant relief to the Grantees in this matter; 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 Commissioners of New Castle County, be and they are hereby authorized and directed, to have the Board of Assessment of New Castle County assess said Lot No. 2 in the names of Michael Pricik and Eva Pricik for tax purposes, they being the legal owners of said lot, that the Levy Court of New Castle County, purchaser of the said lot at the public tax sale direct the Sheriff of New Castle County to execute a Deed for said Lot No. 2 to Michael Pricik and Eva Pricik, his wife, and to do and cause to be done by the Board of Assessment, Receiver of Taxes of New Castle County, and its attorney, any and all other acts that are necessary to restore to said Michael Pricik and Eva Pricik, his wife, the same title that they held prior to said sale free and clear of all costs of advertisement, judgment and sale all caused by said error, mistake or act of carelessness by the officials of New Castle County.

Approved June 30, 1949

CHAPTER 352

SETTLEMENT OF PERSONAL ESTATES

RELATING TO THE GRANTING OF LETTERS
OF ADMINISTRATION**AN ACT TO AMEND CHAPTER 98 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, IN RELATION
TO THE SETTLEMENT OF PERSONAL ESTATES, REG-
ISTER OF WILLS, WITH REFERENCE TO THE GRANT-
ING OF LETTERS OF ADMINISTRATION.**

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

Section 1. That Chapter 98 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of the first paragraph of 3808. Sec. 10. thereof and inserting and enacting in lieu of the part so stricken out a new first paragraph as follows:

3808. Sec. 10. ADMINISTRATION; TO WHOM GRANTED:—Administration, or administration with a will annexed, shall be granted to one or more capable persons, natural or corporate, in the following order:

1. To the surviving spouse, or next of kin, or both, or to some person or persons nominated by them or any of them, as the Register of Wills, in the exercise of his discretion may determine.

2. If no petition for administration is filed within ninety (90) days from the date of death, then to any other qualified person.

3. Any interested person may petition the Register of Wills of a proper county for the probate of a will and the appointment of an administrator.

Approved June 30, 1949

CHAPTER 353

WILMINGTON

AN ACT TO AMEND CHAPTER 67 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO "THE CITY OF WILMINGTON," BY PROVIDING FOR THE SUSPENSION OF SENTENCES AND THE USE OF PROBATION IN CRIMINAL CASES "IN THE MUNICIPAL COURT FOR THE CITY OF WILMINGTON," AND MAKING THE VIOLATION OF THE TERMS OF PROBATION A MISDEMEANOR AND PROVIDING A PENALTY FOR SUCH VIOLATIONS.

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

Section 1. That 2414., Sec. 6, Chapter 67 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding thereto the following subsections:

2414 (a) Sec. 6. (a) MEANING OF TERMS:—The word "probation" shall mean the placing of a defendant under the supervision of a probation officer by order of and under conditions imposed by the Municipal Court. The term "probation officer" shall include any duly appointed probation officer "Of the Municipal Court for the City of Wilmington."

2414 (b) Sec. 6. (b) PROBATION AND SUSPENSION OF SENTENCE:—In any case where a person has been found guilty of a crime, the Court may (1) place the defendant on probation, or (2) impose a fine applicable to the offense and also place the defendant on probation, or (3) suspend the imposition or the execution of sentence, provided that the court shall not suspend the execution of a sentence of imprisonment after the defendant has been imprisoned thereunder. With the consent of a defendant charged with crime the court may continue the case and place such defendant on probation before he has been found guilty.

2414 (c) Sec. 6. (c) INVESTIGATION:—When a probation officer is available to the court, no defendant shall be placed on probation until a written report of investigation by a probation officer shall have been presented to and considered by the court. The probation officer shall inquire into the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable such investigation shall include a physical and mental examination of the defendant. If a defendant is committed to any institution the probation officer shall send a report of such investigation to the institution at the time of commitment.

2414 (d) Sec. 6. (d) CONDITIONS OF PROBATION AND SUSPENSION OF SENTENCE:—By order duly entered the court may impose and may at any time modify any conditions of probation or suspension of sentence in such manner as shall not be inconsistent with the welfare of the defendant or the community. The court shall cause a copy of any such order to be delivered to the probation officer.

2414 (e) Sec. 6. (e) TERMINATION OF PROBATION OR SUSPENSION OF SENTENCE, ARREST, SUBSEQUENT DISPOSITION:—The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court. Such period or periods with any extensions thereof shall not exceed one year.

At any time during the probation or suspension of sentence the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence. Any probation officer may arrest a probationer without a warrant or may deputize any other officer with power to arrest to do so by a written statement setting forth that the probationer has, in the judgment of said probation officer, violated the condition of probation. Such a written statement by the probation officer or the written statement deputizing any other officer to make the arrest, delivered to the authorities in charge of a New Castle County Workhouse or other appropriate place of detention, shall be sufficient warrant for the detention of said defendant. Such probation officer shall forthwith report such

arrest and detention to the court and submit in writing a report showing in what manner the probationer has violated the conditions of probation. Thereupon, or upon an arrest by warrant as herein provided, the court shall cause the defendant to be brought before it and may revoke the probation or suspension of sentence and proceed to deal with the case as if there had been no probation or suspension of sentence, or in the event the defendant is adjudged guilty of violating the terms of his probation, he shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed \$500.00 or, in the discretion of the court, be imprisoned for a term not exceeding three months, or fined and imprisoned.

Section 2. The powers and authority conferred upon the Municipal Court for the City of Wilmington under the provisions of this Act shall be in addition to the powers given to the said court by Article 1, Chapter 116 of the Revised Code of Delaware, 1935, relating to probation. No provision of the last mentioned article of Chapter 116 shall be construed as limiting the powers conferred upon the Municipal Court for the City of Wilmington as set forth in this Act.

Approved June 30, 1949

CHAPTER 354

APPROPRIATION

DELAWARE COMMISSION FOR THE FEEBLEMINDED

AN ACT APPROPRIATING MONEY TO THE DELAWARE COMMISSION FOR THE FEEBLE MINDED TO MAKE PERMANENT IMPROVEMENTS AND REPAIRS TO THE INFIRMARY AND THE LAUNDRY AT THE STATE INSTITUTION FOR THE FEEBLE MINDED AT DELAWARE COLONY.

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

Section 1. That the sum of Twelve Thousand (\$12,000.00) Dollars be and the same is hereby appropriated to the Delaware Commission for the Feeble Minded to make permanent improvements and repairs to the infirmary and the laundry at the State Institution for the Feeble Minded at Delaware Colony, near Stockley, Delaware.

Section 2. The funds so appropriated shall not revert to the General Fund of the State Treasury at the end of any fiscal year but shall remain and be available for the purpose intended until the same has been expended.

Section 3. That this Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 30, 1949

CHAPTER 355

STATE BOARD OF AGRICULTURE

RELATING TO BANG'S DISEASE AND THE MOVEMENT OF
CATTLE NOT VACCINATED

**AN ACT TO AMEND CHAPTER 21 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, ENTITLED
"STATE BOARD OF AGRICULTURE," IN REFERENCE
TO BANG'S DISEASE AND THE MOVEMENT OF
CATTLE NOT VACCINATED.**

*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 264, Volume 46, Laws of Delaware, 1947, be and the same is hereby further amended by striking out of the twelfth line of paragraph (a) under 678A. Sec. 111A. as the same appears in said Chapter 264, the word and figures "January 1, 1951" and by inserting and enacting in lieu thereof the word and figures "July 1, 1951."

Section 2. That Chapter 21 of the Revised Code of Delaware, 1935, as amended by Chapter 264, Volume 46, Laws of Delaware, 1947, be and the same is hereby further amended by striking out and repealing all of paragraph designated (b) of 678A. Sec. 111A. thereof, as the same appears in said Chapter 264, and by substituting and enacting in lieu of the part so stricken out a new paragraph (b) as follows:

(b) Each veterinarian so authorized to make vaccinations shall report to the State Board of Agriculture on forms furnished by it all such vaccinations. Every animal vaccinated under this Act shall have tatooed in his left ear such numerals and letters as the State Board of Agriculture shall authorize. Any veterinarian not complying with the rules made by the State Board of Agriculture for the control and eradication of Bang's Disease shall not be assigned any further State work.

Approved June 30, 1949

CHAPTER 356

CREATING THE DELAWARE STATE
POULTRY COMMISSION**AN ACT PROVIDING FOR THE CREATION OF THE DELAWARE STATE POULTRY COMMISSION; ITS POWERS AND DUTIES AND APPROPRIATION THEREFOR.**

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

Section 1. DELAWARE STATE POULTRY COMMISSION; ITS POWERS AND DUTIES:—There is hereby created within the State of Delaware the Delaware State Poultry Commission, consisting of eight members, to be appointed by the Governor, one member of whom shall be a person engaged in the business of dressing and/or eviscerating poultry, one member of whom shall be engaged in the business of buying and selling live poultry, one member of whom shall be engaged in the hatchery business, one member of whom shall be a member of the Delaware Poultry Improvement Association and four members of whom shall be members of the Delaware Feed Dealers Association, no more than four of whom shall belong to the same political party or faith. Such appointments shall originally be as follows: two members shall be appointed for the term of one year, two members for the term of two years, two members for the term of three years, and two members for the term of four years. Thereafter, as the terms of office of members expire, either by death, resignation, removal from the State, or otherwise, appointments shall be made for terms of four years each. The Commission shall elect one of its regular members as Chairman and the Director of the Agricultural Experiment Station and Extension Service of the University of Delaware, shall serve as its secretary. The Commission is authorized to employ such technical assistants, secretaries, and other consultants as in the opinion of the Commission is deemed necessary.

(1) The Commission shall have full authority to execute contracts for the preparation, publication and dissemination of information for the promotion of the poultry industry in the

State of Delaware. The Commission shall also have full authority to undertake studies on disease control, regulatory activities and various types of experiment and extension activities which may in its opinion be deemed beneficial to the poultry industry. However, the Commission may not spend more than one-third of the monies at its disposal on disease control or other regulatory activities and all monies so expended shall be in cooperation with the State Board of Agriculture. Similarly the Commission may not spend more than one-third of the monies at its disposal for experiment and extension activities and all money so expended shall be in cooperation with the Agricultural Experimental Station and Extension Service of the University of Delaware. The Commission may expend any share of the funds appropriated to its use for advertising, education and other mediums for the promotion of Delaware poultry and poultry products, with the understanding that during periods of over-production, decreased consumer-demand and other conditions resulting in poultry markets unfavorable to the grower, the monies at its disposal should be used largely, if not entirely, for advertising and other sales promotional activities in the interest of Delaware poultry and Delaware poultry products.

Section 2. That the sum of Forty Thousand (\$40,000.00) Dollars be and the same is hereby appropriated to the Delaware State Poultry Commission for the fiscal year beginning July 1, 1949 and ending June 30, 1950, and a like sum is hereby appropriated for the fiscal year beginning July 1, 1950 and ending June 30, 1951.

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 from funds not otherwise appropriated.

Approved June 30, 1949

CHAPTER 357

INCREASING TAX ON COMMERCIAL FEEDING STUFFS SOLD AND DISTRIBUTED IN THIS STATE FOR THE FEEDING OF POULTRY

AN ACT TO AMEND CHAPTER 21 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO COMMERCIAL FEEDING STUFFS BY INCREASING THE TAX ON COMMERCIAL FEEDING STUFFS SOLD AND DISTRIBUTED IN THIS STATE FOR THE FEEDING OF POULTRY.

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

Section 1. That Article 5 of Chapter 21 of the Revised Code of Delaware, 1935, as amended, by Chapter 64, Volume 44, Laws of Delaware, 1943, be and the same is hereby further amended by deleting sub-paragraph (4) of 625. Sec. 58 and inserting in lieu thereof a new sub-paragraph (4) of 625. Sec. 58 as follows:

(4) For the purpose of defraying the expenses connected with the sampling, inspection and analysis of commercial feeds sold or offered for sale within this State and for other items incident to carrying out the provisions of this Act, each and every manufacturer, importer, jobber, firm, association, corporation, or person before selling, offering or exposing for sale, or distributing any commercial feeds as defined in paragraph (1) of this Act shall pay annually to the Secretary of the State Board of Agriculture a registration fee of One Dollar (\$1.00) for each brand registered, and all corporations, firms or persons engaged in the manufacture of commercial feeds sold in this State shall on or before the first day of February of each year make statement under oath, in due form of law, which shall be filed with the State Board of Agriculture and which shall set forth the number of net tons of each and every brand of said commercial feeds sold or distributed in this State for the feeding of poultry and the number of net tons of each and every brand of said commercial feeds sold or distributed in this State for the feeding of other livestock during the preceding calendar year; and upon such

statement shall pay to the State Board of Agriculture the sum of thirty cents (\$.30) per net ton of two thousand pounds for each ton sold or distributed in this State during the preceding calendar year for the feeding of poultry, and upon such statement shall pay to the State Treasurer the sum of ten cents (\$.10) per net ton of two thousand pounds for each ton sold or distributed in this State during the preceding calendar year for the feeding of other livestock. Provided that in lieu of paying a registration fee of One Dollar (\$1.00) for each brand registered, making a statement under oath of the number of net tons sold during a preceding calendar year, and paying the tonnage tax, commercial feeds in cans or small packages of ten pounds or less may be registered upon payment of an annual registration fee of ten dollars (\$10.00) for each such commercial feed registered. Each applicant for a certificate of registration shall include in such application a permit granting to the State Board of Agriculture or its duly designated representative, permission to verify from applicants records such applicant's statement of tonnage.

Approved June 30, 1949

CHAPTER 358

EDUCATION

PROVIDING THE PROCEDURE FOR THE TERMINATION OF
CONTRACTS OF PROFESSIONAL SCHOOL EMPLOYEES

**AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE
OF DELAWARE, 1935, AS AMENDED, RELATING TO
"FREE PUBLIC SCHOOLS," BY PROVIDING THE PRO-
CEDURE FOR THE TERMINATION OF CONTRACTS OF
PROFESSIONAL SCHOOL EMPLOYEES.**

*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, as amended, be and the same is hereby further amended by striking out and repealing all of 2767. Sec. 145 thereof, and by substituting and enacting a new 2767. Sec. 145 therefor, as follows:

2767. Sec. 145. SERVICE OF TEACHER, PRINCIPAL OR SUPERINTENDENT NOT TO BE TERMINATED WITHOUT NOTICE:—In the event that any Board of School Trustees, or the Board of Education of any Special School Districts, of the State of Delaware, desires to dispense with the services of any Teacher, Principal or Superintendent, such Board of School Trustees or Board of Education of the Special School District, as the case may be, shall give notice in writing to such Teacher, Principal or Superintendent, on or before the first day of May of any year, that the said Teacher's, Principal's or Superintendent's services will be terminated at the end of such school year. Such written notice shall state the reason or reasons for such termination of contract. This Act shall be effective on and after the first day of July, A. D. 1949, until which date the present applicable law shall remain in full force and effect.

Approved June 30, 1949

CHAPTER 359

APPROPRIATION

CONSTRUCTION OF HOUSING FACILITIES FOR EMPLOYEES
OF BRANDYWINE SANATORIUM**AN ACT APPROPRIATING THE SUM OF EIGHTEEN THOUSAND DOLLARS (\$18,000.00) TO THE STATE BOARD OF HEALTH FOR THE CONSTRUCTION OF HOUSING FACILITIES FOR EMPLOYEES OF THE BRANDYWINE SANATORIUM.**

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

Section 1. That the sum of Eighteen Thousand Dollars (\$18,000.00) be and the same is hereby appropriated to the State Board of Health for the construction of housing facilities for employees of the Brandywine Sanatorium on the grounds now owned by the State of Delaware or an Agency or Department thereof. The said construction shall be erected under the supervision of the State Board of Health.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the State Board of Health drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of this 115th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved June 30, 1949

CHAPTER 360

CLAIM

STELLA F. KNOWLES

AN ACT APPROPRIATING MONEY OUT OF THE STATE TREASURY TO STELLA F. KNOWLES, GRANDMOTHER OF BENJAMIN L. WAGAMON, DECEASED, TO PAY A CLAIM AGAINST THE STATE OF DELAWARE FOR THE DEATH AND FUNERAL EXPENSES OF HER GRANDSON BENJAMIN L. WAGAMON.

WHEREAS, on the tenth day of February, A. D. 1948, Benjamin L. Wagamon, while riding with fellow workmen in an automobile on his way to work, did lose his life when the said automobile in which he was riding, over the bridge crossing the Indian River Inlet between Rehoboth Beach and Bethany Beach, Sussex County, Delaware, collapsed, causing the automobile in which the said Benjamin L. Wagamon was riding across the said bridge to fall into the waters of the said Indian River Inlet; and

WHEREAS, the said bridge was under the control and jurisdiction of the State Highway Department of the State of Delaware, and the bridge tender employed by the said Highway Department had left the said bridge unattended and open to the entrance thereon for persons desiring to cross said Indian River Inlet, although said bridge tender had been warned of the danger to the said bridge then existing by reason of the ice conditions in said Indian River Inlet; and

WHEREAS, at the time of his death, said Benjamin L. Wagamon was about twenty-five years of age, steadily employed by Magee Construction Company of Philadelphia, Pennsylvania, at a salary of Sixty-four Dollars (\$64.00) per week and was living with his grandmother, Stella F. Knowles; and

WHEREAS, said Stella F. Knowles became responsible for the funeral of her grandson, said Benjamin L. Wagamon, and expended the sum of Seven Hundred Seventy-seven Dollars and Seventy Cents (\$777.70) for her grandson's burial, 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 Stella F. Knowles, grandmother of said Benjamin L. Wagamon, deceased, the sum of Seven Hundred and Seventy-seven Dollars and Seventy Cents (\$777.70), in full payment of the claim of Stella F. Knowles against the State of Delaware for the death and burial of her grandson, Benjamin L. Wagamon.

Section 2. This Bill shall be known as a Supplementary Appropriation Bill, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated. The State Auditor and State Treasurer are hereby authorized and directed to draw and deliver to Stella F. Knowles a warrant for the payment of the said sum of Seven Hundred and Seventy-seven Dollars and Seventy Cents (\$777.70).

Approved June 30, 1949

CHAPTER 361

STATE BOARD OF AGRICULTURE

POULTRY BREEDING

AN ACT TO AMEND CHAPTER 21 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "STATE BOARD OF AGRICULTURE," WITH REFERENCE TO THE BREEDING OF BETTER POULTRY AND THE FUNCTIONS OF THE STATE BOARD OF AGRICULTURE IN CONNECTION THEREWITH.

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 21 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of 626. Sec. 59, and 627. Sec. 60, thereof, and by substituting and enacting in lieu of the sections so stricken out two new sections 626. Sec. 59, and 627. Sec. 60, as follows:

626. Sec. 59. BETTER POULTRY BREEDING; STATE BOARD TO INSPECT POULTRY; ISSUE CERTIFICATES; ACCREDITED FLOCKS AND CERTIFIED HATCHERIES; RULES AND REGULATIONS:—That for the encouragement of the breeding of better poultry in Delaware and for the improvement in the quality of chicks from the hatcheries of the State, the State Board of Agriculture is hereby given the authority to have inspections made of poultry flocks and chick hatcheries in the State of Delaware upon application of the owners thereof and to make rules for such inspections. When such State inspection shows freedom from disease and the meeting of standards for poultry flocks and chick hatcheries, which standards the State Board of Agriculture is hereby given authority to establish, the said Board may issue certificates to the said owners showing that the said standards have been met. The State Board of Agriculture is given authority to make rules and regulations for the management and care of the aforesaid flocks. When

hatcheries in this State use for hatching purposes eggs from flocks of poultry certified as aforesaid, such hatcheries, upon compliance with all rules and regulations of the State Board of Agriculture shall be issued certificates setting forth the classification of their hatcheries. The State Board of Agriculture shall have power to make rules and regulations for the movement, sale, labeling and advertising of all chicks, eggs and poultry produced by flocks and hatcheries under State supervision as aforesaid.

627. Sec. 60. **REVOCATION OF CERTIFICATES; PENALTY FOR VIOLATIONS; JURISDICTION OF COURTS:—**The State Board of Agriculture may revoke certificates issued in accordance with the foregoing section when the rules, regulations and requirements, made for flocks of poultry and hatcheries as above defined are not complied with by the owners of such flocks and hatcheries. Any person selling or advertising for sale chicks, eggs or poultry, of the kind named in the foregoing section, or advertising in any way that his flock or hatchery is under State supervision without the authority of the State Board of Agriculture, shall be guilty of a misdemeanor, and upon conviction before any Justice of the Peace of the State of Delaware, any Court of Common Pleas of the State of Delaware or the Municipal Court of the City of Wilmington, or in any Court of General Sessions, shall be fined a sum of not less than Twenty-Five Dollars (\$25.00), and not more than Five Hundred Dollars (\$500.00), together with costs of suit.

Section 2. That Chapter 21 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding a new section after 627. Sec. 60 thereof to be designated 627A. Sec. 60A. as follows:

627A. Sec. 60A. **STATE BOARD OF AGRICULTURE AUTHORIZED TO COOPERATE WITH UNITED STATES DEPARTMENT OF AGRICULTURE; EFFECTIVE DATE; PROVISIONS SEVERABLE:—**The State Board of Agriculture is hereby authorized to cooperate with the United States Department of Agriculture in the administration of the National Poultry Improvement Plan or the National Turkey Improvement Plan.

This Act shall become operative on July 1, 1949.

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 June 30, 1949.

CHAPTER 362

CLAIM

CHARLES AND ELIZABETH DAVIS

AN ACT APPROPRIATING THE SUM OF FOUR HUNDRED AND TEN DOLLARS (\$410.00) TO THE DELAWARE COMMISSION FOR THE FEEBLE MINDED TO REIMBURSE CHARLES DAVIS AND ELIZABETH DAVIS, HIS WIFE, FOR THE FUNERAL EXPENSES OF THEIR SON WILLIAM DAVIS.

WHEREAS, William Davis, the son of Charles and Elizabeth Davis, a boy of seventeen years, was on the ninth day of November, 1947, an inmate of the Institution known as "Delaware Colony" near Stockley, Sussex County, Delaware, under the jurisdiction of the Delaware Commission for the Feeble Minded, and

WHEREAS, on the day aforesaid the said William Davis was locked in what was called the "Detention Room" and was suffocated by smoke, when the premises caught fire; now therefore,

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

Section 1. That the sum of Four Hundred and Ten Dollars (\$410.00) is hereby appropriated to the Delaware Commission for the Feeble Minded to re-imburse Charles Davis and Elizabeth Davis, his wife, for the funeral expenses of their son, William Davis, which said sum has been paid by the said Charles Davis and Elizabeth Davis, his wife.

Section 2. The money hereby appropriated shall be paid by the State Treasurer upon a warrant signed by the Chairman of the Delaware Commission for the Feeble Minded and approved by the Auditor of Accounts.

Section 3. This bill shall be known as a supplementary appropriation Bill and the funds hereby appropriated shall be paid out of the State Treasury from funds not otherwise appropriated.

Approved June 30, 1949.

CHAPTER 363

APPROPRIATION

PERMANENT BUDGET COMMISSION

AN ACT AUTHORIZING THE PERMANENT BUDGET COMMISSION OF THE STATE OF DELAWARE TO HAVE THE ACCOUNTS OF ANY STATE BOARD, COMMISSION OR DEPARTMENT AUDITED BY A CERTIFIED PUBLIC ACCOUNTANT, PROVIDING FOR THE APPOINTMENT THEREOF, AND MAKING APPROPRIATIONS TO CARRY OUT ITS PROVISIONS.

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

Section 1. The Permanent Budget Commission of the State of Delaware is hereby authorized to procure the services of certified public accountants, the same to be appointed by the Governor, to audit the accounts of any Board, Commission or Department each and every year hereafter beginning July 1, 1949.

Section 2. The certified public accountant shall be certified under the laws of Delaware or under the laws of some State having equivalent qualifications for the certification of public accountants as are required by the laws of Delaware.

Section 3. The Governor shall select a certified public accountant or accountants to audit the accounts of any Board, Commission or Department and shall submit the name or names of the certified public accountants so chosen or selected and thereupon the Permanent Budget Commission shall and it is hereby empowered and authorized to contract with certified public accountants so selected for the purpose of carrying out the requirements of the Act.

Section 4. All accounts, records, documents, papers and writings which in any wise pertain or relate to the financial accounts of any Board, Commission or Department shall be open

to inspection by any certified public accountant selected under the provisions of this Act.

Section 5. All accounts, records, documents, papers and writings which in any wise pertain or relate to the financial accounts of any Board, Commission or Department of this State shall be audited at the end of their respective fiscal year and a report of said audit of each Board, Commission or Department shall be furnished by the Permanent Budget Commission to the Governor. In making the audit as provided under this Act, the receipt of any funds by a Board, Commission or Department from the State Treasury or otherwise, and the expenditures thereof shall be clearly set forth together with recommendations and explanations.

Section 6. Any member of any Board, Commission or Department, or any officer or agent or servant or employee of any Board, Commission or Department in this State, which shall interfere with or prevent, or try to prevent any certified public accountant or accountants so chosen or selected from auditing the accounts, records, documents, papers and writings in any wise pertaining or relating to the financial accounts of said Board, Commission or Department or refuse to turn over all accounts, records, documents, papers and writings for audit as in this Act provided, or any of them, shall be deemed guilty of a misdemeanor and, upon conviction thereof by any Court of competent jurisdiction, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the Court.

Section 7. That the sum of Twenty-five Thousand Dollars (\$25,000.00) be and the same is hereby appropriated to the Permanent Budget Commission for the fiscal year beginning July 1, 1949, and ending June 30, 1950, and the further sum of Twenty-five Thousand Dollars (\$25,000.00) is hereby appropriated for the fiscal year beginning July 1, 1950, and ending June 30, 1951, to pay the expenses of auditing as provided in this Act, and the moneys hereby appropriated shall be a Supplementary Appropriation and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Section 8. If any clause, sentence, or paragraph or part of this Act, for any reason, be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 9. All acts or parts of acts, inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistencies.

Approved June 30, 1949.

CHAPTER 364

EDUCATION

METHOD FOR APPROPRIATION AND ALLOCATION OF FUNDS
FOR MAINTENANCE, SUPPORT AND OPERATION OF
FREE SCHOOLS OF THE STATE**AN ACT PROVIDING A METHOD FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR THE MAINTENANCE, SUPPORT AND OPERATION OF THE FREE PUBLIC SCHOOLS OF THE STATE; AND GRANTING TO THE PERMANENT BUDGET COMMISSION AND THE STATE BOARD OF EDUCATION CERTAIN POWERS AND AUTHORITY TO REGULATE THE DISTRIBUTION OF THE FUNDS APPROPRIATED.**

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

Section 1. After the biennium ending June 30, 1951, appropriations for the support, maintenance and operation of the free public schools of the State shall be in two divisions: Division I shall include appropriations designated for the purpose of paying the employees of the various school districts of the state in accordance with the existing salary schedules; Division II shall include the appropriations for all other school costs, except those for debt service and the transportation of pupils.

Section 2. A. The funds appropriated to each school district for salaries included in Division I shall be determined in accordance with the aforesaid salary schedules; provided that no State funds shall be appropriated to any school district to provide salaries for teachers in excess of one teacher for each "unit" of pupils, as hereinafter defined, in such school district; and provided further that no State funds shall be appropriated to any school district to provide salaries for more teachers than shall actually be employed in such school district.

B. The funds appropriated to each school district for expenses included in Division II shall be determined by providing a sum, which shall be uniform for all school districts throughout

the State, for each "unit" of pupils, as hereinafter defined, in such school district.

C. Funds for the maintenance and operation of all one, two and three teacher schools shall be appropriated to the State Board of Education as follows:

(1) The salaries included in Division I shall be in accordance with the existing salary schedules, but the number of teachers shall not be restricted to one teacher for each "unit" of pupils if the State Board of Education finds it necessary and desirable to employ more teachers in any such one, two or three teacher school.

(2) The expenses included in Division II shall be determined by providing a sum, which shall be the same as that provided for such expenses of other school districts throughout the State, for each "unit" of pupils, as hereinafter defined, in each such one, two or three teacher school.

D. The State Board of Education shall allocate the funds so appropriated for one, two and three teacher schools to each of the said schools, as such funds are needed. The said funds so allocated shall be used only for the purposes for which they shall be appropriated, provided that the State Board of Education may transfer any funds allocated to one such school to another such school, as the needs of the said schools shall require.

E. A "unit" of pupils for the purposes of this Act shall be twenty-five pupils, or major fraction thereof, in grades one to six inclusive, or twenty pupils, or major fraction thereof, in grades seven to twelve inclusive; a major fraction shall be considered to be any fraction greater than one-half. The number of units in each school district shall be calculated on the total enrollment of such school district at the end of the school year preceding the convening of the General Assembly.

Section 3. A. In order to carry out the provisions of this Act as it applies in Division I to persons paid in accordance with the existing salary schedules, and in Division II as it applies in section 2. B. of this Act, appropriations to the school districts

and to the State Board of Education for support of one, two and three teacher schools shall be in the following form:

Name of School District (or State Board of Education for One, Two and Three Teacher Schools.)	First Year of Biennium	Second Year of Biennium
---	------------------------	-------------------------

Division I. SALARIES

A. Administrative	.....	.....
B. Clerical	.....	.....
C. Instructional	.....	.....
D. Operation	.....	.....
E. Health	.....	.....

Division II. OTHER COSTS—

.....units
 at \$
TOTAL

B. No amounts of the allotment to any district shall be transferred from one subdivision A. B. C. D. or E of Division I to any other such subdivision of Division I or to Division II, or from Division II to any subdivision of Division I.

C. The number of "units" of each school district shall be certified to the Permanent Budget Commission by the State Board of Education on or before the Fifteenth day of September biennially in the year which next precedes the convening of the General Assembly. At the time of such certification the State Board of Education shall also recommend to the Permanent Budget Commission the sum which shall be appropriated for each "unit," and shall make available to the Permanent Budget Commission all data on which such recommended figure is based. The Permanent Budget Commission shall establish the sum which shall be appropriated to each "unit" and shall use such sum as the basis for the appropriation specified in Sections 2. B. and 2. C.

D. The Permanent Budget Commission shall also recommend the appropriation of a sufficient reserve which shall be made available by the Permanent Budget Commission during the biennium to school districts which have been certified by the State Board of Education to have an increase in the number of "units" over the number of "units" in existence at the time of the certification to the Permanent Budget Commission as provided in 3. C.

Section 4. Nothing contained in this Act shall be interpreted to prevent any Board of Education or Board of School Trustees from paying an additional amount of salary to any employee, provided the additional amount be supplied by other funds than those supplied by State appropriations.

Section 5. In the case of any consolidation as defined in 2634. Sec. 12. and 2636. Sec. 14. of Chapter 71, of the Revised Code of Delaware, 1935, the Permanent Budget Commission is hereby empowered to transfer the unexpended balance, or any part thereof of any appropriation under this Act for the closed district or districts to the appropriation of the district or districts with which any such closed districts are consolidated.

Section 6. 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 appropriations provided in this Act.

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

Section 8. If any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved June 30, 1949.

CHAPTER 365

CLAIM

ROBERT B. ATKINS

AN ACT APPROPRIATING THE SUM OF ONE HUNDRED DOLLARS TO THE STATE HIGHWAY DEPARTMENT TO REFUND A FINE IMPOSED ON ROBERT B. ATKINS WRONGFULLY FOR MOTOR VEHICLE LAW VIOLATION.

WHEREAS, Robert B. Atkins was, in the month of May, A. D. 1947, charged before W. Elwood Wright, a Justice of the Peace, in and for Sussex County, with leaving the scene of an accident, in violation of 5645. Sec. 107 of Chapter 165, Revised Code of Delaware, 1935, as amended; and

WHEREAS, the said Robert B. Atkins was found guilty of violating said statute, and a fine of One Hundred Dollars (\$100.00), together with costs, was imposed upon said Robert B. Atkins; and

WHEREAS, the Motor Vehicle Commissioner, as a result of said conviction, did revoke the Operator's License of said Robert B. Atkins; and

WHEREAS, the said Robert B. Atkins was charged wrongfully of violating said statute in that he was charged with violating the Act after the same had been amended by Chapter 62, Volume 46, Laws of Delaware, 1947, which was passed and approved by the Governor on March 17, 1947; and

WHEREAS, by Chapter 62, Volume 46, Laws of Delaware, 1947, the said Robert B. Atkins had not violated said statute; and

WHEREAS, on discovery of the error in prosecution for violation of this statute the time for appeal had expired and the Justice of the Peace had remitted said fine to the State Highway Department as provided under the laws of this State; and

WHEREAS, the Motor Vehicle Commissioner has, since the aforesaid conviction, renewed and returned the Operator's License to Robert B. Atkins, NOW, THEREFORE,

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

Section 1. That the sum of One Hundred Dollars (\$100.00) is hereby appropriated to the State Highway Department from monies in the State Treasury, not otherwise appropriated, to be used by the aforesaid State Highway Department to refund a fine of One Hundred Dollars (\$100.00) wrongfully imposed upon Robert B. Atkins on a charge of violating 5645. Sec. 107 of Chapter 165, Revised Code of Delaware, 1935, in the month of May, 1947.

Section 2. The monies hereby appropriated shall be paid by the State Treasurer upon proper warrant or warrants signed by the Chairman of the State Highway Department and approved by the Auditor of Accounts.

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

Approved June 30, 1949.

CHAPTER 366

LIENS OF JUDGMENTS

AN ACT PRESCRIBING THE PROCEDURE THAT MUST BE FOLLOWED BEFORE A JUDGMENT OBTAINED IN A FEDERAL COURT BECOMES A LIEN UPON REAL PROPERTY IN THE STATE OF DELAWARE.

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

Section 1. That Chapter 132 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by inserting after 4773. Sec. 20 of Article 1 thereof a new Code Section to be designated 4773A. Sec. 20A. as follows:

4773A. Sec. 20A. Transcripts of judgments or decrees rendered in the District Court of the United States or in any other Federal Court of competent jurisdiction within the State of Delaware shall be filed and docketed in the office of the Prothonotary of each County of the State of Delaware other than the County in which such judgment or decree was rendered and when so filed and docketed (and only when so filed and docketed) such judgments or decrees shall have the same force and effect as a lien as judgments or decrees rendered and docketed in Superior Court of the State of Delaware in any County of the State.

When transcripts of any judgments or decrees of any Federal Court in this State have been filed and docketed as aforesaid then said judgments or decrees shall be liens on the real estate of the judgment debtor within the County in which such judgment or decree has been filed and docketed as aforesaid in the same manner and to the same extent and under the same conditions as if such judgments or decrees had been rendered in the Superior Court of any County of the State of Delaware.

The Prothonotary of each County upon being presented with a transcript of a judgment or decree rendered in any Federal Court within the State of Delaware, and upon receiving a fee of

one dollar, shall immediately file such transcript, and docket and index the judgment in the same manner as prescribed by law for the docketing and indexing of judgments rendered in the Superior Court of the State of Delaware.

Approved June 30, 1949.

CHAPTER 367

CEMETERIES

AN ACT AUTHORIZING THE DISINTERRING AND RE-INTERRING OF BODIES IN A CEMETERY LOCATED ON THE NORTH SIDE OF WEST PINE STREET IN GEORGETOWN, DELAWARE, BELONGING TO WESLEY METHODIST CHURCH IN GEORGETOWN, AND PROVIDING FOR THE SALE OF THE LAND FROM WHICH BODIES ARE REMOVED.

WHEREAS, in the Town of Georgetown in Sussex County, Delaware, there is a small and very old cemetery on the property of and belonging to Wesley Methodist Church of said Town; and

WHEREAS, the said cemetery has not been used for burial purposes for a great many years; and

WHEREAS, the said cemetery is located apart from other cemeteries in the Town of Georgetown and it is not under perpetual care and the church authorities find it difficult to maintain the said cemetery in a proper manner; and

WHEREAS, it is the desire of the Trustees of the said church that the bodies in the old cemetery hereinafter described should be removed and reinterred in an organized cemetery controlled by a cemetery corporation and under perpetual care so that proper attention can be given to the lots where reinterments are made; and

WHEREAS, it is the desire of the Trustees of Wesley Methodist Church that, with the consent of relatives of the persons buried in the said cemetery, if any such can be located to sell the plot of land from which the bodies are proposed to be removed, 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 concurring therein):

Section 1. That the Trustees of Wesley Methodist Church of Georgetown, Sussex County, Delaware, be and they are hereby authorized and fully empowered to carefully and properly disinter and remove all of the bodies from the said cemetery located on the north side of West Pine Street in the Town of Georgetown, Delaware and to carefully and properly reinter the said bodies in another cemetery in the Town of Georgetown that is under the control of an organized cemetery company where perpetual care is proposed to be arranged and where the plot of ground where the bodies are proposed to be reinterred can be properly kept.

Section 2. That after the removal of the bodies from the cemetery herein described, the authorities of Wesley Methodist Church are authorized and empowered to sell the plot of ground where the bodies in question are now interred and to apply the proceeds derived from said sale toward the expenses of the removal of the bodies as aforesaid and their reinterment in another cemetery in the Town of Georgetown, Delaware.

Section 3. That, before removing any of the said bodies from the said cemetery as aforesaid, the said Trustees shall first make reasonable effort to get the consent in writing of the relatives of the said deceased persons whose bodies are therein buried and which bodies they propose to remove; and if said Trustees are unable to find such relatives or any of them, they shall advertise in at least one weekly newspaper in Sussex County, for three successive weeks, that they propose removing said bodies in accordance with this Act; and if, after such advertising, or as a result of such advertising, the said Trustees are not able to find said relatives or any of them, and no objection is made by any known relative, then and in such event, the said Trustees shall be presumed to have secured the consent of any and all of such relatives as provided for in this Act.

Section 4. That all acts or parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed to the extent and only to the extent of such inconsistency.

Approved June 30, 1949.

CHAPTER 368

STATE BOARD OF EXAMINERS OF UNDERTAKERS

AN ACT TO AMEND CHAPTER 32, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "STATE BOARD OF EXAMINERS OF UNDERTAKERS," WITH REFERENCE TO APPRENTICESHIP, AND THE CREDIT GIVEN APPLICANTS FOR TIME SPENT IN THE WORK OF THE GRAVES REGISTRATION SERVICE OF THE UNITED STATES OR ANY OF ITS AGENCIES.

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

Section 1. That Chapter 32 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding a new paragraph to 1022. Sec. 5, as follows:

That all persons who have served in the armed forces of the United States of America, and who have graduated from a High School or a College, and who while in the armed forces as aforesaid were detailed to the "Graves Registration Service" of the United States of America, and who served six months or more in that branch of the said armed forces, shall, when they apply to the State Board of Examiners of Undertakers of the State of Delaware, be allowed on account of the required period of apprenticeship a credit of the same amount of time served in the work of the Graves Registration Service.

Approved June 30, 1949.

CHAPTER 369

APPROPRIATION

NEW CASTLE TERCENTENARY OF DUTCH SETTLEMENT
COMMISSION**AN ACT APPROPRIATING CERTAIN MONEYS FOR THE
PURPOSE OF COMMEMORATING THE THREE HUN-
DREDTH ANNIVERSARY OF THE SETTLEMENT OF
THE DUTCH AT NEW CASTLE.**

WHEREAS, the year 1951 is the Three Hundredth Anniversary of the settlement by the Dutch at the present site of New Castle; and

WHEREAS, the people of Delaware have a strong and just native pride in the history and traditions of their State, and have always desired to perpetuate in the memory of their children and of the Country at large the proper knowledge and appreciation of that history; and

WHEREAS, the importance of Delaware as a Colony and as the First State in the Union, gives to this event a significance equal to that of other early settlements whose anniversaries have been celebrated with National and International participation;
NOW THEREFORE

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

Section 1. That within six months after the approval of this Act, the Governor be and is hereby authorized and requested to select a Committee of seven (7) residents of this State, whom he has reason to believe are deeply interested in historical events, and whose duty it shall be to prepare plans for a fitting Celebration on the occasion of the New Castle Tercentenary of Dutch settlement.

Section 2. That the sum of Five Thousand Dollars (\$5,000.00) is hereby appropriated from any moneys in the Treasury of the State of Delaware not otherwise appropriated for the

purpose of defraying the expenses of the said Committee in the formation of such plans. The State Treasurer is directed to pay from this appropriation upon warrants signed by the Chairman of said Committee and approved by the Governor.

Approved June 30, 1949.

CHAPTER 370

APPROPRIATION

BETHANY BEACH JETTIES OR GROINS

AN ACT TO PROVIDE FOR PROTECTING THE BEACH OR STRAND OPPOSITE THE TOWN OF BETHANY BEACH, IN SUSSEX COUNTY, DELAWARE, FROM EROSION.

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

Section 1. The State Highway Department is hereby authorized, empowered and directed to erect, build, rebuild, replace, repair and lengthen such groins and jetties along the beach or strand opposite and adjacent to the Town of Bethany Beach, in Sussex County, Delaware, as in the judgment of said Department may be necessary to protect the same from erosion by the waters of the Atlantic Ocean.

Section 2. A sum not in excess of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated for such purposes and the State Treasurer is hereby directed to pay the same after July 1, 1949, upon proper vouchers drawn from time to time by the State Highway Department for the purposes hereinbefore set forth.

Section 3. In the event that all or any part of said sum of Twenty Thousand Dollars (\$20,000.00) shall remain unexpended, it shall not revert to the General Fund of the State Treasury but shall remain available for said purposes until work proposed under this Act has been fully completed.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Funds of the State Treasury from funds not otherwise appropriated.

Approved June 30, 1949.

CHAPTER 371

GENERAL PROVISIONS RESPECTING POLICE

RELATING TO NARCOTIC DRUGS

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED, "GENERAL PROVISIONS RESPECTING THE POLICE" BY IMPOSING UPON THE STATE BOARD OF PHARMACY THE DUTIES NOW PERFORMED BY THE STATE BOARD OF HEALTH, UNDER ARTICLE 42 OF SAID CHAPTER RELATING TO NARCOTIC DRUGS.

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

Section 1. That Chapter 100 of the Revised Code of Delaware, 1935, as amended, be further amended by striking out and repealing wherever they occur in Article 42 of said Chapter relating to narcotic drugs the words, "State Board of Health," and by substituting and enacting in lieu thereof wherever said words are so stricken, the words, "The State Board of Pharmacy."

Approved June 30, 1949

CHAPTER 372

GENERAL PROVISIONS RESPECTING POLICE

RELATING TO NARCOTIC DRUGS

AN ACT TO AMEND CHAPTER 100 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "GENERAL PROVISIONS RESPECTING THE POLICE," WITH RESPECT TO THE QUANTITIES OF CERTAIN DRUGS EXEMPTED FROM THE PROVISIONS OF ARTICLE 42 THEREOF RELATING TO NARCOTIC DRUGS.

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

Section 1. That Article 42, Chapter 100 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by repealing that part of 4092. Sec. 197. thereof, and designated (a) as the same appears in the second column on Page 868 of said Revised Code, and by substituting and enacting in lieu of the paragraph so repealed a new paragraph designated (a) as follows:

(a) No person shall prescribe, administer, dispense, or sell under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or more than two grains of morphine or of any of its salts, or more than eight grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty-eight consecutive hours, with more than one preparation exempted by this section from the operation of this Article.

Approved June 30, 1949

CHAPTER 373

SETTLEMENT OF ESTATES

CEMETERY LOTS

AN ACT TO AMEND CHAPTER 98, REVISED CODE OF DELAWARE, 1935, RELATING TO SETTLEMENT OF ESTATES, BY REPEALING THE PROVISION REQUIRING EXECUTORS AND ADMINISTRATORS TO PROVIDE PERPETUAL CARE FOR CEMETERY LOTS.

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

Section 1. That Chapter 235, Volume 45, Laws of Delaware, 1944-45 (amending Chapter 98 of the Revised Code of Delaware, 1935, by adding thereto a new Section styled 3837A. Section 39A.), be and the same is hereby repealed.

Approved June 30, 1949

CHAPTER 374

INSURANCE DEPARTMENT

ASSESSMENT AND FRATERNAL ORGANIZATIONS

**AN ACT RELATING TO ASSESSMENT AND FRATERNAL
ORGANIZATIONS.**

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

Section 1. That Chapter 20 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing all of Article 6 of said Chapter 20.

Approved June 30, 1949

CHAPTER 375

EDUCATION

RELATING TO CONSOLIDATION OF SCHOOL DISTRICTS

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, TO AUTHORIZE THE CONSOLIDATION OF SCHOOL DISTRICTS AND TO PROVIDE FOR THE TRANSFER OF TITLES OF SCHOOL PROPERTY AND THE VALIDATION OF SCHOOL BONDS AND COLLECTION OF TAXES.

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

Section 1. That 2634. Sec. 12. of the Revised Code of Delaware, 1935, be amended by striking out all of the said section and inserting in lieu thereof, the following:

"2634. Sec. 12. CONSOLIDATION OF SCHOOL DISTRICTS: MUST BE SUBMITTED TO VOTERS:—The State Board of Education may, when, in the Board's judgment, it is practicable and desirable, consolidate two or more school districts or a school district and a special school district, or two special school districts which are contiguous, provided that before doing so they post notice of the proposed change four weeks prior thereto on the front door of the school house or school houses and in at least ten other prominent and conspicuous places in the district or districts concerned. At the expiration of the time aforesaid the question of consolidation shall be submitted by referendum to the voters of the district or districts affected. The notice of the referendum shall distinctly state that in case the consolidation is effected, the bonds of both districts, if any, shall be assumed by the consolidated district and paid according to the original authorization, which was accomplished by the referendums in the respective districts before the bonds were issued, and that the rate of tax for current expenses in the consolidated district shall not be in excess of the highest rate that was levied in either of the districts to be consolidated without a new referendum to authorize such taxation. Said referendum vote shall be

held within ten days of the expiration of such notice and shall be conducted by the Boards of School Trustees in said Districts and/or Boards of Education of the said Special School Districts. At said election any person shall be entitled to vote who would be entitled to vote at a regular school election of said school districts if held at that time.

The question shall be determined by a majority vote in each district affected and the result shall be immediately certified to the State Board of Education."

Approved June 30, 1949

CHAPTER 376

APPROPRIATION

DELAWARE STATE HOSPITAL AT FARNHURST
AUTHORIZING THE STATE TO BORROW MONEY AND ISSUE
BONDS FOR THE PAYMENT OF THE MONEY APPROPRIATED

AN ACT FOR THE CONSTRUCTION, EQUIPPING AND FURNISHING OF SEVERAL NEW BUILDINGS AND THE REMODELING AND REFURNISHING OF SEVERAL OLD BUILDINGS AT THE DELAWARE STATE HOSPITAL AT FARNHURST; MAKING AN APPROPRIATION THEREFOR AND AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY AND ISSUE BONDS FOR THE PAYMENT OF THE MONEY SO APPROPRIATED.

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. Within the appropriation under Section 2 of this Act, the State Board of Trustees of the Delaware Hospital at Farnhurst is hereby authorized, empowered and directed to erect new facilities on the grounds of the State Hospital and to repair, remodel and refurnish existing facilities at State Hospital for use as receiving rooms, for the care of untidy patients, and for use as colored wards.

Section 2. There is hereby appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00), or so much thereof as may be necessary, out of the proceeds of a bond issue authorized to provide the necessary funds for the purpose of this Act. The funds so appropriated shall not revert to the General Fund of the State Treasury at the end of any fiscal year but shall remain and be available for the purpose indicated until the same has been expended.

Section 3. That the Governor and the State Treasurer and the Secretary of State of the State of Delaware herein some-

times referred to as the "issuing officers," are hereby authorized, empowered and directed, to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of Four Hundred Fifty Thousand Dollars (\$450,000.00) which shall be used for the purposes set forth in this Act entitled, "An Act Appropriating Monies for the Construction, Equipping and Furnishing of Several New Buildings and the Remodeling and Refurnishing of Several Old Buildings at the Delaware State Hospital at Farnhurst; Making an Appropriation Therefor and Authorizing the State of Delaware to Borrow Money and Issue Bonds for Payment of the Money so Appropriated."

Section 4. 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 5. 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 delivery of said bonds.

Section 6. That the said bonds shall recite that they are issued for the purpose set forth in 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 7. 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 8. 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 9. That the said bonds shall mature as the "issuing officers" may determine; provided, however, that beginning after June 30, 1949, not less than Eighteen Thousand Dollars (\$18,000.00) of the principal debt hereby authorized shall be paid each year until the total of the said debt is fully paid.

Section 10. 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 at the Farmers' Bank of the State of Delaware, at Dover, and shall be used exclusively for the purpose set forth in this Act, and shall be allocated to the Board of Trustees of the Delaware State Hospital.

Section 11. That the Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Fifteenth 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 June 30, 1949

CHAPTER 377

APPROPRIATION

REVISED CODE COMMISSION

AN ACT PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO REVISE THE PUBLIC LAWS OF THE STATE OF DELAWARE AND CODIFY AND ARRANGE THE SAME; APPROPRIATION FOR EXPENSE THEREOF.

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

Section 1. That a commission, consisting of three commissioners, one of whom shall be a resident of each county in this State, who shall be citizens of the State of Delaware and attorneys of recognized ability and knowledge of State Legislation, to be known as The Revised Code Commission, be and the same is hereby created with authority and power to revise the public laws of the State of Delaware and codify and arrange the same.

Section 2. That the Governor be and he is hereby authorized to select, at his earliest convenience, within the limitations of Section 1 of this Act, three commissioners to constitute the said The Revised Code Commission.

In the event of any vacancy in said Commission before the completion of its work, occurring by death, resignation or otherwise, such vacancy shall be filled by like appointment of the Governor.

Section 3. That the said Commission is authorized and directed to revise, codify and arrange in a systematic and condensed form, all the statute laws of the State of Delaware of a public and general nature, which shall consist of the laws found in the Revised Code of Delaware, 1935, and all amendments thereto made both at the present and past sessions of the General Assembly, together with such additional statutes of a public and general nature as have been enacted since the publication of the

said Code of 1935 and such as may be enacted at the present session of the General Assembly, so as to compress the whole into the smallest practical volume.

Section 4. That the said Commission is authorized and directed to revise, codify and arrange the said laws in such manner, under such titles and in such language as to the said Commission shall seem best and as the nature and scope of the work may suggest, following as near as practically possible the general scheme and plan of the said Code of 1935, but in no case is the said Commission authorized to omit, add to, amend, alter, change or vary the meaning of any existing law to be embraced in said work.

Section 5. That the said Commission is authorized to omit enactments that are redundant and have ceased to have any effect on existing rights and remedies, to reject superfluous words, to condense into as concise and comprehensive form as is consistent with a full, clear and exact expression of the will of the Legislature, all circuitous, tautological and ambiguous phraseology, and in a separate report to be made to the next biennial session of the General Assembly, to suggest any mistakes, omissions, inconsistencies and imperfections that may appear in the laws to be revised, codified and arranged in accordance with the provisions of this Act, and the manner in which they may be corrected, supplied and amended by act of the General Assembly.

Section 6. That the laws embraced within the said Code, as revised, codified and arranged by the said Commission, shall be comprehensively and accurately indexed.

Section 7. That the said The Revised Code Commission, in addition to the separate report hereinbefore referred to in Section 5 of this Act, shall make a full and complete report of its work to the next biennial session of the General Assembly, showing the work as completed. The said report shall further contain an accurate itemized statement of the expenses and disbursements of the said Commission, accompanied with vouchers therefor.

Section 8. That the total cost to the State of Delaware shall not exceed the sum of Fifty Thousand Dollars (\$50,000.00) and

the said Commission is authorized to draw orders, from time to time, signed by all of the commissioners, upon the State Treasurer for such sum or sums as shall be necessary for defraying its expenses and for paying from time to time reasonable compensation to the said Commissioners, and the State Treasurer, when drawn upon by such orders, shall pay the same out of any money in the general fund of the State Treasury not otherwise appropriated, not exceeding the limit fixed as aforesaid.

Approved June 30, 1949

CHAPTER 378

CLAIM

JULIUS HUGHES

AN ACT APPROPRIATING MONEY TO DOVER SPECIAL SCHOOL DISTRICT TO PAY THE CLAIM OF JULIUS HUGHES FOR PERSONAL INJURIES.

WHEREAS, on the Seventh day of March 1946, one Julius Hughes, a minor, was a student at Booker T. Washington Junior High School, in the Dover Special School District in and for Kent County and State of Delaware; and

WHEREAS, the said Julius Hughes was engaged in class work in the carpentry shop of said school and while so engaged was struck in the eye by a piece of material thrown off by a saw in the said shop; and

WHEREAS, the said Julius Hughes although given first aid and medical attention, lost the sight of one eye as the result of the happening aforesaid; and

WHEREAS, the said Julius Hughes was doing work in the public school under the direction of the teacher in the said carpentry shop and doing work suggested by the said teacher; NOW, THEREFORE,

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

Section 1. That the sum of One Thousand Dollars (\$1,000.00) be and the same is hereby appropriated to the Dover Special School District for the payment of a claim against the State for injuries sustained by the said Julius Hughes in the carpentry shop of the Booker T. Washington Junior High School.

Section 2. The Board of School Trustees of the Dover Special School District is hereby directed to pay the sum so appropriated to Frank S. Pritchett of Dover, Delaware, the regularly

appointed guardian of and for the said Julius Hughes, a minor, as aforesaid.

Section 3. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 30, 1949

CHAPTER 379

PENSION BENEFITS

AN ACT TO AMEND CHAPTER 104, VOLUME 45, LAWS OF DELAWARE, 1945, AS AMENDED, KNOWN AS "THE DELAWARE STATE EMPLOYEES BENEFIT ACT," BY ADDING TO THE DEFINITION OF "COVERED EMPLOYMENT" EMPLOYMENT FOR A STATE AGENCY SUPPORTED WHOLLY OR IN PART BY FUNDS GRANTED TO THE STATE BY THE FEDERAL GOVERNMENT WITHOUT OBLIGATION ON THE PART OF THE STATE.

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

Section 1. That Section 3 of Chapter 104, Volume 45, Laws of Delaware, 1945, as amended, be further amended by adding to the said Section 3 a new and additional paragraph to be placed at the end of the said Section 3 reading as follows:

Any other provision of this Act notwithstanding, an employee shall be considered in "covered employment" while the employee receives or has received a regular salary from a State agency that is supported wholly or in part by funds granted to the State by the Federal government. Provided, that such employee shall not be considered eligible for any pension under this Act based upon such "covered employment" with respect to any period for which such Federal funds are not made available for the purposes of this Act.

Section 2. This Act shall become effective immediately.

Approved June 30, 1949

CHAPTER 380

CREATING DELAWARE STATE
DEVELOPMENT DEPARTMENT**AN ACT CREATING A DELAWARE STATE DEVELOPMENT
DEPARTMENT, DEFINING ITS POWERS AND DUTIES
AND MAKING AN APPROPRIATION THEREFOR.**

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

Section 1. There is hereby created a Delaware State Development Department.

Section 2. Purpose of the Bureau. The Department's primary purpose shall be to attract new investors and business, tourists and travelers to the State of Delaware and to inform the public of the peculiar agricultural, commercial, industrial and recreational opportunities to be had within the State of Delaware.

Section 3. Collection of Data. The Department shall collect, compile and audit the information and data necessary to discharge its principle functions. Where such data cannot be secured from other State agencies or the agencies of political subdivisions, the Department is authorized to engage in the required research. Before publishing any historical information, said information shall be reviewed and approved by the State Archivist.

Section 4. Distribution of information. The Department shall widely disseminate data dealing with the agricultural, industrial, commercial and recreational opportunities and advantages to be had within the State of Delaware. This dissemination shall be secured through any of the accepted advertising media. In addition, the Department shall prepare publications, pamphlets, folders, brochures, booklets and maps describing in general or specific ways the State or particular sections or areas thereof, as well as data of peculiar interest to the investing or touring public. Such publications shall be distributed without charge. In special cases where a prospective investor or business

requests the assistance of the Department prior to organization within the State, the Department shall extend its prompt and full cooperation.

Section 5. Director. The Governor shall appoint a Director of the Department, whose duty it shall be to administer the Delaware State Development Department in conformity with the provisions of Section 2. The Director shall be a person trained and experienced in the business of public relations and advertising. He shall serve at the pleasure of the Governor and shall receive an annual salary of Five Thousand Dollars (\$5,000.00), payable monthly.

Section 6. Director; Duties, Powers. The Director shall be responsible for the organization and administration of the Department, as well as the execution of its functions as enumerated in this Act. He shall have authority to hire such experts and administrative aids, clerks and research personnel as are, in his judgment, required to carry out the provisions of this Act.

Section 7. Annual Report. The Department shall make an annual report to the Governor, which shall summarize the activities of the Delaware State Development Department during the preceding year. Said report shall be submitted on the first day of July of each year and shall contain a statement of revenues and expenditures and such other information which may be deemed useful or necessary.

Section 8. There is hereby appropriated to the Delaware State Development Department the sum of Fifteen Thousand Dollars (\$15,000.00) for the fiscal year beginning July 1, 1949 and ending June 30, 1950 and the sum of Fifteen Thousand Dollars (\$15,000.00) for the fiscal year beginning July 1, 1950 and ending June 30, 1951, to be paid by the State Treasurer from time to time upon vouchers signed by the Director of the Department.

Section 9. This Act shall be known as a Supplementary Appropriation Act, and the moneys hereby appropriated shall be paid by the State Treasurer out of any moneys in the General Fund not otherwise appropriated.

Approved June 30, 1949

CHAPTER 381

COURT OF COMMON PLEAS OF NEW CASTLE COUNTY

AN ACT TO AMEND CHAPTER 169 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO "COURT OF COMMON PLEAS FOR NEW CASTLE COUNTY," BY ENLARGING THE JURISDICTION OF THE COURT OF COMMON PLEAS OF NEW CASTLE COUNTY TO INCLUDE ATTEMPTS.

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

Section 1. That 5811. Sec. 5, Chapter 169 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by inserting at the end of the fourth paragraph thereof the following:

The Court of Common Pleas for New Castle County shall have jurisdiction to hear, try, and finally determine all charges of attempts to commit offenses as to which it would have jurisdiction to hear, try and determine charges of commission of the completed offense.

Approved June 30, 1949.

CHAPTER 382

COURT OF CHANCERY

AN ACT TO AMEND CHAPTER 117 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO "COURT OF CHANCERY," RELATING TO SALE OF TRUST PROPERTY BY ORDER OF THE CHANCELLOR MADE IN HIS DISCRETION.

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

Section 1. That Chapter 117 of the Revised Code of Delaware, 1935, be and the same hereby is amended by striking out and repealing all of 4403, Section 37 thereof and inserting and enacting in lieu thereof a new section to be styled 4403. Sec. 37, as follows:

4403. Sec. 37. SALE OF TRUST PROPERTY FREE FROM TRUST; HOW EFFECTED; NO SALE, WHEN TERMS OF TRUST PROHIBIT; SALE MAY BE ORDERED NOTWITHSTANDING ABSENCE OF CONSENT, WHEN; PROCEEDS OF SALE HELD SUBJECT TO SAME TRUST; TRUSTEE TO GIVE BOND FOR PRESERVATION OF TRUST:—Upon petition of any trustee having the legal title to any property, real, personal or mixed, setting forth that the sale and conversion thereof would be for the best interests of the trust estate and the persons beneficially interested in the trust, the Chancellor may, by order made thereon in his discretion, except where such sale or conversion has been prohibited by the instrument creating the trust, authorize and direct such trustee to sell the whole or so much as may be proper, of such trust property, and to transfer and convey the same to the purchaser thereof, absolutely and in fee simple, freed from any trust and without liability on the part of such purchaser as to the application of the purchase money; provided that in cases where the sale or conversion of trust property has not been expressly prohibited by the instrument creating the trust, but the said instrument provides that the trustee shall sell or convert only with the consent of one or more persons, or makes the trustee's power of sale

contingent on one or more persons joining in its exercise, the Chancellor may confer upon the trustee power to make the sale or conversion without such consent or without any one or more of such persons joining in the exercise of such power or sale if any one or more of the persons required to consent or to join in such exercise of the trustee's power of sale shall be a minor, non-compos mentis, have died, unreasonably withhold consent, or be absent and unheard of, and in the opinion of the Chancellor the sale or conversion is for the best interests of the trust estate and the persons beneficially interested therein; and provided, moreover, that the proceeds of all sales made under the authority of this section shall be held under and subject to the same trusts as those to which the property sold was subject; and, in cases where real property is to be sold, the trustee thereof shall first give sufficient bond, with surety to be approved by the Chancellor, for the preservation and protection of the proceeds of such sales for the purposes of the trust and subject to the orders and decrees of the Chancellor in the premises.

Approved June 30, 1949.

CHAPTER 383

SURVIVENCY OF ACTIONS

AN ACT TO AMEND CHAPTER 127 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO SURVIVENCY OF ACTIONS, PROVIDING FOR THE SURVIVAL OF CERTAIN CAUSES OF ACTION.

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, as amended, be and the same is hereby further amended by striking out and repealing all of 4637. Sec. 2 of said Chapter 127, as amended, 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; PROVISIO:—All causes of action, except actions for defamation, malicious prosecution or upon penal statutes, 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 person to, or against whom, the cause of action accrued. But this provision shall not affect the survivorship among the original parties to a joint cause of action.

Approved June 30, 1949.

CHAPTER 384

STATE REVENUE

INHERITANCE TAX

AN ACT TO AMEND ARTICLE 10, CHAPTER 6, REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO STATE REVENUE, INHERITANCE TAX BY PROVIDING FOR THE DETERMINATION OF INHERITANCE TAX ON JOINTLY OWNED PROPERTY AND THE ISSUANCE OF CERTIFICATES AS PROOF OF THE DISCHARGE OF SUCH TAX LIABILITY.

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

Section 1. That Article 10, Chapter 6, Revised Code of Delaware, 1935, as amended, be, and the same is hereby further amended by adding, after 139. Sec. 105., a new section to be known as 139-A. Sec. 105-A., as follows:

139-A. Sec. 105-A. Whenever any resident of the State of Delaware shall die leaving no property, real or personal, except real or personal property held in the joint names of two or more persons, or deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, or, whenever any non-resident of the State of Delaware shall die leaving no property, real or personal situated in the State of Delaware except real or tangible personal property held in the joint names of two or more persons, and in either case such property shall pass to a surviving joint tenant or joint tenants, tenants by the entirety, or other such person or persons, and no letters of administration on the estate of such decedent shall have been issued or applied for, then such surviving joint tenant or joint tenants, tenant by the entirety or other such person or persons, or any one or more of them, or any person having an interest in said property shall, within three months after the death of the decedent, file under oath or affirmation with the State Tax Department and also with the Register of Wills of the County wherein such decedent was a

resident or wherein such property is situated: (1) an inventory of all jointly owned goods and chattels, including all personal property held in the joint names of two or more persons, or deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to the survivor; (2) a list of all jointly owned debts and credits; and (3) a statement in writing setting forth a general description of every parcel of real estate in this State held as joint tenant or tenants by the entirety of which the decedent died seized, and the name of each party entitled to any estate or interest in any parcel of said real estate, and relationship, if any, to the decedent; and (4) a list of items claimed as deductible for inheritance tax purposes. In all such cases the State Tax Department shall inquire into the matter and determine according to law whether or not any Delaware Inheritance Tax is due and payable upon the share or interest in such jointly owned property. If the State Tax Department determines that no Inheritance tax shall be due or payable as the result of the transfer of such jointly held property or, in the event it shall determine that an inheritance tax is due and payable as the result of such transfer and such tax liability shall have been discharged by the payment thereof, then in all such cases the State Tax Department shall issue a certificate certifying that no inheritance tax is due or that such inheritance tax liability has been paid and discharged and such certificate shall constitute proof thereof. Such certificate shall be sent to the Register of Wills of the County wherein such decedent was a resident or wherein such property is situated to be indexed and recorded together with the Inventory List and Statement herein provided for, in the Inheritance and Succession Docket in such office.

The provisions of this Act shall apply whether such decedent shall have died prior or subsequent to its enactment.

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

Approved June 30, 1949.

CHAPTER 385

STATE REVENUE

TAXATION OF COOPERATIVES

AN ACT TO PROVIDE FOR THE TAXATION OF COOPERATIVES IN THE STATE OF DELAWARE.

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

Section 1. That Chapter 6 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of 171. Sec. 137. of Article 13 thereof a new paragraph as follows:

On and after the passage and approval of this Act, every cooperative engaged as owner or owners, or as agent or agents, in the practice, conduct, pursuit or carrying on of the business of working raw materials into products of a different character, finished or unfinished; or of effecting any combination or composition of materials, the inherent nature of which is changed; or of finishing by hand or machinery goods, wares or merchandise, or any article or material desiring to continue in said practice, conduct, pursuit or carrying on, in this State, shall be required to take out a manufacturer's license in the manner and under the conditions prescribed by Article 13 of Chapter 6 of the Revised Code of Delaware, 1935, as amended.

Section 2. That Chapter 6 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby amended by adding at the end of 173. Sec. 139. of Article 14 thereof a new paragraph as follows:

On and after the passage and approval of this Act every cooperative engaged as owner, or agent, in the business of buying and selling merchandise for cash or by barter, or engaged in prosecuting, following or carrying on a retail or wholesale business by purchasing and selling produce, goods, wares, or any property of whatsoever description, desiring to continue in such business as is hereinbefore defined and in this State, shall be

required to take out a merchant's license in the manner and under the conditions prescribed by Article 14 of Chapter 6 of the Revised Code of Delaware, 1935, as amended.

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

Section 4. If any clause, sentence, paragraph, section or part of this chapter shall be judged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved June 30, 1949.

CHAPTER 386

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT APPROPRIATING TO THE DELAWARE COMMISSION OF SHELL FISHERIES THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00) TO PURCHASE A WATCH AND WORK BOAT AND EQUIPMENT THEREFOR.

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

Section 1. There is hereby appropriated to the Delaware Commission of Shell Fisheries the sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary, to purchase a watch and work boat and equipment therefor for the use of said Commission.

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 June 30, 1949.

CHAPTER 387

APPROPRIATION

DELAWARE COMMISSION OF SHELL FISHERIES

AN ACT APPROPRIATING THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE PURCHASE AND PLANTING OF OYSTER SHELLS AND PLANTS.

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

Section 1. There is hereby appropriated to the Delaware Commission of Shell Fisheries the sum of Ten Thousand Dollars (\$10,000.00) for the purchase and planting of oyster shells and plants in the waters of this State.

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 June 30, 1949.

CHAPTER 388

DELAWARE COMMISSION OF SHELL FISHERIES

AUTHORIZED TO SELL BOAT

AN ACT AUTHORIZING THE DELAWARE COMMISSION OF SHELL FISHERIES TO SELL AT PUBLIC SALE THE BOAT USED BY SAID COMMISSION AS A WATCH BOAT AND TO APPLY THE PROCEEDS OF SAID SALE, AFTER EXPENSES, TO CURRENT 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 Delaware Commission of Shell Fisheries, be, and it is hereby authorized to sell at public sale the boat now used by said Commission as a watch boat. Notice of said sale shall be published in at least two newspapers of general circulation in this State at least two weeks before the day of sale, stating the time and place of sale and the terms thereof. The Commission shall pay the expenses incidental to said sale and shall apply the amount remaining therefrom to the current expenses of the Commission.

Approved June 30, 1949.

CHAPTER 389

INSURANCE DEPARTMENT

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

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

Section 1. That Chapter 20, of the Revised Code of Delaware, 1935, as amended, be and it is hereby further amended by striking out sub-paragraphs (a) and (b) of Paragraph 3 of 470 Sec. 9 thereof, and inserting in lieu thereof the following:

“(a) If a capital stock company, it shall have a full paid capital stock of at least One Hundred Thousand Dollars (\$100,000.00) and a surplus of at least Fifty Thousand Dollars (\$50,000.00); Provided, however, that if its charter or certificate of incorporation permits it to transact what is commonly known as marine insurance, or title insurance, or workmen’s compensation insurance, or public liability insurance, or to guarantee the fidelity of persons holding positions of trust, or guaranteeing the obligations of others, it shall have a full paid capital stock of at least Two Hundred and Fifty Thousand Dollars (\$250,000.00) and a surplus of at least One Hundred and Twenty-five Thousand Dollars (\$125,000.00); Provided, further, that any capital stock company, whether domestic or foreign, organized to transact the business of fire insurance, marine insurance, fire and marine insurance, casualty insurance, workmen’s compensation insurance, guarantee or surety insurance, and authorized by the terms of its certificate of incorporation to transact more than one kind of insurance business, may transact within this State any and all such kinds of insurance business so authorized by its certificate of incorporation; Provided, further, however, that in addition to complying with any other requirements of

law, any such foreign company so authorized to transact more than one kind of insurance business shall have a full paid capital stock of at least Three Hundred Thousand Dollars (\$300,000.00) and a surplus of at least Two Hundred Thousand Dollars (\$200,000.00).

(b) If a domestic mutual company, it shall have in force, or bona fide applications for, insurance covering not less than one hundred separate risks in not less than one hundred policies issued or to be issued to not less than one hundred members and shall have collected in cash at least one full annual premium on such policies. It shall also deposit with the Insurance Commissioner good interest bearing or dividend-paying securities with a market value of at least Fifty Thousand Dollars (\$50,000.00); said deposit to remain in trust with the Insurance Commissioner to be applied toward any default of such mutual company. After said mutual company shall have a cash or invested surplus of at least One Hundred and Fifty Thousand Dollars (\$150,000.00) in excess of all liabilities, the Insurance Commissioner may, upon request of the company, return the deposit so made; and if a foreign or alien mutual company it shall have a cash or invested surplus of at least One Hundred and Fifty Thousand Dollars (\$150,000.00) in excess of all liabilities; Provided, however, that no mutual company shall issue policies guaranteeing the fidelity of persons holding positions of trust unless such company shall have a cash or invested surplus of at least Three Hundred and Seventy-five Thousand Dollars (\$375,000.00) in excess of all liabilities; Provided, further, that any mutual company, whether domestic or foreign, organized to transact the business of fire insurance, marine insurance, fire and marine insurance, casualty insurance, workmen's compensation insurance, guarantee or surety insurance, may if so authorized by its certificate of incorporation, transact within this State any and all such kinds of insurance if, in addition to complying with any other requirements of law, it has a cash or invested surplus of at least Five Hundred Thousand Dollars (\$500,000.00) in excess of all liabilities.

If a mutual company for reinsurance, it shall have in force, or bona fide applications for, insurance covering not less than one hundred separate risks to be issued to not less than three

members, which members shall be insurance companies authorized to do business in the State of Delaware or in any other State of the United States, and shall have collected in cash at least one full annual premium on such insurance or the policies to be issued pursuant to such applications."

Approved June 30, 1949.

CHAPTER 390

CLAIM

FRED FITCHETT

AN ACT APPROPRIATING THE SUM OF THREE HUNDRED NINETY DOLLARS (\$390.00) TO FRED FITCHETT TO REIMBURSE THE SAID FRED FITCHETT FOR FUNERAL EXPENSES OF HIS SON DAVID FITCHETT.

WHEREAS, David Fitchett on the 9th day of November, 1947, was an inmate of the institution known as "Delaware Colony" near Stockley, Sussex County, Delaware, under the jurisdiction of the Delaware Commission for the Feeble Minded; and

WHEREAS, on that date the said David Fitchett was locked in what was called the "Detention Room" and was suffocated by smoke when the premises caught fire; NOW, THEREFORE,

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

Section 1. That the sum of Three Hundred Ninety Dollars (\$390.00) is hereby appropriated to the Delaware Commission for the Feeble Minded to reimburse Fred Fitchett, the father of David Fitchett, for the funeral expenses of the said David Fitchett paid by him on January 3, 1948.

Section 2. The money hereby appropriated shall be paid by the State Treasurer upon a warrant signed by the Chairman of the Delaware Commission for the Feeble Minded and approved by the Auditor of Accounts.

Section 3. This bill shall be known as a Supplementary Appropriation Bill and the funds hereby appropriated shall be paid out of the State Treasury from funds not otherwise appropriated.

Approved June 30, 1949.

CHAPTER 391

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165, REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "MOTOR VEHICLES," WITH REFERENCE TO LIENS ON MOTOR VEHICLES.

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

Section 1. That Chapter 165, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the words, "duly recorded in accordance with the law governing the same" as found in lines six (6) and seven (7) of the second paragraph of 5574. Sec. 36. thereof.

Approved June 30, 1949.

CHAPTER 392

UNEMPLOYMENT COMPENSATION COMMISSION

AN ACT TO AMEND CHAPTER 258, VOLUME 41, LAWS OF DELAWARE, 1937, AS AMENDED, (KNOWN AND CITED AS THE "UNEMPLOYMENT COMPENSATION LAW"), BY CHANGING CERTAIN OF THE PROVISIONS RELATIVE TO DETERMINATION OF CONTRIBUTION RATES FOR EMPLOYERS DELINQUENT IN THE PAYMENT OF THEIR CONTRIBUTIONS.

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

Section 1. That Section 7 (c) (2) (F) of Chapter 258, Volume 41, Laws of Delaware, 1937, as amended, be and the same is hereby further amended by striking out all of the said Section 7 (c) (2) (F) and inserting in lieu thereof a new Section 7 (c) (2) (F), reading as follows:

Section 7 (c) (2) (F). No employer's rate for the period of twelve months commencing January first of any calendar year 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. Provided, however, that if such contributions due are paid after December 31 of the preceding year but prior to or on the last day of any calendar quarter of any calendar year, such employer's contribution rate for contributions on wages paid for employment for such employers during pay periods in the said calendar quarter, and for wages paid for employment for such employer during pay periods in all succeeding calendar quarters in such calendar year, shall be the contribution rate determined for such employer under the provisions of paragraph (E) of this subsection.

Section 2. This Act shall be effective as of January 1, 1949.

Approved June 30, 1949.

CHAPTER 393

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO MOTOR VEHICLES; PROVIDING THAT THE MOTOR VEHICLE DEPARTMENT SHALL NOT SUSPEND OR REVOKE THE LICENSE OF ANY PERSON BY REASON OF A CONVICTION OR CONVICTIONS UPON THE CHARGE OF OVERLOADING OF ANY VEHICLE.

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

Section 1. That 5605 Sec. 67 of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the period at the end of paragraph 6 thereof, inserting a semicolon in lieu thereof and by adding the following:

"Provided that no license shall be revoked by reason of any conviction or convictions upon the charge of overloading any vehicle as provided in 5655. Sec. 67. of this Chapter."

Section 2. That 5606 Sec. 68. of Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out the period at the end of paragraph 1 thereof, inserting a semicolon in lieu thereof and by adding the following:

"Provided that no license shall be suspended by reason of any conviction or convictions upon the charge of overloading any vehicle as provided in 5655 Sec. 117. of this Chapter."

Approved June 30, 1949.

CHAPTER 394

FISH, OYSTERS AND GAME

OPOSSUM AND RACCOON

AN ACT TO REPEAL CHAPTER 180, VOLUME 46, LAWS OF DELAWARE, 1947, AND TO AMEND CHAPTER 74, OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATING TO "FISH, OYSTERS AND GAME," BY CHANGING THE DATES OF THE OPEN SEASON FOR TAKING OF OPOSSUM AND FOR TAKING OF RACCOON EXCEPT IN CERTAIN PARTS OF NEW CASTLE AND KENT COUNTIES.

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

Section 1. That Chapter 180, of Volume 46, Laws of Delaware, 1947, be and the same is hereby repealed.

Section 2. That 2821. Sec. 20. of Chapter 74, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out and repealing the following words from the first paragraph of the said Section to-wit:

"Raccoon and opossum from November 1st to January 15th, next following;"

and inserting in lieu thereof the following:

"Raccoon from November 1st to January 31st, next following, except from the Southerly boundary limits of the City of Wilmington, and East and Southeast of the center line of U. S. Route No. 13, thence following said center line of U. S. Route 13 to the point where U. S. Route No. 13 forms a junction with U. S. Route No. 113 and thence along the center line of U. S. Route No. 113 to a line dividing Kent County from Sussex County during any time of the year excepting on Sundays; opossum from November 1st to January 31st, next following."

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed insofar as such inconsistency exists only.

Approved June 30, 1949.

CHAPTER 395

MOTOR VEHICLES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, RELATIVE TO MOTOR VEHICLES, PROVIDING THAT THE OPERATOR'S LICENSE ONLY SHALL BE REVOKED UPON A CONVICTION OF OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS.

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

Section 1. That Chapter 165 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended, by striking out 5619. Sec. 81 thereof and inserting in lieu thereof a new Section, to be known as 5619. Sec. 81., as follows:

5619. Sec. 81. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS. No person shall operate a motor vehicle while under the influence of intoxicating liquor or of any drug. Any Justice of the Peace of the State or the Judge of the Municipal Court of the City of Wilmington shall have power and jurisdiction to hear and determine the offense created by this Section. Upon conviction of any one for this offense, the Justice of the Peace or the Judge of the Municipal Court of the City of Wilmington shall certify the facts and record in the case to the Commissioner, who shall forthwith revoke the operator's license of the party so convicted for a period of one year, or in case the offense is committed by a person operating a motorcycle the operator's license shall be cancelled and none re-issued to the said guilty party for a period of one year after such cancellation. After an operator's license shall have been so revoked, the Commissioner shall have power and authority not to issue another operator's license to such person so convicted until such person shall satisfy the Commissioner that he has been of good behaviour from the time that his operator's license was so revoked, up until he makes application

for the issuance of another operator's license. Nor until such person shall have complied with the provisions of Article 7 of this Chapter. Provided, however, that if in such case the Commissioner shall refuse to issue an operator's license to such convicted person after a period of one year from the time that his license was so revoked, the said applicant shall have the right of appeal to the Court of General Sessions of the County wherein he resides.

Approved June 30, 1949

CHAPTER 396

CONVEYANCES

MAKING VALID INSTRUMENTS THAT HAVE NOT BEEN
PROPERLY ACKNOWLEDGED**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. 1949, 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 who 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 June 30, 1949

CHAPTER 397

KRUSE SCHOOL

AUTHORIZED TO SELL CERTAIN LANDS

AN ACT AUTHORIZING THE KRUSE SCHOOL TO SELL CERTAIN LANDS AND PREMISES SITUATE IN CHRISTIANA HUNDRED NEW CASTLE COUNTY AND STATE OF DELAWARE, AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED FOR THE LANDS SO SOLD, AND AUTHORIZING THE PROCEEDS TO BE DEPOSITED IN THE GENERAL FUND.

WHEREAS, the State of Delaware owns title to lands and premises on which is erected buildings of The Kruse School; and

WHEREAS, the Baltimore and Philadelphia Railroad Company which adjoins said large tract of land of The Kruse School is desirous of buying Fifty one-hundredths (0.50) of an acre of said land, and

WHEREAS, the Trustees of The Kruse School have agreed to sell the hereinafter described tract of land to the said The Baltimore and Philadelphia Railroad Company for the price of Five Hundred Dollars (\$500.00), the said Board feeling that the same is an excellent price; 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 Kruse School be and is hereby authorized, empowered and directed to sell to The Baltimore and Philadelphia Railroad Company the aforesaid lands and premises owned by The Kruse School, said lands and premises being described as follows, to wit:

All that certain property situate in New Castle County, Christiana Hundred, Landenburg Junction, State of Delaware, being more particularly described as follows:

BEGINNING at the point of intersection of the southerly property line of The Baltimore and Philadelphia Railroad Company with the line dividing properties of The Kruse School and Eli H. Hoxter, which point is located South 3°46' East, 48.5 feet from a point in the center line between main tracks of said Railroad Company at Station 1637 plus 18.3; thence, along the southerly property line of said Railroad Company, North 66° 06' East, 365.5 feet to a point, said point being South 23° 39' East, and 44 feet from center line between main tracks of said Railroad Company at Station 1633 plus 69.3; thence, continuing along the southerly property line of said Railroad Company, North 65° 12' East, 500.09 feet to a point, said point being South 23° 39' East, and 34 feet distant from the center line between main tracks of said Railroad Company at Station 1628 plus 69.3; thence, continuing along the southerly property line of said Railroad Company, North 70° 38' East 200.56 feet to a point, said point being South 23° 39' East and 49 feet distant from the center line between main tracks of said Railroad Company at Station 1626 plus 69.3; thence, South 64° 58' West, 1076.42 feet to a 2" iron pipe on the line dividing properties of The Kruse School and Eli H. Hoxter; thence, along the above said property dividing line, North 3° 46' West 31.25 feet to the place of BEGINNING, containing 0.50 acres, more or less.

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 said lands and premises, in fee simple, to the purchaser thereof, and the President of The Kruse School is hereby authorized to deliver such Deed to said purchaser upon the completion of the payment of the full purchase price therefor; and the proceeds of said sale shall be forthwith deposited by the State Treasurer in the State Treasury to the credit of the General Fund of the State of Delaware.

Approved June 30, 1949

CHAPTER 397

KRUSE SCHOOL

AUTHORIZED TO SELL CERTAIN LANDS

AN ACT AUTHORIZING THE KRUSE SCHOOL TO SELL CERTAIN LANDS AND PREMISES SITUATE IN CHRISTIANA HUNDRED NEW CASTLE COUNTY AND STATE OF DELAWARE, AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED FOR THE LANDS SO SOLD, AND AUTHORIZING THE PROCEEDS TO BE DEPOSITED IN THE GENERAL FUND.

WHEREAS, the State of Delaware owns title to lands and premises on which is erected buildings of The Kruse School; and

WHEREAS, the Baltimore and Philadelphia Railroad Company which adjoins said large tract of land of The Kruse School is desirous of buying Fifty one-hundredths (0.50) of an acre of said land, and

WHEREAS, the Trustees of The Kruse School have agreed to sell the hereinafter described tract of land to the said The Baltimore and Philadelphia Railroad Company for the price of Five Hundred Dollars (\$500.00), the said Board feeling that the same is an excellent price; 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 Kruse School be and is hereby authorized, empowered and directed to sell to The Baltimore and Philadelphia Railroad Company the aforesaid lands and premises owned by The Kruse School, said lands and premises being described as follows, to wit:

All that certain property situate in New Castle County, Christiana Hundred, Landenburg Junction, State of Delaware, being more particularly described as follows:

BEGINNING at the point of intersection of the southerly property line of The Baltimore and Philadelphia Railroad Company with the line dividing properties of The Kruse School and Eli H. Hoxter, which point is located South $3^{\circ}46'$ East, 48.5 feet from a point in the center line between main tracks of said Railroad Company at Station 1637 plus 18.3; thence, along the southerly property line of said Railroad Company, North $66^{\circ}06'$ East, 365.5 feet to a point, said point being South $23^{\circ}39'$ East, and 44 feet from center line between main tracks of said Railroad Company at Station 1633 plus 69.3; thence, continuing along the southerly property line of said Railroad Company, North $65^{\circ}12'$ East, 500.09 feet to a point, said point being South $23^{\circ}39'$ East, and 34 feet distant from the center line between main tracks of said Railroad Company at Station 1628 plus 69.3; thence, continuing along the southerly property line of said Railroad Company, North $70^{\circ}38'$ East 200.56 feet to a point, said point being South $23^{\circ}39'$ East and 49 feet distant from the center line between main tracks of said Railroad Company at Station 1626 plus 69.3; thence, South $64^{\circ}58'$ West, 1076.42 feet to a 2" iron pipe on the line dividing properties of The Kruse School and Eli H. Hoxter; thence, along the above said property dividing line, North $3^{\circ}46'$ West 31.25 feet to the place of BEGINNING, containing 0.50 acres, more or less.

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 said lands and premises, in fee simple, to the purchaser thereof, and the President of The Kruse School is hereby authorized to deliver such Deed to said purchaser upon the completion of the payment of the full purchase price therefor; and the proceeds of said sale shall be forthwith deposited by the State Treasurer in the State Treasury to the credit of the General Fund of the State of Delaware.

Approved June 30, 1949

CHAPTER 398

APPROPRIATION

TO PAY INTEREST AND MATURITIES OF CERTAIN BONDS

AN ACT APPROPRIATING FUNDS TO PROVIDE FOR THE PAYMENT OF INTEREST AND PRINCIPAL MATURITIES OF BONDS AUTHORIZED TO BE ISSUED BY THE 115TH GENERAL ASSEMBLY FROM THE DATE OF ISSUE OF SUCH BONDS AS SHALL BE ISSUED DURING THE BIENNIUM ENDING ON JUNE 30, 1951, UNTIL THE END OF THE SAID BIENNIUM.

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

Section 1. There is hereby appropriated to the State Treasurer of the State of Delaware such sums as shall be necessary, during the biennium beginning July 1, 1949, and ending June 30, 1951, to pay the interest and principal maturities of bonds authorized to be issued by the 115th General Assembly which shall be issued during the biennium ending on June 30, 1951.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of any funds in the General Fund not otherwise appropriated.

Approved June 30, 1949

CHAPTER 399

MOTOR VEHICLES

RELATING TO IDENTIFICATION OF SCHOOL BUSES

AN ACT TO AMEND CHAPTER 165 OF THE REVISED CODE OF DELAWARE, 1935, BY PROVIDING FOR THE IDENTIFICATION OF SCHOOL BUSES AND FOR A DEVICE TO INDICATE WHEN A SCHOOL BUS IS STOPPED FOR THE PURPOSE OF RECEIVING OR DISCHARGING SCHOOL CHILDREN, PROVIDING FOR THE DUTY OF THE DRIVER OF A VEHICLE MEETING OR OVERTAKING A SCHOOL BUS, AND PROVIDING FOR THE ERECTION OF SIGNS BY THE STATE HIGHWAY DEPARTMENT.

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

Section 1. That 5629 Sec. 91 of Chapter 165 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing all of paragraphs (a) and (b) of said Section and enacting in lieu thereof the following:

(a) Every bus used for the transportation of school children shall be painted chrome yellow and shall bear upon the front and rear thereof a plainly visible sign containing the words "SCHOOL BUS—STOP—STATE LAW" in black letters not less than six inches in height. When a school bus is being operated upon a highway for purposes other than the transportation of children either to or from school, all markings thereon indicating "School Bus" shall be removed or concealed. Every such school bus shall also have attached thereto upon the left side thereof an extensible device or "arm," not less than eighteen inches long, plainly lettered with the word "STOP," in letters not less than twelve inches in length, capable of being extended from the side of the bus or retracted by the driver thereof. The driver of any school bus shall, whenever the said school bus is stopped upon any highway or public street in this State for the purpose of receiving or discharging any school child or school

children, extend the said "arm" so that the word "STOP" thereon shall be plainly visible to the operators of all motor vehicles approaching the said bus from either the front or the rear thereof.

(b) The operator of a motor vehicle upon any highway or public street in this State, upon meeting or overtaking any school bus stopped upon the said public highway or street for the purpose of receiving or discharging any school child or school children, if the "arm" hereinabove described shall be extended, shall stop and shall not pass the said school bus until the aforesaid "arm" shall have been retracted against the side of the bus.

Provided, that the operator of any motor vehicle proceeding upon one lane of a dual highway or street in this State shall not be required to stop as hereinabove provided upon meeting a school bus stopped upon the other lane of such dual highway or street for the purpose of receiving or discharging school children.

Section 2. The State Highway Department is hereby authorized and directed to erect signs upon the Highways of this State of sufficient size and in such locations as to make known to operators of motor vehicles in this State, and to the operators of motor vehicles entering this State from an adjoining State, the provisions of this Act with regard to the duty of the driver of a motor vehicle meeting or overtaking any school bus to stop when the "arm" described in Section 1 hereof shall be extended.

Approved July 1, 1949

CHAPTER 400

DESERTION AND SUPPORT

AN ACT TO AMEND CHAPTER 87 OF THE 1935 REVISED CODE OF THE STATE OF DELAWARE, AS AMENDED, CONCERNING THE DESERTION OF, OR FAILURE TO SUPPORT A WIFE OR CHILD; THE NEGLECT OF A CHILD; THE DUTIES OF PROBATION OFFICERS AND THE PROCEEDINGS UPON VIOLATION OF A SUPPORT PROBATION ORDER; ASSIGNMENT OF SALARY OR WAGE; DUTIES OF EMPLOYERS.

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 87 of the 1935 Revised Code of the State of Delaware be amended by striking out Paragraph 3527, Section 2 thereof, and by inserting and enacting in lieu thereof a new Paragraph 3527. Section 2, to read as follows:

3527. Sec. 2. DESTITUTE WIFE OR CHILDREN; DESERTION OR FAILURE TO SUPPORT, A MISDEMEANOR; PENALTY; ILLEGITIMATE CHILDREN; DUTY TO SUPPORT:—Any husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances, or any parent who shall, without lawful excuse, desert or wilfully neglect his or her legitimate or illegitimate child, "so that such child shall become a 'neglected child' as defined in Section 3 of Chapter 241, Volume 45, Laws of Delaware;" or refuse to provide for the support and maintenance of his or her legitimate or illegitimate child or children, under the age of eighteen years, in destitute or necessitous circumstances, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment with hard labor in such penal or reformatory institution of this State as may be determined upon by the Court, for a period not exceeding one year, or both. It is made the duty of the parent of any illegitimate

child or children, under the age of eighteen years, to provide for the support and maintenance of such illegitimate child or children.

Provided, that in construing the meaning of the term "desstitute or necessitous circumstances" as used in this statute, the Court shall consider the health, the relative economic condition, the financial circumstance, the income including the wages, and the earning capacity of the husband and of the wife, and of any child or children involved.

Section 2. That Chapter 87 of the 1935 Revised Code of the State of Delaware be further amended by striking out Paragraph 3532. Section 7 thereof, and by inserting and enacting in lieu thereof a new Paragraph 3532. Section 7, to read as follows:

3532. Sec. 7. PROBATION OFFICERS; DUTIES:—It shall be the duty of the probation officer or officers so appointed to make such investigation, to render such services and to provide such probation as may be required by the Court.

Section 3. That Chapter 87 of the 1935 Revised Code of the State of Delaware be further amended by striking out Paragraph 3533. Section 8 thereof, and by inserting and enacting in lieu thereof a new Paragraph 3533. Section 8 to read as follows:

3533. Sec. 8. VIOLATION OF PROBATION ORDER; PROCEEDINGS UPON; FORFEITED RECOGNIZANCE; PROCEEDS OF, HOW APPLIED:—If the Court, after a hearing on a Rule to Show Cause, be satisfied that the Defendant has violated the terms of the order or any of the terms and conditions of probation imposed on him by the Court by authority of Paragraph 3530, Section 5 hereof as amended, the Court may make the Rule absolute and may forthwith proceed to sentence the Defendant under the original conviction, or may enforce a suspended sentence, if any there be.

In case the Rule to Show Cause be made absolute and the Defendant's recognizance forfeited, and if there be enforcement of the said recognizance by execution or otherwise against the said Defendant or his surety, the sum recovered may, in the discretion of the Court, be paid in whole or in part to the wife, or to

the guardian, custodian or trustee of the minor child or children for whose benefit the order was imposed.

The Court may in its discretion, instead of making the Rule absolute, continue the Rule on such terms and conditions as the Court shall deem proper. The Court may, as a condition for the continuance of the Rule, request the Defendant to assign to the Court such sum certain from his or her periodic wage as shall be necessary to meet the order imposed upon him or her, by the Court; or, if the circumstances make it appear more expedient, the Court may request the Defendant to assign to the Court a fixed percentage, never to exceed fifty percent of his periodic "net" or "take-home" wages, for the purpose of meeting or partially meeting the order imposed upon him or her by the Court.

Wage assignments shall be requested by the Court only in cases where there is a child or children whom the Defendant is legally bound to support. Not more than twenty-five percent of the Defendant's "net" or "take-home" wages shall be requested to be assigned in any case in which there is not more than one child whom the Defendant is legally bound to support; and not more than an additional five percent of the Defendant's "net" or "take-home" wages shall be requested to be assigned for each additional child whom the Defendant is legally bound to support. The Defendant shall have the right in any case to refuse to sign a wage assignment.

In case of any such wage assignment, it shall be the duty of any employer of such Defendant, upon receipt of a certified copy of such wage assignment from the Court, to periodically deduct the sum certain or the fixed percentage stated therein as the case may be, from the "net" or "take-home" wages due such Defendant-employee, and to periodically mail or otherwise deliver such wage deductions to the Court, and to continue to make such periodic wage deductions and to mail or otherwise deliver such periodic payments to the Court so long as said Defendant shall remain employed by said employer, unless said Court shall, prior to the termination of such employment, otherwise order. In any case, and for any given wage period, the employer shall have performed his full duty under this statute, if said employer shall deduct from the Defendant-employee's wages and mail or other-

wise deliver to the Court, a sum equal to fifty percent of the "net" or "take-home" wages due from such employer to such Defendant-employee for the said wage period, notwithstanding the fact that the said fifty percent shall not be equivalent to the sum certain stated in the assignment.

In case any employer shall remit to the Court such wage deductions, by check or money order, it shall be the duty of such employer to make such check or money order payable to "The (here name the Court imposing the order) Court, assignee of (here name the Defendant-employee)," and in every case it shall be the duty of the employer to so identify each remittance as to enable the Court to make proper distributions thereof.

Approved July 1, 1949

CHAPTER 401

FAMILY COURT OF NEW CASTLE COUNTY
COURT OF COMMON PLEAS OF KENT COUNTY
COURT OF GENERAL SESSIONS OF THE STATE OF DELAWARE

ADDITIONAL JURISDICTION AND POWER CONFERRED UPON

AN ACT TO CONFER ADDITIONAL JURISDICTION AND POWERS UPON THE FAMILY COURT FOR NEW CASTLE COUNTY, DELAWARE, THE COURT OF COMMON PLEAS FOR KENT COUNTY, AND THE COURT OF GENERAL SESSIONS OF THE STATE OF DELAWARE SITTING IN ANY COUNTY OF THE STATE, IN SUPPORT PROCEEDINGS AGAINST PERSONS RESIDING IN OTHER STATES OR TERRITORIES OF THE UNITED STATES HAVING SUBSTANTIALLY SIMILAR OR RECIPROCAL LAWS.

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 241, Laws of Delaware, 1945, as amended, be and the same is further amended by inserting at the end thereof a new Section, to be known as Section 34, as follows:

Section 34. Additional Jurisdiction and Powers in Certain Support Proceedings. The Family Court for New Castle County, Delaware, shall also Have Power Within Its Territorial Jurisdiction:

(1) To take testimony in all proceedings to compel support of a wife, child and/or poor relative residing within the territorial jurisdiction of this court in any case where the person legally liable therefor resides in a state or territory of the United States having substantially similar or reciprocal laws. In such cases, the court shall forward duly exemplified transcripts of such testimony and copies of such reports as the court may order and court's recommendation, based on all of the foregoing, to the appropriate official in such other state or territory having power and authority to institute and prosecute such support proceedings who

shall represent the wife, child and/or poor relative in the court of such other state or territory having jurisdiction and control of such support proceedings and the power to order the person legally liable therefor to provide support for such wife, child and/or poor relative, including necessary food, shelter, clothing, care, medical expenses, expenses of confinement, expenses of education of the child, funeral expenses and such other proper and reasonable expenses as justice requires, having due regard to the circumstances of the respective parties. The respondent shall have the right to cross-examine by deposition or otherwise, pursuant to an order of the court or a justice thereof, any person whose testimony or report has been forwarded in such proceeding.

(2) Upon the application of the Attorney General, to order support of wife, child and/or poor relative residing in any state or territory of the United States having substantially similar or reciprocal laws, in any case where the person legally liable therefor resides within the territorial jurisdiction of this court and, in lieu of the personal appearance of such wife, child and/or poor relative, the court shall have the power to order support, in like manner as herein prescribed for proceedings in which the court has jurisdiction over the persons of all the parties thereto, upon duly exemplified transcripts of testimony and copies of any probation reports or other official reports made in connection with the petition and forwarded to the Attorney General by the court of the state or territory wherein such wife, child and/or poor relative resides. The respondent shall have the right to cross examine by deposition or otherwise, pursuant to an order of the court or a justice thereof, any person whose testimony or report has been forwarded in such proceeding.

(3) In these proceedings only, to order interrogatories or depositions to be taken within and without the state, pursuant to the provisions of law applicable to a court of record.

(4) To compel the support of children as herein provided irrespective of a decree of legal separation of the parents or the dissolution of the marriage of the parents by a decree of divorce or annulment within the following limitations:

Where a divorce or annulment has been granted by the Superior Court, or a suit for such relief is pending and the respondent

has been required under the terms of any order or decree entered in such divorce or annulment proceedings to pay a specified sum to the dependent as alimony or maintenance and has failed to do so, that fact shall not be a bar to a proceeding in this court to compel support within the limits of the order of the Superior Court, and within the powers of this court, provided the respondent is not in jail for failure to obey the order of the Superior Court. An action for divorce or annulment pending in the Superior Court shall not prevent this court from entertaining a petition for support if it is shown to the satisfaction of this court that the dependent is likely to become a public charge. A separation agreement shall in no way preclude the filing of a petition for the support of a minor or the making of an order for its support by this court.

(5) To make any order necessary to carry out and enforce the provisions of this section in like manner and with like effect as if the court had jurisdiction over the persons of the wife, child and/or poor relative seeking support and of the person legally liable thereof.

(6) Costs and disbursements made or incurred in these proceedings shall, in the discretion of the court, be taxed against the respondent.

(7) Notwithstanding any inconsistent provisions of this act, the provisions of section 34 of this act, as the same now exist or may hereafter be amended, shall apply to all Juvenile, Children's or Family Courts created by special act or acts whether or not this act is otherwise applicable to such courts.

Section 2. That Chapter 170, Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by adding at the end of said Chapter a new Section to be designated 5839A. Sec. 18A. thereof as follows:

5839A. Sec. 18A. Additional Jurisdiction and Powers in Certain Support Proceedings. The Court of Common Pleas For Kent County Shall Also Have Power Within Its Territorial Jurisdiction:

(1) To take testimony in all proceedings to compel support of a wife, child and/or poor relative residing within the territorial jurisdiction of this court in any case where the person legally liable therefor resides in a state or territory of the United States having substantially similar or reciprocal laws. In such cases, the court shall forward duly exemplified transcripts of such testimony and copies of such reports as the court may order and the court's recommendation, based on all of the foregoing, to the appropriate official in such other state or territory having power and authority to institute and prosecute such support proceedings who shall represent the wife, child and/or poor relative in the court of such other state or territory having jurisdiction and control of such support proceedings and the power to order the person legally liable therefor to provide support for such wife, child and/or poor relative, including necessary food, shelter, clothing, care, medical expenses, expenses of confinement, expenses of education of the child, funeral expenses and such other proper and reasonable expenses as justice requires, having due regard to the circumstances of the respective parties. The respondent shall have the right to cross-examine by deposition or otherwise, pursuant to an order of the court or a justice thereof, any person whose testimony or report has been forwarded in such proceeding.

(2) Upon the application of the Attorney General, to order support of wife, child and/or poor relative residing in any state or territory of the United States having substantially similar or reciprocal laws, in any case where the person legally liable therefor resides within the territorial jurisdiction of this court and, in lieu of the personal appearances of such wife, child and/or poor relative, the court shall have power to order support, in like manner as herein prescribed for proceedings in which the court has jurisdiction over the persons of all the parties thereto, upon duly exemplified transcripts of testimony and copies of any probation reports or other official reports made in connection with the petition and forwarded to the Attorney General by the court of the state or territory wherein such wife, child and/or poor relative resides. The respondent shall have the right to cross-examine by deposition or otherwise, pursuant to an order of the court or a justice thereof, any person whose testimony or report has been forwarded in such proceeding.

(3) In those proceedings only, to order interrogatories or depositions to be taken within or without the state, pursuant to the provisions of law applicable to a court of record.

(4) To compel support of children as herein provided irrespective of a decree of legal separation of the parents or the dissolution of the marriage of the parents by a decree of divorce or annulment within the following limitations:

Where a divorce or annulment has been granted by the Superior Court, or a suit for such relief is pending and the respondent has been required under the terms of any order or decree entered in such divorce or annulment proceedings to pay a specified sum to the dependent as alimony or maintenance and has failed to do so, that fact shall not be a bar to a proceeding in this court to compel support within the limits of the order of the Superior Court, and within the powers of this court, provided the respondent is not in jail for failure to obey the order of the Superior Court. An action for divorce, separation or annulment pending in the Superior Court shall not prevent this court from entertaining a petition for support if it is shown to the satisfaction of this court that the dependent is likely to become a public charge. A separation agreement shall in no way preclude the filing of a petition for the support of a minor or the making of an order for its support by this court.

(5) To make any order necessary to carry out and enforce the provisions of this section in like manner and with like effect as if the court had jurisdiction over the persons of the wife, child and/or poor relative seeking support and of the person legally liable thereof.

(6) Costs and disbursements made or incurred in these proceedings shall, in the discretion of the court, be taxed against the respondent.

Section 3. That the Court of General Sessions sitting in and for any County of the State shall also have power:

(1) To take testimony in all proceedings to compel support of a wife, child and/or poor relative residing within the territorial

jurisdiction of this court in any case where the person legally liable therefor resides in a state or territory of the United States having substantially similar or reciprocal laws. In such cases, the court shall forward duly exemplified transcripts of such testimony and copies of such reports as the court may order and the court's recommendation, based on all of the foregoing, to the appropriate official in such other state or territory having power and authority to institute and prosecute such support proceedings who shall represent the wife, child and/or poor relative in the court of such other state or territory having jurisdiction and control of such support proceedings and the power to order the person legally liable therefor to provide support for such wife, child and/or poor relative, including necessary food, shelter, clothing, care, medical expenses, expenses of confinement, expenses of education of the child, funeral expenses and such other proper and reasonable expenses as justice requires, having due regard to the circumstances of the respective parties. The respondent shall have the right to cross-examine by deposition or otherwise, pursuant to an order of the court or a justice thereof, any person whose testimony or report has been forwarded in such proceeding.

(2) Upon the application of the Attorney General, to order support of wife, child and/or poor relative residing in any state or territory of the United States having substantially similar or reciprocal laws, in any case where the person legally liable therefor resides within the territorial jurisdiction of this court and, in lieu of the personal appearance of such wife, child and/or poor relative, the court shall have power to order support, in like manner as herein prescribed for proceedings in which the court has jurisdiction over the persons of all the parties thereto, upon duly exemplified transcripts of testimony and copies of any probation reports or other official reports made in connection with the petition and forwarded to the Attorney General by the court of the state or territory wherein such wife, child and/or poor relative resides. The respondent shall have the right to cross-examine by deposition or otherwise, pursuant to an order of the court or a justice thereof, any person whose testimony or report has been forwarded in such proceeding.

(3) In these proceedings only, to order interrogatories or depositions to be taken within and without the state,

pursuant to the provisions of law applicable to a court of record.

(4) To compel support of children as herein provided irrespective of a decree of legal separation of the parents or the dissolution of the marriage of the parents by a decree of divorce or annulment within the following limitations:

Where a divorce or annulment has been granted by the Superior Court, or a suit for such relief is pending and the respondent has been required under the terms of any order or decree entered in such divorce or annulment proceedings to pay a specified sum to the dependent as alimony or maintenance and has failed to do so, that fact shall not be a bar to a proceeding in this court to compel support within the limits of the order of the Superior Court, and within the powers of this court, provided the respondent is not in jail for failure to obey the order of the Superior Court. An action for divorce or annulment pending in the Superior Court shall not prevent this court from entertaining a petition for support if it is shown to the satisfaction of this court that the dependent is likely to become a public charge. A separation agreement shall in no way preclude the filing of a petition for the support of a minor or the making of an order for its support by this court.

(5) To make any order necessary to carry out and enforce the provisions of this section in like manner and with like effect as if the court had jurisdiction over the persons of the wife, child and/or poor relative seeking support and of the person legally liable thereof.

(6) Costs and disbursements made or incurred in these proceedings shall, in the discretion of the court, be taxed against the respondent.

Section 4. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act, and each and every section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any or

more other sections, sub-sections, sentences, clauses or pnrases be declared unconstitutional.

Section 5. This Act shall take effect immediately.

Approved July 1, 1949

CHAPTER 402

CRIMES AND PUNISHMENTS

AN ACT TO AMEND CHAPTER 149 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY PROVIDING THAT THE COURT MAY UPON A RECOMMENDATION OF MERCY BY THE JURY REDUCE THE PENALTY THEREFOR AND BY FURTHER PROVIDING THAT IT SHALL BE LAWFUL FOR THE JURY TO FIND A VERDICT OF GUILTY OF ASSAULT.

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

Section 1. That Chapter 149 of the Revised Code of Delaware, 1935, as amended, be and the same is hereby further amended by striking out all of 5166 Section 10 and inserting in lieu thereof the following:

"5166, Section 10. Whoever shall commit the crime of rape, or who shall carnally know and abuse a female child under the age of seven years, shall be deemed guilty of felony and shall suffer death; provided, however, that if the jury at the time of rendering their verdict, shall recommend the defendant to mercy, the Court shall impose a sentence of life imprisonment or for any period not less than three years, instead of death.

Upon the trial of any person for rape, it shall be lawful for the jury to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have power to impose a fine and imprisonment, or either, according to the discretion of the Court."

Approved July 1, 1949.

CHAPTER 403

PENSION BENEFITS

STATE EMPLOYEES

AN ACT TO AMEND CHAPTER 104 OF VOLUME 45, LAWS OF DELAWARE, 1944-45, ENTITLED "AN ACT PROVIDING FOR THE PAYMENT OF PENSION BENEFITS TO CERTAIN STATE EMPLOYEES, FIXING AGES OF RETIREMENT, ESTABLISHING BENEFITS PAYABLE AND THE SOURCE OF PAYMENT THEREOF, PROVIDING FOR APPLICATIONS FOR PENSIONS AND THE PROCEDURE TO BE FOLLOWED WITH RESPECT THERETO, PROVIDING THAT PENSION BENEFITS SHALL BE FREE OF ATTACHMENT AND NON-ASSIGNABLE, AND ALSO PROVIDING FOR THE REDUCTION OF BENEFITS UNDER CERTAIN CONDITIONS," AS AMENDED, PROVIDING THAT AFTER THREE YEARS OF SERVICE, UPON RETURN TO SAID OR SIMILAR EMPLOYMENT WITHIN THE TERM OF ONE YEAR THEREAFTER, THE FULL TERM OF EMPLOYMENT SHALL BE CONSIDERED "COVERED EMPLOYMENT."

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

Section 1. That Section 3 of Chapter 104 of Volume 45, Laws of Delaware, 1944-45, as amended, be and the same is hereby further amended by striking out the period at the end of the second paragraph of Section 3 thereof, inserting a semi-colon and adding the following:

"Provided that an employee who has been continuously employed for a period of at least three years shall, for a period not exceeding one year after the termination of such employment, upon his or her return to such or similar employment in this State, receive credit for the full term as "covered employment."

Approved July 1, 1949

CHAPTER 404

BANKS, SAVINGS SOCIETIES AND TRUST COMPANIES

RELATING TO MONEY FORWARDERS

AN ACT TO AMEND CHAPTER 66 OF THE REVISED CODE OF DELAWARE, 1935, AS AMENDED, ENTITLED "BANKS, SAVINGS SOCIETIES, AND TRUST COMPANIES" BY ADDING A NEW ARTICLE TO SAID CHAPTER TO BE DESIGNATED ARTICLE 12 WITH REFERENCE TO MONEY FORWARDERS BY REGULATING THE BUSINESS OF SUCH MONEY FORWARDERS AND PRESCRIBING THE DUTIES AND AUTHORITY OF THE STATE BANK COMMISSION WITH RESPECT THERETO.

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, as amended, be and the same is hereby further amended by adding at the end of said Chapter 66 a new Article to be designated Article 12, the Sections of said Article to be numbered 2408J. Sec. 151J. to 2408N. Sec. 151N. inclusive as follows:

MONEY FORWARDERS

ARTICLE 12

2408J. Sec. 151J. APPLICATION TO ENGAGE IN BUSINESS:—No person, firm or corporation shall engage in this State in the business of receiving money for forwarding or transmission, either as principal or agent, until his application to so engage in business shall be approved by the State Bank Commissioner. Within thirty days after any refusal by the State Bank Commissioner to approve an application for license, the person aggrieved may apply for a review thereof by an application to the Superior Court, in accordance with the practice of said Court. The Superior Court shall determine de novo, and in a summary

manner, all questions both of fact and law, touching upon the legality and reasonableness of the determination of the Commissioner, and shall render such judgment as shall be lawful and just.

2408K. Sec. 151K. FEE; BOND TO STATE:—Each person, firm or corporation so engaged, hereinafter called "money forwarder," shall annually, pay to the State Bank Commissioner a fee of Twenty-five Dollars (\$25.00).

Any examination of the affairs of such money forwarder made by the State Bank Commissioner or a representative of the banking department shall be at the expense of such money forwarder.

Each money forwarder shall, before engaging in business as such, file with the State Bank Commissioner a surety bond or stocks, bonds or other securities to the amount of Ten Thousand Dollars (\$10,000.00) to guarantee the faithful performance of the money forwarding business and to secure any loss to customers, which surety bond or securities shall be approved by the State Bank Commissioner.

Should any person, co-partnership, association or corporation to whom such license shall have been granted cease, for any reason or cause, to do business in this State, such a surety bond or stocks, bonds or other securities deposited with the Commissioner shall be returned to such licensee provided, however, that retention may be made of the portion of such deposits until the State Bank Commissioner shall have been satisfied, by such evidence as he shall deem sufficient, that all obligations to customers have been fully paid and discharged.

2408L. Sec. 151L. RECEIPT OF MONEY:—Each money forwarder, either as principal or agent, shall forward any money received for transmission or for deposit in any bank abroad, within five days after the receipt thereof, to the person or bank designated to receive the same, and shall immediately give to the person delivering such money for transmission or deposit a receipt in his name for such money, with the name and address of the money forwarder printed thereon. Such receipt shall state

1. the date when such money was received,
2. the amount thereof,
3. its equivalent in the currency of the country to which it is to be forwarded,
4. the name and address of the payee, and
5. the date not later than which it is to be transmitted.

In any action to recover money delivered to such money forwarder for transmission, the burden of proving the transmission to and the receipt of such money by the person to whom it was directed to be paid shall be upon such money forwarder.

2408M. Sec. 151M. **EXCEPTIONS:**—The provisions of this Article shall not apply to:

1. Private bankers, state banks and trust companies or national banking associations located in this State;

2. Telegraph and cable companies engaged in the business of transmitting money or of issuing travelers' checks or letters of credit payable in any part of the world, in the transaction of such business;

3. Any express company having a contract or contracts with a railway or railways covering express transportation, and any agent directly employed by and responsible to such express company, in the transaction of such business;

2408N. Sec. 151N. **CONSTRUCTION OF ARTICLE:**—This Article shall not be construed to permit any corporation, domestic or foreign, to transact in this State the business of a State Bank and Trust Company, savings bank, industrial bank, private bank or building, or savings and loan association.

Approved July 1, 1949

CHAPTER 405

STATE REVENUE

APPORTIONMENT OF FEDERAL AND STATE ESTATE TAXES

AN ACT TO AMEND CHAPTER 119 OF VOLUME 46, LAWS OF DELAWARE, 1947, ENTITLED, "AN ACT PROVIDING FOR APPORTIONMENT OF FEDERAL AND STATE ESTATE TAXES," RELATIVE TO APPORTIONMENT IN THE CASE OF INDIVIDUAL, TESTATOR OR IN CASE OF GIFT INTER-VIVOS.

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 Volume 46, Laws of Delaware, 1947, be amended by striking out all of said Chapter and inserting in lieu thereof a new Chapter 119, to read as follows:

Section 1. (a) Whenever it appears upon any accounting, or in any appropriate action or proceeding, that an executor, administrator, temporary administrator, trustee, or other person acting in a fiduciary capacity (or individually), has after the effective date of this Act paid an estate tax levied or assessed under the provisions of Article II of Chapter 6 of the Revised Code of Delaware, 1935, as amended (subdivision 143 of said Code), providing for a tax known as "Delaware Estate Tax", or under any law amendatory thereof or supplemental thereto, or under any other law hereafter enacted providing for the same or a different estate tax, or under the provisions of any estate tax law of the United States heretofore or hereafter enacted, upon or with respect to any property required to be included in the gross estate of a decedent under the provisions of any such law, the amount of the tax so paid shall be equitably prorated among the persons interested in the estate to whom such property is or may be transferred or to whom any benefit accrues. Such proration shall be made in the proportion, as near as may be, that the value of the property, interest or benefit of each such person bears to the total value of the property, interests, and benefits received by all such persons interested in the estate except that in making such pro-

ration allowances shall be made for any exemptions granted by the Act imposing the tax and for any deductions allowed by such Act for the purpose of arriving at the value of the net estate; and except that in cases where a trust is created, or other provision made whereby any person is given an interest in income or an estate for years, or for life, or other temporary interest in any property or fund, the tax on both such temporary interest and on the remainder thereafter shall be charged against and be paid out of the corpus of such property or fund without apportionment between remainders and temporary estates. For the purposes of this Section the term "persons interested in the estate" shall with respect to both State and Federal Taxes include all persons who may be entitled to receive or who have received any property or interest which is required to be included in the gross estate of a decedent, or any benefit whatsoever with respect to any such property or interest, whether under a will or intestacy, or by reason of any transfer, trust, estate, interest, right, power, or relinquishment of power taxable under any of the aforementioned laws providing for the levy or assessment of estate taxes.

The tax shall be paid by the executor, administrator, or other fiduciary as such out of the estate before its distribution. In all cases in which any property required to be included in the gross estate does not come into the possession of the executor, administrator or other fiduciary as such, he shall recover from whoever is in possession, or from the persons interested in the estate, the proportionate amount of such tax payable by the persons interested in the estate with which such persons are chargeable under the provisions of this Action, and the Orphans' Court of the County in which any such accounting has been made or in which any such appropriate action or proceeding is pending may by order direct the payment of such amount of tax by such persons to the executor, administrator, or other fiduciary.

No executor, administrator, or other person acting in a fiduciary capacity shall be required to transfer, pay over, or distribute any fund or property, which may have either a Federal or a State tax imposed upon it, or which may be liable for the payment of any Federal or State tax, until the amount of such tax or taxes due from the devisee, legatee, distributee, or other person

to whom such property is transferred, is paid, or, if the apportionment of tax has not been determined, adequate security is furnished by the transferee for such payment.

(b) The said Orphans' Court is hereby granted jurisdiction and all power necessary to make the prorations and the orders directing the payment of amounts of tax contemplated by subdivision (a) of this Section. Such jurisdiction may be invoked by petition filed in said Court by any such executor, administrator, temporary administrator, trustee, or other person acting in a fiduciary capacity, or any other person having such an interest as may in the judgment of said Court entitle him to file such a petition. The said Orphans' Court, upon making a determination as provided in subdivision (a) of this Section, shall make a decree or order directing the executor, administrator, or other fiduciary to charge the prorated amounts against the persons against whom the tax has been so prorated, insofar as he is in possession of property or interests of such persons against whom such charge has been made, and summarily directing all other persons against whom the tax has been so prorated or who are in possession of property or interests of such persons to make payment of such prorated amounts to such executor, administrator or other fiduciary or to another person who has paid such tax. Every such petition shall make all living interested persons parties defendant to the proceeding and they shall be summoned, or otherwise notified, as provided by the Rules of the Orphans' Court relating to partition causes. The said Court may, in its discretion, appoint a guardian or guardians ad litem to represent the interests of persons who by reason of their minority or other cause are incompetent or of unborn or unascertainable persons who may have an interest in the estate. The said Court may hear the cause upon oral testimony of witnesses or otherwise.

(c) The foregoing provisions of subdivisions (a) and (b) of this Section shall not apply where and to the extent that a testator provides in his will for another method of apportionment or allocation of the taxes referred to in subdivision (a) of this Section or where and to the extent that the written terms of an inter vivos transfer provide for another method of apportionment or allocation of such taxes which may be imposed with respect to the specific fund so transferred. Such provision in a will or in the

terms of an inter vivos transfer may be in the form of a direction or of a grant of discretion to an executor or trustee to apportion or allocate such taxes or to pay such taxes out of the residuary estate under a will or from any other portion or portions of the estate passing under said will or out of the property transferred inter vivos.

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

Approved July 1, 1949

CHAPTER 406

STATE HIGHWAY DEPARTMENT

EMPOWERED TO DESIGNATE CERTAIN HIGHWAYS AS
"EXPRESS HIGHWAYS"

AN ACT EMPOWERING THE STATE HIGHWAY DEPARTMENT TO DESIGNATE CERTAIN HIGHWAYS AS EXPRESS HIGHWAYS; DEFINING AN "EXPRESS HIGHWAY;" AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS IN CONNECTION THEREWITH; AND REGULATING THE SAME.

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

Section 1. The State Highway Department of the State of Delaware is authorized and empowered in the construction and operation of The Delaware Memorial Bridge to designate the westerly approach or approaches to said Bridge and any road or roads hereafter constructed by the State Highway Department for the purpose of connecting said Bridge or its westerly approach or approaches with any existing highway in the State of Delaware as an Express Highway as defined in Section 2 of this Act.

Section 2. The term "Express Highway" as used in this Act shall mean a state highway especially designed for through traffic over which owners of abutting property shall have no easement or right of direct access, light or air, by reason of the fact that this property abuts on such highway. An "Express Highway" shall have only such public entrances or exits as shall be designated by the State Highway Department and may be with or without service roads in the discretion of said Department.

Section 3. In acquiring land for any Express Highway, the State Highway Department shall have authority to arrange with landowners, at the time of purchase of the rights-of-way for such highway or portion thereof, or thereafter if such right-of-way has already been acquired, for control of public or private ac-

cess or for complete exclusion of direct access of abutters to the right-of-way of said highway. Such arrangements shall be made a part of the purchase of said rights-of-way. In the event no agreement can be reached between the parties, the State Highway Department shall have the power to acquire said rights of access and rights of air and light by condemnation.

Section 4. It shall be unlawful for any person to drive any vehicle into an Express Highway from any local, service or feeder road or from any property abutting an Express Highway except at points designated by or through openings provided for that purpose by the State Highway Department. Any person who violates the provisions of this Section shall be guilty of a misdemeanor and upon conviction therefor before a Justice of the Peace shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) or shall be imprisoned for a period of not less than five (5) days or more than 30 days.

Section 5. If any provision of this Act and the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. This Act shall become effective immediately upon its approval by the Governor.

Approved July 1, 1949

CHAPTER 407

APPROPRIATION

COMPREHENSIVE HIGH SCHOOLS IN SUSSEX COUNTY
FOR NEGRO PUPILS

AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE STATE BOARD OF EDUCATION FOR THE CONSTRUCTION AND EQUIPMENT OF A COMPREHENSIVE HIGH SCHOOL IN SUSSEX COUNTY FOR NEGRO PUPILS, IN LIEU OF AN APPROPRIATION MADE IN A. D. 1941, AND REPEALING THE PROVISION OF LAW MAKING SAID PRIOR APPROPRIATION.

WHEREAS by Chapter 79, Volume 43, Laws of Delaware, an appropriation of \$50,000 was made for the Eastern Sussex (Colored School), and

WHEREAS, the said sum of \$50,000 is inadequate to build a comprehensive high school in Sussex County for Negro pupils so designated, and

WHEREAS a building commission has been appointed for the purpose of constructing and equipping a comprehensive high school in Sussex County for Negro pupils, and

WHEREAS there has been appropriated by Chapter 285, Volume 46, Laws of Delaware, 1947, the sum of \$200,000 to the State Board of Education for the purpose of the construction and equipment of a comprehensive high school in Sussex County for Negro pupils,

NOW THEREFORE,

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

Section 1. That Chapter 79, Volume 43, Laws of Delaware, 1941, be and the same is hereby amended by striking out of Section 7 thereof where they appear on Page 243 of said Volume the following:

Eastern Sussex

(Colored.....	150,000	50,000.00	None
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Section 2. There is hereby appropriated to the State Board of Education the sum of \$50,000 to be used as a part of the cost of the construction and equipment of a comprehensive high school in Sussex County for Negro pupils, said sum to be in addition to the amount appropriated for a like purpose by Chapter 285, Volume 46, Laws of Delaware, and to be expended in the same manner provided by said Chapter 285, Volume 46.

Approved July 2, 1949

CHAPTER 408

APPROPRIATION

DELAWARE STATE COLLEGE

AN ACT MAKING AN APPROPRIATION TO DELAWARE STATE COLLEGE TO PROVIDE FOR THE ERECTION, REPAIR AND EQUIPMENT OF CERTAIN BUILDINGS IN CONNECTION WITH THE COLLEGE, AND FOR THE EQUIPMENT, FURNISHING, OPERATION AND MAINTENANCE THEREOF.

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 \$500,000.00, or so much thereof as may be necessary, is hereby appropriated to Delaware State College for the erection, construction and equipment of certain buildings needed at said State Institution located near Dover, Delaware.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants signed by the President of the College and by the Secretary of the Board of Trustees of Delaware State College and approved by the Auditor of Accounts, out of moneys deposited in the Farmers Bank of the State of Delaware, at Dover, consisting of money received from the sale of the bonds authorized by an Act of this 115th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR."

Approved July 2, 1949

CHAPTER 409

APPROPRIATION

STATE BOARD OF EDUCATION

FOR PURPOSE OF ADJUSTING SALARIES OF PROFESSIONAL
AND CLERICAL PERSONNEL NOT OTHERWISE PROVIDED FOR

**AN ACT APPROPRIATING FUNDS TO THE STATE BOARD
OF EDUCATION FOR THE BIENNIUM BEGINNING
JULY 1, 1949 AND ENDING JUNE 30, 1951, FOR THE
PURPOSE OF ADJUSTING THE SALARIES OF THE
PROFESSIONAL AND CLERICAL PERSONNEL EM-
PLOYED BY THE STATE BOARD OF EDUCATION NOT
OTHERWISE PROVIDED FOR.**

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

Section 1. There is hereby appropriated to the State Board of Education for the fiscal year beginning July 1, 1949 and ending June 30, 1950, the sum of Thirty Thousand (\$30,000.00) Dollars and for the year beginning July 1, 1950 and ending June 30, 1951, the further sum of Sixty Thousand Dollars (\$60,000.00). The sums so appropriated, or so much much thereof as shall be needed, shall be used by the State Board of Education, only for the purpose of increasing the salaries of the professional and clerical personnel, not covered by any acts which shall provide salary schedules for persons employed by the various school districts of the State, who are employed by the State Board of Education.

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

Approved July 2, 1949

RESOLUTIONS

CHAPTER 410

SENATE JOINT RESOLUTION

MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE JOINT INAUGURAL COMMITTEE INCIDENT TO THE INAUGURATION OF THE HONORABLE ELBERT N. CARVEL, AS GOVERNOR OF THE STATE OF DELAWARE, AND FOR REPRESENTATION OF THE STATE OF DELAWARE AT THE INAUGURATION OF THE HONORABLE HARRY S. TRUMAN, AS PRESIDENT OF THE UNITED STATES.

BE IT RESOLVED, *by the Senate, the House of Representatives concurring therein*, that the sum of Ten Thousand Dollars (\$10,000.00) be and the same is hereby appropriated out of the General Fund of the State Treasury, not otherwise appropriated, to pay the expenses of the Joint Inaugural Committee heretofore authorized in making all necessary arrangements for the inauguration exercises attendant upon the inauguration of the Honorable Elbert N. Carvel as Governor of the State of Delaware, and for representation of the State of Delaware at the inauguration of the Honorable Harry S. Truman 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 or any part thereof, immediately upon receipt of warrants signed by the Chairman and Secretary of the said Committee; and

BE IT FURTHER RESOLVED, that any part of the appropriation hereby made which may remain unexpended when the Joint Inaugural Committee has concluded its work and made its final report to the General Assembly shall revert to the General Fund in the Treasury of the State of Delaware.

Approved March 7, 1949

CHAPTER 411

SENATE JOINT RESOLUTION

**APPOINTING DIRECTORS ON THE PART OF THE STATE
FOR THE FARMERS BANK OF THE STATE OF DELA-
WARE.**

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 Pierre S. du Pont III, 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 16, 1949

CHAPTER 412

SENATE JOINT RESOLUTION

MAKING AN APPROPRIATION TO DEFRAY THE BALANCE OF THE EXPENSES OF THE JOINT INAUGURAL COMMITTEE INCIDENT TO THE INAUGURATION OF THE HONORABLE ELBERT N. CARVEL, AS GOVERNOR OF THE STATE OF DELAWARE, AND FOR REPRESENTATION OF THE STATE OF DELAWARE AT THE INAUGURATION OF THE HONORABLE HARRY S. TRUMAN, AS PRESIDENT OF THE UNITED STATES.

BE IT RESOLVED, *by the Senate, the House of Representatives concurring therein*, that the sum of Five Thousand Dollars (\$5,000.00) be and the same is hereby appropriated out of the General Fund of the State Treasury, not otherwise appropriated, to pay the balance of the expenses of the Joint Inaugural Committee heretofore authorized in making arrangements for the inauguration exercises attendant upon the inauguration of the Honorable Elbert N. Carvel as Governor of the State of Delaware, and for representation of the State of Delaware at the inauguration of the Honorable Harry S. Truman, 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 or any part thereof, immediately upon receipt of warrants signed by the Chairman and Secretary of the said Committee; and

BE IT FURTHER RESOLVED, that any part of the appropriation hereby made which may remain unexpended when the Joint Inaugural Committee has made its final report to the General Assembly shall revert to the General Fund in the Treasury of the State of Delaware.

Approved June 8, 1949

CHAPTER 413

SENATE JOINT RESOLUTION

**WITH REFERENCE TO THE RETURN OF FUNDS TO THE
TREASURER OF THE UNITED STATES ON ACCOUNT
OF OVERPAYMENT TO AN EMPLOYEE OF THE BOARD
OF GAME AND FISH COMMISSIONERS OF DELAWARE
BY THE FISH AND WILDLIFE SERVICE OF THE
UNITED STATES DEPARTMENT OF THE INTERIOR.**

WHEREAS, Walter Tomlinson, an employee of the Board of Game and Fish Commissioners of the State of Delaware received payment for services from the State of Delaware and also from the Fish and Wildlife Service of the United States Department of the Interior for services in connection with a Federal-State special game refuge improvement project, being Delaware Project 2-D; and

WHEREAS, the said services were performed during the fiscal year ending June 30, 1943; and

WHEREAS, the Laws of the State of Delaware do not permit the Board of Game and Fish Commissioners of the State of Delaware to reimburse the Federal Government for said overpayment because of State Laws which prohibit the payment in one fiscal year of any amount due for services or material, performed or furnished, in a different fiscal year; and

WHEREAS, the said overpayment for services in the amount of Three Hundred Seventy-five Dollars and Thirty-six Cents (\$375.36) is due and owing and cannot now be paid out of funds available to the Board of Game and Fish Commissioners of Delaware, and legislation by the General Assembly of the State of Delaware is the only method by which the account can be settled; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the One Hundred and Fifteenth General Assembly of the State of Delaware, the House of Representatives concurring therein:

That there is hereby appropriated the sum of Three Hundred Seventy-five Dollars and Thirty-six Cents (\$375.36) to the Treas-

urer of the United States in settlement of the transaction herein described, and that the Auditor of Accounts of the State of Delaware be directed to forward check of the State of Delaware to the said Treasurer of the United States upon the passage and approval of this resolution, in full settlement of the account; and

That the funds hereby appropriated shall be considered in the nature of a Supplementary Appropriation Bill, and that the State Treasurer of the State of Delaware be directed to pay the amount hereby appropriated out of any funds in the State Treasury of Delaware not otherwise appropriated.

Approved June 30, 1949

CHAPTER 414

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE TO ARRANGE FOR THE SHOWING OF THE MOVIE "THE SNAKE PIT" TO THE MEMBERS OF THE 115TH GENERAL ASSEMBLY.

BE IT RESOLVED, *by the 115th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that a Joint Committee consisting of two members of the Senate and two members of the House of Representatives be appointed by the presiding officers of the respective Houses to arrange for a showing of the movie "The Snake Pit" to the Members of the 115th General Assembly.

Approved March 2, 1949

CHAPTER 415

SENATE CONCURRENT RESOLUTION

**EXPRESSING APPRECIATION TO THOSE WHO ASSISTED
IN THE PROGRAM COMMEMORATING THE BIRTHDAY
OF ABRAHAM LINCOLN.**

WHEREAS, for many years past it has been the custom of the General Assembly of the State of Delaware to meet in Joint Session for the purpose of commemorating the Birthday of Abraham Lincoln; and,

WHEREAS, the program arranged for this occasion on February 11, 1949, was, in the opinion of all those who attended, especially appropriate and fitting for this occasion; and,

WHEREAS, it is the desire of this Assembly to express its sincere thanks to those who participated therein; Now, Therefore,

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring*, that this Assembly desires herein to express its sincere appreciation to all who participated in this occasion, in particular the following:

To Dr. William S. Carlson, President of the University of Delaware, for his able and instructive address on life and times of Abraham Lincoln and the principles for which he stood;

To Dr. Howard D. Gregg, to the Glee Club of the Delaware State College and to those in charge thereof for their excellent musical renditions; and

To the members of the Joint Committee who arranged the program for this occasion;

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Dr. William S. Carlson and to Dr. Howard D. Gregg on behalf of the Glee Club of the Delaware State College.

Approved March 2, 1949

CHAPTER 416

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO HEAR THE MESSAGE OF THE GOVERNOR.

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Thursday, January 6, at 12:45 o'clock P. M. for the purpose of hearing any Message which the Governor may wish to present to them.

Approved March 7, 1949

CHAPTER 417

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT COMMITTEE TO ARRANGE FOR THE INAUGURATION OF THE HONORABLE ELBERT N. CARVEL AS GOVERNOR OF THE STATE OF DELAWARE AND TO ARRANGE FOR THE ATTENDANCE OF OFFICIALS AND PERSONS TO REPRESENT THE STATE OF DELAWARE AT THE INAUGURATION OF HONORABLE HARRY S. TRUMAN AS PRESIDENT OF THE UNITED STATES.

BE IT RESOLVED *by the Senate, the House of Representatives concurring therein*, that there is hereby authorized to be selected a Joint Committee, to consist of five members of the Senate and five members of the House of Representatives,—the Senate members to consist of the President Pro Tem and four other members of the Senate to be appointed by the President of the Senate,—the House members to consist of the Speaker and four other members of the House to be appointed by the Speaker; the said Committee being hereby authorized and directed to make all necessary arrangements for the inauguration exercises attendant upon the inauguration of the Honorable Elbert N. Carvel as Governor of Delaware, and further to make all necessary plans and take all necessary action with respect to the representation of the State of Delaware at the inauguration of Honorable Harry S. Truman as President of the United States; and

BE IT FURTHER RESOLVED that full discretion and authority shall be reposed in the Joint Committee hereby authorized concerning the officials and persons of the State of Delaware to attend the inaugural exercises in Washington.

Approved March 7, 1949

CHAPTER 418

SENATE CONCURRENT RESOLUTION

**PROVIDING FOR THE JOINT SESSION TO COUNT THE
VOTE FOR GOVERNOR AND LIEUTENANT-GOVER-
NOR.**

BE IT RESOLVED, *by the Senate, the House of Representatives concurring therein*, that the Members of the Senate and the House of Representatives meet in Joint Session in the Senate Chamber on the twelfth day of January, A. D. 1949, at three o'clock P. M., to count the vote for Governor and Lieutenant-Governor.

Approved March 7, 1949

CHAPTER 419

SENATE CONCURRENT RESOLUTION

**WITH REFERENCE TO THE PRINTING OF THE REPORT
OF THE STATE SCHOOL SURVEY COMMISSION.**

BE IT RESOLVED *by the Senate of the One Hundred and Fifteenth General Assembly of the State of Delaware, the House of Representatives concurring therein*, that the Printing Committee of the two Houses acting jointly arrange for the printing of one thousand copies of the report of the State School Survey Commission, and

BE IT FURTHER RESOLVED, that four hundred copies of the printed report be delivered to the Secretary of the Senate and six hundred copies of the said report be delivered to the Clerk of the House.

Approved March 7, 1949

CHAPTER 420

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE TO NOTIFY THE GOVERNOR THAT THE GENERAL ASSEMBLY IS DULY ORGANIZED.

BE IT RESOLVED *by the Senate of the 115th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that a Joint Committee consisting of two members of the Senate and two 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.

Approved March 7, 1949

CHAPTER 421

SENATE CONCURRENT RESOLUTION

**PROVIDING FOR ADJOURNMENT OF THE SENATE AND
HOUSE OF REPRESENTATIVES UNTIL MONDAY,
JANUARY 24, 1949.**

BE IT RESOLVED *by the Senate, the House of Representatives concurring therein*, that at the close of the Legislative Day, January 18, 1949, both Houses of the General Assembly shall adjourn until Monday, January 24, 1949, at 11 o'clock A. M.

Approved March 7, 1949

CHAPTER 422

SENATE CONCURRENT RESOLUTION

**PROVIDING FOR A JOINT SESSION OF THE SENATE AND
HOUSE OF REPRESENTATIVES TO WITNESS THE AD-
MINISTERING OF THE OATH OF OFFICE TO LIEU-
TENANT-GOVERNOR-ELECT ALEXIS I. DU PONT
BAYARD.**

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Tuesday, January 18, 1949, at 11:30 o'clock A. M., to witness the administering of the Oath of Office to Lieutenant-Governor-Elect Alexis I. du Pont Bayard.

Approved March 7, 1949

CHAPTER 423

SENATE CONCURRENT RESOLUTION

**DIRECTING THE APPOINTMENT OF A COMMITTEE TO
ARRANGE A SUITABLE PROGRAM FOR THE OBSERV-
ANCE OF WASHINGTON'S BIRTHDAY.**

BE IT RESOLVED *by the Senate of the 115th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that the President of the Senate and the Speaker of the House of Representatives of the 115th Session of the General Assembly be and they hereby are authorized and directed to appoint three members from their respective houses to constitute a Joint Committee to arrange a suitable program for the observance of Washington's Birthday.

Approved March 7, 1949

CHAPTER 424

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO ATTEND THE EXERCISES ARRANGED IN COMMEMORATION OF THE BIRTHDAY ANNIVERSARY OF ABRAHAM LINCOLN.

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Friday, February 11, 1949, at two-thirty o'clock, P. M., for the purpose of attending the exercises and hearing the program arranged by a Joint Committee of the Senate and the House in commemoration of the birthday anniversary of Abraham Lincoln.

Approved March 7, 1949

CHAPTER 425

SENATE CONCURRENT RESOLUTION

**PROVIDING FOR A JOINT SESSION TO ATTEND THE
EXERCISES ARRANGED IN COMMEMORATION OF
THE BIRTHDAY ANNIVERSARY OF GEORGE WASH-
INGTON.**

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Tuesday, February 22, 1949, at 2:30 o'clock P. M., for the purpose of attending the exercises and hearing the program arranged by a Joint Committee of the Senate and House of Representatives in commemoration of the birthday anniversary of George Washington.

Approved March 7, 1949

CHAPTER 426

SENATE CONCURRENT RESOLUTION

RELATIVE TO THE DEATH OF JOSEPH MORRIS HARRINGTON.

WHEREAS, word has been received of the passing of Joseph Morris Harrington, a resident of Felton, Delaware, an official of the State of Delaware, and a man who formerly held other prominent positions in the Government of this State; and

WHEREAS, in addition to his official services, Joseph Morris Harrington has for many years been a prominent citizen of his community and of the State, interested in many activities that promised public improvement and enjoyment to many people; and

WHEREAS, the Members of the General Assembly have received the news of Mr. Harrington's passing with regret, and desire to express in this public manner their own feelings and the sense of loss which is felt throughout the entire State of Delaware; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the General Assembly of the State of Delaware, the House of Representatives concurring,

That the Members of the 115th General Assembly wish to give expression to the regret they experienced, many of them personally, at the passing of Joseph Morris Harrington, prominent figure in his community, and an officer of the State of Delaware over a period of many years; and

BE IT FURTHER RESOLVED, that the entire family of the deceased has the full sympathy of the Members of the 115th General Assembly which is extended by sending a copy of this Resolution to his surviving son at Felton, Delaware, and to other members of his immediate family; and

BE IT FURTHER RESOLVED, that the text of this Reso-

lution be made a part of the Journal of the proceedings of each House of the 115th General Assembly.

Approved March 7, 1949

CHAPTER 427

SENATE CONCURRENT RESOLUTION

**EXPRESSING APPRECIATION TO THOSE WHO ASSISTED
IN THE PROGRAM COMMEMORATING THE BIRTH-
DAY OF GEORGE WASHINGTON.**

WHEREAS, for many years past it has been the custom of the General Assembly of the State of Delaware to meet in Joint Session for the purpose of commemorating the Birthday of George Washington; and,

WHEREAS, the program arranged for this occasion on February 22, 1949, was, in the opinion of all those who attended, especially appropriate and fitting for this occasion; and,

WHEREAS, it is the desire of this Assembly to express its sincere thanks to those who participated therein; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring*, that this Assembly desires herein to express its sincere appreciation to all who participated in this occasion, in particular the following:

To Honorable John G. Leach, Vice-President of Beacom College, for his able portrayal of the life and character of George Washington;

To Mr. William B. Simpson, Superintendent of Caesar Rodney Special School District, to the Director and Members of the Caesar Rodney High School Band for their excellent musical renditions; and,

To the members of the Joint Committee who arranged the program for this occasion;

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Honorable John G. Leach and to Mr. William B. Simpson, on behalf of the Director and Members of the Caesar Rodney High School Band.

Approved March 7, 1949

CHAPTER 428

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO HEAR THE MESSAGE OF THE GOVERNOR.

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Wednesday, March 9th, at 12:00 Noon for the purpose of hearing any message the Governor may wish to send to them.

Approved March 22, 1949

CHAPTER 429

SENATE CONCURRENT RESOLUTION

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS, AND THE PRESIDENT OF THE UNITED STATES TO APPROVE, IF PASSED, THE "GENERAL PULASKI'S MEMORIAL DAY."

WHEREAS, a Resolution providing for the proclamation by the President of the United States of America of October 11th of each year as "General Pulaski's Memorial Day," for the observance and commemoration of the death of Brigadier General Casimir Pulaski, is now pending in the present session of the United States Congress; and

WHEREAS, the 11th day of October, 1779, is the date 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, it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises commemorating the heroic death of this great American hero of the Revolutionary War; and

WHEREAS, the Congress of the United States of America has by legislative action designated October 11th of the years 1929 to 1946 as "General Pulaski's Memorial Day" in the United States of America; NOW, THEREFORE,

BE IT RESOLVED, by the Senate of the State of Delaware, the House of Representatives concurring therein:

Section 1. That we hereby memorialize and petition the Congress of the United States, to pass, and the President of the United States to approve, if passed, the General Pulaski's Memorial Day Resolution now pending in the United States Congress.

Section 2. That certified copies of this Resolution, properly authenticated, be sent forthwith to the President of the United

States, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and each of the United States Senators and the Representative in Congress from the State of Delaware.

Approved March 22, 1949

CHAPTER 430

SENATE CONCURRENT RESOLUTION

APPROPRIATING MONEY TO PAY FOR PRINTING OF REPORT OF STATE SCHOOL SURVEY COMMISSION.

BE IT RESOLVED *by the Senate of the State of Delaware, the House of Representatives concurring therein:*

That the sum of Three Hundred and Eighty-nine Dollars and Sixty-one Cents (\$389.61) be and the same is hereby appropriated out of the General Fund of the State Treasury to the Hambleton Company, Incorporated, of Wilmington, Delaware, in payment for printing of copies of report of State School Survey Commission, 1948, as per the following account:

Hambleton Company, Incorporated, 17th & Spruce Streets, Wilmington, Delaware.

1000 copies Report of State School Survey Commission 1948,	
80 pps. and 4 pg. cover, 84 pps. in all @ \$4.44 per page,	
as per estimate	\$ 372.96
45 copies overrun (1045 delivered) @ \$.37 each..	16.65
	<hr/>
	\$ 389.61

Approved March 23, 1949

CHAPTER 431

SENATE CONCURRENT RESOLUTION

**AMENDING HOUSE CONCURRENT RESOLUTION NO. 12
FIXING THE TIME AFTER WHICH NO NEW BILLS OR
JOINT RESOLUTIONS SHALL BE RECEIVED BY THE
SENATE OR BY THE HOUSE OF REPRESENTATIVES
OF THE 115TH GENERAL ASSEMBLY, EXCEPT GEN-
ERAL APPROPRIATION BILLS, BY PROVIDING FOR
THE INTRODUCTION OF A NEW SENATE BILL TO BE
NUMBERED NO. 422, ENTITLED, "AN ACT EMPOWER-
ING THE STATE HIGHWAY DEPARTMENT TO DESIG-
NATE CERTAIN HIGHWAYS AS EXPRESS HIGHWAYS;
DEFINING AN "EXPRESS HIGHWAY"; AUTHORIZING
THE ACQUISITION OF PROPERTY RIGHTS IN CON-
NECTION THEREWITH; AND REGULATING THE
SAME."**

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that House Concurrent Resolution No. 12, 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, to be numbered 422, entitled:

**"AN ACT EMPOWERING THE STATE HIGHWAY DE-
PARTMENT TO DESIGNATE CERTAIN HIGHWAYS AS EX-
PRESS HIGHWAYS; DEFINING AN "EXPRESS HIGHWAY;"
AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS
IN CONNECTION THEREWITH; AND REGULATING THE
SAME."**

Approved May 2, 1949

CHAPTER 432

SENATE CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION TO HEAR THE MESSAGE OF THE GOVERNOR, RELATIVE TO "BOYS' STATE."

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Friday, April 22nd, at 2:30 P. M. for the purpose of hearing the message of the Governor relative to "Boys' State."

Approved May 2, 1949

CHAPTER 433

SENATE CONCURRENT RESOLUTION

MAKING AN APPROPRIATION FOR EXPENSE IN CONNECTION WITH THE WORK OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT RESOLVED *by the Senate of the 115th General Assembly of the State of Delaware, the House of Representatives concurring therein:*

That the sum of Six Hundred Dollars (\$600.00) is hereby appropriated to pay Isabel P. Sypherd, being payment on account for services rendered during the entire regular session of the 115th General Assembly as supply room clerk, the same being expense connected with the work of the General Assembly, and that the State Treasurer be and he is hereby authorized and directed to pay to her the said amount out of any money in the General Fund not otherwise appropriated, this Resolution being in the nature of a Supplementary Appropriation Bill.

Approved May 6, 1949

CHAPTER 434

SENATE CONCURRENT RESOLUTION

APPROPRIATING MONEY TO PAY FOR CERTAIN SUPPLIES NEEDED AND USED BY THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE 115TH GENERAL ASSEMBLY.

BE IT RESOLVED by the Senate and House of Representatives in General Assembly met:

That the sum of One Thousand Two Hundred Sixty Four Dollars and Forty Six Cents (\$1,264.46) be and the same is hereby appropriated out of any funds in the State Treasury of the State of Delaware not otherwise appropriated for duplicating paper and other supplies needed and used for the official business of the Senate and House of Representatives of the 115th Session of the General Assembly of the State of Delaware, said sum to be paid to the following named firms and in the amounts set opposite the respective names:

George D. Hanby Co., 919 Market Street, Wilmington, Delaware	\$ 922.27
Butler's, Inc., 415 Market Street, Wilmington, Delaware	66.54
Whelan's, 404 Loockerman Street, Dover, Delaware	2.50
The Mercantile Press, Incorporated, 3007 Bellevue Avenue, Wilmington, Dela.	16.75
Hambleton Company, Incorporated, 17th & Spruce Streets, Wilmington, Dela.	255.50
Matthews Brothers, Inc., 105 West Ninth Street, Wilmington, Delaware .....	.90
	<hr/> \$1,264.46

That the State Treasurer of the State of Delaware is hereby authorized and directed to pay the respective sums herein listed to the Companies and Firms entitled thereto out of the appropriation named in paragraph 1 hereof upon warrants approved

by the Chairman of the Printing Committees of the Senate and the House of Representatives.

Approved May 23, 1949

CHAPTER 435

SENATE CONCURRENT RESOLUTION

MAKING AN APPROPRIATION FOR TELEPHONE SERVICE CHARGES AND TOLL CALLS IN CONNECTION WITH THE WORK OF THE LEGISLATURE OF THE 115TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that the following amount be, and it is hereby appropriated, to pay for telephone service charges and toll calls in connection with the work of the Senate and House of Representatives of the 115th Session of the General Assembly of the State of Delaware, which convened January 4, A. D. 1949, and that the State Treasurer be, and he is hereby authorized and directed to pay to The Diamond State Telephone Company the total of the items listed in this resolution, as follows:

Service and Toll Charges for 10 Primary Telephones during Legislative Session 1949

Jan. 6 to 11, 1949	1.94
Toll Call Jan. 3 .....	.35
Toll Call Jan. 7 .....	.50
Jan. 11 to Feb. 10	32.70
Toll Call Jan. 31 .....	.50
Feb. 11 to Mar. 10	32.70
Toll Call Feb. 11 .....	.95
Mar. 11 to April 10	32.70
April 11 to May 10	32.60
May 11 to June 10	32.60
	<hr/>
	\$167.54

Approved May 23, 1949

CHAPTER 436

SENATE CONCURRENT RESOLUTION

**AMENDING HOUSE CONCURRENT RESOLUTION NO. 12
FIXING THE TIME AFTER WHICH NO NEW BILLS OR
JOINT RESOLUTIONS SHALL BE RECEIVED BY THE
SENATE OR BY THE HOUSE OF REPRESENTATIVES
OF THE 115TH GENERAL ASSEMBLY, EXCEPT GEN-
ERAL APPROPRIATION BILLS, BY PROVIDING FOR
THE INTRODUCTION OF A NEW SENATE BILL TO BE
NUMBERED NO. 424, ENTITLED, "AN ACT APPROPRI-
ATING FUNDS TO PROVIDE FOR THE PAYMENT OF
INTEREST AND PRINCIPAL MATURITIES OF BONDS
AUTHORIZED TO BE ISSUED BY THE 115TH GENERAL
ASSEMBLY FROM THE DATE OF ISSUE OF SUCH
BONDS AS SHALL BE ISSUED DURING THE BIEN-
NIUM ENDING ON JUNE 30, 1951, UNTIL THE END OF
THE SAID BIENNIUM."**

BE IT RESOLVED *by the Senate of the 115th General Assembly, the House of Representatives concurring therein*, that House Concurrent Resolution No. 12, 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, to be numbered 424, entitled:

**"AN ACT APPROPRIATING FUNDS TO PROVIDE FOR
THE PAYMENT OF INTEREST AND PRINCIPAL MATURI-
TIES OF BONDS AUTHORIZED TO BE ISSUED BY THE
115TH GENERAL ASSEMBLY FROM THE DATE OF ISSUE
OF SUCH BONDS AS SHALL BE ISSUED DURING THE BI-
ENNIUM ENDING JUNE 30, 1951, UNTIL THE END OF THE
SAID BIENNIUM."**

Approved June 3, 1949

CHAPTER 437

SENATE CONCURRENT RESOLUTION

**PROVIDING FOR A STUDY OF THE EXECUTIVE BRANCH
OF THE STATE GOVERNMENT.**

WHEREAS, the services of the State Government have been expanded greatly in past years; and

WHEREAS, in establishing new services from time to time and in providing for the expansion of established services, the simplicity of the organization structure of the State Government as a whole has been sacrificed; and

WHEREAS, the executive branch is now exceedingly complex, unwieldy, and unmanageable to such an extent that there can be no effective coordination to prevent overlapping of activities and duplication of effort among State agencies and to insure maximum efficiency and economy in the expenditure of State funds; and

WHEREAS, it is the policy of the State to continue to promote the growth and development of agriculture, industry, business, and commerce and the social and economic welfare of the people and to provide such increased State services as may be essential to this end; and

WHEREAS, it is incumbent upon the State to provide essential services in the most efficient manner at the lowest possible cost through effective organization of the executive branch and thereby to hold to the essential minimum the burden of taxation upon the people; therefore

BE IT RESOLVED *by the Senate, the House of Representatives concurring therein, as follows:*

Section 1. That a commission to be known as the Commission on Reorganization of State Government be and is hereby created, to be composed of the Governor and of such number of outstanding citizens as the Governor may associate with himself

thereon and as he may deem necessary to afford adequate representation of the two major political parties and of geographical areas, commerce and industry, agriculture, labor, the professions, and the general public.

Section 2. That the Governor shall appoint from among the members of the Commission a chairman who shall designate four (4) members of the Commission to serve with him as the executive committee of the Commission, and that the executive committee may appoint a secretary who may be a state officer and ex-officio secretary.

Section 3. That the executive committee shall make thorough studies of the organization of the executive branch of the State Government, its departments, divisions, institutions, boards, commissions, and other agencies, giving particular attention to possible changes intended to simplify and make more efficient the administration and operation of the executive branch of the State Government.

Section 4. That in its study, the executive committee may call upon any officer or agency of the State for such information and assistance as it may deem necessary for the proper and efficient conduct of its work.

Section 5. That the executive committee, with the concurrence of the Governor, may engage the services of consultants in public administration and finance who have no affiliations that would be likely to interfere with the formulation and expression of impartial, unbiased, professional opinions, findings, and recommendations, who are qualified by actual experience in studies of the administrative organizations of State Governments, and may engage such technical, stenographic, and other assistance as may be required by the executive committee or the Commission for the efficient conduct of studies and the preparation of reports hereunder.

Section 6. That the executive committee shall prepare interim reports of its findings, conclusions, and recommendations, covering all the departments, divisions, institutions, boards, commissions, and other agencies of the executive branch of the

State Government, and a summary report of findings and recommendations, and shall submit such reports to the full Commission for study by the Commission. In its study the Commission may call upon any officer or agency of the State Government, and upon the consultants retained by the executive committee as hereinbefore provided, for such information and advice and assistance as it may deem necessary.

Section 7. That the Commission shall make a report of its findings, and of its recommendations for such consolidations and reorganization as it considers necessary, to the General Assembly not later than the first day of the 1951 Session.

Section 8. That the members of the Commission and the secretary of the Commission shall serve without compensation but the members of the Commission shall be paid their actual expenses incurred in the performance of their duties hereunder.

Section 9. That, the sum of Twenty-five Thousand Dollars (\$25,000.00) be and the same is hereby appropriated to the Commission herein provided out of the funds of the State Treasury, not otherwise appropriated, to be paid by the State Treasurer upon vouchers approved by the chairman and secretary of the Commission for the purpose of enabling the said Commission to undertake the duties set forth above.

Section 10. That this resolution shall be considered in the nature of a Supplementary Appropriation Bill and that the funds hereby appropriated be paid by the State Treasurer out of the General Fund of the State.

Approved June 30, 1949

CHAPTER 438

SENATE CONCURRENT RESOLUTION

MAKING AN APPROPRIATION FOR EXPENSE IN CONNECTION WITH THE WORK OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT RESOLVED *by the Senate of the 115th Session of the General Assembly of the State of Delaware, the House of Representatives concurring therein*, that the following amounts be and they are hereby appropriated out of any money in the General Fund of the State Treasury, as allowance for compensation for services rendered during the Regular Session of the 115th General Assembly, the same being the expense connected with the work of the General Assembly, and the State Treasurer is hereby authorized and directed to pay to the respective persons hereinafter named the respective sums set opposite their names; provided, however, that any sum or sums heretofore paid to any officer or employee whose name is hereinafter listed, as part of an allowance for compensation for services rendered, shall be deducted therefrom:

Isabel P. Sypherd, Supply Room Clerk	\$1,150.00
Sylvia Weinstein, for services as Secretary of Budget Committee	200.00

Approved June 30, 1949

CHAPTER 439

HOUSE JOINT RESOLUTION

WITH REFERENCE TO SUPPLIES NEEDED BY THE GENERAL ASSEMBLY.

BE IT RESOLVED *by the House of Representatives and the Senate of the 115th Session of the General Assembly of the State of Delaware* that the Printing Committee of the Senate and the Printing Committee of the House, acting jointly, be authorized and directed to purchase two four-drawer steel filing cabinets, one for the use of the Senate and one for the use of the House of Representatives.

Approved February 21, 1949

CHAPTER 440

HOUSE JOINT RESOLUTION

WITH REFERENCE TO SUPPLIES NEEDED BY THE GENERAL ASSEMBLY.

BE IT RESOLVED *by the House of Representatives and the Senate of the 115th Session of the General Assembly of the State of Delaware* that the Printing Committee of the Senate and the Printing Committee of the House, acting jointly, be authorized and directed to purchase two electric ditto machines, one for the use of the Senate and one for the use of the House of Representatives.

Approved February 21, 1949

CHAPTER 441

HOUSE JOINT RESOLUTION

APPOINTING A BILL CLERK FOR THE HOUSE OF REPRESENTATIVES AND A BILL CLERK FOR THE SENATE TO SERVE DURING THE 115TH SESSION OF THE GENERAL ASSEMBLY.

BE IT RESOLVED *by the House of Representatives and the Senate of the 115th Session of the General Assembly of the State of Delaware* that Norman E. Battersby be and he is hereby appointed Bill Clerk for the House of Representatives to serve during the present session of the House of Representatives; and that Benjamin F. Simmons be and he is hereby appointed Bill Clerk for the Senate to serve during the present session of the Senate, in accordance with 337 Section 1 of Chapter 10 of the Revised Code of Delaware, 1935.

Approved April 18, 1949

CHAPTER 442

HOUSE JOINT RESOLUTION

**APPROPRIATING MONIES TO PAY CERTAIN CLAIMS
RELATING TO THE EXPENSES OF 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 they are hereby appropriated out of the General Fund for the payment of certain claims against the State of Delaware for expenses and services rendered the Supreme Court for a period of two years ending February 28, 1949:

Caleb Lewis—Janitor	26 days @ \$5.00 per day—	\$130.00
James Thorpe—Janitor	15 days @ 5.00 per day—	75.00
Oliver C. Hayes—Crier	41 days @ 5.00 per day—	205.00
Elwood Teat—Bailiff	41 days @ 5.00 per day—	205.00
John C. Hayes—Bailiff	41 days @ 5.00 per day—	205.00
Harry McSherry—Crier	26 days @ 5.00 per day—	130.00
John Satterfield—Bailiff	41 days @ 3.50 per day—	143.50
Delaware State News, printing calendar for 8 Sessions at \$40.00 each		320.00
W. Marion Stevenson, Stamps, Envelopes, Postage, Cft., etc.		47.94
J. E. McBride, Bond of Clerk of Supreme Court		53.25

Approved May 6, 1949

CHAPTER 443

HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER
SUPPLIES FOR THE 115TH GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Three Thousand Dollars (\$3,000.00) be and the same is hereby appropriated out of the General Fund of the Treasury of the State of Delaware for the purchase of postage stamps and other supplies to be used for the official business of the 115th Session of the General Assembly of the State of Delaware.

FURTHER RESOLVED, that the State Treasurer of the State of Delaware is hereby authorized and directed to pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian.

Approved February 3, 1949

CHAPTER 444

HOUSE CONCURRENT RESOLUTION

**DIRECTING THE APPOINTMENT OF A JOINT COMMITTEE
TO ARRANGE FOR A SUITABLE PROGRAM FOR THE
OBSERVANCE OF LINCOLN'S BIRTHDAY.**

*BE IT RESOLVED by the House of Representatives of the
115th General Assembly of the State of Delaware, the Senate
concurring therein:*

That the Speaker of the House of Representatives and the President of the Senate of the 115th General Assembly, be and they are hereby authorized and directed to appoint three members from their respective houses to constitute a joint committee to arrange for a suitable program for the observance of Lincoln's Birthday.

Approved February 3, 1949

CHAPTER 445

HOUSE CONCURRENT RESOLUTION

EXPRESSING APPRECIATION OF THE CITIZENS OF DELAWARE TO THE REPUBLIC OF FRANCE AND ITS PEOPLE FOR THE TOKEN OF FRIENDSHIP AS SHOWN BY THE MERCI TRAIN CONTAINING GIFTS.

WHEREAS The Republic of France and the French people are sending the "Merci Train"—Train of Gratitude—consisting of forty nine (49) cars in appreciation and thanks for the train of necessities and supplies recently sent to them by the citizens of the United States of America; and

WHEREAS, in recognition of and thanks for Delaware's contribution previously made, a box car with gifts is to be detached from the "Merci Train" as it passes through Wilmington on Saturday, February 5th of 1949.

NOW THEREFORE

BE IT RESOLVED *by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the citizens of the State of Delaware by and through their duly elected Representatives accept with joy this token of friendship on the part of the French Republic and the French people, and do hereby re-affirm Delaware's respect for the courage of the French people, extend anew the helping hand of friendship, and cling fervently to the hope and expectation that the French Republic will have a speedy recovery from the ravages of the recent War.

AND BE IT FURTHER RESOLVED that the Governor of the State of Delaware be directed to present this resolution to the French Committee accompanying the "Merci Train" asking that Committee in turn to transmit it to the President of the Republic of France and the French people.

Approved February 21, 1949

CHAPTER 446

HOUSE CONCURRENT RESOLUTION

**ACCEPTING THE LOWEST RESPONSIBLE BIDS FOR
ELECTRIC DITTO OR DUPLICATING MACHINES AND
FILE CASES REQUIRED BY THE GENERAL ASSEM-
BLY, AND PURCHASED, AS DIRECTED BY HOUSE
JOINT RESOLUTIONS NUMBERS 1 AND 3, AND MAK-
ING AN APPROPRIATION FOR PAYMENT.**

BE IT RESOLVED *by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware, the Senate concurring therein*, that the following bids received after public advertisement and in accordance with the directions of House Joint Resolutions Numbers 1 and 3, be accepted for the respective articles hereinafter named; and

BE IT FURTHER RESOLVED, that the following named lowest responsible bidders be paid the amounts set opposite their respective names by the State Treasurer upon warrants approved by the Chairmen of the Senate and House Printing Committees for the supplies listed and needed for the official business of the One Hundred and Fifteenth Session of the General Assembly:

George D. Hanby Co., 805 Shipley Street,
Wilmington 7, Delaware
1 #EL 47 Electric Duplicator, same as the one
on trial in Legislative Reference Bureau office. . \$329.50

Matthews Brothers Incorporated, 105 W. 9th St.
Wilmington 99, Delaware
1 electric "Ditto" Machine, Model 9D44A. 525.00

Capitol Fire Equipment Co., Inc.
18 N. Governors Ave., Dover, Delaware
2 All metal Suspension type Lyons legal size
filing cabinets. Delivered \$65.90 each. 131.80

and

BE IT FURTHER RESOLVED, that the sum of Nine Hundred Eighty Six Dollars and Thirty Cents (\$986.30) be and the

same is hereby appropriated out of the General Fund in the Treasury of the State of Delaware to carry out the provisions of this Resolution.

Approved March 2, 1949

CHAPTER 447

HOUSE CONCURRENT RESOLUTION

PROVIDING THAT THE MOTOR FUEL TAX DEPARTMENT OF THE STATE HIGHWAY DEPARTMENT SHALL FURNISH MONTHLY TO ALL DISTRIBUTORS AND COMMISSION AGENTS ENGAGED IN THE TRANSPORTATION AND SALE OF OIL AND GASOLINE IN THIS STATE A LIST OF ALL GASOLINE TAXES PAID BY ALL BONDED GASOLINE DISTRIBUTORS IN THIS STATE.

BE IT RESOLVED by the House of Representatives of the 115th General Assembly of the State of Delaware, the Senate concurring therein:

That the Motor Fuel Tax Department of the State Highway Department shall furnish monthly to all distributors and commission agents engaged in the transportation and sale of gasoline and oil in this State a statement of all tax paid gallons sold by all Bonded Gasoline Distributors in this State.

Approved March 7, 1949

CHAPTER 448

HOUSE CONCURRENT RESOLUTION

**MAKING AN APPROPRIATION FOR POSTAGE STAMPS
AND OTHER SUPPLIES FOR THE 115TH GENERAL
ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Three Thousand Dollars (\$3,000.00) be and the same is hereby appropriated out of the General Fund of the Treasury of the State of Delaware to the State Librarian for the purchase of postage stamps and other supplies to be used for the official business of the 115th Session of the General Assembly of the State of Delaware.

FURTHER RESOLVED, that the State Treasurer of the State of Delaware is hereby authorized and directed to pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian.

Approved March 11, 1949

CHAPTER 449 -

HOUSE CONCURRENT RESOLUTION

EXTENDING THE SYMPATHY OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE TO HONORABLE GEORGE R. CLARK, WHO WAS A MEMBER OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE OF THE STATE OF DELAWARE.

WHEREAS, the members of the House of Representatives and of the Senate of the 115th General Assembly of the State of Delaware, have learned with profound sorrow of the death of Mrs. Ida B. Clark, mother of a former member of the House of Representatives and of the Senate, and

WHEREAS, the members of the House of Representatives and the members of the Senate desire to express to him the sympathy of each member in this hour of his bereavement, NOW, THEREFORE,

BE IT RESOLVED, that the sympathy of each member of the House of Representatives and each member of the Senate is hereby extended to Honorable George R. Clark, our former member, in his loss, with a prayer that the Father of all mercies sustain and comfort him in this hour, and that the Peace which cometh from God alone and passeth all understanding, temper his grief for the loss he has sustained; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journal of the House and of the Senate of the 115th General Assembly of the State of Delaware, and a copy sent to Honorable George R. Clark at his home in Delaware City, and a copy delivered to the Press.

Approved March 11, 1949

CHAPTER 450

HOUSE CONCURRENT RESOLUTION

**AMENDING HOUSE CONCURRENT RESOLUTION NO. 12
FIXING THE TIME AFTER WHICH NO NEW BILLS OR
JOINT RESOLUTIONS SHALL BE RECEIVED BY THE
SENATE OR BY THE HOUSE OF REPRESENTATIVES
OF THE 115TH GENERAL ASSEMBLY, EXCEPT GEN-
ERAL APPROPRIATION BILLS, BY PROVIDING FOR
THE INTRODUCTION OF A NEW HOUSE BILL TO BE
NUMBERED NO. 611, ENTITLED, "AN ACT TO AMEND
CHAPTER 158, REVISED CODE OF DELAWARE, 1935,
AS AMENDED, BY REPEALING THE PROVISION OF
LAW REQUIRING EXCLUSIVE CONSIDERATION OF
THE BUDGET BILL, WHEN."**

BE IT RESOLVED *by the House of Representatives of the 115th General Assembly, the Senate concurring therein*, that House Concurrent Resolution No. 12, 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, to be numbered 611, entitled:

"AN ACT TO AMEND CHAPTER 158, REVISED CODE OF DELAWARE, 1935, AS AMENDED, BY REPEALING THE PROVISION OF LAW REQUIRING EXCLUSIVE CONSIDERATION OF THE BUDGET BILL, WHEN."

Approved April 19, 1949

CHAPTER 451

HOUSE CONCURRENT RESOLUTION

**INVITING THE BOYS' STATE TO BE THE GUESTS OF THE
ONE HUNDRED AND FIFTEENTH GENERAL AS-
SEMBLY.**

BE IT RESOLVED, by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware (the Senate concurring therein):

That the members of the Boys' State, sponsored by the American Legion of the State of Delaware, be and they are hereby invited to be the guests of the One Hundred and Fifteenth General Assembly during the current Session thereof; and

BE IT FURTHER RESOLVED, that the President of the Senate and the Speaker of the House of Representatives, be and they are hereby authorized and directed to appoint two members from each of their respective bodies to make arrangements with the representatives from the American Legion of Delaware for the visitation of the said Boys' State on the twenty-second and twenty-third days of April, A. D., 1949.

Approved April 26, 1949

CHAPTER 452

HOUSE CONCURRENT RESOLUTION

**MAKING AN APPROPRIATION FOR POSTAGE STAMPS
AND OTHER SUPPLIES FOR THE 115TH GENERAL
ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Three Thousand Dollars (\$3,000.00) be and the same is hereby appropriated out of the General Fund of the Treasury of the State of Delaware to the State Librarian for the purchase of postage stamps and other supplies to be used for the official business of the 115th Session of the General Assembly of the State of Delaware.

FURTHER RESOLVED, that the State Treasurer of the State of Delaware is hereby authorized and directed to pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian.

Approved April 26, 1949

CHAPTER 453

HOUSE CONCURRENT RESOLUTION

PERMITTING THE INTRODUCTION OF A NEW BILL ENTITLED "AN ACT APPROPRIATING CERTAIN MON- EYS FOR THE PURPOSE OF COMMEMORATING THE THREE HUNDREDTH ANNIVERSARY OF THE SETTLEMENT BY THE DUTCH OF NEW CASTLE."

BE IT RESOLVED *by the House of Representatives of the 115th General Assembly of the State of Delaware, the Senate concurring therein:*

That any and all rules and resolutions heretofore adopted be and the same are hereby amended to permit the introduction of a new bill entitled "AN ACT APPROPRIATING CERTAIN MONEYS FOR THE PURPOSE OF COMMEMORATING THE THREE HUNDREDTH ANNIVERSARY OF THE SETTLEMENT BY THE DUTCH AT NEW CASTLE."

Approved April 26, 1949

CHAPTER 454

HOUSE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT SINE DIE.

BE IT RESOLVED *by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware, the Senate concurring therein*, that at the close of the 86th Legislative Day both Houses of the 115th Session of the General Assembly of the State of Delaware shall adjourn sine die.

Approved June 3, 1949

CHAPTER 455

HOUSE CONCURRENT RESOLUTION

**RELATIVE TO A REFUND OF BOND PREMIUMS PAID BY
LEROY H. RYAN, SR., ESQ.**

WHEREAS, LeRoy H. Ryan, Sr. of the town of Frankford, Sussex County and State of Delaware, was appointed and qualified as a Justice of the Peace in and for Sussex County, Delaware, resident in Dagsboro Hundred; and

WHEREAS, by Code Section 4448. Sec. 3. of the Revised Code of Delaware, 1935, every Justice of the Peace is required on or before entering upon his office to become bound to the State of Delaware with sufficient surety or sureties approved by the Secretary of State, that he will well and duly perform all his duties as Justice of the Peace and comply with all laws and statutes of the State of Delaware applicable to the office of Justice of the Peace; and

WHEREAS, said LeRoy H. Ryan, Sr. did give bond as required of him, his surety being the American Surety Company; and did pay the premiums therefor from April 10, 1941 until April 10, 1946, at the rate of Ten (\$10.00) Dollars each year; and

WHEREAS, said LeRoy H. Ryan, Sr. has not been reimbursed by the State of Delaware for said premiums so paid by him in the amount of Fifty (\$50.00) Dollars, although State appropriations were made for the payment of said bond premiums, and it was not intended by the General Assembly that such bond premiums should be paid by the individual Justices, NOW, THEREFORE,

BE IT RESOLVED *by the House of Representatives of the 115th General Assembly, the Senate concurring therein*, that the Treasurer of the State of Delaware be and he is hereby authorized to pay to LeRoy H. Ryan, Sr., Justice of the Peace as aforesaid, the sum of Fifty (\$50.00) Dollars to reimburse him for the said sum of money justly due him for advancements made as aforesaid, out of any funds in the State Treasury not otherwise appropriated.

Approved June 8, 1949

CHAPTER 456

HOUSE CONCURRENT RESOLUTION

**AMENDING HOUSE CONCURRENT RESOLUTION NO. 12
FIXING THE TIME AFTER WHICH NO NEW BILLS OR
JOINT RESOLUTIONS SHALL BE RECEIVED BY THE
SENATE OR BY THE HOUSE OF REPRESENTATIVES
OF THE 115TH GENERAL ASSEMBLY, EXCEPT GEN-
ERAL APPROPRIATION BILLS, BY PROVIDING FOR
THE INTRODUCTION OF A NEW HOUSE BILL TO BE
NUMBERED NO. 613, ENTITLED, "AN ACT TO PRO-
VIDE FOR PROTECTING THE BEACH OR STRAND
OPPOSITE THE TOWN OF BETHANY BEACH, IN SUS-
SEX COUNTY, DELAWARE, FROM EROSION."**

BE IT RESOLVED *by the House of Representatives of the 115th General Assembly, the Senate concurring therein*, that House Concurrent Resolution No. 12, 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, to be numbered 613, entitled:

**"AN ACT TO PROVIDE FOR PROTECTING THE BEACH
OR STRAND OPPOSITE THE TOWN OF BETHANY BEACH,
IN SUSSEX COUNTY, DELAWARE, FROM EROSION."**

Approved June 29, 1949.

CHAPTER 457

HOUSE CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE TO DEPOSIT CERTAIN SENATE AND HOUSE RECORDS WITH THE PUBLIC ARCHIVES COMMISSION FOR PRESERVATION.

BE IT RESOLVED *by the House of Representatives of the 115th Session of the General Assembly of the State of Delaware, the Senate concurring therein*, that the records of the Senate and of the House of Representatives in the possession of the Secretary of the Senate and of the Chief Clerk of the House and used by such officers for the preparation of the Journals of the two Houses of the General Assembly, and consisting of reports of committees, petitions, communications, action on Bills and Resolutions, and other papers and records, be deposited with the Public Archives Commission of the State of Delaware for preservation, after such papers and records are no longer needed by the officers named for the preparation and publication of the Journals of the respective Houses; and

BE IT FURTHER RESOLVED that the Public Archives Commission preserve such records which are deposited in accordance with this Resolution and keep the same available for examination by the citizens of the State.

Approved June 29, 1949

CHAPTER 458

HOUSE CONCURRENT RESOLUTION

RELATING TO ADVERTISEMENTS INVITING CORRESPONDENCE BY "LONELY HEARTS."

WHEREAS, certain papers, pamphlets and magazines, publish advertisements inviting men and women to write, and send photographs, one to the other, for the purpose of establishing friendships among "Lonely Hearts;" and

WHEREAS, such advertisements have been the means used by unscrupulous persons to lure other persons away from their own communities to further acquaintance begun through correspondence encouraged or induced by advertisements as aforesaid; and

WHEREAS, there have been numerous occasions when unsuspecting persons thus lured from their home communities have been robbed of their property and have been murdered by others, who have used acquaintanceship brought about through correspondence as aforesaid to further their evil designs and their desire for financial and other gain through robbery and murder, as aforesaid; and

WHEREAS, the people of the State of Delaware deplore the murders of unsuspecting victims by persons who have lately moved into this State and who used the medium of correspondence begun through such advertisements as aforesaid, to bring the victims to this State where wanton and deliberate murder has been committed; and

WHEREAS, these brutal crimes have shocked the State of Delaware and brought chagrin to a people who not only are generally law-abiding, but who resent the notoriety brought on by the publicity regarding the murders mentioned above; and

WHEREAS, it is the belief that whatever action can be taken to discourage such happenings in the future should be attempted; NOW, THEREFORE,

BE IT RESOLVED *by the House of Representatives of the 115th General Assembly of the State of Delaware, the Senate concurring therein*, that the General Assembly of the State of Delaware hereby petitions the Congress of the United States of America to enact an appropriate law forbidding all magazines, periodicals and newspapers from carrying or printing advertisements inviting men and women to write, and send photographs, one to the other, for the purpose of establishing acquaintance and friendship among persons residing in various communities and states, and prohibiting circulation of the same in Interstate Commerce by any method of transportation, and providing for suitable penalties for violation of the law; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the members of the United States Congress from the State of Delaware, and that they be requested to support such needed legislation.

Became law without Governor's approval

PROCLAMATIONS**CHAPTER 459****STATE OF DELAWARE****EXECUTIVE DEPARTMENT****PROCLAMATION**

WHEREAS, the National Guard of the State of Delaware is in the process of reorganizing throughout the State after its return from the services of the United States, in which service it served not only to the credit of the State of Delaware, but as a valuable adjunct to the defense of the nation in time of great emergency, and

WHEREAS, the National Guard of the State of Delaware can only become an effectual military organization through the universal support of, and encouragement by, all the people of the State of Delaware, and

WHEREAS, the National Guard is embarking upon a recruiting campaign for its ground and air forces and wishes at this time to call to the attention of all men between the ages of 18 and 45 the desirability and the necessity of joining the National Guard;

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, Commander-in-Chief of the National Guard of the State of Delaware, do hereby by proclamation set aside the week of February 17th to 22nd inclusive as

NATIONAL GUARD WEEK

and do by this proclamation urge upon each male citizen between the ages of 18 and 45 the consideration of the National Guard and enlistment therein.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this eleventh day of February in the year of our Lord one

(GREAT SEAL)

thousand nine hundred and forty-seven, and of the Independence of the United States of America, the one hundred and seventy-first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 460

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

The cessation of actual combat did not bring about the ending of the need for American Red Cross services to the men still serving in our Army and Navy, and its responsibilities to the veteran and his family are ever increasing.

The American Red Cross is charged further with the responsibility of furnishing relief and rehabilitation to victims of disaster, and a wide educational program of instruction is being carried by this organization to the citizens of this state to protect life and property.

As a member of the International Red Cross, it is carrying on a vast program of relief to peoples, and especially to children, in the war-stricken and still ravaged countries of the world.

The Delaware Chapter of the American Red Cross has clearly demonstrated its worth to the people of the state by the many services it has rendered, and this great work can be carried on only by the voluntary contributions of the people.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby designate and proclaim the month of March, 1947, as

RED CROSS MONTH

and urge all my fellow citizens to give generously of their means to this great organization in order that the Red Cross may carry on its program for the relief of suffering humanity all over the world.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State

(GREAT SEAL)

to be affixed at Dover, this nineteenth day of February in the year of our Lord one thousand nine hundred and forty-seven, and of the Independence of the United States of America, the one hundred and seventy-first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 461

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

The Nurses National Memorial was incorporated under the laws of the District of Columbia on May 28, 1945 with the stated purpose of providing a National shrine or home for nurses to be located in the City of Washington, D. C., honoring the memory of the nurses of World War II who gave their lives in that great struggle.

The Delaware State Committee of The Nurses National Memorial has undertaken to cooperate in a concerted and united effort to express the gratitude of the people of our State and of the Nation for the gallant and noble service which nurses have rendered to their country.

Beginning on Friday, March 7, 1947, and continuing through March 15, 1947, the State Committee is conducting a campaign for funds to represent Delaware's contribution to the building fund of the Memorial.

NOW, THEREFORE, I, Walter W. Bacon, Governor of Delaware, do urge the people of our State to give generously of their means in support of the program of The Nurses National Memorial to provide a home for nurses in commemoration of those valiant members of the nursing profession who sacrificed their lives in their service to mankind.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware have hereunto set my hand and caused the Great Seal of the said State to be affixed at Dover, this sixth day of March in the year of our Lord one thousand nine hundred and forty-seven, and of the Independence of the United States of America, the one hundred and seventy-first.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 462

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, by a Resolution approved March 17, 1939, the General Assembly of the State of Delaware authorized and directed the Governor of the State to proclaim March 29th of each year as "Delaware Swedish Colonial Day," and

WHEREAS, Saturday, March 29, 1947, will mark the three hundred and ninth anniversary of the landing of the Swedes at "The Rocks," located within the confines of the present-day Fort Christina State Park in the City of Wilmington, and

WHEREAS, Fort Christina, established by Peter Minuit and his followers was the first settlement of the Colony of New Sweden and the first permanent settlement in the Delaware River Valley and marked the beginning of government law and order, religion, education, agriculture, commerce and industry in our State,

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim Saturday, March 29, 1947, as

DELAWARE SWEDISH COLONIAL DAY

and request the citizens of this State in churches, schools, patriotic and historical societies and other organizations to join in appropriate ceremonies to observe this historic event and to display the Flag of the United States, and that in addition the National Flag of Sweden shall be flown in Fort Christina State Park at or near the monument given by the People of Sweden to the People of the United States.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of Delaware to be hereunto affixed this twenty-fifth day of

(GREAT SEAL)

March in the year of our Lord one thousand nine hundred and forty-seven, and of the Independence of the United States of America, the one hundred and seventy-first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 463

STATE OF DELAWARE
EXECUTIVE DEPARTMENT

PROCLAMATION

This year will mark the 75th anniversary of the first official observance of Arbor Day. Born of a lack of trees for wood, shelter and their other attributes on the treeless plains of Nebraska, and inaugurated in 1872 by the planting of nearly a million trees, its observance has since been adopted in every state of the Nation and several foreign countries.

In this State its official observance for a period of 45 years, and unofficially for a longer period, has served most nobly its primary objective of fostering active public interest among all age groups in tree and shrub planting for utility, protection, comfort and beauty.

Broad application of the objectives of Arbor Day directs our attention to the protection, improvement and expansion, and wise use of our forest resources along with our fruit, nut, and ornamental tree and shrub culture. Realizing that singularly it is an observance which looks more to the present and the future than to the past, and consequently of greater interest and benefit to youth, its observance in schools and educational institutions of our State becomes of paramount importance.

NOW, THEREFORE, in compliance with the provisions of the laws of this State, I, Walter W. Bacon, Governor of the State of Delaware, do designate and set apart March 28, 1947, as

ARBOR AND BIRD DAY

and urge its observance by the planting of trees, shrubs and plants on both public and private lands so that there may be improved utility of our soil resources, that our surroundings may be made more attractive and that our people may benefit by the beauty and utility they impart.

And I further urge the observance of the day in schools and institutions, by organizations and individuals through appropriate exercises having as their purpose the advancement of the study of the culture of trees and shrubs and the protection of birds for their beneficial effects on our economy, and that there may be realized a fuller appreciation of the contribution these things make to our individual and collective well-being.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of Delaware to
be hereunto affixed this twenty-fourth day of
(GREAT SEAL) March in the year of our Lord one thousand
nine hundred and forty-seven, and of the Inde-
pendence of the United States of America, the
one hundred and seventy-first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 464

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

The Congress of the United States and the General Assembly of this State have established the second Sunday in May of each year as Mothers' Day, and it is fitting and proper that this day be reverently observed.

It is not the day, however, but the ideal which lies behind it that is important. We do not give homage to a sweet-scented sentiment, beautiful though it may be, nor is it the fact of motherhood alone that we hallow.

We observe this day because true motherhood inspires us to virtuous living, and more noble thinking; because the ideals of unselfish devotion, patience and forbearance, tenderness, loving discipline and sympathy are often best seen in the person of our Mothers. We observe this day because we know that these ideals must be our ideals, too.

The home is the foundation of our society, the strength of our country's life, and without the high ideals of Motherhood our homes would become less than a home and the future of our country would be dark.

Therefore, I, Walter W. Bacon, by virtue of authority vested in me as Governor of Delaware, do hereby designate and proclaim

SUNDAY, MAY 11, 1947

AS

MOTHERS' DAY

in the State of Delaware and call upon all citizens of the State to remember the sacredness of the American home by reverently demonstrating our appreciation for the love and sacrifice of every Mother, and I further request that the American Flag be displayed as a public expression of our affection for the Mothers of our country.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
affixed this fifth day of May, in the year of our
(GREAT SEAL) Lord one thousand nine hundred and forty-
seven and of the Independence of the United
States of America, the one hundred and seventy-
first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 465

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

A strong peacetime Naval Reserve, according to stated national policy, is vital if the United States is to keep its world peace pledge. Our Navy, accordingly, has created a civilian Naval Reserve to train sufficient young citizens to assure this strength.

It is of tremendous value to our Country and to our State that young citizens be given every opportunity to be educated, trained and otherwise fitted for later life. The Navy and the Naval Reserve are endeavoring to enroll into the Reserve sufficient young people to assure these aims and the full participation of this State is necessary to the success of this national enrollment.

The President of the United States has seen fit to appoint specific dates for national recognition and observance of the campaign.

THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do designate and proclaim the period from May 18 to May 25, inclusive, as

NAVAL RESERVE WEEK

and urge proper recognition and observance throughout the State, and I further urge the observance of Sunday, May 25, as NAVAL RESERVE DAY.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal to be hereunto affixed this seventh day of May in the year of

(GREAT SEAL)

our Lord one thousand nine hundred and forty-seven, and of the independence of the United States of America, the one hundred and seventy-first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 466

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

Over two million native-born and thousands more of foreign-born young men and women have acquired full citizenship during the past year.

To the solution of the manifold problems of our Republic, these new citizens will make their contributions. In the assumption of the responsibilities of citizenship it is greatly to be desired that their conclusions and actions shall be in keeping with the hopes and aspirations of the Founding Fathers.

Let all our citizens, young and old alike, ever strive to maintain our freedom and our liberty, and ever seek to attain those ideals for which American patriots died, and for which our Nation was established to preserve and defend.

In conformity with Federal law, the President of the United States has proclaimed the third Sunday in May as the eighth I AM AN AMERICAN DAY and has requested that the day be appropriately observed in honor of these new citizens.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and set apart Sunday, May 18, 1947, as

I AM AN AMERICAN DAY

and urge our citizens, religious institutions, civic and patriotic organizations, to hold appropriate exercises in recognition of those who have attained the status of full citizenship during the past year in order that they may become fully conscious not only of the privileges, but of the responsibilities acquired through full citizenship.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State
(GREAT SEAL) to be hereunto affixed, at Dover, this thirteenth
day of May in the year of our Lord one thou-
sand nine hundred and forty-seven and of the
Independence of the United States of America
the one hundred and seventy-first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 467

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

Milk is Nature's most nearly perfect food and of recognized and vital importance to our national health and well-being.

The care, the preservation and the improvement of the great American Dairy Industry, with its annual sales more than twice the mill value of all steel production and its 10 million people who are wholly dependent on the dairy and allied industries for their livelihood, are of transcendent interest to all Americans as a matter of practical living.

The American Dairy Industry each year reaches, during the month of June, its peak of production, both in volume and in quality, because of Nature's marvelous abundance of the grasses of the fields for our dairy herds during that period.

As a consequence the American Dairy Industry has set aside the month of June as a period in which the health and life-giving values of milk and dairy products may best be indicated to the American public, as well as to indicate the wonderful enjoyment that humans experience in the consumption of milk and dairy foods.

THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, in full appreciation of the opportunities herein presented for constructive public service, do hereby proclaim the period of June, 1947 as

JUNE DAIRY MONTH

for Delaware, and do urge that the month be fittingly observed, in private and in public, in order to increase appreciation and consumption of milk and dairy products and to improve our standard of health, our enjoyment of delicious dairy foods, and our financial well-being.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
(GREAT SEAL) affixed this twentieth day of May, in the year
of our Lord one thousand nine hundred and
forty-seven and of the independence of the United
States of America, the one hundred and seventy-
first.

By the Governor:
WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 468
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

The Ninth Annual Observance of Flag Week throughout the Nation will be held during the period June 8-15, 1947, as this period embraces June 14th, the Anniversary date of the adoption of our Flag by the Continental Congress in the year 1777.

To inculcate the meaning of true Americanism in the minds and hearts of our citizens; to definitely mark the Anniversary of the adoption of the first Flag of our Nation; and to place emphasis upon the rights and privileges enjoyed under our Flag and to cause all Americans to become conscious of their duties and obligations flowing from the enjoyment of these rights and privileges, are the underlying purposes for the observance of this period each year in the life of our Republic.

Our National Emblem still floats over a Nation which has preserved for its people the principles of Freedom, Justice and Humanity. May our Nation, standing for these principles, endure throughout the Ages.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim the period June 8-15, 1947 as

FLAG WEEK

and urge every community in our State to hold appropriate exercises, at which expressions of love of country and respect for our Flag shall be spoken, and at which patriotic devotion shall be pledged to the perpetuation of the ideals and the institutions of America; and I further urge that our National Flag be displayed on all public buildings and other suitable places throughout the State.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my

(GREAT SEAL)

hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this sixth day day of June in the year of our Lord one thousand nine hundred and forty-seven and of the Independence of the United States of America, the one hundred and seventy-first.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 469

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

From the early days of Delaware, first as a Colony, and then as a Sovereign State of the Union, its able-bodied manpower has been its bulwark against all threats of insecurity. In the days when this was a pioneer community it was largely a matter of individual protection by the individuals themselves, and in later colonial days, the term "militia" meant any able-bodied man capable of bearing arms. As times changed and the military protection of the country progressed, this was referred to as the unorganized militia, and then later, the organized militia of the State of Delaware. It is interesting to note on this occasion that our State was divided into military districts and each district designated certain days of the year at which time it was to muster its militia for roll call and inspection. All this was directed toward one ultimate end, and that was that the homes and lives of our citizens be protected from every peril, no matter its form.

In our War for Independence, the State of Delaware furnished its own regiments. In the War of 1812, the Civil War, the Spanish-American War, and World War I and II, it did the same. The victory that we have won in this last war will be a dubious one unless the peace that we seek can be materially realized. Today the greatest single unit in our structure of national defense is the National Guard of the United States, which is now in its first year of reorganization after World War II.

Beginning on September 16th to November 16th inclusive, the National Guard of the United States is embarking upon an intensive recruiting campaign. The National Guard of the State of Delaware is only one of many states taking part in that campaign. Delaware is the First State of the Union, and I join with the men entrusted with the reorganization of the National Guard in hoping that it will be the First State of the Union to achieve the goal set before it by the War Department.

The President of the United States has set apart September 16th, the first day of this recruiting campaign, as NATIONAL GUARD DAY.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby pledge the State of Delaware to observe this day as such, and further do pledge its support of the two months' campaign for National Guard recruiting inaugurated by this observance. I call upon all citizens of the State of Delaware to join with me and with the officers of the National Guard in a concerted effort to further in any way they can the cause and strength of the National Guard, our soldiers of the State of Delaware.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of said State to be hereunto affixed at Dover, this twelfth day of September in the year of our Lord one thousand nine hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 470

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, destructive fires will claim more lives and destroy greater values in natural and created resources during 1947 than ever before; and

WHEREAS, it is deemed incumbent upon all citizens and duly constituted authorities to participate earnestly and with constant vigilance and precaution in an uncompromising fight against fire and its causes, leaving nothing undone to accomplish this objective; and

WHEREAS, the week of October 5th to 11th inclusive has been set aside for special observance of fire safety in an effort to reduce the Nation's staggering and needless fire loss;

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby designate and proclaim the week of October 5th to 11th inclusive as

FIRE PREVENTION WEEK

and urge that every man, woman and child assume his individual responsibility in this emergency in order that lives and property in our Nation may be conserved. I further urge that whole-hearted cooperation of public authorities, civic bodies, educators, clergymen, the press and the radio, be given to emphasize the grave menace and costly consequences of uncontrolled fire in the home, on the farm, and in business, and the dangers inherent in every fire to the persons of our firemen and others.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this twenty-seventh day of September in the year of our Lord

(GREAT SEAL)

one thousand nine hundred and forty-seven and
of the Independence of the United States of
America the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 471

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

October 11th this year will mark the 168th anniversary of the death of Brigadier General Casimir Pulaski, a great lover of freedom, and a true friend of America.

It is most fitting that a grateful nation should pause each year to pay respect to the memory of General Pulaski who gave so much to and for our country.

Let us all do honor to the memory of General Pulaski in appreciation of his contribution to our cause.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, by virtue of the laws of this State, do hereby proclaim Saturday, October 11, 1947, as

GENERAL PULASKI'S MEMORIAL DAY

and I call upon the citizens of Delaware to pay tribute to the memory of this illustrious patriot by the holding of appropriate exercises and ceremonies in our schools, churches and other organizations, and I request that the flag of the United States be displayed on all public buildings and other suitable places.

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 sixth day of October in the year of our Lord one thousand nine hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 472

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

The 172nd anniversary of the creation of the American Navy will be celebrated on Monday, October 27, this year.

To keep our liberty and independence; to successfully strive for peace and prosperity; and, to constitute a moral force for right in the world requires the building and maintenance of a strong and efficient American Navy.

The slogan for Navy Day this year—"Keep The Fleet To Keep The Peace"—is both timely and practical. Our National Security requires that we shall meet our responsibilities to this as well as to future generations in America.

The Navy League of the United States, with the approval of the Secretary of War, has designated Monday, October 27, 1947, for observance as Navy Day.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim Monday, October 27, 1947, as

NAVY DAY

and urge the people of our State to pay tribute to our American Navy by attending and participating in appropriate ceremonies in observance of this important day in the history of our country. Let us again on this day rededicate ourselves to the preservation of the principles upon which our Nation was conceived and founded. I further request that the National and State flags be displayed on all public buildings and other suitable places.

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 sixteenth day of October in the year of our Lord one thousand nine hundred and forty-seven, and of the Independ-

(GREAT SEAL)

dence of the United States of America the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 473

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

On November 10, this year, we will observe the 172nd anniversary of the founding of the United States Marine Corps.

Since its inception in 1775, the Marine Corps, through our citizens who have served with honor and distinction, has been closely affiliated with the traditions of our State. A goodly number of young men and women of Delaware were among those whose unselfish devotion, courage and valor, helped to win the recent victory against tyranny and oppression. As a mark of respect for their valor and courage, and in appreciation of their great services in the preservation of our freedom and liberty, we should participate in appropriate ceremonies on this anniversary day, and extend our heartiest thanks to the officers and men of the Marine Corps.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and set apart Monday, November 10, 1947, as

MARINE CORPS DAY

and urge all the people of our State to attend and participate in such appropriate ceremonies as shall be arranged by our churches, schools and civic organizations, in commemoration of the heroic deeds and valor of the Marine Corps. As a further mark of respect, I request that the flags of our Nation and our State be displayed in all proper and suitable places.

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 third day of November, in the year of our Lord one thousand
(GREAT SEAL) nine hundred and forty-seven, and of the Indepen-

dence of the United States of America the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 474

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

In a year when our Nation has been blessed by Peace and Prosperity, and by the abundant fruits of our land, it is fitting that we give thanks to Almighty God for these blessings. Our efforts alone, no matter how much we have striven to earn the material rewards which are ours, would not be realized without the grace of Him to whom we now must turn in gratitude.

Let us also turn to other lands where less fortunate peoples have striven little less than have we, but where there is much need of the material blessings which we have reaped. In giving thanks to God in this year of 1947, it is proper that our humility assume also the mantle of generosity towards the millions of human beings not so fortunate. It is with charity to all that we should this year offer our grateful thanks for that which has been entrusted to us.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby set apart and proclaim Thursday, the twenty-seventh day of November, A. D., 1947, as

A DAY OF THANKSGIVING

and urge the people of this State to observe that day in their homes, their places of worship and wherever they shall gather. In asking continued bounties from our Lord, let us accept our responsibilities in maintaining the dignity of the human spirit through the preservation of our God-granted freedom, and let us pray that all the Earth shall share in a day of thanksgiving for such peace, liberties and bounties as are ours. To particularly mark this day as one of gratitude and reverence, let the flags of our State and Nation be displayed.

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 twentieth day

(GREAT SEAL)

of November, in the year of our Lord one thousand nine hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 475

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, on December 7, 1787, Delaware became the first State to ratify the Federal Constitution; and

WHEREAS, in this year which marks the One Hundred and Sixtieth Anniversary of that historical event, the peace and liberty loving peoples of the earth are again engaged in a sincere effort to establish peace throughout the world;

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby designate Sunday, December 7, 1947, as

DELAWARE DAY

and ask the citizens of the State of Delaware to pay tribute to the part Delaware played in the establishment of the basic law of our Nation and to those men and women of Delaware who have contributed to the honor and glory of their State from the early days of the colonies down to the present time. I further suggest that the flags of our State and Nation be displayed and that all schools, churches and civic organizations conduct appropriate exercises in commemoration of this date in history.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this second day of December, in the year of our Lord one thousand nine hundred and forty-seven and of the Independence of the United States of America, the one hundred and seventy-second.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State

CHAPTER 476

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the term of office of Frank L. Speakman, Associate Judge in the State of Delaware, will expire on December 17, A. D. 1947; and

WHEREAS, the Constitution of the State of Delaware provides that if a vacancy shall occur among the State Judges by expiration of term or otherwise, when the Senate shall not be in session, the Governor shall within thirty days after the happening of any such vacancy convene the Senate for the purpose of confirming his appointment to fill said vacancy.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, in and by virtue of such authority vested in me by the aforesaid Constitution of the State of Delaware, do issue this proclamation convening the Senate of the State of Delaware in Extraordinary Session at Dover, the capital of the said State, on the nineteenth day of December, A. D. 1947, at eleven o'clock A. M., to consider and act upon the following business, to-wit:

To confirm the appointment which will be made to fill the vacancy in the office of Associate Judge in the State of Delaware; and

To transact such other executive business as may come before the Senate of the State of Delaware.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this tenth day of December, in the year of our Lord one thousand nine hundred and forty-seven, and of the Inde-

(GREAT SEAL)

pendence of the United States of America, the
one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 477
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, Pierre S. du Pont, 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, Walter W. Bacon, Governor of the State of Delaware do hereby issue this proclamation according to the provisions of Section 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed:

A B C Welding Works, Inc. of Mississippi, A. F. Porter, Inc., A. G. and T. Flatiron Building Company, Acre Construction Corporation, Acropolis Club, Inc., The, Adam Berle Inc., Adgate A. Lipscomb, Incorporated, Aero Electric Corporation, Affiliated Veterans of America, Inc., African Trading & Navigation Inc., Air Cooled Wheel Corporation, Airway Engineering, Inc., Ajax Powder Company, Inc., Alaskan Mining Co., Inc., The, Alemite Company of Eastern Pennsylvania, Alexander Corporation, Alher Associates, Inc., Allied Construction Industries of Delaware, Inc., Allied Radio, Inc., Alluwe Oil Corporation, American Amusements, Inc., American Bible College, Incorporated, American Capital Industrial Associates, Inc., American Indian Steamship Corporation, American Mercantile Corporation, American National Industries, Inc., American Research & Development Corporation, American Steel Corporation, American Transatlantic Company, American Treasury Corporation, Amusement Attractions, Inc., Analysts, Inc. Andaroy Company, Inc., Anglo-American Press Association, Inc., The, Applegate Amphibians, Inc., Arc Bild Corporation, Arch Machinery Company, Inc., Arden Court, Inc., Arizona United Development Company, Arrow Standard Transportation Co., Associated Distributors, Inc., Associated Finance Corporation, Associated Homeowners of America, Inc., Associated Products, Inc., Atlantic Industrial Corp., Atlas Shoe Corporation, Avon Manufacturing Company.

B. D. Oil Company, The, B-W Decorating Company, Incorporated, The, Ballard Ship Repair & Conversion Corporation, The, Bandbox Theatres, Inc., The, Bandcan Corporation, Batavia Plantation Company, Bel-Gwyn Shop, Inc., The, Bell Oils, Inc., Benjamin R. Tryce, Incorporated, Betts & Betts Manufacturing Corporation, Beautalure, Inc., Big Valley Coal Mining Corp., Bishop Coal Company, Inc., Black Chief Mines, Inc., Blue Mountain Industries, Inc., Bond Trustee Corporation, Boy's Incorporated, Brandywine News, Inc. Brandywine Riding Club, Brand's Restaurant Control Corporation, Brenizer Trucking Co., The, Breyer Foundation, Inc., Brighter Days Mining Corporation, Bristol Insulation Co. of Cleveland, Bristol Insulation Co. of Michigan, Brody Cut Rate Store, Inc., Builders Co-Op Company, The, Bullion Air Transport Corporation, Bunkie Oil & Refining Corporation, Burry Engineering, Inc.

C. E. Laudenslager Co., Inc., Caribbean Silk Corporation, Carmier, Inc., Caro Cloth Corporation, Cecelia C. Delfosse Foundation, Inc., Cellulose Research Corporation, The, Central Exchange Building Corporation, Central Supply Co., Cerebral Palsy Foundation Inc., Champion Electric Co., Chancer Corporation, The, Charles H. Payne Associates, Inc., Chemical Corporation of America, Chemical Enterprises Corporation, Chemical Manufacturers Corporation, Chemical Research Foundation, Inc., Chinese Benefit Society, Chinese Workers Club, Inc., Chrisman Paraffine Paint Works, Inc., Church of the Divine Word, Inc., Church of the Living God, The Pillar and Ground of The Truth, Incorporated, The, Civilian Defense Printing Services, Inc., Classified Mutual Tradesmen's Association, Inc., Clinton Shipbuilding Yards, Inc. Clorigene Laboratories, Inc., Cloth Fabricators, Inc., Club Embassy, Inc., Club Products, Inc., Co-Operative Grain & Marketing Association, Inc., Collateral Industrial Institute, Colonial Credit Company, Columbia Construction Company, Combined Aviation Corporation of America, Inc., Commercial Consulting Corporation, Commercial Tank and Welding Co., Commodore Hotel Corporation, Consolidated Realty Corporation, Consolidated Trading Corporation, Constance Bennett Productions, Inc., Consumers Oil Company, Cooley-Cain Aircraft Corporation, Corporation Shares Company, Correll Development Corporation, Cosmos Oil Guide, Inc., Cotton Harvester Corporation of America, Country Club Beverage Corporation, Court House Pharmacy,

Inc., Craig Coal Company, Crescent Farms, Incorporated, Cuban Credit & Real Estate Company, Cumberland Publix Corporation, Curren Fabrihome Corporation.

Dacar Chemical Products Company, Davidson Grocery, Inc., Day Brothers Contracting Company, Del Norte Mineral Corporation, Delaware Liquor Dispensers Association, Inc., Delaware Post No. 1 Holding Corporation, Delmarva Poultry Co., Dental Medicines, Inc., Diamond Anthracite Coal Company of Arkansas, Diamond Real Estate Company, Dinty Moore's, Inc., Direct Current Generator Research, Inc., District Commodities Corporation, Dixie Minerals, Inc., Docs, Inc., Don-Kay, Inc., Dover City Cab, Inc., Duffies & King, Inc.

E. Lawrence Phillips, Inc., E. M. Raiguel, Inc., E. & O. Detective Bureau, Inc., East Coast Oil & Gas Co., Eastern Plastering Corporation, Eastern States Chiropractic Institute, Inc., Eaton Canyon Rock & Sand Co., Eaves Sound Projectors, Inc., Ebeling & Reuss, Inc., Eberhardt & Co., Economic Policies Council (Incorporated), Eden Manufacturing Company, Eden Park Trucking & Coal Co., Edwin S. Woods & Company, Electrical Specialty Co., Inc., Electronic Products, Incorporated, Ellen Investment & Finance Company, Elsmere Civic Club, The, Elsmere Meat Market, Incorporated, Emporium of St. Paul, Inc., The, Equitable Loan Society, Erwego Manufacturing Company, Eugene Freeman Company, The, Everybody's Supply Corporation, Executives Corporation, Exports, Ltd.

Fairfax Aviation Schools, Inc., Falmoss, Inc., Famous International Pictures, Inc., Fannie St. James Mining Co., Inc., Feldspar & Mica Corporation, Fiber Industries, Inc., First Ward Colored Republican Club, Inc., Food Service, Inc., Forrester Corporation, The, Fox Fur Co., Inc., Frankford Hosiery Mills Company, Freedom Mines, Inc.

G. & G. Realty Company, G. and W. Chinchilla Fur Farm Company, Galbraith Paving Company, Inc., Gardex, Inc., Gardnol, Inc., Gazda Engineering Corporation, Gem Theatre Company, Inc., General Fabricators, Inc., General Shrine Convention Committee, Prince Hall Affiliation, Inc., General Stores, Inc., Gray Estate Farms, Inc., Grayson Realty Corporation, Great Eastern Finance Corporation, Grossman and Herback Company, Guardian Oil Company.

H. B. Gaither Co., H. C. Spiller & Co., Incorporated, Haggerty Corporation, The, Har-Con Builders, Inc., Hartly Poultry Company, Hathmill Corporation, Helark Manufacturing Co., Inc., Henderson-Orr Properties and Subsidiaries, Inc., Henlopen Hotel and Surf Club, Inc., Hesperian Chemical Company, Highland Social Club, Inc., Hilltop Manor Association, Holland Land Company, The, Honey House, Inc., Hotel Operating & Management Corporation, Howard A. Miller, Inc., Hubbard Pressed Steel Company, The, Huntman Stabilizer Corporation.

Ideal Loan Association, Inc., Imperial Trading Corporation, Industrial Savings Society, Inter-American Passion Play, Inc., Inter Continental Commerce Corporation, International Association of Domestic Workers, Inc., The, International Chemicals, Inc., International Club, International Export and Import Corporation, The, International Oil Gas Corporation, International Ordinance Corporation, International Safety Services, Inc., International Union of Elevator Operators and Starters, Irish American Club, The.

J. Rogers Flannery & Co., Jack Canuck Company, Limited, The, James Realty Company, John Alonso, Inc., John F. Slater Lodge No. 2561, Grand United Order of Odd Fellows of Smyrna, Delaware, Inc., John W. Hill Manufacturing Company, Joseph Phillips Realty Co., Joshua Realty Company, Julius Shanedling & Sons, Inc.

Kalorotor, Inc., Katoen Liquidation Corporation, Kena, Inc., Keystone Face Brick Company, Kia-Ora Consolidated Mines, Inc., Kingland Drilling Co., Inc., Kleenmaster Corporation.

Laham Corporation, Lake-Dearborn Corporation, Lakeside Holding Company, Lancaster Village Civic Association, Lat-America, Ltd., Lawson & Co., Inc., Lewes Poultry and Feed Company, Liberty Building & Loan Association, Lightner-Thomas Exploration Company, Inc., Lithium Corporation, Lookout Company, Incorporated, Louis A. Stein Realty Corporation, Louis Davis, Inc., Louisiana Oil Producing Company, Lowell G. Friedly & Company, Inc., Lucem College of Sciences, Incorporated.

M. E. Bailey, Incorporated, M. E. C. S. Mineral Development Corporation, Macnutt, Watts & Tankard, Inc., Magnesium Pro-

cess Corporation, Mahogany Logs & Lumber, Inc., Marion County Oil Company, Messick Heating System, Inc., Metal and Mineral Sales Corporation, Metallurgy Inc. of Texas, Metals Coating Company of America, Midvale Realty, Inc., Midwest News Publishing Co., Milford Petroleum Corporation, Miller, Franklin Associates, Inc., Milt Davis, Inc., Milton University, Incorporated, Mineral Springs Products, Incorporated, Minqua Tribe No. 8, Improved Order of Red Men of Wilmington, Delaware, Mispillion Fishing Boat, Inc., Mrs. Reener, Inc., Mitchell Mattress Company, Inc., Model Cleaners, Inc., Montrose Company, Moore Operating Corporation, Morgan & Wood, Inc., Morrison Lines Steamers, Inc., Motor-Vac Pump Company, Music Master, Inc., Mutual Saving & Thrift Association.

Naben Company, Inc., The, National Airship Transport Corporation, National Association of Lawyers, National Beet Growers' Association, National Boat Builders Association, National Equipment Company, National Forum, Inc., National Foundation for Visual Education, Inc., National Growers Fruit and Vegetable Sales Corporation of America, The, National Guardian Corporation, National Importing Corporation, National Plastic and Chemical Co., National Products Corporation, National Ready-Mix Concrete Corporation, National Specialty Company, The, National Stevens University, Including The Meta College, Inc., The, Natural Carbonic Holding Corporation, Natural Resources, Inc., Netherland-America Foundation, Incorporated, The, New Era Theological Institute and Seminary, Incorporated, The, New Warner Furs, Inc., New York Pawnbrokers Exchange, Inc., Newark China Clay Company, Newmex Mining, Milling and Power Company, Newport Shipbuilding Corporation, Nobis, Incorporated, Northern Liberties Finance Corporation, Numismatic Film Production, Inc.

Oak Park Amusement Company, Oil and Gas Exploration Development Corporation, Ol Rosenberger's Sons, Inc., 1523 L. Street, N. W., Inc., Oscar Serlin Productions, Ltd., Outdoor Arts Company, Oxycarbon Corporation.

P. Feinberg, Inc., P. J. Butler Furniture Company, P. J. McMahon Incorporated, Pandale Development Company, Inc., Paradise Club, Inc., Paramount Investment Corporation, Patt Machine Corporation, Penmarva Contractors, Inc., Penn Patching Plaster Co., Peoples Auto Loan Company, Perennial Robe Corpo-

ration, Phil's Battery Service, Inc., Philadelphia Detroit Lines, Inc., Piedmont Exploration Company of Missouri, Pierce Drilling Company, Plews & Hutchinson Corporation, Porter Oil & Gas Company, Post Construction Co., Inc., Power Fuels Corporation, Poulson E. Bolden, Inc., Pressure Amalgamation, Incorporated, Pronto Dishwasher, Inc., Protective Realty Corporation.

Rate-Audits Incorporated, Record of the Month Club, Rehoboth Air Service, Inc., Republic Plastics Corporation, Richards Electric Corporation, Richmond Baltimore New York Transportation Corp., Roaring Hole Mica Mines, Inc., Rose Hill Inn, Inc., Rose Hill Protective Corporation, Rub-Ren Chemical Corporation.

St. Peter's Overcoming Church of our Lord Jesus Christ, Inc., The, Sales Agent Company for "Teixeirium" Alloy in The U. S. A., Sam-Real Co., Santa Fe Oil Co., Saw Oil & Gas Co., Incorporated, Schagrin Booth Co., Schagrin Ride Co., Inc., Seaboard & Southern Minerals, Inc., Seaboard Steel & Engineering Corporation, Seaford Ice & Cold Storage Co., Security Finance Corporation of Maryland, Security Stamp Company, Security Suburban Farms, Inc., Seventh Ward Republican Club, Inc., Siemoneit Drilling Company, Inc., Sign Animation Corporation of Pennsylvania, Signatures, Inc., Silver City Mining & Milling Company, Silvia Doree Accessories, Inc., 6334 Sheridan Road Building Corporation, Small Construction Incorporated, Sofrahasst Corporation, South Side Colored Republican Club, Southeastern Investment Company, Inc., Southern Engineer Associates, Ltd., Southern Fruit Package Co., Inc., Southern Sales, Inc., Southwestern Industrial Distributors, Inc., Standard Apex Corporation, Standard Geophysical Service, Inc., Stanley S. Yasik, Inc., Sterilin Corporation, Stone Erectors, Incorporated, Suburban Natural Gas Corporation, The, Sulphate Products Corp., Sunfeast Food Products, Ltd., The, Super Steam Power Co., Inc., Surplus Commodities, Inc., Superior Cinder Block Company, Inc.

Tank and Body Builders Union of Philadelphia, Tapco, Inc., Tele-Montage Corporation, Temple Restaurant Corporation, Textet Corporation, Theater Program Publications, Inc., Three Brooks, Inc., The, Tire Meter, Incorporated, Tourist Service, Inc. of Pennsylvania, Trafiglas Products, Inc., Trans-Pacific Chemical Co., Trenton Realty Co., Tri-State Broadcasting Company, Trinidad Manganese Company, Tropical Shop, Inc., The.

Ultramares Shipping Company, Union Business Society of America, Union Sporting Club, Union Street Hardware Co., United Manufacturing Corporation, United Plastics Manufacturing Company, Inc., United States War Service Banners, Inc., United Steel Workers of Claymont, Delaware, Inc., The, Urbana Coke Corporation, Usino Industrial Corp.

Vernor Oil Corporation, Vertex Mining Company, Victory Cab Company, Inc., Victory Oil and Gas Company, Viking Pump Company, Virginia Moulding Company, Inc., Visual Records Corporation, The.

Waco Company, Inc., The, Wardman Construction Company, Warner-Biddle Laboratories, Inc., Washington Counselor, Inc., The, Washington Discount Corporation, Washington National Insurance Agency, Inc., Waterproofing Service, Incorporated, Watt Hangars, Incorporated, Weaver Associates, Inc., Webster University, Inc., Welfare Community Club, Inc., West Penn Industries, Inc., West Side Social Club, Western Chemical Co., Inc., Western Financing Plan Company, White Book House, Inc., White Crystal Beach Corporation, White, Inc., White Newspaper Syndicate, The, White Signal Mining and Milling Corp., Wholesale and Retail Employees Union of America, Wm. Bohler Livestock Industries, Inc., William Moore, Inc., Wilmington Gmeloth Chesed Association, Wilmington Monarch Club, Wirt Wilson, Inc., Woodruff Realty Company, The, Woodward Grill, Inc., Woodward Housing Corporation.

Xedus Incorporated.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
affixed this nineteenth day of January, in the year
(GREAT SEAL) of our Lord one thousand nine hundred and forty-
eight, and of the Independence of the United
States of America, the one hundred and seventy-
second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 478

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is becoming increasingly clear that the Old World must look to the Americas for the material that will make reconstruction in Europe and Asia possible; and

WHEREAS, in the effort to supply this need one may, therefore, expect a further depletion of our forests with an accompanying destruction of birds and other forms of plant and animal life; and

WHEREAS, in the building up of our natural resources of this State and of the Nation, every boy, girl, man and woman has a personal responsibility and duty; and

WHEREAS, the appreciation for and the techniques of conservation are best provided through the classrooms;

NOW, THEREFORE, as provided for in the Revised Code of Delaware, Section 2895, I, Walter W. Bacon, Governor of the State of Delaware, do designate and set apart Friday, March 19, 1948, as

ARBOR AND BIRD DAY

and call upon all of our teachers and students in all public and private schools, colleges and other institutions, to observe this day by the planting of shrubs and trees, and through community programs sponsored by the schools to stress the value and importance of trees, of forests, and of birds in the economic and aesthetic life of our State and Nation.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this twelfth day

(GREAT SEAL)

of March, in the year of our Lord one thousand nine hundred and forty-eight, and of the Independence of the United States of America, the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 479

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the founding and settlement of the Colony of New Sweden in 1638 at "The Rocks," now permanently preserved at Fort Christina State Park in the City of Wilmington, occurred three hundred and ten years ago; and

WHEREAS, the gallant Peter Minuit led his band of colonists from Sweden in the "Kalmar Nyckel" with the blessing of Queen Christina of Sweden and established the first permanent settlement in the State of Delaware and in the Delaware River Valley; and

WHEREAS, this settlement marked the beginning of the introduction of law and order, religion, education, and agricultural, commercial and industrial pursuits in Delaware and the surrounding area; and

WHEREAS, a resolution was passed in the General Assembly of the State of Delaware to proclaim March 29th as Delaware Swedish Colonial Day of each year in recognition of these important contributions to our development; and

WHEREAS, the perpetuation of a remembrance of this noteworthy event will instill a growing pride in our citizenry, it is fitting that the founding of the first permanent settlement upon the soil of Delaware be commemorated with appropriate observances,

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim Monday, March 29, 1948, as

DELAWARE SWEDISH COLONIAL DAY

and request that this day be observed in schools, churches,

patriotic and historical societies, and other institutions and organizations with appropriate ceremonies, and that State, county, city and town governments display on that day the flags of the United States and the State of Delaware, and that the flags of the United States and the Kingdom of Sweden be flown in Fort Christina State Park.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the State of
(GREAT SEAL) Delaware to be hereunto affixed, at Dover, this
twenty-third day of March, in the year of our
Lord one thousand nine hundred and forty-eight,
and of the Independence of the United States of
America, the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 480

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

By Resolution of the 75th Congress, April 6th of each year has been set apart as Army Day.

All Americans should give thanks and tangibly express appreciation for the glorious accomplishments of our military men and women during the armed conflict so recently concluded.

Americans now tensely await the results of the current peace treaty negotiations, while many of our statesmen, as well as some of our military leaders, warn the people of the United States that another armed conflict between nations is not impossible at this moment. And yet, the people of Delaware have not recovered from the horrors and disastrous effect of World War II. The poignancy of sorrow strikes our souls when we recall the supreme sacrifices of some, the disability of others and the economic maladjustment of many of our veterans. In this welter of confusion it would be well for all citizens of Delaware, and indeed of the world, to give serious consideration to the grave problems confronting us. Let us search our minds and hearts in order to determine that which each of us may fittingly do to preserve peace and to protect and defend America.

Let us do so as we honor and celebrate the glorious achievements of our military men and women in the past conflict and salute the youth of America which now constitutes our Army.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and set apart Tuesday, April 6th, as

"ARMY DAY"

and I sincerely request thoughtful and appropriate observance of this day. I ask that the flag be flown from places of business, homes and public buildings. I further request that suitable cele-

brations be conducted throughout the State and that such events be confined to the period of this day insofar as practicable.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed, at Dover, this
(GREAT SEAL) twenty-fifth day of March, in the year of our Lord, one thousand nine hundred and forty-eight, and of the Independence of the United States of America, the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 481

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

Music is generally recognized as an essential and effective influence upon which people of all races have come to depend both for entertainment and inspiration.

In this troubled world of today many people find release from conflicting emotions and distressing events by their enjoyment of beautiful music.

It is very fitting on this 25th Anniversary of the observance of Music Week that we continue the keynote of the original theme "Foster American Music."

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and designate the week of May 2-9, 1948, as

MUSIC WEEK

and urge all of our citizens to participate in special events planned by our churches, schools, music organizations and civic groups, with special emphasis being given to American music.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this twenty-second day of April, in the year of our Lord one thousand nine hundred and forty-eight, and of the Independence of the United States of America, the one hundred and seventy-second.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 482

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

The Legislative Branches of our State and Nation have set apart the second Sunday in May of each year as Mothers' Day.

It is most fitting that we pay honor to our noble mothers. They have, through sacrifice, given their best to make us what we are. Strong men have testified, in the moments of their glory and power, that their mothers were chiefly responsible for their triumph. No one more than a mother can appreciate the gayer moods as well as sympathize with the graver moments. They give us courage to accept the things that cannot be changed, and to change the things that can be changed.

The dominating impulse, the supreme motive, the crowning passion of womanhood is motherhood. She lives chiefly that the sons and daughters of the race shall be worthy, well bodied and unspoiled of soul.

Today when childhood and youth are menaced by temptation to accept low standards of living, we need the influence of the home and of motherhood as never before.

NOW, THEREFORE, I, Walter W. Bacon, by virtue of authority vested in me as Governor of Delaware, do hereby designate and proclaim

SUNDAY, MAY 9, 1948

AS

MOTHERS' DAY

in the State of Delaware and call upon all citizens of the State to remember the sacredness of the American home by reverently demonstrating our appreciation for the love and sacrifice of

every mother, and I further request that the American Flag be displayed as a public expression of our affection for the mothers of our country.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
affixed this first day of May, in the year of our
(GREAT SEAL) Lord one thousand nine hundred and forty-
eight and of the Independence of the United
States of America, the one hundred and seventy-
second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 483
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

Many thousands of our vigorous youth have attained their majority, and many foreign-born men and women who have sought refuge in our free country to escape oppression and tyranny have become citizens of our great Republic through naturalization this last year.

These new citizens are ever striving to show their gratitude to their country by endeavoring to make it a safe and happy place to live.

Pursuant to the provisions of Public Resolution No. 67, approved May 3, 1940, the President of the United States has proclaimed the third Sunday in May as "I am an American Day," and urged that that day be appropriately observed.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and set apart Sunday, May 16, 1948 as

I AM AN AMERICAN DAY

and ask that on that day we give special recognition to our new citizens and urge that our people, our churches, and our patriotic and civic organizations hold appropriate exercises to enable our native born and naturalized citizens to understand more fully the privileges, advantages and responsibilities of citizens of our country.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this seventh day of May, in the year of our Lord one thousand nine hundred and forty-eight, and of the

(GREAT SEAL)

Independence of the United States of America,
the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 484

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

This world can have no future hope unless now the seeds of the future are nourished and cultivated. The events of tomorrow will be in the hands of the children of today. For this reason it is essential that the children of the world be given every opportunity to develop into right-thinking and worthy citizens, capable of carrying on the splendid birthright handed us by our forefathers.

In recognition of this truth, the United Nations has made an appeal, in which forty-five countries have joined, to alleviate the suffering and misery of countless children throughout the world. The American Overseas Aid carries that appeal to the American people.

With faith that we in this State will not permit the suffering of children anywhere, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim the week of May 24th to May 30th as

CRUSADE FOR CHILDREN WEEK

and call upon the citizens of Delaware, and particularly the children of Delaware, to aid in this program and to invest in our own future.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this eighteenth day of May in the year of our Lord one thousand nine hundred and forty-eight and of the

(GREAT SEAL)

Independence of the United States of America,
the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 485

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

This year will mark the tenth anniversary of the National observance of Flag Week throughout the Nation, which period includes June 14, the anniversary date of the adoption of our Flag by the Continental Congress in the year 1777.

In spite of bitter turmoil throughout the world the Stars and Stripes still float over our great Nation as an emblem of freedom.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim the period of June 5-14 as

FLAG WEEK

and urge that the flag of our Country be displayed on all public buildings, that each community in our State hold appropriate exercises so that we may not forget that our flag is the symbol of American ideals and principles and represents all our people. Let us tell its history and redouble our efforts, especially among the rising generations, to teach reverence for our flag, our laws and our institutions, and to impress on all that we are the makers of our flag, what we are "Old Glory" is. We should fly it, not only on Flag Day but on other days, as evidence that we truly value our citizenship and the blessings we have and enjoy because we live in free America.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State
to be hereunto affixed, at Dover, this first day
(GREAT SEAL) of June in the year of our Lord one thousand
nine hundred and forty-eight and of the Inde-

pendence of the United States of America the
the one hundred and seventy-second.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 486

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

In the first months of 1942, shortly after Pearl Harbor, civic minded citizens of Delaware who had been leaders and pioneers in aviation united to contribute directly to the war effort. Some of these men made the supreme sacrifice during the late war, and some of them contributed financially to the establishment of the Civil Air Submarine Patrol at Rehoboth. These and other patriotic citizens gave their time to the establishment of the Delaware Division of the Civil Air Patrol, which performed such outstanding service in patrolling the coast in the early days of the war when the Regular Army and Navy organizations did not have adequate equipment or sufficient personnel to give such protection. This group, using their own funds, filled a gap in our defense, which, if left unprotected, might have had far-reaching and disastrous consequences to our National security.

The Civil Air Patrol has now become a recognized unit in the Federal Security Program. It is an arm of our National Defense. It stands in a unique position as part of our National Defense, charged with the duty of stimulating the interest of the younger members of our population in aviation, and authorized and directed to give training to personnel in flying and related activities.

On Saturday and Sunday, July 10th and 11th, the Delaware Wing of the Civil Air Patrol will hold its second Delaware Air Show. In addition to bringing to Delaware many new types of service and commercial aircraft and providing for the citizens of Delaware a demonstration of our air program, it is hoped that this show will stimulate such an interest that the Civil Air Patrol may carry on in peacetime in preparation for any emergency that may arise, and so continue the grand work it did during the late war.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and set apart the week of July 5th through July 11th as

DELAWARE AIR WEEK

and I urge all of the citizens of our State to give to the Delaware Air Show their fullest interest and support.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this second day of July in the year of our Lord one thousand nine hundred and forty-eight, and of the Independence of the United States of America, the one hundred and seventy-second.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 487
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS needless hazards on the farms of our State continue to cause hundreds of accidents each year which could be prevented by a positive safety program; and

WHEREAS these accidents, which annually cause many Delaware farm residents to lose their lives, constitute an unnecessary and tragic waste of human life; and

WHEREAS the reduction of accidents to a minimum cannot be achieved without the vigilance and efforts of those who are endangered:

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby call upon all Delawareans to observe the week commencing July 25, 1948, as National Farm Safety Week. I urgently request each member of every Delaware farm family to accept responsibility for eliminating at least one possible source of accidents during that week. I also ask all organizations and persons interested in farm life and welfare to join in a concerted attack upon these menaces to the lives and happiness of Delaware farmers and their families.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this twenty-sixth day of July in the year of our Lord one thousand nine hundred and forty-eight, and of the Independence of the United States of America, the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 488

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, Public Law 759 of the 80th Congress, also known as the Selective Service Act of 1948 provides in Sec. 6(c) (2) A that in any case in which the Governor of any State determines and issues a proclamation to the effect that the authorized strength of any organized unit of the National Guard cannot be maintained by enlistment or appointment of persons who are not liable for training and service under such Act, or any persons who served honorably on active duty between September 16, 1940 and June 24, 1948 for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the Armed Forces of any country allied with the United States in World War II prior to September 2, 1945, any person, who prior to attaining the age of 18 years and six months, enlists or accepts appointment in any such organized unit shall be deferred from training and service under this Act so long as he continues to serve satisfactorily as a member of such organized unit; and

WHEREAS, I have determined that the authorized strength of certain organized units of the Delaware National Guard cannot be maintained by the enlistment or appointment of persons in the categories referred to above.

NOW, THEREFORE, I, Walter W. Bacon, in accordance with Public Law 759, 80th Congress and by virtue of the authority vested in me as Governor of the State of Delaware, in order that the Delaware National Guard may discharge its responsibility to the security of the Nation, do hereby proclaim that the authorized strength of certain organized units of the Delaware National Guard cannot be maintained through the enlistment or appointment of persons referred to in Sec. 6(c) (2) A.

AND I HEREBY direct the Adjutant General of Delaware to maintain a current list of those organized units of the Delaware National Guard which have not reached or cannot be maintained as their authorized strengths as designated from time to time by the Adjutant General under my direction.

I also invite young men from the age of 17 to 18 years and six months to enlist in those organized units of the Delaware National Guard which are not at authorized strength and thus meet their obligation of service to their country while at the same time they continue their education or employment.

IN WITNESS WHEREOF, I have hereunto set my hand,
and affixed the Great Seal of the State of Delaware, at Dover, this second day of August, in
(GREAT SEAL) the year of our Lord one thousand nine hundred and forty-eight, and of the Independence of the United States of America, the one hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State:

CHAPTER 489

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS the President of the United States has proclaimed the Initial Registration under the Selective Service Act of 1948; and

WHEREAS the President has specifically called upon the Governors of the several states and territories and all officers and agents of the states and territories, and political subdivisions thereof, and all local boards which, and agents thereof who, may be appointed under the provisions of the Selective Service Act of 1948 or the regulations which may be prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration;

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim the following:

1. The registration of male citizens of the United States and other male persons residing in the United States who shall have attained the eighteenth anniversary of the day of their birth and who shall have not attained the twenty-sixth anniversary of the day of their birth shall take place in the State of Delaware between the hours of 8:00 a. m. and 5:00 p. m. on the day or days hereinafter designated for their registration, as follows:

August 30	Men born in 1922, after August 30, 1922
August 31 or September 1	Men born in 1923
September 2 or 3	Men born in 1924
September 4 or 7	Men born in 1925
September 8 or 9	Men born in 1926
September 10 or 11	Men born in 1927
September 13 or 14	Men born in 1928
September 15 or 16	Men born in 1929

September 17 or 18

Men born in 1930
before September 19, 1930

Persons who were born on or after September 19, 1930, shall be registered on the day they attain the eighteenth anniversary of the day of their birth, or within five days thereafter.

2. (a) Every male citizen of the United States and every other male person residing in the United States other than persons excepted by section 6 (a) of title 1 of the Selective Service Act of 1948 and who shall have attained the eighteenth anniversary of the day of his birth and who shall have not attained the twenty-sixth anniversary of the day of his birth on the day or any of the days fixed herein for his registration is required to and shall on that day or any of those days present himself for and submit to registration before a duly designated registration official or Selective Service Local Board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day or any of those days.

(b) A person subject to registration may be registered after the day or days fixed for his registration in case he is prevented from registering on that day or any of those days by circumstances beyond his control. If he is unable to present himself for and submit to registration during the day or days fixed for his registration he shall do so as soon as possible after the cause for such inability ceases to exist.

(c) The places for registrations and the persons to conduct such registrations will hereafter be designated in their respective areas by the Selective Service Local Boards.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

4. I call upon the people of the State of Delaware and officers and agents of the State, and any of its political subdivisions, to give all necessary aid and assistance to the Selective Service Local Boards of the State in conducting a successful registration.

5. I shall deem it a discharge of a patriotic obligation if all newspapers, radio stations and other disseminators of public information give full and complete publicity to the facts of registration in order that all eligible males will place their names on the Selective Service lists:

6. In order that there may be complete cooperation I urge all employers and governmental agencies of all kinds to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the Selective Service Act of 1948 and the President's Proclamation.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware have hereunto set my
hand and the Great Seal of the State of Delaware
(GREAT SEAL) has been hereunto affixed by the Secretary of
State, at Dover, on the sixteenth day of August
in the year of our Lord one thousand nine hun-
dred and forty-eight and in the year of the Inde-
pendence of the United States of America the
one hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 490
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

The President of the United States has proclaimed September 16, 1948 as National Guard Day to honor those who have served and those who are now serving their country in the National Guard, the Nation's first line of defense.

The National Guard, which has long and faithfully served both State and Nation, in time of peace as well as in time of War, is, on September 16, 1948, celebrating the eighth anniversary of its induction into the Federal Service for World War II.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, in order that we may honor our men of the National Guard, for their services to the State and Nation in every conflict in which our country has been engaged, do hereby proclaim Thursday, September 16, 1948, as

NATIONAL GUARD DAY

in the State of Delaware and urge all the citizens of our great State to support in every way they can the growth of the National Guard.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware have hereunto set my hand and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of State, at Dover, on this first day of September in the year of our Lord one thousand nine hundred and forty-eight and in the year of the Independence of the United States of America the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 491

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

On September 17, 1787, the Constitution of the United States was adopted by the Constitutional Convention. It was submitted to Congress, and later became the fundamental law of the land.

As our nation grew and became great, and as new problems came into being, certain additions were made to our Constitution.

The basic document, however, has remained unchanged and unshaken through troubled years to maintain a government of the people, by the people, and for the people, to preserve justice, safeguard domestic tranquillity, promote the general welfare and glorify the blessings of liberty—all of which has made possible our high state of civilization, the like of which is not to be found anywhere else in the world.

Today, 161 years after it was adopted, the Constitution of the United States remains as the one hope of freedom-loving people all over the world and stands as the most solid single political guide the world has ever known.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, by virtue of the authority in me vested, do hereby proclaim Friday, September 17, 1948, as

CONSTITUTION DAY

and urge all churches, schools, civic and patriotic organizations and all citizens to arrange and take part in appropriate programs to the end that we, the people who benefit from the Constitution, shall have a better understanding of and a greater respect for the gifts of liberty, independence, and justice granted us by the Constitution.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of
the State of Delaware, have hereunto set my
hand and caused the Great Seal of the said State
to be hereunto affixed, at Dover, this third day of
(GREAT SEAL) September in the year of our Lord one thousand
nine hundred and forty-eight and of the Independ-
ence of the United States of America the one
hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 492

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

The President of the United States has proclaimed the eighteenth day of September 1948 as Air Force Day for commemorating the feats of valor of our Air Force in past wars. This year it is particularly fitting that our celebrations assume a two fold aspect and all Americans should give thanks and tangibly express appreciation for the glorious accomplishments of our Air Force during the armed conflict so recently concluded.

We in Delaware have been made especially cognizant of the power of our modern Air Force because of the work that was done at New Castle County Air Base and the Dover Army Air Field. The men and planes based on these fields played a most important part in victory which the Allies attained in World War II.

Let us honor and celebrate the glorious achievements of our Air men and women, in Peace as well as in War, and salute the youth of America who are becoming a part of this great force.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and set apart Saturday, September 18, 1948, as

AIR FORCE DAY

and I earnestly request that thoughtful observance of the day in conjunction with Air Force activities be given; and that flags be flown from homes, places of business and public buildings.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of State, at Dover, on this seventeenth day of September in the year of our Lord one thousand nine

(GREAT SEAL)

hundred and forty-eight and in the year of the
Independence of the United States of America the
one hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 493
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, loss of life and destruction of property by fire threatens to reach new peaks in 1948 following a continuous upward trend since 1942; and

WHEREAS, action within the individual states on the part of both public authorities and private agencies is essential to the control of the fire menace; and

WHEREAS, since most fires are caused by carelessness our citizens by exercising greater caution can help to prevent the majority of them;

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby designate and proclaim the week of October 3-9, 1948 as

FIRE PREVENTION WEEK

and invite every man, woman and child to assume his individual responsibility in this emergency, in order that lives and property in our nation may be conserved. I ask local Governments, the Chambers of Commerce, the National Fire Waste Council, community safety councils, business and labor organizations, the churches and schools, civic groups, and the various agencies of the press, radio and motion-picture industry throughout the State to cooperate fully in the observance of Fire Prevention Week; and I direct that the appropriate agencies of the State Government likewise assist in arousing the public to the growing threat of fires.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware have hereunto set my hand and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of State,
(GREAT SEAL) at Dover, on this twenty-fourth day of September

in the year of our Lord one thousand nine hundred and forty-eight and in the year of the Independence of the United States of America the one hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 494

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

I, Walter W. Bacon, 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 second day of November, 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, Walter W. Bacon, Governor of the State of Delaware have hereunto set my hand and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of State, at Dover, on this first day of October in the year of our Lord one thousand nine hundred and forty-eight and in the year of the Independence of the United States of America the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:
WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 495
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the great Count Casimir Pulaski attempted to lead a revolt of peasants of his native Poland against the Russians in 1771; and

WHEREAS, the failure of this bold plan resulted in the defeat of his small army, the confiscation of his estates and his being outlawed, after which he fled to Paris; and

WHEREAS, he there met Dr. Benjamin Franklin and expressed a strong desire to help the young republic of the United States to win its Independence from Great Britain; and

WHEREAS, in 1777 Count Pulaski came to America, joined the Army under General Washington and was commissioned a general in command of cavalry which, despite many obstacles, greatly strengthened the Continental forces; and

WHEREAS, while leading the brave men of his Legion in battle at the siege of Savannah, Georgia, he was mortally wounded on October 11, 1779 in the cause of American independence, it is proper that the sacrifice of this young nobleman and his companions should be perpetuated in the minds of our citizens;

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim Monday, October 11, 1948, as

GENERAL PULASKI'S MEMORIAL DAY

and urge that all citizens of the State of Delaware honor the memory of this gallant patriot who gave his all for the cause of American independence.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware have hereunto set my hand

(GREAT SEAL)

and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of State, at Dover, on this first day of October in the year of our Lord one thousand nine hundred and forty-eight and in the year of the Independence of the United States of America the one hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 496

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

"Your Navy — Victor in War, Guardian in Peace" is the slogan adopted this year in calling attention to the 173rd anniversary of the creation of the American Navy.

With ominous conditions abroad and numerous subversive elements at home, the strength, the maintenance and the continued growth of our Navy is the concern of every patriotic citizen.

The Navy League of the United States, with the approval of the Secretary of the Navy, has designated Wednesday, October 27, 1948, for observance of Navy Day.

NOW, THEREFORE, I Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim Wednesday, October 27, 1948, as

NAVY DAY

and urge the citizens of Delaware to pay honor and tribute to our valiant United States Navy by attending and participating in appropriate ceremonies in observance of this important day in the history of our country, and it is my desire that the National and State flags be displayed on all public buildings and other suitable places.

It is significant that October 27, 1948, also marks the ninetieth anniversary of the birth of that great American who developed the national defense, Theodore Roosevelt, and I urge the people of Delaware to honor the memory of this great man, who played such an important part in our American history.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of

(GREAT SEAL)

State, at Dover, on this eighteenth day of October in the year of our Lord one thousand nine hundred and forty-eight, and in the year of the Independence of the United States of America the one hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 497
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

The 173rd Anniversary of the founding of the United States Marine Corps will be celebrated throughout the Nation on Wednesday, November 10, 1948.

Americans can well be proud of the Marine Corps, for this arm of our National Defense has a history filled with honor and distinction. Its traditions are of the finest. Its officers and men throughout the years have courageously performed outstanding service in the history of our country.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby proclaim and set apart Wednesday, November 10, 1948, as

MARINE CORPS DAY

and request that all Delawareans observe this day in commemoration of the gallant services and the many sacrifices of the members of the United States Marine Corps, and I urge that appropriate exercises be arranged throughout the State in tribute to this branch of our Armed Forces. As a further mark of respect, it is my desire that flags of the State and Nation be flown from all public buildings and other proper and suitable places.

IN WITNESS WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of State, at Dover, on this twenty-sixth day of October in the year of our Lord one thousand nine hundred and forty-eight, and in the year of the Independence of the United States of America the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:
WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 498

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

Our Pilgrim Fathers landed on Plymouth Rock in December of 1620, and the following year they set aside a special day for a feast of Thanksgiving. They had ventured into the unknown in search of a new way of life, where they could enjoy certain freedoms which had been denied them in the land of their birth. After a bitter struggle they had found that new life of freedom, and they had much for which to be thankful.

Our blessings have more than doubled since that first Thanksgiving Day. No people on earth have such abundant cause for Thanksgiving as we who are Americans. Our nation has been blest by peace and prosperity, and we live in a land of plenty. And so it is fitting and proper that we give thanks unto God, with deep humility and reverent gratitude, for the blessings He has bestowed upon us.

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby set apart and proclaim Thursday, the twenty-fifth day of November, 1948, as a

DAY OF THANKSGIVING

and I urge the citizens of Delaware to appropriately observe this day in their homes, their places of worship, and wherever they may gather. In counting our blessings let us not forget our friends across the seas who are hungry, ill and homeless, and let us willingly and sincerely strive in every way, through our church committees and other benevolent organizations, to share our blessings with those who are less fortunate than we. To further observe this day of prayer and thanksgiving, it is my desire that our National and State Flags be flown from all public buildings, honoring our forefathers who courageously paved the way for the liberty and freedom which we enjoy in these great 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 twelfth day of
November, in the year of our Lord one thousand
(GREAT SEAL) nine hundred and forty-eight, and of the Independence of the United States of America the one
hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 499
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WALTER W. BACON

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 second day of November, in the year of our Lord one thousand nine hundred and forty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the 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

Lammot duPont Copeland	47,451
Rosanna B. Marshall	47,451
George Clifton Maull, Sr.	47,451
Henry T. Graham	48,117
Charles L. Harmonson	48,117
Howard S. Abbott	48,117
William Furrowh	950
Joseph R. Standarowski	950
Beulah H. Derrickson	950

Thomas L. Gregory	226
Nora Wroten	226
Elizabeth M. Bringhurst	226
Elizabeth S. Lilly	232
Dorothy E. Jones	232
Miles E. Barber	232
Martha Grabowski	25
Elvin Baker	25
Helen E. Jerominski	25

KENT COUNTY

Lammot duPont Copeland	8,501
Rosanna B. Marshall	8,501
George Clifton Maull, Sr.	8,501
Henry T. Graham	8,174
Charles L. Harmonson	8,174
Howard S. Abbott	8,174
William Furrowh	47
Joseph R. Standarowski	47
Beulah H. Derrickson	47
Thomas L. Gregory	52
Nora Wroten	52
Elizabeth M. Bringhurst	52
Elizabeth S. Lilly	14
Dorothy E. Jones	14
Miles E. Barber	14
Martha Grabowski	2
Elvin Baker	2
Helen E. Jerominski	2

SUSSEX COUNTY

Lammot duPont Copeland	13,636
Rosanna B. Marshall	13,636
George Clifton Maull, Sr.	13,636
Henry T. Graham	11,522
Charles L. Harmonson	11,522
Howard S. Abbott	11,522
William Furrowh	53
Joseph R. Standarowski	53
Beulah H. Derrickson	53

Thomas L. Gregory	65
Nora Wroten	65
Elizabeth M. Bringham	65
Elizabeth S. Lilly	4
Dorothy E. Jones	4
Miles E. Barber	4
Martha Grabowski	2
Elvin Baker	2
Helen E. Jerominski	2

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate, or person voted for, for such Electors, the result appears as follows, to wit:

Whole number of votes for Lammot duPont Copeland	69,588
Whole number of votes for Rosanna B. Marshall	69,588
Whole number of votes for George Clifton Maull, Sr.	69,588
Whole number of votes for Henry T. Graham	67,813
Whole number of votes for Charles L. Harmonson	67,813
Whole number of votes for Howard S. Abbott	67,813
Whole number of votes for William Furrowh	1,050
Whole number of votes for Joseph R. Standarowski	1,050
Whole number of votes for Beulah H. Derrickson	1,050
Whole number of votes for Thomas L. Gregory	343
Whole number of votes for Nora Wroten	343
Whole number of votes for Elizabeth M. Bringham	343
Whole number of votes for Elizabeth S. Lilly	250
Whole number of votes for Dorothy E. Jones	250
Whole number of votes for Miles E. Barber	250
Whole number of votes for Martha Grabowski	29
Whole number of votes for Elvin Baker	29
Whole number of votes for Helen E. Jerominski	29

NOW, THEREFORE, I Walter W. Bacon, Governor of the State of Delaware, do hereby declare that Lammot duPont Copeland, Rosanna B. Marshall, and George Clifton Maull, Sr., 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.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and forty-eight and of the Independence of the said State the one hundred and seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 500
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WALTER W. BACON

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 2nd day of November, in the year of our Lord one thousand nine hundred and forty-eight that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a 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-nine;

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

J. Allen Frear, Jr.	50,575
Clayton Douglass Buck	46,882
Hamilton D. Ware	636
Thomas J. Sard	278
Walter B. Pollard	80

KENT COUNTY

J. Allen Frear, Jr.	8,911
Clayton Douglass Buck	8,251

Hamilton D. Ware	16
Thomas J. Sard	54

SUSSEX COUNTY

J. Allen Frear, Jr.	12,402
Clayton Douglass Buck	13,113
Hamilton D. Ware	29
Thomas J. Sard	135

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 J. Allen Frear, Jr.	71,888
Whole number of votes for Clayton Douglass Buck.....	68,246
Whole number of votes for Hamilton D. Ware	681
Whole number of votes for Thomas J. Sard	467
Whole number of votes for Walter B. Pollard.....	80

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby declare that J. Allen Frear, Jr., 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-nine.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and forty-eight and of the Independence of the said State the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 501
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WALTER W. BACON

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 2nd day of November, in the year of our Lord one thousand nine hundred and forty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the Eighty-first 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

James Caleb Boggs	48,528
J. Carl McGuigan	48,893
Edward C. Graham	211
LeRoy B. Jones	100

KENT COUNTY

James Caleb Boggs	9,034
J. Carl McGuigan	8,065
Edward C. Graham	60

SUSSEX COUNTY

James Caleb Boggs	13,565
J. Carl McGuigan	11,951
Edward C. Graham	128

AND WHEREAS, The said return of the election for the choice of a Representative of and for the said State in the 81st 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 return 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 James Caleb Boggs	71,127
Whole number of votes for J. Carl McGuigan.....	68,909
Whole number of votes for Edward C. Graham	399
Whole number of votes for LeRoy B. Jones	100

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby declare that James Caleb Boggs 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 Eighty-first Congress of the United States.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the fifteenth day of November in the year of our Lord one thousand nine hundred and forty-eight and of the Independence of the said State the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:
WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 502
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WALTER W. BACON
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 2nd day of November, in the year of our Lord one thousand nine hundred and forty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Treasurer of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Treasurer were cast as follows, to wit:

NEW CASTLE COUNTY

Willard D. Boyce	50,521
Benjamin F. Johnson	46,686
Annie E. Whiskman	98

KENT COUNTY

Willard D. Boyce	8,155
Benjamin F. Johnson	8,901

SUSSEX COUNTY

Willard D. Boyce	12,413
Benjamin F. Johnson	13,087

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 Willard D. Boyce	71,089
Whole number of votes for Benjamin F. Johnson	68,674
Whole number of votes for Annie E. Whiskman	98

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby declare that Willard D. Boyce 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 fifteenth day of November in the year of our Lord one thousand nine hundred and forty-eight and of the Independence of the said State the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:
WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 503
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WALTER W. BACON

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 2nd day of November, in the year of our Lord one thousand nine hundred and forty-eight, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of an Auditor of Accounts of the State of Delaware.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in said county respectively for such Auditor of Accounts were cast as follows, to wit:

NEW CASTLE COUNTY

James W. W. Baker	50,494
Ford M. Warrington	46,705

KENT COUNTY

James W. W. Baker	8,622
Ford M. Warrington	8,401

SUSSEX COUNTY

James W. W. Baker	12,256
Ford M. Warrington	13,270

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts the result appears as follows, to wit:

Whole number of votes for James W. W. Baker 71,372
Whole number of votes for Ford M. Warrington 68,376

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby declare that James W. W. Baker has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected 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 fifteenth day of November in the year of our Lord one thousand nine hundred and forty-eight and of the Independence of the said State the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 504
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, on December 7, 1787, Delaware became the first State to ratify the Federal Constitution; and

WHEREAS, by resolution of the General Assembly of the State of Delaware, approved on the twenty-ninth day of November, A. D. 1933, the Governor is authorized and directed to issue a proclamation calling attention to the importance and significance of this historical event;

NOW, THEREFORE, I, Walter W. Bacon, Governor of the State of Delaware, do hereby designate Tuesday, December 7, 1948, as

DELAWARE DAY

and ask the citizens of the State of Delaware to pay tribute to the part Delaware played in the founding of the Republic by the prompt ratification of the Federal Constitution, and to re-dedicate themselves anew in the struggle for the preservation of our nation and its way of life. I further suggest that flags of our State and Nation be displayed and that all schools, churches and civic organizations conduct appropriate exercises in commemoration of this date in history.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this first day of December in the year of our Lord one thousand nine hundred and forty eight and of the Independence of the United States of America the one hundred and seventy-third.

(GREAT SEAL)

By the Governor:
WALTER W. BACON

WILLIAM J. STOREY, Secretary of State.

CHAPTER 505
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, Pierre S. duPont, Tax Commissioner on behalf of the Tax Department of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State.

NOW, THEREFORE, I Walter W. Bacon, Governor of the State of Delaware do hereby issue this proclamation according of 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. J. King, Inc., A. L. Lowe General Contracting Company, A. Rodman Woodward Co., Academy of Radio Arts and Sciences, Incorporated, The, African Timbers, Inc., Agricultural Credit Corporation, Agricultural Securities Corporation, Air Freight Express Agency, Inc., Airline Service Corporation, Alabama-Georgia Mining Company, Inc., Alexander Keene Metaphysical Society, Allegheny Development Co., Inc., Allied Engineering Corp., Allied International Corporation, Allied Plastics, Inc., Allied Procurement Corporation, Alunite Reduction Company, Amasticote Co., Inc., American Allied Products Company, American Association of Shipbuilders, Inc., American Bankers Finance Company, American Board For The Syrian Orphanage At Jerusalem, Inc., The, American Fabrolite Corporation, American Fireproofing Corporation, American Fraternal Order, Inc., American-Philippine Foundation, Inc., American Poultry Company, American Protonizer Corporation, American Sound Equipment Corporation, American Wholesale Trading Co., Inc., Anglo-American Confection Co., Inc., App. Tunneling Machine Company, The, Arefo Corporation, The, Arizona Eastern Gold Mines Company, Art Crafts Woodworking Company, Inc., Arthur I Fink, Inc., Arundel Mortgage Company, Associated Manufacturers, Inc., Atlanta Plastic Products, Inc., Atlantic Food Prod-

ucts, Inc., Atlantic & Pacific Importers and Exporters, Inc., Atlas Engine Co., Inc., Atlas Home Builders, Inc., Atlas Plastic Corporation, Automatic Signal Acceptance Corporation, Aviation Products Corporation.

B. & B. Transportation Lines, Inc., Babbitt-Barber Asphalt Products, Inc., Bankers Capital Corporation, Barjohn Corporation, Barno Oil Company, Barry Electric Corporation, Basic Corporation, Bay Shore Farmers Guild, Inc., The, Beacon Laboratories, Inc., Beech Terrace Investment Company, Bennett & Co., Inc., Berens-Longley Corporation, Bergen Precision Castings, Inc., Berman Construction Corporation, Bessie B. Williams, Inc., Best Brands Co., Inc., Bio Chemical and Clinical Laboratory, Inc., Black Cat Tea Room, Inc., The, Bluebonnet Development Co., Inc., Boardwalk Properties, Inc., The, Bonoren Company, Inc., The, Boundary Park Gables, Inc., Brazilian Commercial Corporation, Brevaire and Company, Inc., Briar Creek Corporation, Bridgeville Cemetery Company, of Bridgeville, Delaware, The, Bridgeweld Engineering Corporation, Brief Films, Incorporated, Bristol Insulation Co. of Illinois, Brookland Mining Company, Brotherhood of Railway Police and Watchmen's Union of America, Brushkomb, Incorporated, Buddies Club, Burton-Allen Gold Reclaiming Corporation, Business Maintenance Association, Inc., Busoni Society, Incorporated, The.

C. A. D. Bayley & Co., Inc., C. W. Shearman Company, Incorporated, Cabulance Company, Cafe de la Paix, Inc., California Tin Corporation, Cameo Cosmetics Incorporated, Canadian American Railroad and Development Corporation, Canned Pea Marketing Institute, Inc., Capital Distributors, Inc., Capital Management Corporation, Capital Management and Engineering Company, Capitol Association, Inc., The, Capitol Insulators, Inc., Cargair, Inc., Cargair Trading Corporation, Cargo Airlines, Inc., Caribbean Navigation Corporation, Carlisle Foundation, Inc., The, Carolina Finance Corporation, Carroll Corporation, The, Carter-Wheeler Corporation, Casseroles, Inc., Cedar Grove Community Building, Inc., Central Hotel, Incorporated, Cesco Supply Company, Chalmette Refining Company, Chas. H. Gray Funeral Home, Inc., Charter Air Service, Inc., Charwilman Corporation, Chicago Aurora and Elgin Corporation, Chubb Industries, Inc., Cinema Capital Corp., Clay County Manufacturing Corporation, Clear Water Lumber Company, Clearfield Wrecking Company,

Clements Productions, Inc., Clendening Employment Agency, Inc., Clifford & Dahn Company, Coffee Gum Co., Inc., Coffee X Corporation, Cole-Sumpter-Oil & Development Co., Colliers Inn, Incorporated, Colonial Realty Corporation, Colony Restaurant Co., Columbia Paving Co., Comedy Club, Commercial Consultants, Inc., Commonwealth Corporation, Community Wine Shop, Inc., The, Complete Combustion Corporation, Compressed Air Service Corporation, Concord Realty Company, Condall Oil & Gas Corporation, Conde Nast, Inc., Connell Royalty Company, Consolidated Investment Company, Constellation Film Corp., Continental Concrete, Inc., Copar Corporation, Cortez-King Brand Mines Company, Cosmos Associates, Inc., Council on Nutrition Education for Children, Inc., Craig Chemical Corporation, Cramer Realty Co., Cropp Engineering Corporation, Curb Cafe, Inc., Czernowitz Bukowiner Aid Association.

D-Moth Company, Danjac Hosiery Mills, Inc., Darling Inn, Inc., The, Davet Enterprises, Incorporated, Deal Park Company, Dee-A Products Corporation, Delano Development Corporation, Delaware Sportsmen's Club, Delaware Steel Corporation, Delaware-West Realty Company, Delmar Chemical Company, Delmarva Super Markets, Inc., Detroit Research Laboratories, Inc., Development Corporation of Delaware, Dexol Products, Inc., Diamond State Broadcast Corporation, Dino's, Inc., Disabled American Veterans, Inc., Dr. Crandall's Health Institute, Inc., Dr. Morgan Artificial Denture Corporation, Dominion Company, Dover Abattoir, Inc., Dover Dressed Poultry Co., Inc., Drilling Mud Corporation.

Eagle Bird Mine, Inc., Eagle Producing Corporation, East Side Colored Social Club, The, Eastern Reserve University, Inc., Edison Machine Co., Inc., Electrolytic Metals Corporation, Electrophonics, Incorporated, Electropure Sales Corporation, Elkan Company-Brasil, Em. Jay Holding Corp., Empire Periodical Company, Empire Towing Corporation, Energy Research Company, Etcetera Publishing Company, Inc., Eureka Industries, Inc., Executives and Representatives Service, Inc.

Fairhaven West Island Co., Falcon Aircraft Corporation, Faltico Electronics, Inc., Far Easterner, Inc., The, Farwell Mountain Copper Co., Inc., Fayette Investment Company, Federal Land Development Corporation, Federal Production Corpo-

ration, Felton Community Fire Company, Inc., Fifty-Forty Kenmore Ave. Corporation, Fisher No. 11 Corporation, Fisher No. 15 Corporation, Fisher No. 9 Corporation, Fisher No. 13 Corporation, Fisher Towing Corporation, Flora Realty Company, Inc., Florida Silk Corporation, Foreign Commerce Corporation of America, Fork Junction Coal Company, The, Fountaineers, Inc., Franconia Mittersill, Inc., Franklin Broadcasting Company, The, Fuels and Lubricating Systems, Inc., Futura Incorporated.

G. C. Dawson Corporation, G-E-M- Mining Co., G. F. Rinard Amusement Corporation, The, G. I. Builders, Inc., G. L. Tarlton, Contractor, Incorporated, Gasomiser Corporation, General Engineers Inc., General Packing Company, General Pulp Corporation, Geophysical Company, Inc., The, George H. McGovern, Incorporated, Germantown Slate, Tile & Roofing Supplies, Inc., Glass, Incorporated, Gleamite Products, Inc., Glenfield Corporation, Glider Express Transportation, Inc., Globe Corporation, Globe Engineering Corporation, Gold Gulch Mining Co., Gordon & Walters, Inc., Grand Order of Allied War Veterans, Inc., The, Grand Restaurant, Inc., Great Lakes Vessel Fuel Dock Operators Association Inc., The, Great Northern Lumber Company, Greater New Jersey Housing Company, Greenway Construction Co., Guaranteed Moth-Proofing Corporation.

H. R. Aiken Company, H. S. Omohundro, Incorporated, Hadley Electronic Corporation, Hafs Iron Works, Inc., Hagerstown Independent Oil Company, Hammond Construction Company, Handicapped Persons Industries, Incorporated, Hanway Industries, Inc., Harman-Foulke Corporation, Harold's, Inc., Harrison Research Corp., Harry Goldberg & Son., Inc., Harry H. Salk & Associates, Inc., Hart Oil Corporation, Hawk Line, Inc., Henry Ambrose, Inc., Henry C. Blair Company, The, Herbert Manufacturing Corp., Highlands Corporation, Hi-Green, Inc., Hoffman 3-Ring Circus, Inc., Hopckohacking Tribe, No. 17, The Improved Order of Red Men of Delaware, Household Service Company, Howard, Underwood & Howard, Inc., Humphrey Estates, Inc., Hyland Park Development Company, Inc.

I. M. S., Inc., Ikap, Pan-American Corporation, Illinois Broadcast Corporation, Immaculate Conception Beneficial Society of Wilmington, Delaware, The, Impervo-Pack, Inc., Impro-lite Corporation, Independence Fire Insurance Security Company,

Independent Motor Wheel Corporation, Indestructible Structures Corporation, Index Industries, Inc., Indrieri Refrigeration and Air Conditioning Company, Incorporated, The, Industrial By-Products & Research Corporation, Infra Mfg. Corp., Inter-American Commercial Relations Corporation, Inter-American Newsreel Productions, Inc., International Theatrical and Television Corporation, International Theatrical and Television Corporation of New England, Interstate Steel Company, Inc., Inventions Holding Corporation, Iran Foreign Commerce Corp., Isle of Wight Sales Company.

J. J. Kelly, Inc., J. J. Ryan Company, James A. Munroe & Sons Construction Corporation, James A. Munroe & Sons, Inc., Jay Bee Construction Corporation, Jewel Shop, Inc., The, Jewel Steven Productions, Inc., John Sherman Products Corporation, Juice Extractor Co., Inc., The, Julian's Limited, Juvenile Court Association

Keith Consolidated Corporation, The, Kemix, Inc., Kenda Corporation, Kent Construction Company, Kentucky Mutual Oil and Gas Company, Keywaydin, Inc., Kiddie Gym Corporation, The, Kimball Cattle Company, Inc., King Development Corporation, King Wilhelm Mines, Inc., Kingan & Co., Inc., Kingly Air Conditioning Corporation, Kit-Carson Mining Corp., Kitchen Equipment Manufacturers Association.

L. G. White, Inc., L & L Construction Co., Inc., L. & R. Mkt., Inc., L. V. Fox Company, Inc., La Mar, Inc., Land Improvement & Supply Company, Lando Stores Co., Inc., Latin American Airways, Inc., Laundry Mart of Connecticut, Inc., Laundry Mart, Inc., Laundry Mart of Pennsylvania, Inc., Laundry-White Mfg. Co., Inc., Lee Chocolate Company, Lee De Forest, Inc., Leffell Devices, Incorporated, Lenbob Investments, Inc., Leo. P. Schaefer Co., Leonberger Music Co., Inc., Lewis Superheaters Corporation, Liaison and Trades Corporation, Liberty Housing Company, Liberty Tanning Co., Lincoln Tanning Company, Little Castles, Incorporated, Little Egypt Mining Company, Lucky Oil and Refining Company.

M. B. Kolb Co., Inc., of Delaware, M & W Market, Inc. Machinery Corporation of America, The, Magnesium Fabricators,

Inc., Malvern Oil & Gas Company, Marapom Corporation, Marthann Oil Company, Martin Aeroplane Development Laboratory, Inc., Maryland Testing Laboratories, Inc., McAvoy Brewing Company, McDermott Coal and Coke Company, Meat Master Corporation of America, Melson Acres, Inc., Memorial Extension Commission Incorporated, The, Merchants Intercontinental, Inc., Merit Foods, Inc., Merkel Bobbin Company, Metal Craft Engineering Service Corporation, Metals Mining Corporation, Metropolitan Fixture Co., Inc., Metropolitan Grocery Stores, Inc., Metropolitan Natural Gas Corporation, Micro-File Corporation, The, Micro Measuring Devices, Inc., Midland Finance Corporation, Midwest Coaches, Inc., Miles Smith Corporation, Milford Chemical & Manufacturing Company, Milford Crystals, Inc., Milk-O-Mat N. J. Inc., Milk-O-Mat Vending Co. Inc., Milk Oil Corporation, The, Mine B Coal Company, The, Mineral Exploration Co., Mishkin Construction Company, Inc., Mo-Jo, Inc., Modern Products Company, Mohawk Supply Company, Monterey Corporation, Moore Windsor Corporation, Moreland Industries, Inc. of San Francisco, California, Moss Purchases, Inc., Moss Stores Inc. of Sacramento, Motembo Basin Petroleum Company, Motor Sales Corporation of Georgia, Motor Research Company, Mt. Zion Baptist Missionary Association of Delaware and Adjoining States, Incorporated, Multimarkets, Inc., Municipal Capital and Acceptance Corporation, Murray Hill Tool Company.

National Bus Sales Corporation, National Capital Securities Corporation, National Credit Company, The, National Engineering Foundation, Incorporated, National Food Service, Inc., National Highway Stations, Inc., National Investors Service, Incorporated, National Minerals Corporation, National Small Homes Demonstration, Inc., National Tool Salvage Industries, Inc., National Trusteed Fund, Incorporated, National Vending Corporation, Natural Food Products Company, Navigators Flying Club, Inc., Neville Victory Corporation, New England Extrusion Company, New Hope Temple Baptist Church Society, Nick Bombard, Inc., 9th & Eye Service Center, Inc., Ninth Ward Republican Club, Inc., Nitromal Corporation, The, North American Gas and Electric Company, North American Import & Export Company, Inc., Northern Agencies, Inc., Northern Coal Products Company.

O-Quaka Company, Inc., Oak Retreat, Inc., Ocean City Hotel Laundry Co., Ohio Belle Silver & Lead Mining Co., Olson

Steamship & Navigation Corporation, Olympic Skylines, Inc., Orion Productions Incorporated, Owl Press, Incorporated, Ozonator Corporation.

Pacific Coast Trotting Association, Pacific Gas Co., Pacific War Emergency Pipelines, Inc., Pan American Banking Corporation, Pantheon Properties, Inc., Paris Plastics, Inc., Paul Campbell Incorporated, Paving Machinery Corporation, Pedco Products, Inc., Peirce Investment Company, Peninsula Corporation, The, Pepper Box Mica Corporation, Pershing & Kennedy Co., Inc., Petco Inc., Peter Gordon Co., Peter Vassallo Inc., Petroleum Associates, Inc., Philadelphia Construction Co., Inc., Philippine American Commercial Corp., Philippine Trading and Sales, Inc., Photometric Products Corporation, Physical Chemistry Research Company, Picard Builders, Incorporated, Pilot Laboratories, Inc., Pilots Haven, Inc., Pitman Manufacturing Company, Pitman Properties, Inc., Plasti-Chem Corporation, Plasticraft Corporation, Plastics Engineering Co., Inc., Pomeroy Hydraulic Jack Company, Port Mahon Corporation, Porto Rico Consolidated Fruit Company, Porto Rico Products Co. Inc., Potomac Publishing Company, Power Hammer Co., Power-Masters, Incorporated, Precision Sports, Inc., Prefabricated Ships & Equipment Corporation, Process Chemical Corporation, Progressive Poultry Farms Corporation, Purisimaline Petroleum Corp., Purple Heart Productions, Inc.

Quaker City Cleaners, Inc., Quaker City Vaults, Inc., Quality Printers and Publishers, Inc.

R B R Corporation, R. M. Company, Inc., R. M. King Plantations, Inc., Ra-Loy Spark Plug Company, Incorporated, Radio-guide Manufacturing Co., Inc., Rainey Accounting Machine Corporation, Ralene', Inc., Ray Bowen Copley Plaza, Inc., Real Estate Investment & Financing Co., Redco Oil Company, Redz Solvents Corporation, Reeser Paint and Chemical Co., Refrigerated Dispensers, Inc., Refrigeration Incorporated of Washington, D. C., Register Foundation, Inc., The, Reliance Commercial Company, Reliance Fertilizer Company, Rembrandt Corporation, Reproducers, Inc., Retten Trading Company, Rhodes Musical Enterprises, Inc., Rhythm Hosiery Company, Rittenhouse Motor Company, Robinson Lumber Company, Rockhouse Coal Company, Rockton Inc., Rodard & Co., Inc., Roddy Company, The,

Rooney Company, The, Root Pop Bottling Co., Inc., Rose Polymer Process Corporation, Ross Broadcasting Corporation, Rulo Oil and Gas Company, The, Rustin Carburetor Corporation, The, Ruthridge, Inc.

S & N Co., Saf-Tee Marine Engineering Company, Safety Sales Service Company, Inc., Saffian Engineering Corporation, San Gabriel Valley Transit Lines, Inc., The, San Juan Oil & Gas Company, Sangamon County Mining Company, Scott Laboratories Incorporated, Scrap, Inc., Seaford Shipbuilding Company, Second Ward Civic Club of Wilmington, Delaware, Secured Shares, Inc., Securities Realization Company, Senator Publishing Company, The, Service Parts Corporation, Servicemen's Interstate Veterans Union, Seven-Eleven Oil Company, The, Shannon & Luchs, Inc., Shaw Publishing Company, Sheridan Harriiss & Shaw, Incorporated, Slav Publications, Inc., Slayton-Ellis-Fisher, Incorporated, Slide Rule & Scale Engineering Company, Smyrna Electrical Corporation, Smyrna Producers Co-Operative Association, Snow Lake Gold Mines, Ltd., Sol's Auto Supply, Inc., South Church Street Company Incorporated, Southeast Concrete Construction Co., Southeastern Clays, Inc., Southeastern Industrial Bankers, Inc., Southwestern Air Freight & Express Airlines, Inc., Speedbreck Corporation, Spot, Inc., The, Spring-Hickman Corporation, Spruance Drug Company, Stenorite Associates, Inc., Sterling Finance Limited, Stevens Bros. & Shafer, Inc., Stigler Oil Corporation, Stockade Riding Club, Inc., Stoneham Chemical Corporation, Stonehill Engineering Company, Structure Oil & Gas Corporation, Sun-Kraft Distributing Company of Georgia, Sun-Kraft Distributing Company of Illinois, Sun-Kraft Distributing Company of Minnesota, Sun-Kraft Distributing Company of Missouri, Sun-Kraft Distributing Company of New England, Sun-Kraft Distributing Company of New York, Sun-Kraft Distributing Company of Ohio, Sun-Kraft Distributing Company of Tenn., Sun-Kraft Distributing Company of Texas, Sunset Manganese Mining Co., Surfacer Sales Co., Inc., Sussex Housing Corporation, Sussex Milk Association, Incorporated, Swan River Mining Corporation, Swanee, Inc.

Takoma Sales & Service, Inc., Taylorcraft Aviation Corporation, Technical Associates, Inc., Telephone Answering & Recording Corporation, Texas Detergent Company, Theatre Equipment Supply Company, Three Dee Corporation, Tillavator Corpora-

tion, Tipton Aircraft Company, Inc., Todd Royalty Syndicate, Track Supply Company, Trans-America Airways, Inc., Trans-Pacific Airways, Inc., Trans Pacific Commodities Corporation, Trans-Pacific Development Corporation, Travis Oil Corporation, Tri-State Fuel Corporation, Triometric, Inc., Twenty-One Pals Club, The, Twentieth Century Club, Twin States Gas Corporation.

Ulen & Company, Ulen Engineering Corporation, Una Welding, Inc., Union American Methodist Episcopal Church, Incorporated, United Air Pickup and Delivery Systems, Inc., United Alloy Corporation, United Building Construction Corporation, United Engineers, Incorporated, United Home Service, Inc., United Nations Trading Corporation, United Peoples' Organization, Inc., Universal Equipment Products, Inc., Universal Skyways, Inc., Uptown Acceptance Corporation, Utah Synthetic Rubber Corporation, Utility Products Corporation, Utility and Water Works Service Corporation.

Venrica Development Corp., Veterans Indian River Development, Inc., Victory Film Corporation, Victory Oil & Refining Corporation, Vitamin Concentrates Corporation, Voss Brothers Manufacturing Company.

W. A. Forry Associates, Inc., W-R Mining Company, Wagner Assets Realization Corporation, Walk-A-Chair Corporation, The, Walter O. Gutlohn Inc., Warren Oil and Gas Co., Washington Lane Corporation, Washington Steamship Corporation, Welders Equipment Corporation, West Coast Sun-Kraft Distributing Company, West Side Improvement Company, Western Pictures Corporation, Wheeler-Gibson Corporation, William Penn Electric Appliance Corporation, Williams Tax & Accounting Service Inc., Wilmington Drug Company, Wilmington Lawn Mower Supply Co., Wimgrisch Foundation, Inc., Winfield Oil Company, Wips, Incorporated, The, Women In Production Service, Inc., World-around Transport and Shipping Co., Wyoming Water Company.

X-Ray House of America, Inc.

Yoquivo Development Company, York Buffalo Motor Express, Inc.

IN TESTIMONY WHEREOF, I, Walter W. Bacon, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal to be hereunto
affixed this fourteenth day of January, in the
(GREAT SEAL) year of our Lord one thousand nine hundred
and forty-nine, and of the Independence of the
United States of America, the one hundred and
seventy-third.

By the Governor:

WALTER W. BACON

WILLIAM J. STOREY, Secretry of State.

CHAPTER 506
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, Tuesday, March 29, 1949, will mark the three hundred and eleventh anniversary of the Landing of the Swedes at "The Rocks" on the north shore of the Christina River, located within the confines of the present-day Fort Christina State Park in the City of Wilmington, and

WHEREAS, the settlement established near "The Rocks" was the first settlement of the Colony of New Sweden as well as the first permanent settlement in the State of Delaware and in the entire Delaware River Valley, and

WHEREAS, the General Assembly of the State of Delaware passed a resolution, approved on March 17, 1939, directing the Governor to proclaim March 29 each year as Delaware Swedish Colonial Day, and

WHEREAS, it is fitting and proper that the recurring anniversary of the founding of the first permanent settlement and the establishment of the first permanent government upon the soil of Delaware be commemorated by the holding of suitable patriotic exercises, therefore

I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Tuesday, March 29, 1949, as DELAWARE SWEDISH COLONIAL DAY and request that said day be observed in schools, churches, patriotic and historical societies, and other institutions and organizations with appropriate exercises, and that officials of State, county, city and town governments display on that day the flags of the United States and of the State of Delaware, and that at Fort Christina State Park the flags of the United States and of Sweden be hoisted.

IN WITNESS WHEREOF, I, Elbert N. Carvel, have hereunto set my hand and caused the Great Seal to be hereunto affixed at Dover this fourteenth day

(GREAT SEAL)

of March, in the year of our Lord one thousand nine hundred and forty-nine and of the Independence of the United States of America, the one hundred and seventy-third.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of STATE

CHAPTER 507

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, this State has been richly endowed with its natural resources of forests, flowers and bird life; and

WHEREAS, it is highly important that the citizens of today pass on to our posterity this rich heritage; and

WHEREAS, every man, woman and child in this State can play a constructive part in the preservation and the building up of these important resources; and

WHEREAS, it is highly important that our youth be well informed in the development and maintenance of these values;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, in compliance of Section 2895 in the Revised Code of Delaware, do hereby designate Friday, March 18, 1949, as

ARBOR AND BIRD DAY

and urge in the interest of the development of our forestry and bird life the conservation and improvement of our natural resources; and that all institutions of education and learning observe this day by planting shrubs and trees; and to stress through school and community programs the importance of protecting and developing trees, forests, and bird life.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed this fourteenth day of March, in the year of our Lord one thousand and nine hundred and forty-nine, and of the In-

(GREAT SEAL)

dependence of the United States of America, the
one hundred and seventy-third.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of STATE

CHAPTER 508

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the President of the United States has proclaimed Wednesday, April 6th, as "ARMY DAY", and

WHEREAS, in these days of international tensions and uncertainties, when the basic tenets of democratic government are under attack by the enemies of individual freedom, the people of the United States, in their earnest desire for peace, have expressed their will that our defenses be strengthened, so that the voice of America may be heeded in the council of nations, and

WHEREAS, the United States Army, on the anniversary of our entry into the first of two great world conflicts, wishes to inform the people concerning its composition, its personnel, weapons and defensive mission and to that end will hold various public exhibitions and demonstrations,

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Wednesday, April 6th, 1949, as "ARMY DAY" and call upon the people of the State of Delaware to make use of this day to acquaint themselves with the operations of our United States Army, part of our team, for security. I particularly urge that this day be observed by giving thought to the nation's need for adequate protection, and that each citizen resolve to play his part as an indispensable member of our great defense team which is composed of the Army, the Navy, the Air Force, and the individual citizen. Let us also on this day honor, aid and encourage the services of those civilian soldiers who in time of peace give so generously of their time and energy to the end that our reserve forces may be ready for action if needed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be affixed this thirtieth day of March, in the

(GREAT SEAL) year of our Lord, one thousand nine hundred and
forty-nine.

By the Governor:
ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of STATE

CHAPTER 509
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the second Sunday in May has been established by the Congress of the United States and the Legislature of our State as MOTHERS DAY; and

WHEREAS, it is certainly a happy occasion, when all of the people of our great nation can join together on one day and pay humble and loving tribute to our Mothers; and

WHEREAS, the guidance that they have given us, the sacrifices which they have made for us and the love which they have bestowed upon us are part of the important human contributions which have made our nation great; and

WHEREAS, to our Mothers, we all owe an eternal debt of gratitude. Let us thank our God for their devotion and loving kindness.

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of Delaware, do hereby designate and proclaim Sunday, May 8, 1949 as MOTHERS DAY in the State of Delaware and urge the observance of this day by all of our people through attending and participating in services and exercises in our churches, our homes and other proper places in memory of all Mothers everywhere. I further request that the flags of our Nation and State be displayed throughout the State in testimony of our love and affection of our Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be affixed, this twenty-ninth day of April, in the year of our Lord one thousand nine hundred and forty-nine.

(GREAT SEAL)

By the Governor:
ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of STATE

CHAPTER 510
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the Almighty Providence has endowed this gracious land with a fullness of prosperity, liberty and happiness; and

WHEREAS, the populace of this country are a God-fearing, peace-loving people sincerely dedicated to the firm principles of Democracy and Righteousness; and

WHEREAS, a new generation of citizens, both native and foreign-born will this year take upon itself the responsibilities and rights of citizenship; and

WHEREAS, the President of the United States in conformity with the provisions of Public Resolution No. 67, approved May 3, 1940, has designated Sunday, May 15, 1949, as "I AM AN AMERICAN DAY."

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim and designate Sunday, May 15th, 1949, as "I Am An American Day" and urge all Delawareans on that day to reaffirm their faith in the principles and ideals to which this Nation is dedicated and request all of our patriotic, religious, civic and educational organizations to conduct services and appropriate exercises designed to encourage and impress upon our new citizens the glorious responsibilities and obligations of this Democracy and to encourage them to participate in the development of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be affixed this eleventh day of May, in the year of our Lord, one thousand nine hundred and forty-nine.

(GREAT SEAL)

By the Governor:
ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of STATE

CHAPTER 511

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the restoration of commerce between nations, which was interrupted by the war, is of the highest economic importance to our state, country and the world at large; and

WHEREAS, the American Merchant Marine is making a great contribution to peace through the transportation of needed goods to the democracies overseas, thus serving the program of peace and understanding throughout the world; and

WHEREAS, it is the policy of the United States to develop and maintain a Merchant Marine adequate for the requirements of our trade and our national defense; and

WHEREAS, the sailing of the Savannah on May 22, 1819, from Savannah, Georgia, on the first transoceanic voyage under steam propulsion constituted a significant milestone in the advancement of ocean transportation; and

WHEREAS, the State of Delaware has been closely associated with many varied maritime activities and has had a proud history of maritime accomplishments; and

WHEREAS, the President of the United States has proclaimed and designated May 22, 1949, as "NATIONAL MARITIME DAY."

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Sunday, May 22nd, 1949, as "National Maritime Day" and urge that the people of Delaware observe that day by displaying the flag of the United States at their homes and other suitable places in honor and recognition of those who have carried on and are continuing to participate in the tradition and development of our great Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of Dela-
ware to be affixed this eleventh day of May, in

(GREAT SEAL) the year of our Lord, one thousand nine hun-
dred and forty-nine.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of STATE

CHAPTER 512
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the period of June 12 to 18, inclusive, has been designated as Flag Week by the United States Flag Association, during which appropriate exercises are to be held to honor our National Emblem as further evidence of the courage, patriotism and loyalty of our American people;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the period of June 12-18, 1949, as

FLAG WEEK

and call upon all State officials to display the United States Flag on all State Buildings during Flag Week, and invite the people of the State to fly the Flag at their homes and other suitable places, and in every community to hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

IN WITNESS WHEREOF, I, have hereunto set my hand and caused the Great Seal of the State of Delaware to be affixed, this eighth day of June in the year of our Lord, one thousand nine hundred and forty-nine.

(GREAT SEAL)

By the Governor:
ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of STATE

CHAPTER 513
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, this coming Father's Day, Sunday, June 19th is dedicated to the proposition that "Today's Children are Tomorrow's America;" and

WHEREAS, American fathers are being remembered on that day as builders of our Nation's future by firmly implanting the American ideals of democracy, liberty and freedom for all; and

WHEREAS, we look to the Fathers as the very foundation stone of the American home and the teacher of the young children in the importance of peace and brotherhood through the development of fine character and training his child for leadership and instilling the ideals that our great material blessings are meaningless without developing spiritual values,

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Sunday, June 19, 1949, as

FATHER'S DAY

and I call upon all the citizens of this State to observe it in worship and displaying the American Flag and otherwise commemorating the Father in the home so that every day in the year may have the blessings that flow from good fatherhood and a strong family life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Delaware to be affixed, this eighth day of June, in the year of our Lord, one thousand nine hundred and forty-nine.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

LAWS
OF THE
STATE OF DELAWARE

Passed at the

SPECIAL SESSION

OF THE

ONE HUNDRED AND FIFTEENTH GENERAL ASSEMBLY

Commenced and Held at Dover

On Tuesday, September 27, A. D. 1949

and

In the Year of the Independence of the United States
of America, the One Hundred and Seventy-Fourth

* * *

VOLUME XLVII

CHAPTER 1

VETERANS' MILITARY PAY ACT

AN ACT TO PROVIDE FOR PAYMENTS TO PERSONS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING THE PERIOD BEGINNING SEPTEMBER 16, 1940 AND ENDING JUNE 30, 1946, AND TO DESIGNATED BENEFICIARIES OF SUCH PERSONS; TO CREATE THE DELAWARE VETERANS' MILITARY PAY COMMISSION TO CARRY OUT CERTAIN PROVISIONS OF THIS ACT; TO AUTHORIZE THE SELECTION OF ASSISTANTS TO SAID COMMISSION; TO PROVIDE FOR A REVIEW OF DECISIONS AFFECTING CLAIMS MADE UNDER THE ACT; TO MAKE APPROPRIATIONS AND TO AUTHORIZE THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE OF DELAWARE TO CARRY OUT THE PROVISIONS OF THIS ACT; TO ACCEPT FEDERAL SUPPLEMENTARY FUNDS FOR SAID PURPOSE; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT.

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

Sec. 1. This Act shall be known as the "Veterans' Military Pay Act."

Sec. 2. As used in this Act:

(a) The term "Veteran" means any person, male or female, who served honorably for 90 or more consecutive days on active duty in the armed forces of the United States, or, if less than 90 days, died or was discharged or released by reason of an actual service-incurred injury or disability, and who was a resident of the State of Delaware as defined in this Act, and who has not received a similar payment from another state.

(b) The term "Armed Forces," as used in this Act shall mean the following: The United States Army, the Army of the United States, The United States Navy, The United States Naval Reserve, The United States Marine Corps, The United States Marine Corps Reserve, The United States Coast Guard, United States Coast Guard Reserve, Women's Army Corps, Women's Auxiliary-Navy, Women's Auxiliary-United States Marine Corps, Women's Auxiliary-United States Coast Guard, Army Nurse Corps, and Navy Nurse Corps.

(c) The term "Beneficiary" means, in relation to a deceased veteran: (1) surviving husband or wife, (2) surviving child or children, share and share alike; (3) surviving mother and surviving father in equal shares, or if only one parent be living, all to such parent; (4) surviving person standing in loco parentis; in order named and none other.

(d) The term "served honorably" includes only such service as is evidenced as follows:

(1) An honorable discharge or separation from service in a manner other than dishonorable, through no fault or misconduct of such person or

(2) In the case of an officer, a certificate of service, or

(3) In the case of a veteran who has not been discharged or who died in service, a certificate from the appropriate service authority of the armed forces stating either that his or her service was honorable or that he or she was separated from the armed forces under conditions other than dishonorable.

(e) The term "Resident" means a person who:

(1) Was born in and lived in the State of Delaware until entrance into the armed forces of the United States; or

(2) Was born in, but was temporarily living outside the State of Delaware, not having abandoned residence therein prior to entrance into the armed forces of the United States; or

(3) Was born elsewhere but had resided within the State of Delaware for at least twelve (12) months immediately prior to entrance into military service.

Sec. 3. (a) Each veteran who during the period from September 16, 1940 to June 30, 1946, both inclusive, served on active duty within the limits of the States or the District of Columbia of the United States shall be paid the sum of Fifteen Dollars (\$15.00) for each month of such service, or major fraction thereof, provided, however, that the maximum amount payable under this sub-section shall not exceed the sum of Two Hundred Twenty-five Dollars (\$225.00).

(b) Each veteran who during the period from September 16, 1940 to June 30, 1946, both inclusive, served on active duty outside the limits of the States or District of Columbia of the United States shall be paid the sum of Twenty Dollars (\$20.00) for each month of such service, or major fraction thereof, provided that the maximum amount payable under this sub-section shall not exceed the sum of Three Hundred Dollars (\$300.00).

(c) In the event the veteran is deceased, the payment to which he would have been entitled under the provisions of this Act had he survived shall be paid to his or her beneficiary, except as otherwise provided in sub-section (d) below.

(d) In the event the veteran died during his service and while in the course of or as a direct result of the performance of his duty, his or her beneficiary shall be paid the sum of Three Hundred Dollars (\$300.00).

(e) In the event the veteran has a 60% or greater service-connected disability as determined by the Veterans Administration records at time of application for payment, the veteran shall be entitled to a payment of Three Hundred Dollars (\$300.00) regardless of his or her place of service.

(f) No payments made under this Act to any veteran or to his or her beneficiary shall exceed Three Hundred Dollars (\$300.00).

(g) The payment to each veteran or beneficiary under this Act shall be computed by first giving to the said veteran or beneficiary his or her payment under Section 3 (b) to the maximum extent allowed under said Section 3 (b) to that particular veteran or beneficiary, and in the event the veteran or beneficiary is not entitled to payment for fifteen (15) months' service under said Section 3 (b), he or she shall then be entitled to compensation under Section 3 (a) if properly qualified by service for payment under that Section. In no event shall the veteran or beneficiary receive payment under this Act for more than fifteen (15) months' service. In any event, this Act shall be liberally construed so that cases of doubt shall be resolved in favor of the veterans or beneficiaries.

(h) No claim for payment under this Act shall be assignable, or subject to garnishment, attachment, or levy or execution.

(i) The payments herein provided for are declared by the Legislature to be gifts or gratuities and shall not be deemed to be pay for services rendered, nor shall said payments be taxable in the State of Delaware as income.

Sec. 4 (a) There is hereby created and established, a commission to be designated as the "Delaware Veterans' Military Pay Commission." The said Commission shall be composed of four members who shall be appointed by the Governor, one of whom shall be designated by the Governor as its President, and each of whom must be at least twenty-one (21) years of age and a resident of the State of Delaware for at least one year prior to his or her appointment. No more than two of such members shall belong to the same political party. Wherever the word "Commission" is used in this Act, such word shall be interpreted to mean the Delaware Veterans' Military Pay Commission. The members of the Delaware Veterans' Military Pay Commission shall be selected from the residents of the following areas of the State of Delaware and in the following manner: One from the City of Wilmington; one from rural New Castle County; one from Kent County and one from Sussex County. Vacancies on the Commission occurring from any cause shall be filled by appointment of the Governor, provided that a person so appointed

must be from the same area and from the same political party as the member whose place is thus filled. In the event the members of the Commission are unable to agree upon any question or matter before it because of a tie vote, then the Auditor of Accounts of the State of Delaware shall be called upon to cast a vote upon such question or matter causing said tie vote. In no other respect shall the Auditor of Accounts have any voice in matters before the Commission.

(b) The Commission shall appoint an Executive Director who, with the advice and approval of the said Commission, shall have the power and the duty of carrying out the provisions of this Act relating to payments to veterans and beneficiaries, and shall have charge and control of the complete scheme of payments authorized in this Act, and for this purpose, may adopt general rules for the making of such payments for the ascertainment of veterans and beneficiaries in accordance with Section 2 (a) and Section 2 (c), and the amounts to which such veterans or beneficiaries are entitled under this Act, and, in general, shall establish methods and procedure and do whatever is necessary to carry out the provisions of this Act relating to payments to veterans and beneficiaries. The salary of the said Executive Director shall be fixed by the said Commission.

(c) The life of the Delaware Veterans' Military Pay Commission shall extend through the biennium ending on the Thirtieth day of June, A. D. 1951 and no longer.

(d) The members of the said Commission shall receive compensation at the rate of Ten Dollars (\$10.00) per diem, for each day that the said Commission shall sit and they shall be allowed their actual expenses in attending the meetings of the Commission. The members of the Commission shall not receive such compensation or expenses for more than sixty (60) days in any calendar year or fraction thereof.

(e) The said Commission may select one of its members to be its Secretary, or it may direct the Executive Director, herein provided for, to act in that capacity.

Sec. 5 (a) Each veteran or his or her beneficiary entitled to payments shall make application to the Executive Director

upon such forms as may be prescribed; provided, that if the veteran is incompetent or his or her beneficiary is incompetent, application shall be made by his or her guardian or trustee.

(b) All applications for payments under this Act shall be made to the Executive Director, herein provided for, on or before January 1, 1951.

(c) No payments authorized by this Act shall be made after June 30, 1951.

Sec. 6. The Commission may select and appoint such employees, in addition to an Executive Director, and may fix their compensation as it may deem necessary for carrying out the provisions of this Act relating to payments to veterans and beneficiaries, always giving preference in making such appointments to veterans having a service-connected disability.

Sec. 7 (a) There shall be a right of review to every veteran or beneficiary under this Act.

(b) Any person aggrieved by the decisions affecting him or her in the matter of payments provided for in this Act, may appeal for a review of such decisions within 90 days after final notice thereof to the Commission and shall be entitled to a hearing before said Commission. The decision of said Commission shall be final.

(c) Whoever intentionally makes, or aids and abets another in making a false statement, oral or written, relating to a material fact concerning or affecting a claim for payment under the provisions of this Act, or who demands, accepts or receives any compensation for his services in prosecuting any claim under the provisions of this Act, shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand (\$1,000.00) Dollars or by imprisonment for not more than one year, or by both such fine and imprisonment. Offenses under this Act shall be prosecuted by the Attorney General and all fines collected thereunder shall be paid to the General Fund of the State.

Sec. 8. The expenses of the administration of this Act shall be paid from State appropriated funds upon warrants duly approved by the President of the Commission, attested by the Secretary. For this purpose there is hereby appropriated to the Delaware Veterans' Military Pay Commission from the general funds of the State of Delaware, the sum of Seventy-five Thousand (\$75,000.00) Dollars, to be available for the period from the date of the approval of this Act, through the biennium ending on the Thirtieth day of June, A. D. 1951. When funds become available through the sale of bonds or bond anticipation notes, as hereinafter provided, the General Fund of the State shall be reimbursed therefrom to the extent of the expenditures made under this appropriation.

Sec. 9. There is hereby appropriated to the Delaware Veterans' Military Pay Commission created under the provisions of this Act, the sum of Eight Million Five Hundred Thousand (\$8,500,000.00) Dollars, or so much thereof as may be necessary to carry out the provisions of this Act. In the event that the sum of Eight Million Five Hundred Thousand (\$8,500,000.00) Dollars is not sufficient to pay all claims and expenses provided under this Act, there is hereby appropriated from the General Fund of the State to the said Commission such additional funds not exceeding One Million (\$1,000,000.00) Dollars, as may be necessary. The sums hereby appropriated shall not revert to the General Fund of the State in any fiscal year, but shall be available through June 30, 1951. After June 30, 1951, any part of the appropriations hereby made which remains unexpended shall revert to the General Fund of the State.

Sec. 10. For the purpose of providing funds out of which said appropriation of Eight Million Five Hundred Thousand (\$8,500,000.00) Dollars may be paid, the Governor, the State Treasurer and Secretary of State of the State of Delaware, herein sometimes referred to as the "issuing officers," are hereby authorized and fully empowered to issue bonds of the State of Delaware in a principal amount not exceeding Eight Million Five Hundred Thousand (\$8,500,000.00) Dollars.

Sec. 11. Said bonds shall be issued at one time or from time to time as money is required, as the issuing officers shall

determine. The bonds of each issue shall constitute a separate series. Each series of bonds shall mature in annual installments, beginning not more than one year after the issuance of such series; and no such annual installment shall be less than one twentieth of the principal amount of such series unless it be the final installment. Each series of bonds shall bear interest at a rate or rates not exceeding 3% per annum, payable semi-annually.

Sec. 12. Said bonds shall be sold by the issuing officers at not less than par and accrued interest, under such terms, conditions and regulations as the issuing officers may prescribe, after notice of such sale, published at least once ten days or more before the date of sale in at least one daily newspaper published in the State of Delaware and in a financial journal published in the City of New York.

Sec. 13. In anticipation of the issuance of said bonds, the issuing officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3% per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than December 31, 1952. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed Eight Million Five Hundred Thousand (\$8,500,000.00) Dollars. Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. Said notes shall be paid, both principal and interest, out of the proceeds of the sale of said bonds or notes.

Sec. 14. Said bonds and notes shall be direct general obligations of the State of Delaware, and the faith and credit of the State of Delaware are hereby pledged for the payment of the principal of and the interest on said bonds and notes as such principal and interest respectively become due. The principal of and the interest on said bonds and notes shall be exempt from taxation by the State of Delaware or by any political subdivision thereof for any purpose whatsoever.

Sec. 15. The said bonds and notes shall be signed in the name of the State of Delaware, by the State Treasurer and shall be authenticated by the signature or facsimile signature of the Governor and Secretary of State and they shall have the Great Seal of the State impressed thereon. Interest coupons shall be attached to said bonds and shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds and notes may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears thereon or on the coupons of said bonds shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds or notes.

Sec. 16. The said bonds and notes shall recite that they are issued in pursuance of this Act and the Constitution of this State, and such recital shall be conclusive evidence of the validity of said bonds and notes. Any such bonds or notes 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.

Sec. 17. The said bonds and notes 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."

Sec. 18. All monies received from the sale of said bonds or notes shall be deposited by the State Treasurer in a Special Fund in the Farmers Bank of the State of Delaware, at Dover, and shall be used exclusively for the purpose of making the payments to veterans and beneficiaries provided for in this Act, for the purpose of paying expenses of the administration of this Act, for the purpose of paying the costs and expenses incident to the issuance of said bonds and notes, and for the purpose of paying the principal of and interest on said notes. All payments to veterans and beneficiaries under this Act and expenses of administration of this Act shall be paid by the State Treasurer upon warrants signed by the President of the Commission,

attested by its Secretary and approved by the Auditor of Accounts. All payments for expenses incident to the issuance of said bonds and notes shall be paid by the State Treasurer upon warrants signed by the Governor and approved by the Auditor of Accounts.

Sec. 19. There is hereby appropriated to the State Treasurer of the State of Delaware such sums as shall be necessary during the biennium beginning July 1, 1949, and ending June 30, 1951, to pay the installments of interest and principal of said bonds becoming due during said biennium period.

Sec. 20. The Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Sixteenth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of the principal and interest on all bonds issued under this Act, as such principal and interest respectively become due, and all 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 payment of the said bonds and interest thereon.

Sec. 21. Should the Congress of the United States adopt measures providing for financial aid or other assistance available to the State of Delaware for carrying out the provisions of this Act, the Commission and/or State Treasurer is hereby authorized on behalf of the State of Delaware to accept any such financial aid or other assistance, and should there be such financial aid, it is hereby authorized and directed to deposit with the State Treasurer any funds received, and to expend the same for carrying out the provisions of this Act in accordance with whatever conditions are imposed by the law of the United States, providing such aid or other assistance, upon warrants signed by the proper officers of the Commission and approved by the Auditor of Accounts.

Sec. 22. If any clause, sentence, section, provision or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, invalidate or affect the remainder of this Act, which shall remain in full effect.

Sec. 23. The Commission shall make a complete report of its administration of this Act to the Governor and to each branch of the General Assembly on the first day that the regular session of the Assembly begins in January, A. D. 1951. A final report shall be made by the Commission on June 30, 1951 to the Governor and to the Executive-Director of the Legislative Reference Bureau for transmission to each Branch of the General Assembly on the first day of its meeting in January, 1953.

Sec. 24. This Act shall be effective immediately upon passage.

Approved September 30, 1949.

CHAPTER 2

SENATE JOINT RESOLUTION

**APPOINTING BILL CLERKS FOR THE SENATE AND
HOUSE OF REPRESENTATIVES FOR THE SPECIAL
SESSION OF THE 115TH GENERAL ASSEMBLY.**

BE IT RESOLVED, *by the Senate of the 115th General Assembly, in Special Session assembled, the House of Representatives concurring therein*, That Benjamin F. Simmons be, and he hereby is selected and authorized to act as Bill Clerk for the Senate, and that Norman Battersby be, and he is hereby selected and authorized to act as Bill Clerk for the House of Representatives, during this Special Session.

Approved September 27, 1949.

CHAPTER 3

SENATE CONCURRENT RESOLUTION

**APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR
THAT THE GENERAL ASSEMBLY IS ORGANIZED.**

BE IT RESOLVED, *by the Senate of the 115th General Assembly of the State of Delaware, in Special Session assembled, the House of Representatives concurring therein*, That the President Pro Tempore of the Senate appoint a committee of two (2) members on the part of the Senate to serve with a committee of two (2) members to be appointed by the Speaker of the House of Representatives, to notify the Governor of the State of Delaware, of the convening of the 115th General Assembly, in Special Session, and to inform him that the General Assembly is ready to receive any communication that he may desire to present, or to receive any message that he may choose to deliver at such time as he may designate.

Approved September 27, 1949.

CHAPTER 4

SENATE CONCURRENT RESOLUTION

**THAT THE TWO HOUSES MEET IN JOINT SESSION TO
HEAR THE MESSAGE OF THE GOVERNOR.**

BE IT RESOLVED, *by the Senate of the 115th General Assembly, in Special Session met, the House of Representatives concurring therein*, that the two Houses of the General Assembly meet in joint session in the Senate Chambers at three thirty P. M., or soon thereafter on the 27th day of September, A. D., 1949, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

Approved September 27, 1949.

CHAPTER 5

SENATE CONCURRENT RESOLUTION

LIMITING THE PRESENTATION, CONSIDERATION AND ENACTMENT INTO LAW OF BILLS AT THIS SPECIAL SESSION.

BE IT RESOLVED, *by the House of Representatives of the 115th General Assembly of the State of Delaware, in Special Session assembled, the Senate concurring therein*, that no bills be presented, considered or enacted into Law at this Special Session of the 115th General Assembly, other than "The Veterans' Military Pay Act."

Approved September 27, 1949.

CHAPTER 4

SENATE CONCURRENT RESOLUTION

**THAT THE TWO HOUSES MEET IN JOINT SESSION TO
HEAR THE MESSAGE OF THE GOVERNOR.**

BE IT RESOLVED, *by the Senate of the 115th General Assembly, in Special Session met, the House of Representatives concurring therein*, that the two Houses of the General Assembly meet in joint session in the Senate Chambers at three thirty P. M., or soon thereafter on the 27th day of September, A. D., 1949, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

Approved September 27, 1949.

CHAPTER 5

SENATE CONCURRENT RESOLUTION

LIMITING THE PRESENTATION, CONSIDERATION AND ENACTMENT INTO LAW OF BILLS AT THIS SPECIAL SESSION.

BE IT RESOLVED, *by the House of Representatives of the 115th General Assembly of the State of Delaware, in Special Session assembled, the Senate concurring therein*, that no bills be presented, considered or enacted into Law at this Special Session of the 115th General Assembly, other than "The Veterans' Military Pay Act."

Approved September 27, 1949.

CHAPTER 6

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT SINE DIE.

BE IT RESOLVED, *by the Senate of the 115th General Assembly of the State of Delaware, in Special Session assembled, the House of Representatives concurring therein*, that at the close of the Legislative day of September 30, 1949, both Houses of this General Assembly shall adjourn Sine Die.

Approved September 30, 1949.

CHAPTER 7

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the national health and welfare is in a great measure dependent upon the year-round production of an abundance of vegetables; and

WHEREAS, the 706,000 vegetable growers of the United States are engaged in a cooperative effort in the production of a finer quality and greater variety of this staple and necessary food; and

WHEREAS, during its 41 years the Vegetable Growers Association of America has taken the leadership in this improvement of these products and their production in abundance; and

WHEREAS, it is fitting that this effort in the national interest be recognized.

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the period of August 7 to August 13, inclusive, as National Vegetable Week in Delaware to call attention to the great value of the efforts of the Vegetable Growers Association of America to the economy and health of the country in promoting this program of improvement and abundance, and do urge that suitable steps be taken to encourage continued research in the production and marketing of vegetables and vegetable products.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of Delaware to be affixed, this Twenty-second day of
(GREAT SEAL) July, in the Year of Our Lord, One Thousand
Nine Hundred and Forty Nine.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 8
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, on September 17, 1787 the Constitution of the United States was adopted by the Constitutional Convention, was submitted to Congress, and later became the fundamental law of the land; and

WHEREAS, as our nation grew and became great, and as new problems came into being, certain additions were made to our Constitution; and

WHEREAS, the basic document, however, has remained unchanged and unshaken through troubled years to maintain a government of the people, by the people and for the people, to preserve justice, safeguard domestic tranquillity, promote the general welfare and glorify the blessings of liberty—all of which has made possible our high state of civilization, the like of which is not to be found anywhere else in the world; and

WHEREAS, today, 162 years after it was adopted, the Constitution of the United States remains as the one hope of freedom-loving people all over the world and stands as the most solid single political guide the world has ever known.

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Saturday, September 17, 1949, as

CONSTITUTION DAY

and urge all churches, schools, civic and patriotic organizations and all citizens to arrange and take part in appropriate programs to the end that we, the people who benefit from the Constitution, shall have a better understanding of and greater respect for the gifts of liberty, equality, and justice granted us by the Constitution.

In WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of Dela-
ware to be affixed, this Eighteenth day of
(GREAT SEAL) August, in the Year of Our Lord, One Thousand
Nine Hundred and Forty Nine.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 9
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, a provision of Section 16 of Article 3 of the Constitution of the State of Delaware authorizes and empowers the Governor of the State to convene the General Assembly under extraordinary occasions by proclamation;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware by virtue of the authority vested in me, do hereby proclaim the following:

That the 115th General Assembly of the State of Delaware shall convene at Dover, the Capitol of the State of Delaware, on Tuesday the 27th day of September A. D. 1949 at 11 o'clock A. M. Eastern Standard Time to consider and act upon certain matters hereinafter set forth, which are of great concern to the people of our State.

1. To enact Legislation for the payment of a Cash Bonus by the State of Delaware to Veterans of World War II;
2. Confirmation of officials appointed by the Governor since the adjournment of the last session of the Senate.

IN TESTIMONY WHEREOF, I Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed at Dover this thirteenth day of September in the Year of Our Lord, One Thousand Nine Hundred and Forty Nine and of the Independence of the United States of America, the One Hundred and Seventy-fourth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 10

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the State of Delaware has countless numbers of physically handicapped men and women seeking employment; and

WHEREAS, for the sake of good economy, these handicapped persons should have employment opportunities equal with others; and

WHEREAS, job performance records have proved that handicapped workers, when properly prepared for and placed in suitable jobs, and do, perform employment duties on an equal par with all other workers; and

WHEREAS, continued employment of these workers results in greater financial security for not only the handicapped individuals, but for employers and the whole of society as well; and

WHEREAS, the State of Delaware, by direct act of its Legislature, provides facilities for the rehabilitation of vocationally handicapped persons; and

WHEREAS, the United States Congress, by a joint resolution, has designated the first week of October of each year as NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, and the President has asked that all the states of the Nation join in a special effort, during that time, in an attempt to find greater outlet for the vocational placement of handicapped persons; and

WHEREAS, the State of Delaware, through its many agencies, has provided facilities and placement services for them in our various communities:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the

State of Delaware, do hereby call upon the people of this great State to cooperate with the President's Committee, and the Delaware State Committee, on

**NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED
WEEK,**

and to observe this week, beginning October 2, 1949, in an appropriate manner, and to lend all individual efforts in, not only referring vocationally handicapped persons to proper agencies, but in offering and helping to secure employment for those already prepared for, and capable of, employment.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of Delaware to be affixed at Dover this twenty-sixth
(GREAT SEAL) day of September in the Year of Our Lord One
Thousand Nine Hundred and Forty Nine and of
the independence of the United States of America,
the One Hundred and Seventy-fourth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

LAWS
OF THE
STATE OF DELAWARE

Passed at the

SECOND SPECIAL SESSION

OF THE

ONE HUNDRED AND FIFTEENTH GENERAL ASSEMBLY

Commenced and Held at Dover

On Friday, November 4, A. D. 1949

and

In the Year of the Independence of the United States
of America, the One Hundred and Seventy-Fourth

* * *

VOLUME XLVII

CHAPTER 1

EDUCATION

BONDS FOR SCHOOL BUILDING PROGRAMS

AN ACT TO AMEND CHAPTER 71 OF THE REVISED CODE OF DELAWARE, 1935, RELATING TO FREE PUBLIC SCHOOLS, AUTHORIZING THE ACQUISITION OF LANDS AND BUILDINGS THEREFOR, AUTHORIZING AND REGULATING THE ISSUANCE OF BONDS FOR SCHOOL PURPOSES, PRESCRIBING A NEW LIMIT UPON THE AMOUNT OF SUCH BONDS WHICH MAY BE ISSUED, AND PROVIDING FOR THE MAKING AND KEEPING OF RECORDS IN RELATION TO SUCH BONDS.

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

Section 1. That Article 11 of Chapter 71 of the Revised Code of Delaware, 1935, be, and the same hereby is amended by striking out 2718. Sec. 96 of said Chapter and inserting in lieu thereof the following:

2718. Sec. 96. **AUTHORITY TO ISSUE BONDS; BIDS THEREFOR; RECORD OF PROCEEDINGS:**—The Board of Education of a Special School District or the Board of School Trustees of a School District is authorized and empowered to issue bonds for the purpose of carrying out any plan or program for the acquisition of lands or the acquisition or construction of buildings as may be authorized by the provisions of this Chapter when such plan or plans shall have been approved by the State Board of Education. The faith and credit of such School District is hereby expressly pledged for the full and complete payment of the principal of and interest on any bonds authorized to be issued under this Chapter, and the said bonds shall be exempt from taxation, with respect to both principal and interest, by the State or any political subdivision thereof for any purpose.

When any such bonds shall be sold and delivered pursuant to the provisions of this Article, the certification by the State

Board of Education pursuant to the provisions of Section 104 of this Chapter and the certification by the Board of Education of the Special School District or the Board of School Trustees of the School District issuing such bonds that the said bonds have been issued in due compliance with the provisions of this Chapter shall be conclusive upon said School District and all and every other person whatsoever of the right, power and authority for the issuance of said bonds and the legality and validity thereof and of the principal debt and interest represented thereby, and the legality and validity of such bonds shall thereafter not be subject to question in any Court of Law or Equity by such School District or by any person or persons for or on its behalf, and this provision shall be and become part of the contract and obligation represented by each such bond.

Whenever any bonds are to be issued pursuant to the authority contained in this Article the Board of the School District issuing such bonds is authorized to advertise twice a week for such number of weeks, not less than two, as shall be determined by such Board, in such newspapers or journals, either within or without the State, as such Board may determine, that bids will be received for such bonds at such place or places as may be stated in said advertisement, under such terms, provisions and regulations as may be determined by such Board. Such Board may authorize the submission of bonds to bids so that prospective purchasers thereof may bid both with respect to the premium therefor and the rate of interest thereon, or either thereof, as such Board may determine, provided that any such bid with respect to the interest rate shall not contain a fraction of less than one-eighth of one percent. Such Board may provide for the securing of the opinion of competent counsel, whether within or without this State, respecting the validity of such bonds and may pay for the cost thereof out of the proceeds of the sale of such bonds. The accrued interest between the date of the bonds and the time of sale and delivery of and payment for said bonds shall be adjusted with the purchaser under such regulations as may be determined by such Board; provided, however, that any overdue coupons attached to such bonds shall be detached and canceled prior to the delivery of such bonds. Upon the day mentioned in such advertisement as the day for opening of bids for said bonds the Board of the School District issuing

such bonds shall receive such bids for the purchase of all or such number of the bonds so advertised to be sold, and upon the opening of such bids as many of said bonds as shall have been bid for shall be awarded by such Board to the highest or best responsible bidder or bidders therefor for cash, provided the amount of such bid is, in the opinion of the Board, adequate. If two or more successful bidders shall have made the same bid and the aggregate of such bids is in excess of the bonds to be sold, the bonds shall be awarded ratably among such successful bidders. If said bonds, when so offered for sale, shall not be bid for, or if an insufficient price shall be bid, they may be sold by such Board at private sale upon the best terms obtainable therefor, provided they shall not be sold at private sale for less than par and accrued interest. Such Board shall cause a complete record of the proceedings taken in relation to the issuance of such bonds to be made and kept with the other records of such Board, and shall cause a duplicate of such record to be made and filed with the State Board of Education.

Section 2. That Article 11 of Chapter 71 of the Revised Code of Delaware, 1935, be, and the same hereby is amended by striking out 2719. Sec. 97 of said Chapter and inserting in lieu thereof the following:

2719. Sec. 97. LIMITATIONS RESPECTING BONDS:— A Board of Education of a Special School District or a Board of School Trustees of a School District shall not issue bonds, except for the purpose of refunding outstanding bonds, in an amount which would cause the aggregate amount of bonded debt of such Special School District or School District, less the amount of sinking funds on hand for the payment of such bonded debt, to exceed seven per centum (7%) of the assessed value of the real and personal property in such School District, and such bonds shall not be issued or sold at less than their face value. Said bonds shall be in such denomination or denominations, in such form, and shall bear such rate of interest, not exceeding five per centum (5%) per annum, as shall be determined by the Board of the School District issuing such bonds. Said bonds shall be issued in serial form, maturing and becoming payable in successive years, beginning not more than one year after the date of said bonds and ending not more than twenty-five (25)

years after said date; and the amount of bonds maturing in any one year, except the last year, shall be not less than one twenty-fifth of the aggregate principal amount of the bonds of such issue.

Section 3. That Article 11 of Chapter 71 of the Revised Code of Delaware, 1935, be, and the same hereby is amended by striking out 2720. Sec. 98 of said Chapter and inserting in lieu thereof the following:

2720. Sec. 98. FORM AND DESIGNATION OF BONDS:—Any bonds issued pursuant to the provisions of this Article 11 shall be designated by the name of the School District issuing such bonds and the year in which such bonds are issued. Such bonds shall be numbered consecutively and shall bear date as of the date approved by the Board of the School District issuing the same. They shall bear interest from and after such date, payable semi-annually on the days designated in such bonds. The principal of said bonds shall be payable at the Farmers Bank of the State of Delaware in the County in which said bonds are issued upon presentation of such bonds upon or after the maturity thereof, and the interest upon such bonds shall be paid at said Farmers Bank of the State of Delaware upon presentation of a coupon representing such semi-annual interest.

Said bonds shall be signed by the President and one other member of the Board of Education of the Special School District or by the Chairman and one other member of the Board of School Trustees of a School District as the case may be. Such Board of Education or the Board of School Trustees is authorized to adopt a seal to be used in the execution of said bond. Such Board of Education or Board of School Trustees may, in lieu of the signatures hereinabove required, authorize by special resolution that the signatures of the persons required to sign said bonds may be engraved or facsimiles thereof printed or otherwise transcribed upon said bonds and when such engraved or facsimile signatures shall be so authorized and engraved, printed or otherwise impressed upon said bonds they shall have the same effect as written signatures of such persons. The coupons attached to said bonds shall bear upon their face the engraved or printed signature of the President or Chairman of

such Board, as the case may be. Each of said bonds shall be numbered consecutively and the coupons attached thereto shall bear the same number as the bond itself.

Until bonds in definite form can be prepared, the Board issuing such bonds may cause temporary bonds with appropriate coupons to be prepared which shall be executed and signed as is provided in this Section, which said temporary bonds shall be exchangeable for definitive bonds at the request of the holder.

Section 4. That Article 11 of Chapter 71 of the Revised Code of Delaware, 1935, be, and the same hereby is amended by striking out 2721. Sec. 99. of said Chapter and by inserting in lieu thereof the following:

2721. Sec. 99. CANCELLATION AND DESTRUCTION OF BONDS AND COUPONS:—As and when any of the bonds issued under the authority of this Chapter or the coupons annexed thereto shall have been paid the same shall be cancelled and shall be delivered by the branch of the Farmers Bank of the State of Delaware, at which the same were paid to such Board of Education or Board of School Trustees, who shall forthwith make a record of the payment of such bonds or coupons and promptly thereafter cause the same to be burned or otherwise destroyed.

Section 5. That Article 11 of Chapter 71 of the Revised Code of Delaware, 1935, be and the same is hereby amended by adding a new Section to be designated as 2721A. Sec. 99 (a), as follows:

2721A. Sec. 99 (a). The Permanent Budget Commission is hereby authorized and directed to promulgate and enforce rules and regulations governing the fiscal records to be maintained by the State Treasurer and the school districts, pertaining to bonds of school districts and school bonds of the City of Wilmington.

Section 6. That Article 11 of Chapter 71 of the Revised Code of Delaware, 1935, be, and the same hereby is amended by striking out 2727. Sec. 105. of said Chapter and by inserting in lieu thereof the following:

2727. Sec. 105. CONTRACTS RELATING TO THE PURCHASE OF LANDS FOR SCHOOL PURPOSES:—Nothing in this Chapter shall be deemed or construed to prohibit a Board of Education of a Special School District or a Board of Trustees of a School District, with the prior approval of the State Board of Education, from purchasing or from entering into contracts relating to the acquisition of lands for school purposes, provided such Board of Education or such Board of Trustees shall have available to it funds for such purposes.

Approved November 4, 1949.

CHAPTER 2

EDUCATION

AUTHORIZING ISSUANCE OF BONDS AND APPROPRIATING
FUNDS FOR SCHOOL CONSTRUCTION PURPOSES

AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE; APPROPRIATING MONEY FOR SAID PURPOSES; AUTHORIZING THE FINANCING OF SUCH ENLARGEMENT AND IMPROVEMENT BY THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE AND BY CONTRIBUTIONS FROM CERTAIN SCHOOL DISTRICTS, AND THE CITY OF WILMINGTON; DEFINING SCHOOL DISTRICTS; AUTHORIZING THE ISSUANCE OF BONDS OF CERTAIN SCHOOL DISTRICTS, AND THE CITY OF WILMINGTON FOR THE PURPOSE OF RAISING MONEY TO MAKE SUCH CONTRIBUTIONS; CREATING A STATE SCHOOL BUILDING PROGRAM BOARD AND LOCAL SCHOOL BUILDING COMMISSIONS; AND REPEALING CHAPTER 285, VOLUME 47, LAWS OF DELAWARE, 1949.

WHEREAS, there is an immediate and pressing need for certain construction for public school purposes in certain School Districts within the State of Delaware; and

WHEREAS, certain School Districts of the State of Delaware hereinafter mentioned have funds available for school construction purposes presently available by reason of state appropriation and from the proceeds of local school bond issues; and

WHEREAS, certain other School Districts hereinafter mentioned will provide funds for school construction purposes from local sources; and

WHEREAS, due to the present high costs of construction, funds on hand for school construction purposes are not sufficient

in many cases to pay for the cost of construction of required new school construction; but

WHEREAS, a survey has been made of the entire public school system of the State of Delaware, which, inter alia, recommends the consolidation of many existing school districts; and

WHEREAS, a program of consolidation of such districts may alter the building requirements of certain school districts; and

WHEREAS, under existing conditions, it may or may not be desirable to continue existing construction programs in the several school districts; NOW, THEREFORE,

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

Section 1. Whenever or wherever used in this Act, unless a different meaning is indicated or required:

(a) The term "school construction" means one or more of the following things: the acquisition, construction, reconstruction, alteration, remodeling, enlargement, equipment and re-equipment of buildings, and the acquisition and improvement of lands, for free public school purposes, in any school district.

(b) The term "total cost" means the maximum sum or sums of money which may be spent for school construction under this Act in a particular school district, provided nothing contained in this Act shall prevent any school district from increasing said total cost by providing a larger amount from local sources than that stated as that district's local share.

(c) The term "state share" means the maximum sum of money which may be paid from state sources for school construction in a particular school district as provided in this Act.

(d) The term "local share" means the sum of money specified to render permissible the use of the state share for school construction within the particular school district.

(e) The term "school district" means a school district, a special school district, the City of Wilmington, the school unit or area served by the Comprehensive Negro High School for New Castle County, the school unit or area served by the Sussex County Comprehensive High School for Negroes, and the school unit or area served by the Kent County Comprehensive High School for Negroes.

(f) The term "School Building Program Board" means the Board, the membership of which is provided for in Section 13 of this Act.

(g) The term "School Building Commission" means one of the School Building Commissions created by Section 20 of this Act.

Section 2. That there is hereby appropriated the sum of Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three (\$13,711,273.00) Dollars, or so much thereof as shall be required, to carry out the purposes of this Act, and to be expended as hereinafter provided.

Section 3. For the purpose of providing funds out of which said appropriation of Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three Dollars (\$13,711,273.00) may be paid, the Governor, the State Treasurer and the Secretary of State of the State of Delaware, herein sometimes referred to as the "issuing officers," are hereby authorized and fully empowered to issue bonds of the State of Delaware in an aggregate principal amount not exceeding Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three Dollars (\$13,711,273.00).

Section 4. Said bonds shall be issued at one time or from time to time as the money is required, as the issuing officers shall determine. The bonds of each issue shall constitute a separate series. Each series of bonds shall mature in annual

installments, beginning not more than one year after the date of issue of the bonds of such series, and ending not more than twenty years after such date of issue; and no such annual installment shall be more than thirty per cent greater in amount than the amount of the smallest prior installment of the same series. Each series of bonds shall bear interest at a rate or rates not exceeding 3% per annum, payable semi-annually.

Section 5. Said bonds shall be sold by the issuing officers at not less than par and accrued interest, under such terms, conditions and regulations as the issuing officers may prescribe, after notice of such sale, published at least once ten days or more before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York.

Section 6. In anticipation of the issuance of said bonds, the issuing officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3% per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than June 30, 1951. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three Dollars (\$13,711,273.00). Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 7. Said bonds and notes shall be direct general obligations of the State of Delaware, and the faith and credit of the State of Delaware are hereby pledged for the payment of the principal of and the interest on said bonds and notes as such principal and interest respectively become due. The principal of and the interest on said bonds and notes shall be exempt from taxation by the State of Delaware or by any political subdivision thereof for any purpose whatsoever.

Section 8. The said bonds and notes shall be signed in the name of the State of Delaware by the State Treasurer, and shall be authenticated by the signatures or facsimile signatures of the Governor and Secretary of State, and they shall have the Great Seal of the State impressed thereon. Interest coupons attached to said bonds shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds and notes may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears thereon or on the coupons of said bonds shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds or notes.

Section 9. Said bonds and notes shall recite that they are issued in pursuance of this Act and the Constitution of this State, and such recital shall be conclusive evidence of the validity of said bonds and notes. Any such bonds or notes 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. Said bonds and notes 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 said "issuing officers." The principal of and the interest on said bonds and notes shall be made payable at the Farmers Bank of the State of Delaware, at Dover.

Section 10. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in a special account in the Farmers Bank of the State of Delaware, at Dover, and shall be used exclusively for the purpose of school construction in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act. Said special account shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other State moneys in said Bank.

Section 11. There is hereby appropriated to the State Treasurer of the State of Delaware such sums as shall be neces-

sary during the biennium beginning July 1, 1949, and ending June 30, 1951, to pay interest on said bonds and notes and to pay the principal of said bonds. The Budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Sixteenth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of the principal of and the interest on all bonds issued under this Act, as such principal and interest respectively become due; and all 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 payment of said bonds and interest thereon. For the purpose of paying the costs and expenses incident to the issuance of said bonds and notes there is hereby appropriated from the General Fund of the State to the issuing officers the sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary for said purpose. All payments for expenses incident to the issuance of said bonds shall be paid by the State Treasurer upon warrants signed by the issuing officers and approved by the Auditor of Accounts.

Section 12. That the total maximum amount appropriated by Section 2 of this Act, the sum of Thirteen Million Seven Hundred Eleven Thousand Two Hundred Seventy-three Dollars (\$13,711,373.00), or so much thereof as shall be necessary to carry out the provisions of this Act, shall be apportioned by the School Building Program Board to the following named school districts according to the following tabulation of maximum totals and shares, or in the proportions represented by said maximum totals and shares:

<i>Name of District</i>	<i>Maximum Total Cost</i>	<i>Maximum State Share</i>	<i>Maximum Local Share</i>
Alexis I. duPont	\$ 1,000,000	\$ 835,000	\$ 165,000
Caesar Rodney	495,000	363,825	131,175
Claymont	400,000	240,000	160,000
Dover—White Schools	216,000	129,600	86,400
Colored Schools	90,000	90,000	—
Georgetown	315,000	75,600	239,400
Harrington	637,000	242,060	394,940
Laurel	350,000	244,000	106,000
Lewes	550,000	343,750	206,250
Milford	759,000	409,860	349,140
Mt. Pleasant	550,000	330,000	220,000

New Castle	1,240,000	1,000,000	240,000
Newark	197,412	118,447	78,965
Rehoboth	550,000	541,750	8,250
Seaford—White Schools	423,956	254,374	169,582
Colored Schools	332,920	332,920	—
Smyrna	320,000	120,000	200,000
Arden No. 3	19,000	19,000	—
Alfred I. duPont No. 7	337,000	264,545	72,455
Richardson Park No. 20	500,000	312,500	187,500
Newport No. 21	427,000	313,845	113,155
Hockessin No. 29	62,000	23,560	38,440
Stanton No. 38	210,000	79,800	130,200
Christiana No. 44	62,000	18,600	43,400
Rose Hill-Minquadale No. 47	390,000	198,000	192,000
C. MacDonough No. 53	55,000	33,000	22,000
Middletown No. 60	250,000	160,000	90,000
Negro High School for New Castle County	850,000	850,000	—
Middletown No. 120-c	500,000	500,000	—
Marshallton No. 77	88,000	52,800	35,200
Townsend No. 81	120,000	45,600	74,400
Yorklyn No. 91	62,000	28,520	33,480
Oak Grove No. 130	94,000	56,400	37,600
Conrad No. 131	200,000	200,000	—
Newport No. 106-c	135,000	135,000	—
Millside No. 132-c	75,000	75,000	—
Felton No. 54	52,630	12,630	40,000
Little Creek No. 85	25,000	22,000	3,000
Hartly No. 96	37,000	22,200	14,800
Clayton No. 119	34,000	20,400	13,600
Millsboro No. 23	300,000	102,000	198,000
Selbyville No. 32	65,000	12,675	52,325
Bridgeville No. 90	190,000	45,600	144,400
Greenwood No. 91	20,000	2,000	18,000
Ellendale No. 125	35,000	16,100	18,900
Blades No. 172	180,000	160,000	20,000
Millsboro No. 204-c	55,000	55,000	—
Selbyville No. 210-c	15,000	15,000	—
Frankford No. 206-c	74,000	74,000	—
Sussex County Comprehensive High School for Negroes	100,000	100,000	—
Kent County Comprehensive High School for Negroes	650,000	650,000	—
Bridgeville No. 220-c	40,000	40,000	—
Wilmington White Schools	1,715,000	514,500	1,200,500
Wilmington Colored Schools	2,785,000	2,785,000	—
Gumboro	67,625	24,812	42,813
<hr/>			
TOTAL STATE PROGRAM..	\$19,302,543	\$13,711,273	\$5,591,270

Except in the case of a school district for which a local share is not shown by the foregoing table, the state share apportioned to a school district shall not be expended unless the local share for such school district shall have been deposited with the State Treasurer on or before June 30, 1951.

Any school district which is entitled under the provisions of this Act to an apportionment of a state share and which is required to provide a local share, is hereby authorized to issue its bonds for the purpose of raising money to pay its local share and raising such additional amount, if any, as such school district may desire to expend for school construction. If such bonds are issued, they shall be issued by the Board of Trustees or Board of Education of the school district pursuant to the provisions of Chapter 71 of the Revised Code of Delaware, 1935, as amended, except in the case of the City of Wilmington, in which case the local share to be contributed by the Board of Public Education in Wilmington may be raised by the proper authorities of said City by issuing bonds pursuant to the provisions of Chapter 163, Volume 32, Laws of Delaware, as amended. Instead of issuing bonds as hereinbefore provided, any school district may pay its local share by using the proceeds of the sale of bonds heretofore authorized or issued, or by using gifts or any other moneys on hand which are not required by law to be used for some other purpose.

Section 13. That the Governor of the State of Delaware, the Secretary of State of the State of Delaware, and the President of the State Board of Education, shall be and constitute the School Building Program Board.

Section 14. That the said School Building Program Board shall determine the present necessity for any school construction program in the said several school districts and, in so doing, shall take into consideration the number of pupils, actual or potential, in the school district, the feasibility and possibility of the consolidation of school districts, the present and future possibility of overcrowding of school facilities within the school district, the condition and quality of existing school facilities within the district, and all other matters and conditions pertinent to the determination of the present necessity of the school construction program, including the reasonable future development or retardation of the school district. In making a determination of necessity, the said School Building Program Board shall do so on a basis calculated to maintain the desired standard of education within a school district. In making such determination of necessity, the School Building Program Board shall

have the authority to make a determination of necessity of a school construction program for the several school districts which will have a lesser total cost than the maximum total cost for such school district than that set forth in Section 12 of this Act. Whenever a determination of necessity of a school construction program is made in an amount less than the total maximum cost for such school district as set forth in Section 12 of this Act, the state share and local share shall be reduced in the proportion they bear to the total maximum cost set forth in said section.

For the purposes of this Act, the provisions of Section 7 of Chapter 79, Volume 43, Laws of Delaware, 1941, and especially the "Basic Table" therein set forth for the determination of state and local shares for any school building program, are hereby repealed.

Section 15. Whenever the School Building Program Board shall make a determination of necessity for a school construction program within a school district, it shall certify that fact to the State Treasurer, together with the amount of the total cost, the state share, and the local share, if any, and the State Treasurer shall thereupon notify the State Board of Education, the State Auditor of Accounts, and the School Building Commission of such school district, of such determination. Upon the receipt by the State Treasurer of the certification of said determination, the said school construction program shall be deemed to be authorized and the provisions of this Act for the issuance of state and local bonds to provide the funds for school construction programs shall be in full force and effect with respect to such school construction program, provided, however, that, except in cases where a local share is not required by Section 12 of this Act, such school construction program shall not be carried out until the local share shall have been deposited with the State Treasurer as provided in said Section 12. The issuing officers may at any time after the State Treasurer receives said certificate proceed to issue bonds or notes of the State to provide the funds for the State share thereof, whether or not the requisite local share shall have been actually deposited with the State Treasurer pursuant to Section 12, but the proceeds of said bonds or notes shall not be expended until the requisite local share shall have been so deposited.

Section 16. After making the certificate required by Section 15, the said School Building Program Board is hereby authorized and directed to consider the final plans, estimates of costs, and specifications of any school construction program and to approve or modify such plans, estimates and specifications, and also to amend such certificate, provided that nothing herein shall be construed to give said School Building Program Board the authority to increase the total state share of such program beyond the maximum limit set forth in Section 12 of this Act. In the event that said certificate shall be amended, as herein provided, the fact of such amendment shall be communicated to the State Treasurer, who shall give notice of such amendment to the State Board of Education, the State Auditor of Accounts, and the School Building Commission of the school district.

Section 17. In the event that two or more existing school districts shall consolidate themselves or be consolidated into one school district, the maximum total cost, the maximum state share, and the maximum local share of a school construction program for such consolidated district shall be the totals of said amounts appearing in Section 12 of this Act for the school districts so consolidating. Such consolidated district shall be deemed to be a school district within the meaning of this Act.

Section 18. The moneys paid to the State Treasurer by a school district as its local share pursuant to Section 12 of this Act shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware, at Dover, in a special account for such school district, and shall be expended only for school construction in such district. The State Auditor of Accounts shall treat each of said special accounts as a separate fund. Each of said special accounts shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other State moneys in said Bank.

Section 19. The moneys hereby appropriated for use in defraying the cost of any school construction program, and the moneys hereby appropriated for the costs and expenses incident to the issuance of said bonds and notes, shall not revert to the State Treasury at the end of any fiscal year but shall remain available for said purposes until the school construction program has been completed.

Section 20. There is hereby created a Commission for each school district to be known as the "School Building Commission." The School Building Commission of each school district shall be composed of the members of the Board of Trustees or Board of Education of such school district and two members of the State Board of Education, the latter two to be appointed by the State Board of Education, except (1) in the City of Wilmington, where the Board of Education in Wilmington shall be the School Building Commission, and except (2) in school districts which do not have Boards of Trustees or Boards of Education (namely, the school unit or area served by the comprehensive Negro High School for New Castle County, the school unit or area served by the Sussex County Comprehensive High School for Negroes, and the school unit or area served by the Kent County Comprehensive High School for Negroes), in each of which cases the School Building Commission shall be composed of three residents of the school district appointed by the Governor and two members of the State Board of Education appointed by the State Board of Education; and except (3) Oak Grove School District #130, and except (4) Newark Special School District. No act of a School Building Commission shall be binding unless a majority of the members of such Commission shall concur therein.

Section 21. The State Board of Education shall render such assistance to School Building Commissions as they may request in the preparation of their tentative and final plans for school construction under this Act.

Section 22. The final plans, specifications and estimates of costs for school construction outside of the City of Wilmington under this Act must be approved by the State Board of Education, as well as by the School Building Program Board.

Section 23. It shall be the province and duty of the School Building Commission for any particular district to cause the school construction program authorized under this Act for such school district to be carried out. Such School Building Commission shall have power to make and enter into all contracts for school construction and for labor, materials, supplies, instrumentalities, furniture and equipment required to accomplish any

such school construction program, provided that no contract involving expenditure of \$500.00 or more shall be entered into unless the same shall be properly advertised and given to the lowest and best bidder therefor, the School Building Commission reserving the right to reject any and all bids.

The School Building Commission in each school district shall supervise, or cause to be supervised, by some one or more of its employees, the school construction program in such school district.

Section 24. The Secretary of the State Board of Education, or a person designated by him, shall be the Secretary of each of said School Building Commissions, except the School Building Commission in the City of Wilmington, and as such Secretary he shall be the accountant of such School Building Commission. The School Building Commission shall cause such secretary to inaugurate and maintain a system of accounting which shall show in detail the expenditures of the School Building Commission, the cost of school construction and such other details as the State Board of Education may from time to time require. Each School Building Commission shall have power to employ an engineer or engineers, an architect or architects, and such other employees as it shall deem essential to the proper and expeditious performance of its duties under this Act, and to fix the salaries and length of service and to dismiss them for any cause which it shall deem sufficient.

Section 25. Any School Building Commission may require a bond from any of its employees and any person contracting for school construction.

Section 26. All bills for the expenses of the School Building Commission of any school district for carrying out the school construction program of such school district under this Act, except the City of Wilmington, must be marked "approved," and such approval must be signed by the chairman or vice-chairman of such School Building Commission, and attested by the Secretary or acting Secretary of such Commission.

Section 27. The School Building Commission of each school district, except the City of Wilmington, shall when and

as funds are required (and not until then) for the payment of the expenses of carrying out the school construction program in such school district contemplated by this Act, including expenses of engineers, architects and other employees of such School Building Commission, draw warrants on the State Treasurer for the moneys required, which warrants shall be signed by the chairman or vice-chairman and attested by the secretary or acting secretary of such School Building Commission; and such warrants shall be delivered to the State Auditor of Accounts, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same. In paying warrants, as aforesaid, the State Treasurer shall be governed by the certificate of the School Building Program Board made as hereinbefore provided as to the cost of the school construction program in such school district, and as to what portion of such cost shall be paid out of the moneys hereby appropriated as the State's share of such cost and what portion thereof shall be paid out of the local share of such cost.

Section 28. The carrying out of school construction programs in the City of Wilmington shall be within the exclusive jurisdiction of the Board of Public Education in Wilmington. Said Board of Public Education in Wilmington is authorized and empowered to make all contracts and to do all things necessary or proper for the purpose of carrying out such construction programs in the City of Wilmington; provided, that the cost thereof to be paid under this Act shall not exceed in the aggregate the total of the State share certified by the School Building Program Board pursuant to Sections 15 and 16 of this Act and the local share deposited pursuant to Section 12 of this Act by the Board of Public Education in Wilmington; and provided, further, that all the provisions of Sections 14, 15 and 16 of this Act relating to school construction programs shall apply to the school construction programs in the City of Wilmington.

The Board of Public Education in Wilmington shall, when and as funds are required (and not until then) for the payment of the cost of school construction programs in the City of Wilmington carried out under the provisions of this Act, draw warrants on the State Treasurer for the moneys required, which warrants shall be signed by its president or vice-president and

attested by its secretary or acting secretary, and shall be delivered to the State Auditor of Accounts, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same out of the moneys made available for said purpose under the provisions of this Act.

The Board of Public Education in Wilmington shall keep accurate detailed accounts of the cost of all school construction in the City of Wilmington under the provisions of this Act and of all moneys expended therefor. Such accounts shall be deemed to be public records.

Section 29. Whenever lands shall be required for school construction under this Act in the City of Wilmington, the Board of Public Education in Wilmington is authorized to select and acquire such land. And whenever land shall be required for the carrying out of any school construction for any special school district outside of the City of Wilmington, the School Building Commission of such special school district is authorized to select and acquire such land. And whenever land shall be required for school construction under this Act in any other school district in this State, the local School Building Commission is authorized to acquire such land.

Such land may be acquired by contract with the owner or owners thereof at a fair value or by condemnation proceedings instituted by the appropriate official body.

The cost of such lands shall be deemed to be a part of the cost of such school construction.

The title to any such lands acquired in any manner whatever shall be a fee simple title and shall be vested in the State Board of Education, except that the title to lands so acquired in the City of Wilmington or in any special school district shall be vested in the Board of Public Education in Wilmington or in the Board of Education of such special school district, as the case may be.

Condemnation proceedings to acquire land, as aforesaid, in any case where such land cannot for any reason be acquired by contract with the owner or owners thereof for a fair or reasonable consideration, may be instituted by the appropriate official

body under the provisions of 2716. Sec. 94 and 2717. Sec. 95 of Article 10 of Chapter 71 of the Revised Code of Delaware, 1935, as amended.

Section 30. If any clause, sentence, section, provision or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, invalidate or affect the remainder of this Act, which shall remain in full force and effect.

Section 31. Chapter 285, Volume 47, Laws of Delaware, 1949 is hereby repealed; provided, however, that all acts and proceedings heretofore done or taken under the authority of said Chapter 285 shall be deemed to have been done and taken under the authority of this Act.

Approved November 4, 1949.

CHAPTER 3

PROVISIONS CONCERNING THE ISSUANCE OF BONDS

AN ACT TO MAKE FURTHER PROVISION FOR THE ISSUANCE OF BONDS OF THE STATE OF DELAWARE WHICH WERE AUTHORIZED BY CHAPTERS 203, 204, 290 AND 376 OF VOLUME 47, LAWS OF DELAWARE, 1949; MODIFYING THE REQUIREMENTS OF SAID ACTS RELATING TO THE FORM, METHOD OF EXECUTION, REGISTRATION, AND METHOD OF SALE OF SAID BONDS; AND MAKING AN APPROPRIATION FOR THE PAYMENT OF EXPENSES INCIDENT TO THE ISSUANCE AND SALE OF SAID BONDS.

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. Notwithstanding anything to the contrary contained in Chapters 203, 204, 290 and 376 of Volume 47, Laws of Delaware, 1949, it shall be lawful to issue the bonds authorized by said chapters in such form as the officers authorized to issue the same may adopt, without regard to any form of bond prescribed by said Acts; and such bonds may provide for such privileges of registration, conversion, reconversion, redemption and exchange, as may be determined by the officers authorized by said acts to issue the same.

Section 2. In all cases where such bonds are required by said Acts to be signed by the Governor and Secretary of State of the State of Delaware, it shall be sufficient to sign such bonds by facsimile signatures of such officers, in lieu of manual signatures; but the signature of the State Treasurer on such bonds shall be in his own proper handwriting.

Section 3. Notwithstanding anything to the contrary contained in said Acts, sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once ten or more days before the date of sale in at least one newspaper published in the State of Delaware

and in a financial journal published in the City of New York, and no other publication of such notice of sale shall be necessary; and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest.

Section 4. The sum of Twenty-five Thousand Dollars (\$25,000.00), or so much thereof as may be necessary, in addition to any amounts heretofore appropriated for such purpose, is hereby appropriated to the Governor, State Treasurer and the Secretary of State for the purpose of paying expenses incident to the issuance and sale of said bonds and any other bonds of the State of Delaware authorized by Acts passed since January 6, 1949.

Approved November 4, 1949.

CHAPTER 4

STATE BOARD OF AGRICULTURE

RELATING TO THE REGULATION AND SALE OF LIVE POULTRY

AN ACT TO AMEND CHAPTER 275, LAWS OF DELAWARE, 1949, ENTITLED "AN ACT PROVIDING FOR THE REGULATION AND SALE OF LIVE POULTRY IN THE STATE OF DELAWARE BY THE STATE BOARD OF AGRICULTURE; PROVIDING FOR THE LICENSING OF BUYERS IN TWO CLASSES; FORM OF APPLICATION; PROOF OF FINANCIAL RESPONSIBILITY REQUIRED; REVOCATION OF LICENSES; PENALTIES FOR VIOLATION" BY PROVIDING FOR THE SUBMISSION OF WRITTEN MEMORANDA RATHER THAN A BILL OF SALE TO THE GROWERS OF LIVE POULTRY BY THE PURCHASERS OF LIVE POULTRY.

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

Section 1. That Chapter 275, Laws of Delaware, 1949, be amended by striking out and deleting Section 3 thereof, and by inserting in lieu thereof a new section to be known as "Section 3," as follows:

"Section 3. Every buyer licensed under the provisions of this Act shall give to each seller and to the State Board of Agriculture written memoranda setting forth such information relative to each transaction as may be required by the State Board of Agriculture; the original or a copy thereof shall accompany said poultry while being transported and shall be subject to inspection by any authorized representative of the State Board of Agriculture or any member of the State, County or Municipal police in this State."

Section 2. That Chapter 275, Laws of Delaware, 1949, be amended by striking out and deleting the words "bill of sale" as found in the eighth line of the second paragraph of Section 4, and by inserting in lieu thereof, the words "Written memoranda."

Section 3. That Chapter 275, Laws of Delaware, 1949, be amended by striking out and deleting the word "buyer" as found in the ninth line of the second paragraph of Section 4, and by inserting in lieu thereof, the word "seller."

Section 4. That Chapter 275, Laws of Delaware, 1949, be amended by adding a new Section to be entitled "Section 10" as follows:

"Section 10. If any clause, sentence, section, provision or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, invalidate or affect the remainder of this Act, which shall remain in full effect."

Approved November 4, 1949.

CHAPTER 5

INSURANCE DEPARTMENT

LIFE INSURANCE AND INVESTMENT OF FUNDS OF
INSURANCE COMPANIES**AN ACT TO AMEND CHAPTER 20 OF THE REVISED CODE
OF DELAWARE, OF 1935, AS AMENDED, RELATING
TO THE INSURANCE DEPARTMENT AND MORE PAR-
TICULARLY RELATING TO LIFE INSURANCE AND
TO THE INVESTMENT OF FUNDS OF INSURANCE
COMPANIES.**

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

Section 1. That Chapter 20 of the Revised Code of Delaware, 1935, as amended, be and it hereby is further amended by striking out therefrom Paragraph (12) of 492. Sec. 31 and inserting in lieu thereof a new Paragraph (12) reading as follows:

(12) A company doing business in a foreign country may invest the funds required to meet its obligations in such country and in conformity to the laws thereof in the same kinds of securities in such foreign country that such company is allowed by law to invest in the United States; and if such company is not doing business in any State, Territory or District of the United States it may invest its funds as allowed by the laws of any jurisdiction where it does business.

Approved November 4, 1949.

CHAPTER 6

SENATE JOINT RESOLUTION

**APPOINTING BILL CLERKS FOR THE SENATE AND
HOUSE OF REPRESENTATIVES FOR THE SECOND
SPECIAL SESSION OF THE 115TH GENERAL AS-
SEMBLY.**

BE IT RESOLVED, *by the Senate of the 115th General Assembly, in the Second Special Session assembled, the House of Representatives concurring therein*, That Benjamin F. Simmons be, and he hereby is selected and authorized to act as Bill Clerk for the Senate, and that Norman Battersby be, and he is hereby selected and authorized to act as Bill Clerk for the House of Representatives, during this Second Special Session.

Approved November 4, 1949.

CHAPTER 7

SENATE CONCURRENT RESOLUTION

**APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR
THAT THE GENERAL ASSEMBLY IS ORGANIZED.**

BE IT RESOLVED, *by the Senate of the 115th General Assembly of the State of Delaware, in the Second Special Session assembled, the House of Representatives concurring therein,* That the President Pro Tempore of the Senate appoint a committee of two (2) members on the part of the Senate to serve with a committee of two (2) members to be appointed by the Speaker of the House of Representatives, to notify the Governor of the State of Delaware, of the convening of the 115th General Assembly, in the Second Special Session, and to inform him that the General Assembly is ready to receive any communication that he may desire to present, or to receive any message that he may choose to deliver at such time as he may designate.

Approved November 4, 1949.

CHAPTER 8

SENATE CONCURRENT RESOLUTION

THAT THE TWO HOUSES MEET IN JOINT SESSION TO HEAR THE MESSAGE OF THE GOVERNOR.

BE IT RESOLVED, *by the Senate of the 115th General Assembly, in the Second Special Session met, the House of Representatives concurring therein*, that the two Houses of the General Assembly meet in joint session in the Senate Chambers at three-thirty P. M. or shortly thereafter, on the 4th. day of November, A. D. 1949, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

Approved November 4, 1949.

CHAPTER 9

SENATE CONCURRENT RESOLUTION

IN REFERENCE TO ADJOURNMENT SINE DIE.

BE IT RESOLVED, *by the Senate of the 115th General Assembly of the State of Delaware, in Second Special Session assembled, the House of Representatives concurring therein,* that at the close of the Legislative day of November 4, 1949, both Houses of this General Assembly shall adjourn Sine Die.

Approved November 4, 1949.

CHAPTER 10

SENATE CONCURRENT RESOLUTION

APPROPRIATING CERTAIN MONEY OUT OF THE GENERAL FUND OF THE STATE TREASURY TO PAY CERTAIN EXPENSES CONNECTED WITH THE SECOND SPECIAL SESSION OF THE 115TH. GENERAL ASSEMBLY.

BE IT RESOLVED, *by the Senate of the 115th General Assembly of the State of Delaware, in Second Special Session assembled, the House of Representatives concurring therein*, that the sum of One Hundred Dollars (\$100.00) be and the same is hereby appropriated for payment to Earle D. Willey, Attorney, as compensation for services rendered at this Second Special Session on November 4, 1949, and for services performed previous to the said Session in reference to the drafting and preparation of proposed legislation.

Approved November 4, 1949.

CHAPTER 11

HOUSE CONCURRENT RESOLUTION

**· APPROPRIATING CERTAIN MONEY TO THE SECRETARY
OF STATE ON ACCOUNT OF PRINTING THE JOURNAL.**

BE IT RESOLVED, *by the House of Representatives of the One Hundred and Fifteenth General Assembly of the State of Delaware, in Special Session assembled, the Senate concurring therein*, that the sum of One Thousand (\$1000.00) Dollars be and the same is hereby appropriated to the Secretary of State out of the General Fund of the State Treasury from funds not otherwise appropriated, for the purpose of printing the Journal of the Special Sessions of the One Hundred and Fifteenth General Assembly, which convened at Dover on September 27th, A. D. 1949, and on November 4th, A. D. 1949; the State Treasurer is hereby authorized to pay out said sum for said purpose upon vouchers drawn by the Secretary of State.

Approved November 4, 1949.

CHAPTER 12

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, America's fire loss in 1948 resulted in the loss of 8,600 lives through burns and conflagrations, serious injury to many thousands of other persons and destruction of property amounting to \$700,000,000; and

WHEREAS, this great social and economic loss caused untold suffering and hardship in thousands of American homes; and

WHEREAS, ninety per cent of America's disastrous fire loss can be prevented through careful inspection, prompt correction of all fire hazards and a knowledge of such hazards and what to do when fire breaks out; and

WHEREAS, the week of October 9 to 15, 1949, has been officially designated as

NATIONAL FIRE PREVENTION WEEK

by the President of the United States;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, call upon every man, woman and child; every home, school and church; every club and association; every governmental agency and civic group; every industrial and commercial organization; to join our firemen in a determined effort to reduce the menace of fires.

Let us utilize every resource at our command—newspapers, radio, public meetings, pulpits—in order to impress our citizens with the importance of the prevention of fires, and the tragic consequences that follow thoughtlessness, indifference and carelessness.

IN TESTIMONY WHEREOF, I Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set
my hand and caused the Great Seal of the State
of Delaware to be hereunto affixed at Dover this
(GREAT SEAL) fourth day of October in the Year of Our Lord,
One Thousand Nine Hundred and Forty Nine
and of the Independence of the United States of
America, the One Hundred and Seventy-fourth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 13

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, October 11th will be the 170th anniversary of the death of the great Revolutionary War Patriot, Brigadier General Casimir Pulaski, who was one of the Nation's noblest and bravest friends in its struggle for independence; and

WHEREAS, this great General made the supreme sacrifice during that great War for freedom at the siege of Savannah; and

WHEREAS, the American people will forever remember his sincere devotion to the United States, his brave and heroic acts upon the field of battle, his devotion to the principles of freedom, and his willingness to lay down his life for the principles of liberty;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the laws of this State do proclaim Sunday, October 9, 1949, as

PULASKI DAY

and urge that all citizens of Delaware do honor to the memory of this brave patriot by holding and attending appropriate ceremonies in our churches, schools and other public places, and I request that the flag of our country be displayed upon all public buildings and other suitable places throughout the State.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed at Dover this fourth day of October in the Year of Our Lord, One Thousand Nine Hundred and Forty Nine and of the Independence of the United States of America, the One Hundred and Seventy-fourth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 14

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, civilization throughout all history has constantly marched toward a peaceful solution of world problems; and

WHEREAS, modern transportation and communications have tended to bring the nations of the world closer together, promoting greater understanding through the opportunity of increased knowledge and information about one another; and

WHEREAS, October 24th is the anniversary of the completion of the fourth year of the establishing of the United Nations as a world force for the solution of the many complex questions involved in transforming a shattered world into a better place to live for the human race; and

WHEREAS, the General Assembly of the United Nations by its unanimous Resolution of October 31, 1947 established October 24th, the anniversary of the implementation of the Charter of the United Nations as "United Nations Day," to be devoted each year to informing all peoples of the aims and achievements of the United Nations and to gain their support for the work of this organization; and

WHEREAS, the President of the United States on the 25th day of August, 1949, issued a Proclamation urging the people of the United States to observe October 24th as "United Nations Day."

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby urge the people of the State of Delaware to observe October 24, 1949 as

"UNITED NATIONS DAY"

and to mark this day with ceremonies designed to affirm our faith in the objectives of the United Nations; our appreciation

of those accomplishments and our resolve to give active support to its principles. I also call upon the officials of the State of Delaware; the mayors of our towns and cities and all other public officials as well as civic, educational and religious organizations; upon the agencies of the press, radio and other media of information; upon individual citizens to cooperate fully in our public programs dedicated in strengthening our participation in the work of the United Nations.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor
of the State of Delaware, have hereunto set my
hand and caused the Great Seal of the State of
(GREAT SEAL) Delaware to be hereunto affixed at Dover this
thirteenth day of October in the Year of Our
Lord, One Thousand Nine Hundred and Forty
Nine and of the Independence of the United
States of America, the One Hundred and Seventy-fourth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 15
STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, a provision of Section 16 of Article 3 of the Constitution of the State of Delaware authorizes and empowers the Governor of the State to convene the General Assembly under extraordinary occasions by proclamation;

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware by virtue of the authority vested in me, do hereby proclaim the following:

That the 115th General Assembly of the State of Delaware shall convene at Dover, the Capital of the State of Delaware, on Friday, the 4th day of November A. D. 1949 at 1:00 o'clock P. M., Eastern Standard Time, to consider and act upon certain matters hereinafter set forth, which are of great concern to the people of our State.

1. To enact legislation to facilitate the issuing of bonds by the State and local school districts for the construction of school buildings throughout the State.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed at Dover this twenty-fifth day of October in the Year of Our Lord, One Thousand Nine Hundred and Forty Nine and of the Independence of the United States of America, the One Hundred and Seventy-fourth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 16

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
PROCLAMATION

WHEREAS, the American Junior Red Cross is the largest youth organization in the world, and

WHEREAS, the American Junior Red Cross is the junior membership of the American Red Cross and is the American Red Cross in the public, private, and parochial schools, both elementary and secondary, and

WHEREAS, the American Junior Red Cross is part of the organized humanitarian Red Cross program offering its members an opportunity to serve others both at home and abroad, in peace and in war, and

WHEREAS, it thus forms a link between the schools and the broadening circle of local, national, and international societies, now

THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim Wednesday, November 2, in the year of our Lord, one thousand nine hundred and forty-nine, as American Junior Red Cross Day in the schools of Delaware, and I further urge active enrollment of all Delaware school membership in this Campaign for Service.

I further urge all schools to observe this Day with appropriate ceremonies.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be affixed at Dover, this twenty-seventh day of October in the year of our Lord, one thousand nine hundred and forty-nine, and of the Independence of the United States of America, the one hundred and seventy-fourth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

STATE OF DELAWARE
DEPARTMENT OF STATE
DOVER

November 30, 1949

In obedience to the provisions and directions of Section 2, Chapter 10 of the Revised Code of Delaware, 1935, as amended, I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of Delaware, passed by the General Assembly, at the regular biennial session commenced on Tuesday, the fourth day of January, A. D. 1949 and ended on Friday, the third day of June, A. D. 1949; at the Special Session commenced on Tuesday, the twenty-seventh day of September, A. D. 1949 and ended on Friday, the thirtieth day of September, A. D. 1949; and at the Second Special Session, commenced and ended on Friday, the fourth day of November, A. D. 1949.

HARRIS B. MCDOWELL, JR.
Secretary of State.

**ACTS AMENDING REVISED STATUTES OF 1935
FOUND IN VOLUME XLVII, LAWS OF DELAWARE
REGULAR AND SPECIAL SESSIONS 1949.**

R.C. 29 S7 C5	152	R.C. 626 S59 C21	783
R.C. 144 S110 C6	225-251	R.C. 627 S60 C21	784
R.C. 139 S105 C6	826	R.C. 678 S111 C21	774
R.C. 152 S118 C6	485	R.C. 1003 S2 C31	165
R.C. 154 S120 C6	485	R.C. 1006 S5 C31	166
R.C. 171 S137 C6	828	R.C. 1014 S13 C31	167
R.C. 173 S139 C6	828	R.C. 1022 S5 C32	801
R.C. 190 S156 C6	124	R.C. 1155 S9 C43	142
R.C. 195 S161 C6	753	R.C. 1170 S24 C43	314
R.C. 212 S178 C6	495	R.C. 1177 S31 C43	128
R.C. 257 S2 C8	728	R.C. 1194 S48 C43	11
R.C. 260 S5 C8	728	R.C. 1236 S90 C43	468
R.C. 264 S9 C8	730	R.C. 1258 S1 C44	129
R.C. 283 S28 C8	730	R.C. 1386 S46 C45	573
R.C. 285 S30 C8	730	R.C. 1391 S51 C45	299
R.C. 286 S31 C8	731	R.C. 1392 S52 C45	575
R.C. 288 S33 C8	732	R.C. 1565 S2 C51	689
R.C. 290 S35 C8	732	R.C. 1588 S1 C52	516
R.C. 292 S37 C8	733	R.C. 1682 S38 C55	608
R.C. 293 S38 C8	733	R.C. 1683 S39 C55	609
R.C. 303 S48 C8	734	R.C. 1811 S2 C60	253, 602
R.C. 304 S49 C8	734	R.C. 1813 S4 C60	254
R.C. 326 S71 C8	10	R.C. 1814 S5 C60	254
R.C. 327 S72 C8	10	R.C. 1817 S8 C60	257
R.C. 344 S8 C10	324	R.C. 2037 S5 C65	206
R.C. 345 S9 C10	326	R.C. 2038 S6 C65	206
R.C. 363 S1 C12	762	R.C. 2059 S27 C65	207
R.C. 366 S4 C12	513	R.C. 2062 S30 C65	207
R.C. 367 S5 C12	513	R.C. 2063 S31 C65	209
R.C. 369 S7 C12	414	R.C. 2071 S39 C65	211
R.C. 370 S8 C12	763	R.C. 2093 S61 C65	211
R.C. 371 S9 C12	763	R.C. 2172 S140 C65	103
R.C. 384 S4 C14	323	R.C. 2271 S14 C66	30
R.C. 470 S9 C20	175, 833	R.C. 2360 S103 C66	327
R.C. 477 S16 C20	41	R.C. 2362 S105 C66	21
R.C. 492 S31 C20	1,095	R.C. 2408J S151J C66	863
R.C. 609 S42 C21	600	R.C. 2414 S6 C67	545, 770
R.C. 625 S58 C21	777	R.C. 2632 S10 C71	125

R.C.—Revised Code

S—Section

C—Chapter

R.C. 2634 S12 C71	809	R.C. 4401 S35 C117	26
R.C. 2636 S14 C71	169	R.C. 4403 S37 C117	823
R.C. 2643 S21 C71	295	R.C. 4540 S51 C121	594
R.C. 2655 S33 C71	645	R.C. 4637 S2 C127	825
R.C. 2718 S96 C71	1,070	R.C. 4707 S22 C129	183
R.C. 2719 S97 C71.....	122, 1072	R.C. 4773 S20 C132	797
R.C. 2720 S98 C71	1,073	R.C. 5166 S10 C149	861
R.C. 2721 S99 C71	1,074	R.C. 5168 S12 C149	130
R.C. 2727 S105 C71	1,074	R.C. 5187 S7 C150	220
R.C. 2738 S116 C71	665	R.C. 5361 S18 C156	104
R.C. 2743 S121 C71	666	R.C. 5364 S21 C156	81
R.C. 2745 S123 C71	613	R.C. 5497 S2 C163	87
R.C. 2747 S125 C71	666	R.C. 5502 S7 C163	39
R.C. 2767 S145 C71	779	R.C. 5522 S12 C164	214
R.C. 2804 S3 C74	252	R.C. 5539 S1 C165	23
R.C. 2811 S10 C74	651	R.C. 5539 S1H C165	203
R.C. 2821 S20 C74	306, 840	R.C. 5545 S7 C165	576
R.C. 2824 S23 C74	663	R.C. 5550 S12 C165	538
R.C. 2829 S28 C74	715	R.C. 5564 S26 C165	23, 189, 284, 539, 741
R.C. 2833 S32 C74	544	R.C. 5574 S36 C165	837
R.C. 2883 S82 C74	262	R.C. 5605 S67 C165	839
R.C. 2885 S84 C74	126	R.C. 5606 S68 C165	839
R.C. 2995 S194 C74	759	R.C. 5619 S81 C165	841
R.C. 3020 S219 C74	50	R.C. 5629 S91 C165	847
R.C. 3041 S240 C74	218	R.C. 5632 S94B C165	754
R.C. 3100H S35H C76	119, 307	R.C. 5642 S104 C165	710
R.C. 3321 S197 C78 ...	78, 221, 514	R.C. 5651 S113E C165	200
R.C. 3352 S29 C79	765	R.C. 5653 S115C C165	204
R.C. 3371 S48 C79	273	R.C. 5655 S117 C165	180
R.C. 3423 S5 C82	72	R.C. 5657 S119 C165	99
R.C. 3519 S23 C86	397	R.C. 5666 S128 C165	23
R.C. 3527 S2 C87	849	R.C. 5689 S151 C165	22
R.C. 3532 S7 C87	850	R.C. 5713 S175A C165	91
R.C. 3533 S8 C87	850	R.C. 5719B S181B C165...	101
R.C. 3688 S31 C92	193	R.C. 5719J S181J C165 ...	102
R.C. 3757 S24 C95	755	R.C. 5719Q S181Q C165...	102
R.C. 3775 S9 C96	163	R.C. 5721 S2 C166	619
R.C. 3808 S10 C98	769	R.C. 5746 S27 C166	630
R.C. 3839 S41 C98	182	R.C. 5747 S28 C166	3
R.C. 3963 S68 C100	196	R.C. 5811 S5 C169	822
R.C. 4092 S197 C100	806	R.C. 5839 S18 C170	855
R.C. 4159 S42 C101	164	R.C. 6080 S10 C175	286
R.C. 4245 S11 C108	393	R.C. 6080 S10A C175	285
R.C. 4246 S12 C108	410	R.C. 6080 S10B C175	285
R.C. 4256 S2 C109	157	R.C. 6080 S10C C175	286
R.C. 4259 S5 C109	157	R.C. 6081 S11—Sub Sec. 1	
R.C. 4262 S2 C110	396	—C175	751
R.C. 4322 S7 C116	222		

R.C.—Revised Code

S—Section

C—Chapter

R.C. 6081 S11—Sub Sec. 2		R.C. 6145 S16 C176	745
—C175	751	R.C. 6146 S17 C176	746
R.C. 6081 S11—Sub Sec. 9		R.C. 6148 S19 C176	747
—C175	751	R.C. 6149 S20 C176	744
R.C. 6096 S26 C175	305	R.C. 6158 S29 C176	187
R.C. 6114 S44 C175	591	R.C. 6174 S45 C176	258

R.C.—Revised Code

S—Section

C—Chapter

Acts Amended (Revised Code 1935)

Ch. 5, relating to disposal of judicial and Chancery Reports deposited in Library	152
Ch. 6, relating to certificates as proof of discharge of inheritance tax liability on jointly owned property	826
Ch. 6, relating to gasoline tax	495
Ch. 6, relating to Huckster's, Peddler's and Auctioneer's Licenses, veterans exempt therefrom	124
Ch. 6, relating to Income Tax	225-251
Ch. 6, relating to occupational licenses for Wholesale News Agency	753
Ch. 6, relating to salaries of State Tax Commissioner and Deputies	485
Ch. 6, relating to Taxation of Cooperatives	828
Ch. 8, relating to Burial of Indigent soldiers, sailors and marines	10
Ch. 8, relating to Public Arms and Defense	728-735
Ch. 10, relating to printing and distribution of Legislative Journals	324
Ch. 12, relating to increase in salaries of judiciary	414
Ch. 12, relating to increase in salaries of State Treasurer and State Auditor	513
Ch. 12, relating to increase in salary of Attorney General and Deputies	763
Ch. 12, relating to increase in salary of Governor	762
Ch. 14, relating to appointment of assistant to Secretary of State	323
Ch. 20, relating to Insurance Department, increasing requirement for certificate of authority	175
Ch. 20, relating to Insurance Department, reinsurance of risks in foreign countries	41
Ch. 20, relating to investment of funds of insurance companies	1095
Ch. 20, relating to requirements for Certificate of Authority from Insurance Department	833
Ch. 21, relating to anti-hog cholera serum and virus	301
Ch. 21, relating to Bangs Disease and movement of cattle	774
Ch. 21, relating to poultry breeding, functions of State Board of Agriculture	783

Acts Amended (Revised Code 1935) (Continued)

Ch. 21, relating to sanitary requirements for Poultry Vaccinators	600
Ch. 21, relating to tax on commercial poultry feed	777
Ch. 31, relating to Practice of Optometry	165, 166, 167, 168
Ch. 32, relating to State Board of Examiners of Undertakers	801
Ch. 43, relating to appropriation for Free Library in New Castle County	128
Ch. 43, relating to creation of Sanitary Districts in New Castle County	314-321
Ch. 43, relating to increase in Tax Rate in Kent County ...	468
Ch. 43, relating to increase in tax rate in New Castle County	142
Ch. 43, relating to Levy Court of Kent County appropriations to Firemen's Association	11
Ch. 44, relating to exemption of certain lands of Lions Club of Smyrna from assessment	129
Ch. 45, relating to Pawnbrokers and Junk Dealers	299
Ch. 45, relating to Pawn Brokers and Junk Dealers	573
Ch. 45, relating to retention of pledged articles with Pawn Brokers	575
Ch. 51, relating to additional Police for New Castle Hundred	689
Ch. 52, relating to when County offices shall be kept open ..	516
Ch. 55, relating to vacation of roads by State Highway Department	608
Ch. 60, relating to supplemental certificate of nominations in General Election	602
Ch. 60, relating to single ballots for Presidential and other candidates	253-257
Ch. 65, relating to Certificate of Incorporation	206, 207
Ch. 65, relating to consolidation or merger of corporations ..	211-213
Ch. 65, relating to election of corporation directors	207-211
Ch. 65, relating to powers of Railroad to borrow money ...	103
Ch. 66, relating to Banks, Savings Societies and Trust Companies, money forwarders	863
Ch. 66, relating to Banks, Savings Societies and Trust Companies	327
Ch. 66, relating to collection, payment and dishonor of demand items by banks	30
Ch. 66, relating to deposit of securities with State Banking Commissions	21
Ch. 67, relating to jurisdiction of Municipal Court in Wilmington	545
Ch. 67, relating to Municipal Court of City of Wilmington..	770
Ch. 71, relating to authority of Board of Education to issue Bonds	1070-1075
Ch. 71, relating to Collector appointed by School Boards ...	613
Ch. 71, relating to consolidation of School Districts	809
Ch. 71, relating to education, closing of one room schools ..	169
Ch. 71, relating to education, length of School Term	125

Acts Amended (Revised Code 1935) (Continued)

Ch. 71, relating to election of Trustees of Rose Hill-Minquale School District	295
Ch. 71, relating to Lord Baltimore School District No. 28, validating Bonds sold by	122
Ch. 71, relating to New Castle Special School District election	645
Ch. 71, relating to referendum for additional school taxes ..	665
Ch. 71, relating to termination of contracts of school teachers	779
Ch. 74, relating to carrying of loaded guns in automobiles..	715
Ch. 74, relating to closed season on deer	663
Ch. 74, relating to fish, oysters and game, limiting length of nets	50
Ch. 74, relating to fox hunting on Sunday	544
Ch. 74, relating to increase in fee for Hunting, Fishing and Trapping license	126
Ch. 74, relating to liberation of wildlife	252
Ch. 74, relating to open season on opossum and raccoon ...	840
Ch. 74, relating to open season on squirrels	306
Ch. 74, relating to shooting preserves	651
Ch. 74, relating to short term non-resident hunting and fishing licenses	262
Ch. 74, relating to time when herring may be taken	759
Ch. 74, relating to taking, sale and transportation of Rockfish	218
Ch. 76, relating to State Health and Welfare Center, transfer of persons to	119
Ch. 76, relating to transfer of cases from Home for Feeble-minded in Stockley to Delaware State Health and Welfare Center	307
Ch. 78, relating to Saturday Bank Holiday	78
Ch. 78, relating to Saturday legal holiday for officials in New Castle County	221
Ch. 78, relating to Saturday legal holiday for State employees	514
Ch. 79, relating to lien of owners of Threshing Machines, Corn Pickers or Hay Balers	765
Ch. 79, relating to mortgages on chattels and crops	273
Ch. 82, relating to weights and measures, must be kept in plain sight	72
Ch. 86, relating to Final Decree of Divorce	397
Ch. 87, relating to desertion and support	849
Ch. 92, relating to signature of a minor to bonds, other obligations or mortgage	193
Ch. 95, relating to barring of curtesy	755
Ch. 96, relating to forfeiture of dower	163
Ch. 98, relating to granting of letters of Administration ...	769
Ch. 98, relating to settlement of personal estates, debts of which notice is presumed	182
Ch. 100, relating to deposit of refuse on real property	196
Ch. 100, relating to Narcotic Drugs	805

Acts Amended (Revised Code 1935) (Continued)

Ch. 100, relating to quantities of Narcotic Drugs which may be sold	806
Ch. 101, relating to parole of prisoners	164
Ch. 108, relating to compensation to Court Reporters	410
Ch. 108, relating to salary of Court Crier in Kent County ..	393
Ch. 109, relating to publication of and payment for Judicial Reports	157
Ch. 110, relating to salary of Clerk of Supreme Court	396
Ch. 116, relating to corporal punishment of juvenile delinquents	222
Ch. 117, relating to investments of Trustees, Guardians and Fiduciaries	26
Ch. 117, relating to sale of trust property by Order of Chancellor	823
Ch. 121, relating to fees of Justices of Peace, Constables and Sheriffs	594
Ch. 127, relating to Survivency of Actions	825
Ch. 129, relating to witnesses to include a party to the record ..	183
Ch. 132, relating to liens of judgments	797
Ch. 149, relating to offense of lewdly playing with child under sixteen years	130
Ch. 149, relating to rape, verdicts and punishments	861
Ch. 150, relating to burglary—penalty	220
Ch. 156, relating to fees of Bailiffs in Kent County	104
Ch. 156, relating to fees of Jurors	81
Ch. 163, relating to Delaware Racing Commission by providing representation thereon from each County	87
Ch. 163, relating to increase in number of days Delaware Racing Commission may hold meet	39
Ch. 164, relating to participants in boxing or wrestling matches	214
Ch. 165, relating to coupled axles on semi-trailers	180
Ch. 165, relating to cost of licenses and registration period for taxicabs	102
Ch. 165, relating to Cranes	23
Ch. 165, relating to definition of semi-trailer	203
Ch. 165, relating to distance between trucks operated on Highway	754
Ch. 165, relating to driving Farm Trucks, prohibited when ..	539
Ch. 165, relating to driving under influence of intoxicating liquor or narcotic drugs	841
Ch. 165, relating to financial responsibility required in operation of taxicabs	101
Ch. 165, relating to identification and signs on School Busses ..	847
Ch. 165, relating to increase in cost of replacing number plates on Motor Vehicles	189
Ch. 165, relating to length of piling and pole tractors	204
Ch. 165, relating to license tags for farm trucks	538

Acts Amended (Revised Code 1935) (Continued)

Ch. 165, relating to liens on Motor Vehicles	837
Ch. 165, relating to limiting liability of owners or operators of a boat, airplane or other vehicle to guests	91
Ch. 165, relating to maximum gross loads of certain motor vehicles, fee for registering	741
Ch. 165, relating to Motor Vehicles, permits for excessive size and weight	99
Ch. 165, relating to overloading of motor vehicles	839
Ch. 165, relating to penalties for violation of Motor Vehicle Code	710
Ch. 165, relating to registration fee for scrapers or haulers..	284
Ch. 165, relating to registration fees for certain motor vehicles	539
Ch. 165, relating to registration of motor vehicles	576
Ch. 165, relating to speed regulations in school zones	215
Ch. 165, relating to stopping motor vehicles on signals from police	200
Ch. 165, relating to traction engines and tractors	22
Ch. 166, relating to filling of vacancies in State Highway De- partment	619
Ch. 166, relating to State Highway Department classification of police officers	3
Ch. 166, relating to State Park Commission	630
Ch. 169, relating to jurisdiction of Court of Common Pleas of New Castle County	822
Ch. 170, relating to jurisdiction of Court of Common Pleas, Kent County, and Court of General Sessions	855
Ch. 175, relating to increase in payments under Workmen's Compensation Law	285, 286, 751
Ch. 175, relating to Industrial Accident Board	305
Ch. 175, relating to Workmen's Compensation Law, occupa- tional diseases	591
Ch. 176, relating to cancellation or suspension of license to sell alcoholic liquor, wines and beer	187
Ch. 176, relating to prohibiting minor from entering a tavern	258
Ch. 176, relating to purchase of alcoholic liquor for personal use	744
Ch. 176, relating to purchase of liquor by holders of personal license	747
Ch. 176, relating to sale and delivery of alcoholic liquor	745
Ch. 176, relating to sale of liquor to and sale by persons in charge of hotel, restaurant, club or store	746

Acts Repealed (Laws of Delaware)

Vol. 19, Ch. 737, relating to Inspector of Meats for Wilmington	579
Vol. 21, Ch. 106, relating to classification of real estate for taxation in Wilmington	727
Vol. 40, Ch. 167, Sec. 11(H) relating to Town of Harrington	156

Acts Repealed (Laws of Delaware) (Continued)

Vol. 41, Ch. 70, relating to Public Arms and Defense	730
Vol. 43, Ch. 79, Sec. 7, relating to Basic Tables for School Building Program	1084
Vol. 44, Ch. 151, Sec. 8, 9, relating to expenses of Delaware Commission of Shell Fisheries	633
Vol. 44, Ch. 193, relating to Traction Engines and Tractors..	22
Vol. 45, Ch. 235, relating to perpetual care of cemetery lots by Executors or Administrators	807
Vol. 46, Ch. 180, relating to open season on Opossum and Raccoon	840
Vol. 46, Ch. 186, relating to negligent homicide by motor vehicle	224
Vol. 46, Ch. 187, relating to negligent homicide	223
Vol. 46, Ch. 196, relating to Labor Unions and Relations between employees and employers	662
Vol. 47, Ch. 285, relating to issuance of bonds and appropriating funds for school construction purposes	1090

Constitution of Delaware: Amendments

Article 2, Section 15, relating to salary of members of General Assembly	17
Article 4, Section 2, relating to the number of State judges and the creation of the constitutional office of Vice Chancellor	308
Article 4, Sections 2, 3, 4, 10, 13, 16, 17, 21, 27, relating to judiciary	308-313

Constitution of Delaware: Proposed Amendments

Article 2, Section 14, relating to State, County and Municipal employees prohibited from being a Senator or Representative	708
Article 2, Section 25, relating to Zoning	716
Article 3, Section 19, relating to compensation of Lieutenant-Governor	725
Article 4, Sections 1 to 35 inc., relating to Judiciary	557-570
Article 4, Section 3, relating to the Governor sending the names of appointments to judiciary to the President of the Senate	616

Acts Repealed (Revised Code of 1935)

R.C. 291 Sec. 36 Ch. 8, relating to Public Arms and Defense	733
R.C. 294 Sec. 39 Ch. 8, relating to Public Arms and Defense	733
R.C. 299 Sec. 44 Ch. 8, relating to Public Arms and Defense	734
R.C. 300 Sec. 45 Ch. 8, relating to Public Arms and Defense	734
R.C. 305 Sec. 50 Ch. 8, relating to Public Arms and Defense	735
R.C. 309 Sec. 54 Ch. 8, relating to Public Arms and Defense	735

Acts Repealed (Revised Code of 1935) (Continued)

R.C. 320 Sec. 65 Ch. 8, relating to Public Arms and Defense	735
R.C. 528 Sec. 67 Ch. 20, relating to Assessment and Fraternal Organizations	808
R.C. 529 Sec. 68 Ch. 20, relating to Assessment and Fraternal Organizations	808
R.C. 5180(a) Sec. 25 Ch. 149, relating to negligent homicide by motor vehicle	224
R.C. 5413 Sec. 15 Ch. 158, relating to provision of law requiring exclusive consideration of budget bill	40
R.C. 5605 Sec. 67 Ch. 165, relating to negligent homicide.....	223

Acts Amended (Laws of Delaware)

Vol. 17, Ch. 207, relating to Department of Health in Wilmington	469
Vol. 18, Ch. 175, relating to Town of Newark	95
Vol. 18, Ch. 175, relating to Town of Newark	176
Vol. 20, Ch. 557, relating to Department of Health in Wil- ton	469
Vol. 21, Ch. 283, relating to Town of Little Creek	184
Vol. 22, Ch. 183, relating to Town of Greenwood	67
Vol. 24, Ch. 195, relating to Town of Newport	143
Vol. 24, Ch. 195, relating to Town of Newport	202
Vol. 24, Ch. 195, relating to Town of Newport—Tax Collec- tors Bond	508
Vol. 24, Ch. 195, relating to Town of Newport—Treasurer's Bond	509
Vol. 24, Ch. 207, relating to Fire Marshal for Town of Bowers	475
Vol. 24, Ch. 207, relating to Town of Bowers	145
Vol. 25, Ch. 176, relating to Town of Elsmere	93, 94
Vol. 25, Ch. 212, relating to Town of Bethany Beach	79
Vol. 25, Ch. 212, relating to Town of Bethany Beach	84
Vol. 26, Ch. 206, relating to Public Utility Commissioners for Wilmington	114
Vol. 27, Ch. 240, relating to Town of Houston	137
Vol. 28, Ch. 155, relating to Town of Blades	117, 118
Vol. 29, Ch. 164, relating to Town of Laurel	111, 112
Vol. 29, Ch. 164, relating to Town of Laurel	188
Vol. 29, Ch. 164, relating to Town of Laurel	394
Vol. 32, Ch. 113, relating to pension fund for Wilmington Police	19
Vol. 32, Ch. 119, relating to Town of Newport	202
Vol. 33, Ch. 146, relating to Town of Greenwood	67
Vol. 35, Ch. 92, relating to Sinking Fund of Mayor and Council of Wilmington	655
Vol. 35, Ch. 121, relating to Town of New Castle	146
Vol. 36, Ch. 153, relating to Town of Cheswold	159
Vol. 36, Ch. 158, relating to City of Dover	463
Vol. 36, Ch. 158, relating to City of Dover	695

Acts Amended (Laws of Delaware) (Continued)

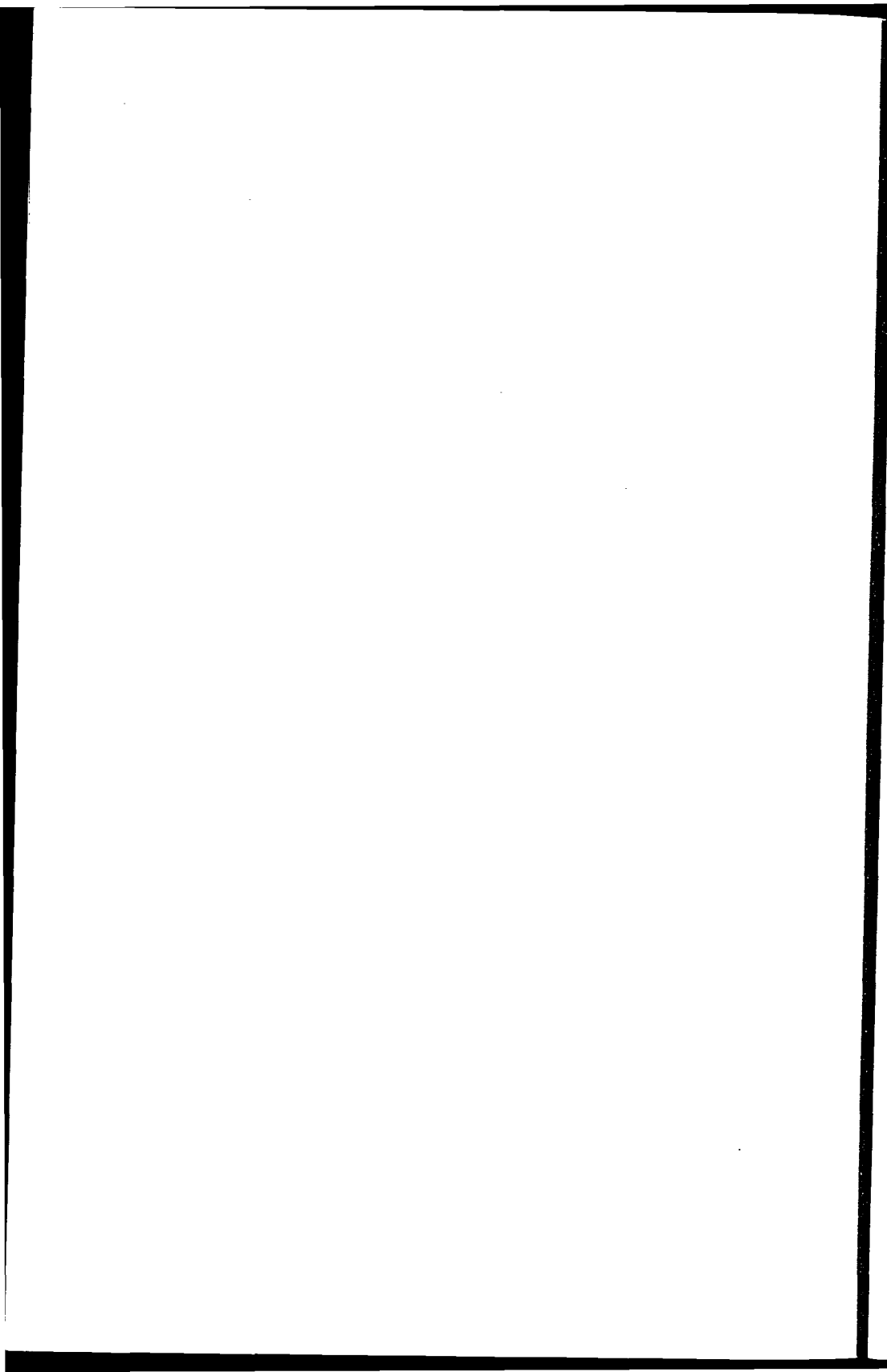
Vol. 36, Ch. 158, relating to assessment of taxes in City of Dover	696
Vol. 36, Ch. 158, relating to compensation for members of Dover City Council	736
Vol. 36, Ch. 163, relating to Town of Houston	137
Vol. 36, Ch. 172, relating to Town of Little Creek	184
Vol. 36, Ch. 206, relating to membership on School Building Commission	628
Vol. 37, Ch. 162, relating to Town of Milford	148
Vol. 37, Ch. 162, relating to Sewer Tax for Town of Milford	478
Vol. 37, Ch. 166, relating to Town of Selbyville	27
Vol. 38, Ch. 105, relating to Town of Laurel	112
Vol. 38, Ch. 122, relating to Town of Selbyville	27
Vol. 40, Ch. 167, relating to Town of Harrington	155
Vol. 41, Ch. 14, relating to occupational licenses for Wholesale News Agency	753
Vol. 41, Ch. 161, relating to Town of Rehoboth Beach	96, 151
Vol. 41, Ch. 258, relating to Salaries of Unemployment Compensation Commission	412
Vol. 41, Ch. 258, relating to Unemployment Compensation Commission	389
Vol. 41, Ch. 258, relating to Unemployment Compensation, rates for delinquent employers	838
Vol. 42, Ch. 19, relating to scholarships at University of Delaware	391
Vol. 42, Ch. 77, relating to Fish, Oysters and Game	127
Vol. 42, Ch. 148, relating to Salary of Vice Chancellor	413
Vol. 42, Ch. 172, relating to filling of vacancies in State Highway Department	619
Vol. 42, Ch. 204, relating to installation of accounting Procedures in State Agencies	629
Vol. 43, Ch. 12, relating to Fish, Oysters and Game	127
Vol. 43, Ch. 79, relating to comprehensive High Schools in Sussex County for Negro pupils	872
Vol. 43, Ch. 106, relating to power of Levy Court Kent County to borrow money	522
Vol. 43, Ch. 149, relating to pension fund for Wilmington Police	19
Vol. 43, Ch. 158, relating to Town of Bridgeville	42
Vol. 43, Ch. 159, relating to Town of Camden	70
Vol. 43, Ch. 159, relating to Town of Camden	505
Vol. 43, Ch. 170, relating to Town of Lewes	135, 154
Vol. 43, Ch. 184, relating to Town of Seaford	105, 106
Vol. 43, Ch. 185, relating to Town of Selbyville	27
Vol. 43, Ch. 189, relating to Town of Wyoming	138, 140
Vol. 43, Ch. 202, relating to Saturday Bank Holiday	78
Vol. 43, Ch. 203, relating to Saturday Bank Holiday	78
Vol. 43, Ch. 221, relating to compensation to Court Reporters	410

Acts Amended (Laws of Delaware) (Continued)

Vol. 43, Ch. 249, relating to speed in School Zones	215
Vol. 44, Ch. 64, relating to Tax on Commercial Poultry Feed	777
Vol. 44, Ch. 118, relating to who may vote by absentee ballot	705
Vol. 44, Ch. 118, relating to affidavit of doctor required in absentee voting	707
Vol. 44, Ch. 118, relating to affidavit printed on voucher envelope for absentee ballot	706
Vol. 44, Ch. 118, relating to limitation on who may vote by absentee ballot	707
Vol. 44, Ch. 119, relating to supplemental certificate of nomination in General Election	602
Vol. 44, Ch. 151, relating to Oysters	592
Vol. 44, Ch. 203, relating to purchase of alcoholic liquor for personal use	744
Vol. 44, Ch. 203, relating to purchase of liquor by holders of of personal license	747
Vol. 44, Ch. 203, relating to sale and delivery of alcoholic liquor	745
Vol. 44, Ch. 203, relating to sale of liquor to and sale by persons in charge of hotel, restaurant, club or store	746
Vol. 45, Ch. 45, relating to time of retirement of certain State employees	680
Vol. 45, Ch. 83, relating to aid for blind	92
Vol. 45, Ch. 83, relating to aid for needy blind	174
Vol. 45, Ch. 104, relating to pension benefits	134
Vol. 45, Ch. 104, relating to pension benefits, definition of "covered employment"	819
Vol. 45, Ch. 104, relating to pension benefits for State employees	541
Vol. 45, Ch. 104, relating to pension benefits for State employees	610
Vol. 45, Ch. 104, relating to pension benefits; State employees "covered employment"	862
Vol. 45, Ch. 104, relating to State Employees' Pensions	82
Vol. 45, Ch. 104, relating to State employees' pensions	201
Vol. 45, Ch. 113, relating to Sanitary Districts in New Castle County	314-321
Vol. 45, Ch. 115, relating to Levy Court of Kent County appropriations to Firemen's Association	11
Vol. 45, Ch. 123, relating to Suburban Community Code	737
Vol. 45, Ch. 171, relating to Town of Seaford	105
Vol. 45, Ch. 182, relating to Town of Delmar	395, 411
Vol. 45, Ch. 182, relating to increase in Water Rent in Town of Delmar	458-460
Vol. 45, Ch. 182, relating to Town of Delmar	444
Vol. 45, Ch. 186, relating to Town of Millsboro	178
Vol. 45, Ch. 241, relating to bail in Family Court	216
Vol. 45, Ch. 241, relating to Family Court of New Castle County	674-679

Acts Amended (Laws of Delaware) (Continued)

Vol. 45, Ch. 241, relating to jurisdiction and powers of Family Court of New Castle County	853
Vol. 45, Ch. 244, relating to salary of Vice-Chancellor	413
Vol. 45, Ch. 276, relating to State Highway Department classification of Police Officers	3
Vol. 45, Ch. 283, relating to Motor Vehicles	99
Vol. 45, Ch. 291, relating to Speed in School Zones	215
Vol. 45, Ch. 303, relating to Delaware Harness Racing Commission	16
Vol. 45, Ch. 303, relating to Delaware Harness Racing Commission	33-38
Vol. 45, Ch. 303, relating to Expenses of Delaware Harness Racing Commission	436
Vol. 46, Ch. 6, relating to Printing Needs of The General Assembly	5
Vol. 46, Ch. 31, relating to Delaware Harness Racing Commission	16
Vol. 46, Ch. 48, relating to Teachers' Salary Schedule	401-409
Vol. 46, Ch. 68, relating to Care of Dependent Children.....	85
Vol. 46, Ch. 68, relating to Vocational Rehabilitation	43
Vol. 46, Ch. 106, relating to Prothonotary of Sussex County..	32
Vol. 46, Ch. 119, relating to Apportionment of Federal and State Estate Taxes	866
Vol. 46, Ch. 123, relating to Maximum Gross Load for Certain Motor Vehicles	741
Vol. 46, Ch. 164, relating to signatures of minors to bonds and other obligations	193
Vol. 46, Ch. 171, relating to Lord Baltimore School District..	122
Vol. 46, Ch. 188, relating to State Health and Welfare Center	115
Vol. 46, Ch. 190, relating to Delaware State Hospital	80
Vol. 46, Ch. 213, relating to Bail in Family Court	216
Vol. 46, Ch. 215, relating to Town of Millsboro	178
Vol. 46, Ch. 216, relating to Town of Millsboro	177
Vol. 46, Ch. 237, relating to Pension benefits, for City of Wilmington Employees	542
Vol. 46, Ch. 237, relating to Pension benefits in Wilmington..	471
Vol. 46, Ch. 243, relating to Town of Rehoboth Beach	96
Vol. 46, Ch. 243, relating to Town of Rehoboth Beach	151
Vol. 46, Ch. 249, relating to Salary of Vice Chancellor	413
Vol. 46, Ch. 256, relating to Witnesses and Evidence	183
Vol. 46, Ch. 264, relating to Bangs Disease and movement of Cattle	774
Vol. 46, Ch. 280, relating to Town of Selbyville	45
Vol. 46, Ch. 288, relating to Aid for needy blind	174
Vol. 46, Ch. 298, relating to Salary Increases of New Castle County Employees	398
Vol. 47, Ch. 275, relating to Regulation and Sale of Live Poultry	1093



GENERAL INDEX

-A-

Page

Absentee Ballots

See Elections

Acknowledgments

Validity of legal instruments lacking properly executed
acknowledgments 843

Actions

See Survivency of Actions

Adjutant General

See National Guard

See Public Arms and Defense

Appropriation304, 474

Directed to keep lists of National Guard Units which have not
reached their authorized strength 991

Alcoholic Liquor, Wines and Beer

Amount of liquor that may be sold to holder of personal license 747

Cancellation or Suspension of Licenses 187

Liquor, amount that may be bought for personal use without
license 744

Minor prohibited from entering a taproom or package store,
penalty 258

Sale and delivery of liquor, amount limited to persons not hold-
ing personal use license 745

Sale to and by persons in charge of hotel, restaurant, club or
store 746

American Legion

Appropriation 4

Appropriation for services furnished veterans 438

Smyrna Ambulance 133

	Page
Appropriations	
Adjutant General	304, 474
Agricultural Experiment Station	267
Agricultural Extension Service	269
American Legion	4,438
Anti-Hog Cholera Serum and Virus	301
Appomatox Camp No. 2	7
Atkins, Robert B., claim against the State	795
Atlantic States Marine Fisheries Commission	340
Attorney General	335
Auditor of Accounts	331
Bangs Disease	300
Blind and Deaf Wards of the State	351
Bethany Beach Fire Company	615
Bethany Beach for Jetties	804
Board of Boiler Rules	342
Board of Managers of Detention Home	517
Board of Pardons	342
Board of Parole	194, 341
Board of Public Instruction in Wilmington	671
Board of Registration for Professional Engineers and Land Surveyors	341
Board of Veterinary Examiners	338
Board of Vocational Education	361
Boat Inspector	332
Brandywine Sanatorium	354, 636, 780
Bridge over Silver Run Creek	580
Bridgeville Fire Company	153
Broadkilm Beach Erosion	673
Cancer Control	400
Children of Veterans	14
Committee on Uniform Laws	328
Commission on Reorganization of State Government	909
Common Pleas Court—Kent County	335
Comprehensive High Schools in Sussex County	873
Court of Chancery	334
Court Reporters	410
Crop Improvement Association	349
Custodian of State House	344
Dam Across McCaulley's Mill Pond	577
Davis, Charles and Elizabeth, claim against the State	786
Debt Service	336, 337
Delaware Commission for the Blind	351
Delaware Commission for the feeble-minded	353, 506, 635, 773
Delaware Commission of Shell Fisheries	282, 437, 711, 830, 831
Delaware Commission on Interstate Cooperation	329
Delaware Day Commission	355
Delaware Harness Racing Commission	435

GENERAL INDEX

iii

	Page
Appropriations (Continued)	
Delaware Liquor Commission	333
Delaware Racing Commission	334
Delaware Real Estate Commission	340
Delaware Society for Prevention of Cruelty to Animals	13
Delaware State Apple Commission	685
Delaware State College	322, 358, 635, 724, 874
Delaware State Development Department	821
Delaware State Hospital	353, 811
Delaware State Museum	617
Delaware State Poultry Commission	776
Delaware Veterans Military Pay Commission	1053
Delmar Fire Department	217
Department of Justice	334
Dependent Children	85
Detention Home	517
Disabled American Veterans of Delaware	477
Edgewood Sanatorium	354
Education of Children of Veterans	14
Emergency Fund	445
Expenses Incident to Issuance of Bonds	1092
Expenses of Supreme Court	914
Ferris School for Boys	354, 434, 635
Fire Companies	11, 12, 120, 123, 344, 442
Fitchett, Fred, Claim against the State	836
Former Members of Department of Elections for New Castle County	482
Free Library New Castle County	128
Game and Fish Commission	350
Governor	330, 351
Governor Bacon Health Center	353
Highway and State Aid Bonds, purchase of by State Treasurer	497
Highway and State Aid Bonds, purchase of interest coupons ..	500
Historical Society of Delaware	355
Hog Diseases	68, 198
Holloway Terrace Fire Co.	123
Hospitals	461
Hughes, Julius, Claim against the State	817
Industrial Accident Board	343
Joint Inaugural Committee	876, 878
Joseph, Clyde	713
Kent and Sussex Fair, Inc.	440
Kent County Volunteer Fireman's Association	11
Knowles, Stella F., claim against the State	781
Kruse School	354
Labor Commission	341
Layton Home	195, 642
Legislative Reference Bureau	329

	Page
Appropriations (Continued)	
Lewes Memorial Commission	355, 743
Libraries	649
Medical Council of Delaware	337
Memorial Day	7
Mosquito Control	399
National Guard	343, 474
New Castle Tercentenary of Dutch Settlement Commission...	802
Old Age Welfare Commission	352, 416, 432, 636
Out of State Parole Supervision	342
Oyster Revenue Collector	332
Palmer Home Incorporated	726
Parole Board	341
Peninsula Horticultural Society	349
Pensions, Delaware State Employees	343
Permanent Budget Commission	85, 331, 789
Portrait Commission of Delaware	345
Printing of State School Survey Commission Report	899
Protection of Beach at Lewes	691
Public Archives Commission	345, 617, 661
Public Service Commission	537
Registration and Elections	329
Regulators of Weights and Measures	342
Rehoboth Beach Fire Company	120
Rehoboth Beach for Jetties	742
Revised Code Commission	815
Ryan, LeRoy, H., Sr., for refund of bond premiums	928
School Construction purposes	1078
School Districts	
Arden No. 3	668, 1082
Alfred I. duPont No. 7	160, 668
Bethel No. 99	670
Blackwater No. 207C	670
Blades No. 172	670, 1082
Blocksom's No. 218 C	161, 670
Bridgeville No. 90	161, 370, 670, 1082
Bridgeville No. 220 C	161, 372, 670, 1082
Cedar Neck No. 1	669
Cheswold No. 83	669
Cheswold No. 143 C	669
Christiana No. 44	363, 668, 1082
Christiana No. 111 C	668
Claymont	160, 373, 671, 1081
Clayton No. 119	368, 669, 1082
Clayton No. 136 C	669
John M. Clayton No. 97	161, 370, 670
Commodore MacDonough No. 53	161, 364, 668, 1082
Concord No. 58	670

GENERAL INDEX

v

Appropriations (Continued)

Page

Concord No. 216 C	670
Henry C. Conrad No. 131	161, 366, 668, 1082
Delaware City No. 52	363, 668
Delaware City No. 118 C	668
Delmar No. 163	161, 371, 670
Delmar No. 212½ C	670
Dover	160, 374, 671, 1081
Drawbridge No. 197 C	670
Alexis I. duPont	373, 671, 1081
Alfred I. duPont No. 7	161, 361, 668, 1082
Ebenezer No. 126 C	669
Eden No. 101	668
Ellendale No. 125	371, 670, 1082
Ellendale No. 195 C	670
Farmington No. 39	669
Felton No. 54	161, 367, 669, 1082
Fork Branch No. 145 C	669
Frankford No. 206 C	371, 670, 1082
Frederica No. 32	161, 367, 669
Friendship No. 202 C	670
Georgetown	160, 374, 671, 1081
Glasgow No. 56	668
Greenwood No. 91	161, 370, 670, 1082
Greenwood No. 222 C	670
Gumboro No. 37	161, 369, 670, 1082
Harmony No. 32	668
Harrington	160, 374, 671, 1081
Hartly No. 96	161, 367, 669, 1082
Hockessin No. 29	362, 668, 1082
Hockessin No. 107 C	668
Hollyville No. 224 C	670
Houston No. 125	161, 669
Iron Hill No. 112 C	668
Kent County Comprehensive High School for Negroes	1082
Kenton No. 9	161, 669
Kenton No. 140 C	669
Kirkwood - St. Georges No. 117 C	668
Laurel	160, 375, 671, 1081
Lees Chapel No. 124 C	668
Leipsic No. 11	669
Lewes	161, 375, 671, 1081
Lincoln No. 3	161, 669
Lincoln No. 194 C	670
Little Creek No. 85	669, 1082
Lockwood No. 142 C	669
Lord Baltimore No. 28	369, 480, 635, 670
Magnolia No. 50	669

	Page
Appropriations (Continued)	
Marshallton No. 77	161, 364, 668, 1082
Marshallton No. 108 C	668
Middletown No. 60	161, 364, 668, 1082
Middletown No. 120 C	161, 366, 668, 1082
Milford	160, 375, 671, 1081
Millsboro No. 23	161, 368, 669, 1082
Millsboro No. 204 C	371, 670, 1082
Millside No. 132 C	367, 669, 1082
Milton No. 8	161, 368, 669
Milton No. 196 C	670
Mount Olive No. 155 C	669
Mount Pleasant	160, 376, 671, 1081
Mount Pleasant No. 34	668
Mount Pleasant No. 119 C	668
Nanticoke Indian School	607
Nassau No. 198 C	670
Negro High School for New Castle County	1082
Newark	161, 376, 671, 1082
New Castle	161, 376, 671, 1082
Newport No. 21	161, 362, 668, 1082
Newport No. 106 C	366, 668, 1082
Oak Grove No. 130	365, 668, 1082
Oak Point No. 20	669
Odessa No. 61	668
Owens Corner No. 213 C	670
Parkers Chapel No. 153 C	669
Pleasant Valley No. 92	668
Port Penn No. 63	668
Portsville No. 214 C	670
Rabbits Ferry No. 201 C	670
Reeve's Crossing No. 159 C	669
Rehoboth	377, 671, 1082
Rehoboth No. 200 C	670
Richardson Park No. 20	361, 668, 1082
Caesar Rodney	160, 373, 671, 1081
Rose Hill - Minquadales No. 47	161, 363, 668, 1082
Rose Valley No. 79	669
Ross Point No. 215 C	670
Roxanna No. 31	161, 670
Seaford	161, 377, 671, 1082
Selbyville No. 32	161, 369, 670, 1082
Selbyville No. 210 C	161, 372, 670, 1082
Slaughter Neck No. 193 C	670
Smyrna	377, 671, 1082
Stanton No. 38	362, 668, 1082
Stockley No. 34	670
Sussex County Comprehensive High School for Negroes ..	1082

GENERAL INDEX

vii

	Page
Appropriations (Continued)	
Taylor's Bridge No. 66	668
Townsend No. 81	161, 365, 668, 1082
Townsend No. 125 C	669
Trinity No. 221 C	670
Union No. 158 C	669
Viola No. 156 C	669
Warwick No. 203 C	670
Warwick No. 225 C	670
White Oak No. 146 C	669
Wileys No. 93	669
Williamsville No. 30	670
Williamsville No. 226 C	670
Wilmington Board of Education	378, 671
Wilmington Colored Schools	1082
Wilmington White Schools	1082
Woodside No. 154 C	669
Yorklyn No. 91	365, 668, 1082
Scott, Fannie M., Claim against the State	756
Secretary of State	330, 1101
Smyrna Ambulance	133
Slaughter Beach Erosion	709
Soil Conservation Commission	349, 464, 635, 657, 659, 692
Soldiers, Sailors and Marines	521
Spanish War Veterans	6
State Athletic Commission	340
State Bank Commissioner	333
State Board of Accountancy	338
State Board of Agriculture	300, 301, 348, 606
State Board of Dental Examiners	338
State Board of Education	161, 271, 359, 407, 607, 622, 636, 671, 873, 875
State Board of Examiners and Registration of Architects	340
State Board of Examiners for Barbers	338
State Board of Examiners for Registered Nurses	339
State Board of Examiners in Optometry	339
State Board of Examiners in Undertaking	339
State Board of Health	348, 476, 636
State Board of Pharmacy	337
State Board of Welfare	352
State Building and Grounds Commission	344, 433, 635, 758
State Emergency Fund	445
State Forestry Department	350
State Highway Department ...	346, 348, 399, 472, 577, 580, 673, 691, 709
State Insurance Commissioner	332
State Librarian	335
State Library Commission	345
State Museum Commission	346

	Page
Appropriations (Continued)	
State Park Commission	630, 635
State Police, Pension Board	288
State Revenue Collector	331
State School Buildings, repairs and maintenance	667
State Tax Department	251, 333
State Treasurer	330, 497, 523
State Welfare Home	352, 636
Supplies Used by General Assembly	903, 915, 918, 921, 925
Supreme Court	181
Sypherd, Isabel P., for services rendered General Assembly ..	902, 910
Teachers, pensions for	504
Telephone Service to General Assembly	905
Temporary Increases in Salaries of certain State Employees..	263
To pay interest and maturities of certain bonds	846
Treasurer of United States	879
Uniforms to Officers of Delaware National Guard	467
University of Delaware.....	267, 269, 289, 356, 358, 571, 611, 634
Veterans of Foreign Wars	9, 438
Water Pollution Commission	723
Weinstein, Sylvia, for services rendered General Assembly ...	910
White, Elsie V., claim against the State,	760
Wiley, Earle D., for services to General Assembly	1100
Woods Haven School for Girls	443
Archives Commission	
See Public Archives Commission	
Assault	
See Crimes and Punishments	
Assessment	
Lions Club of Smyrna Exempt from	129
Atkins, Robert B.	
Appropriation	795
Atlantic States Marine Fisheries Commission	
Appropriation	340
Attorney General	
Appropriation	335
Increase in Salary of	763
Increase in Salary of Deputies	763
Salary of	335
Salary of Deputies	335

GENERAL INDEX

ix

	Page
Auctioneers	
Veterans exempt from license	124
Auditor of Accounts	
Appropriation	331
Entitled to vote on Delaware Veterans' Military Pay Commis- sion in case of tie	1051
Salary increase	513
Salary of	331
-B-	
Bailiffs	
Compensation of, in Kent County	104
Baker, James W. W.	
Proclaimed elected Auditor of Accounts	1021
Ballots	
See Elections	
Baltimore and Ohlo Railroad	
Directed to increase capacity of bridge over tracks on Harvey Road	656
Bank Commissioner	
Deposit of Securities with	21
Salary of	333
Banks, Savings Societies and Trust Companies	
Branch deemed separate bank	31
Collection, Payment & Dishonor of Demand Items	30
Definition of Credit	31
Deposit of Securities with State Bank Commissioner	21
Items outside business hours or in evenings	31
Regulations in relation to money forwarders	
Application to engage in business	863
Construction of Article	865
Exceptions	865
Fee; Bond to State	864
Receipt for money	864
Revocation of Credit	30
Saturday Optional Bank Holliday	78
Unlawful to solicit deposits on income contracts not applicable to certain business	327

	Page
Bangs Disease	
See State Board of Agriculture	
Appropriation	300
Battersby, Norman E.	
Appointed Bill Clerk for House of Representatives	913
Bethany Beach	
Election of Municipal Officers, time of	79
Increase in amount raised by taxation	84
State Highway Department directed to build jetties	804
Bethany Beach Fire Company	
Appropriation	615
Blades	
Compensation of Councilmen	117
Hours of Town Elections	117
Increase in Amount Raised by Taxes	118
Qualification of electors	117
Blind	
See Delaware Commission for	
Aid for needy	174
Appropriation	351
Residence requirements for financial aid	92
Board of Boiler Rules	
Appropriation	342
Board of Education of a Special School District	
See Education	
Board of Game and Fish Commissioners	
See Game and Fish Commission	
Board of Managers of Detention Home	
Appropriation	517
Board of Pardons	
Appropriation	342

GENERAL INDEX

xi

Page

Board of Parole

Appropriation194, 341

Board of Public Education in Wilmington

See Education

See Wilmington Board of Education

Board of Public Instruction in Wilmington

Appropriation 671

Board of Public Utility Commissioners for Wilmington

Control over Electric Trackless Trolley Coach & Bus

Companies and other Public Utilities 114

Board of Registration for Professional Engineers and Land Surveyors

Appropriation 341

Board of Soil District Supervisors—Sussex County

Levy Court to make funds available to, for employment of
manager of drainage projects 466

Board of School Trustees of a School District

See Education

Boards of Trustees of School Districts

Authorized to requisition State Board of Education to purchase
books and supplies 381

Board of Trustees of Sussex County

Directed to pay claim of Clyde Joseph 713

Board of Trustees, University of Delaware

See University of Delaware

Board of Veterinary Examiners

Appropriation 338

Board of Vocational Education

Appropriation 361

Authorized to allocate to School Boards amounts necessary to
match appropriations made by Congress 380

	Page
Boat Inspector	
Appropriation	332
Salary of	332
Bond Issues	
Appropriation for expenses of	1092
Capital Improvement Bonds—State of Delaware	634-641
Delaware State Hospital at Farnhurst	811
Dover Water and Electrical Plant	699-704
Laurel	108
Levy Court of New Castle County	318, 510
Lewes	149, 518
Lord Baltimore School District	122
New Castle	73, 75
New Castle County Airport	510
Provisions concerning the issuance of	1091
Sanitary District	318
School Building Program	1070-1075, 1076-1090
School Building Program Board	620-628
Selbyville	45
Sewer Revenue Bonds	546
State Highway Improvement	417-423
State Highway Refunding	424-431
Veterans Bonus	1053-1056
Wilmington Sewer Revenue Bonds	581
Boggs, James Caleb	
Proclaimed elected United States Representative in Congress	1017
Bonus	
See Veterans Military Pay Act	
Bonus Referendum	
Citizens to indicate by ballot whether they favor payment of cash bonus to Veterans of World War II	687
Clerk of Peace to print ballots for	687
Election Officers of last General Election to receive ballots...	687
Form of Ballot	688
Levy Court of each County to pay costs	688
State Treasurer to reimburse Levy Courts	688
Bowers	
Appointment of Fire Marshal and Town Constables	475
Increase in amount raised by taxes	145
Approval required by referendum	145

GENERAL INDEX

xiii

	Page
Boyce, Willard D.	
Proclaimed elected State Treasurer	1019
Boys' State	
Invited to be guests of General Assembly	924
Brandywine Sanatorium	
Appropriation	354
Appropriation for housing facilities	636, 780
Broadkill Beach	
Appropriation to prevent erosion of	673
Brown, James E.	
Appropriation for services as former member of Department of Elections, New Castle County	482
Brown, James L.	
Appropriation for services as former member of Department of Elections, New Castle County	482
Bridgeville	
Increase in amount raised by taxes	42
Collection of Taxes	42
Budget Bill	
Provision requiring exclusive consideration of, repealed	40
Busses	
Public Utility Commissioners of Wilmington have control	114
-C-	
Camden	
Authorized to borrow money	70
Corporate limits extended	170
Town Council to enter into no agreement exceeding 10 years without referendum	505
Cemeteries	
Trustees of Wesley Methodist Church in Georgetown author- ized to remove bodies from and sell ground	799
Perpetual care of lots by Executor and Administrators repealed	807

	Page
Chancellor	
See Court of Chancery	
Salary of	334, 414
Chancery Reports	
See Judicial and Chancery Reports	
Cheswold	
Day of annual election	159
Defining qualified voters thereof	159
Child	
Lewdly playing with, penalties	130
Cigars and Cigarettes	
See State Revenue	
Cities and Towns	
See Appropriations	
See name of particular town	
Clark, George R.	
Extension of sympathy to, by General Assembly	922
Clerk of the Orphans Court	
Times that office of shall be kept open	516
Clerk of the Orphans Court, Sussex County	
New seal authorized for	294
Clerk of the Peace	
Duties as to ballots at general elections	253-257
Duties as to ballots on bonus referendum	687
Times that office of shall be kept open	516
Clerk of the Peace—New Castle County	
Ballots for election of Trustees of Rose Hill - Minquadale School District to be printed by	297
Duties in New Castle Special School District election	647

GENERAL INDEX

xv

	Page
Clerks of the Peace—New Castle County (Continued)	
Duty to publish nominations for trustees, and date and place of election of Trustees of Rose Hill - Minquadales School District	297
Election supplies for Rose Hill - Minquadales Trustees election to be provided by	298
Sanitary District Bonds to be signed by	319
Clerk of Supreme Court	
Salary of	396
Coast Guard	
Appropriation for education of children	14
Commission for the Feeble Minded	
See Delaware Commission for the feeble minded	
Commission on Reorganization of State Government	
Appropriation	909
Compensation of members	909
Duties and powers of	908, 909
Governor a member of, and to appoint other members.....	907
Purpose of commission to study executive branch of Government	907
Committee on Uniform Laws	
Appropriation	328
Common Pleas Court—Kent County	
Salary of Judge	335
Constables	
Fees	596-599
Constitution	
Amendment making office of Vice Chancellor a constitutional office	308
Amendment relating to Judiciary	308-313
Amendment relating to salaries of members of General Assembly	17
Proposed amendment relating to Governor sending names of his appointments to judiciary to Senate in advance	616

	Page
Constitution (Continued)	
Proposed amendment relating to the judiciary and a separate Supreme Court	557-570
Proposed Amendment relating to salary of Lieutenant-Governor	725
Proposed amendments relating to State, County and Municipal Employees prohibited from being a Senator or Representative	708
Proposed Amendment relating to Zoning	716
Conveyances	
See Deeds	
Signature of minor to bonds or other obligations	193
Validation of instruments lacking effective acknowledgments	843
Cooch, Thomas	
Appropriation for services as former member of Department of Elections, New Castle County	482
Cooperatives	
Required to take out manufacturers' or merchants' license....	828, 829
Copeland, Lammot duPont	
Proclaimed an Elector for the election of a President and Vice-President of the United States	1011
Corporations	
Certificate of Incorporation	
Certificates included by term	206
Composite certificate	207
How signed, sealed, recorded, etc.	206
When evidence	207
Charters Repealed	966, 1024
Consolidation or Merger	211-213
Appraisers	212
Cost of appraisal	212
Notice to objecting stockholder	211
Election of Directors; filling of Vacancies	207-211
Contested elections	209
Election ordered by Chancellor	210
Failure to elect on regular day	209
Hearing before Chancellor	210
Service	210
Powers of railroad to borrow money	103

GENERAL INDEX

xvii

	Page
Corn Pickers	
Lien of owners of on corn picked	765
County Engineer of New Castle County	
Duties of, relating to creation of Sanitary Districts	315-320
County Offices	
Times that offices shall be kept open	516
Court of Chancery	
Appropriation	334
Salary of Chancellor	334, 414
Salary of Vice Chancellor	334, 413
Sale of Trust Property by order of the Chancellor	
No sale when terms of Trust Prohibit	823
Sale free from trust, how effected	823
Sale may be ordered without consent, when	823
Proceeds of Sale held subject to same Trust	824
Trustees bond	824
Court of Common Pleas	
Jurisdiction in cases arising out of violation of certificates issued to Poultry Breeders by State Board of Agriculture	784
Court of Common Pleas, Kent County	
Additional jurisdiction and powers conferred upon in certain support proceedings	855-857
Court of Common Pleas, New Castle County	
Jurisdiction enlarged to include attempts	822
Court of General Sessions	
Additional jurisdiction and power conferred upon in certain support proceedings	857-859
Court Crier	
Salary of, in Kent County	393
Court Reporters	
Appropriation for compensation	410

	Page
Covered Employment	
See Pensions	
Cranes	
Definition of	23
Lights not required on certain conditions	23
Registration fee for	23
Crimes and Punishments	
Burglary; Penalty	220
Deposit of Refuse, penalties	196
Lewdly playing with child, penalties	130
Minor entering taproom or package store, penalty	258
Rape, recommendation of mercy by jury, punishment	861
Rape, verdict of guilty of assault lawful, punishment	861
Remission of Corporal punishment for juvenile delinquents ...	222
Crippled Children	
Appropriation for services to	476
Crop Improvement Association	
Appropriation	349
Curtesy	
How barred	755
Custodian of State House	
Appropriation	344
-D-	
Davis, Charles and Ellizabeth	
Appropriation	786
Debt Service	
Appropriation for interest on and to retire fixed obligations of State	336, 337
Deer	
Hunting thereof unlawful	663

GENERAL INDEX

xix

	Page
Delaware City School District No. 52	
Transfer of funds to general account	205
Delaware Commission for the Blind	
Appropriation	351
Delaware Commission for the Feeble-Minded	
Appropriation	353, 506, 643, 773
Appropriation for construction of buildings	635
Delaware Commission of Shell Fisheries	
Appropriation	437
Appropriation for improvement of channel across Rehoboth Bay to channel leading from Millsboro through Indian River to the Inlet	711
Appropriation for planting of oysters	831
Appropriation for purchase of boat	830
Appropriation, Improvement of Indian River and Bay	282
Authorized to sell boat	832
President of a member of Water Pollution Commission	718
Relating to Expenses of Commission, repealed	633
Delaware Commission on Interstate Commerce	
Appropriation	329
Delaware Day Commission	
Appropriation	355
Delaware Harness Racing Commission	
Appointment of Commission	33
Appropriation	435
Bond of Commission	34
Commissions on pari-mutuels to operators of harness racing meeting	16
Duties	35
Inspection of premises	37
Liability insurance required from licensee	37
License Fees payable to Commission	36
Limitation on Dates for Harness Racing	37
Oath of Commission	34
Offices of Commission	35
Payment of Expenses of Commission	436
Power to appoint Clerks	35

	Page
Delaware Harness Racing Commission (Continued)	
Removal of Commission	34
Requirements for license from Commission	36
Salary	35
Vacancies in Commission	34
Delaware Liquor Commission	
Appropriation	333
Delaware Memorial Bridge	
See State Highway Department	
Delaware Racing Commission	
Appropriation	334
Change in duration of meet	39
Number and qualification of Commissioners	87
Salary of Commissioners	334
Term of Commissioners	87
Delaware Real Estate Commission	
Appropriation	340
Salaries of Commissioners	340
Delaware Society for Prevention of Cruelty to Animals	
Appropriation for Expenses of Operation	13
Delaware State Apple Commission	
Appropriation	685
Appropriation, for what expended, how	684
Commission created, number of members, terms, expenses paid, Organization	681, 682
Courts having jurisdiction	685
Definition of terms	681
Penalties	684
Powers and duties of Commission	682, 683
Records	683
Report of Apples grown	683
Tax Levied	683
Unpaid Tax and interest, how collected	684
Delaware State College	
Appropriation	358, 724
Appropriation for Buildings	874
Appropriation for Construction and equipment	635
Appropriation for Scholarships	322

GENERAL INDEX

xxi

	Page
Delaware State Development Department	
Appropriation	821
Creation, purpose and duties of	820, 821
Director of, Governor to appoint	821
Duties of	821
Delaware State Health and Welfare Center	
See State Health and Welfare Center	
Delaware State Hospital	
Appropriation	353, 811
Bond Issue authorized	811-813
Erection of new building	80
Delaware State Museum	
Appropriation	617
Delaware State Poultry Commission	
Appropriation	776
Creation, powers and duties of	775, 776
Delaware Veterans' Military Pay Commission	
See Veterans' Military Pay Act	
Delaware Volunteer Fireman's Association	
See Fire Companies	
Delmar	
Date when Council and Mayor assume duties	395, 411
Hours for holding town election	395, 411
Increase in amount raised by taxation	395
Referendum before increase in water rent	458-460
Sewer rentals	444
Taxes to become due, when	411
Denney, William D.	
Director of Farmers Bank	877
Department of Elections, New Castle County	
Appropriation to former members for services	483

	Page
Department of Justice	
See Judiciary	
Dependent Children	
Appropriation for care of	85
Desertion and Support	
Duty to support destitute wife and children	849
Penalty for failure to support	849
Probation Officers, duties	850
Violation of Probation Order, Proceedings upon.....	850, 851
Wage Assignments	851, 852
Detention Home	
Appropriation	517
Disabled American Veterans of Delaware	
Appropriation	477
Ditches	
See Tax Ditches	
Division of Sanitation	
Director of a member of Water Pollution Commission	718
Divorce	
Decree absolute for, when, how obtained	397
Dodd, William A. B.	
Director of Farmers Bank	877
Dover	
Amendment to Charter of	463
Assessment of Taxes	696-698
Bonds—Water and Electrical Plant bonds authorized	699-704
Compensation for members of City Council	736
Increase in amount that may be raised by taxes	695
Dower	
How forfeited	163
duPont, Pierre S. III	
Director of Farmers Bank	877

GENERAL INDEX

xxiii

Page

-E-

Eden School District No. 101

Funds transferred to Maintenance Account	199
--	-----

Edgewood Sanatorium

Appropriation	354
---------------------	-----

Education

See Delaware State College	
See Schools under Appropriations	
See State Board of	
See State Supported Salary Schedule for Teachers	
See University of Delaware	
See Wilmington Board of	
Appropriation for children of Veterans of World War I and World War II	14
Authorizing Issuance of Bonds and Appropriating Funds for School Construction Purposes	1076-1090
Appropriation	1078
Bonds Authorized, procedure for issuance of	1078-1080
Consolidated School Districts, maximum total costs	1085
Definition of Terms	1077, 1078
Duties of State Treasurer as to sums received	1080, 1085
Duties of School Building Program Board	1083-1085
Funds to remain available until work completed	1085
Members of School Building Program Board	1083
School Districts authorized to issue bonds to raise their share	1083
State share available only if local share deposited with State Treasurer	1082
Sums allocated to various schools	1081, 1082
Board of Education of a Special School District or Board of School Trustees of a School District authorized to issue bonds for School Building Programs	1070-1075
Authority, Bids, Records of Proceedings	1070, 1071
Cancellation and Destruction of Bonds and Coupons	1074
Contracts Relating to purchase of lands	1075
Form and designation of Bonds	1073
Limitations respecting Bonds	1072
Permanent Budget Commission duty to regulate fiscal records	1074
State Board of Education to approve plans	1070
Board of Public Education in Wilmington authorized to acquire lands	1089
Board of Public Education in Wilmington to have exclusive jurisdiction to carry out school building program in city	1088

	Page
Education (Continued)	
Board of Public Education in Wilmington to keep record of costs of School Construction	1089
Closing of one-room schools	169
Collector appointed by Boards to make monthly reports	613
Duties and powers of School Building Commission	1086, 1087
Election of Trustees of Rose Hill - Minquadales School District	295
Funds for Board of Public Education in Wilmington for School Building Program, how obtained	1088
Funds for expenses of School Construction Program, how obtained by School Building Commission	1087, 1088
Length of School Term	125
Method of allocation of funds for operation of free Schools ..	791-794
Procedure for termination of contracts of School Teachers ..	779
Referendum required for additional school taxes	665
School Building Commission authorized to acquire lands	1089
School Building Commission created	1086
School Building Commission may require bond from employees or contractors	1087
School Districts, consolidation of must be submitted to voters ..	809
Secretary of State Board of Education or person designated by him shall be Secretary of each School Building Commission except in the City of Wilmington	1087
State Board of Education to render aid to and approve plans of School Building Commission	1086
Title to lands, in whom title rests	1089
Elections	
Absentee ballot, who may vote by	705
Affidavit of Doctor to be noted in Register	707
Form of affidavit to be printed on voucher envelope for..	706
Limitation on who may vote by	707
Ballots; size, form, style, color arrangement	255-257
Clerk of Peace to print ballots	253
Form of Ballot	256
Nomination of Candidates	253
Publication of Nominations, how arranged	254
Single Ballots for all candidates at general election	253
Supplemental Certificate of Nomination	602
Elsmere	
Increase in Amount raised by taxes	94
Salary of Commissioners	93
Emergency Fund	
See State Emergency Fund	

GENERAL INDEX

xxv

Page

Estate Tax

See State Revenue	
Provisions for apportionment thereof	866-869

-F-

Family Court of New Castle County

Additional jurisdiction and powers conferred upon in certain support proceedings	853, 855
Appointment of Director, Probation Officers, other employees and salaries thereof	677
Associate Judge may practice law	676
Associate Judge provided for	674
Attorney General, right of appeal in certain cases	679
Bail, who may accept	216
Budget, limitation of	677
Disposition of Adults, Children	677, 678
Duties of Associate Judge	676
Exclusive original jurisdiction in certain cases	675
Governor to appoint Associate Judge	676
Judge, if requested, may submit to Governor his recommendation for Associate Judge	676
Salary of Associate Judge	677
Salary of Judge	676

Farmers Bank

Directors appointed	877
---------------------------	-----

Federal Judgments

(See Judgments)

Fees

Bailiffs of Kent County	104
Constables	596-599
Jurors	81

Ferris School for Boys

Appropriation	354
Appropriation for dormitory	434, 635

Fiduciaries

See Trustees

	Page
Finger, Aaron	
Director of Farmers Bank	877
Fire Companies	
Appropriation for ambulances	442
Appropriation to .....11, 12, 120, 123, 153, 344, 615	615
Police powers granted to certain members thereof	131
Fish, Oysters and Game	
Carrying of loaded shotgun or rifle in automobile or other vehicle unlawful	715
Deer—Hunting thereof unlawful	663
Duties, powers and restrictions of Board	252
Fox Hunting with dogs permitted on Sunday, when	544
Herring, time when they may be taken	759
License Fees	126
Nets limited in length in certain waters	50
Opossum and Raccoon, open season for	840
Raccoons—No closed season in parts of New Castle and Kent Counties	291
Rockfish; Taking, possession, sale or transportation of	218
Short term, non-resident hunting and fishing licenses	262
Squirrels, Open season for	306
Use of Hunting and Trapping License Fees	127
Fitchett, Fred	
Appropriation	836
Foreman, John W.	
Appropriation for services as former member of Department of Elections, New Castle County	482
Fox Hunting	
Permitted on Sunday, in season, with dogs	544
Frear, J. Allen, Jr.	
Proclaimed elected United States Senator	1015
Frederica	
Reincorporated—Charter	51-65

GENERAL INDEX

xxvii

Page

-G-

Game

See Fish, Oysters and Game
See Game and Fish Commission

Game and Fish Commission

Appropriation	350
Appropriation for return of funds to United States Treasurer because of overpayment to an employee of Board	879
Board may issue permits for restricted experimental propagating and shooting preserves	651
Conditions upon which shooting preserve permit will be issued	651
Duties of holder of shooting preserve permit	651-654
Game released on preserve must be banded	653
May designate deputy to perform duties of president of Water Pollution Commission	719
President of, to be member of Water Pollution Commission...	718
Shooting preserves limited in area	652
Shooting preserves restricted to New Castle County	652
Shooting season on preserve	653

General Assembly

Appointment of Bill Clerk for the House of Representatives and the Senate	913
Appointment of Bill Clerk for the House of Representatives and Senate at Special Session	1058, 1096
Appointment of Committee for showing of movie "The Snake Pit"	881
Appropriation for supplies	903, 915
Appropriation for Telephone Service	905
Appropriation to Earle D. Willey for Services	1100
Appropriation to Isabel P. Sypherd for Services	902, 910
Appropriation to LeRoy H. Ryan, Sr., for refund of bond premiums	928
Appropriation to Secretary of State for expense of printing Journal of the Special Session	1101
Appropriation to Sylvia Weinstein for Services	910
Awarding of contract for Printing Needs	5
Certain records of, to be deposited with Public Archives Commission	930
Convened in Special Session by Governor	1066, 1107
Expressing appreciation to those assisting in program commemorating birthday of Abraham Lincoln	882
Expressing appreciation to those assisting in program commemorating birthday of George Washington	895

	Page
General Assembly (Continued)	
Extension of sympathy to George R. Clark	922
Extension of time for introduction of bill relating to repealing law requiring exclusive consideration of the budget bill ..	923
Extension of time for introduction of bill relating to Express Highways	900
Extension of time for introduction of bill relating to payment of interest and principal maturities of bonds	906
Extension of time for introduction of bill relating to protec- tion of Bethany Beach from erosion	929
Relating to adjournment sine die	927, 1062, 1099
Resolution authorizing appointment of a committee to notify Governor that General Assembly is duly organized	887
Resolution authorizing appointment of a committee to notify Governor that General Assembly is duly organized in Special Session	1059, 1097
Resolution directing appointment of committee to arrange a program for Lincoln's Birthday	916
Resolution directing appointment of committee to arrange a program for Washington's Birthday	890
Resolution for joint session to count vote for Governor and Lieutenant Governor	885
Resolution inviting the Boys' State to be the guests of the General Assembly	924
Resolution limiting the presentation of bills at Special Session	1061
Resolution memorializing Congress to pass and President to approve "General Pulaski's Memorial Day"	897
Resolution of appreciation to Republic of France for token of friendship shown by "Merci Train"	917
Resolution permitting introduction of new bill appropriating money to commemorate the Three Hundredth Anniversary of the Settlement by the Dutch of New Castle	926
Resolution petitioning Congress of United States to enact laws forbidding "Lonely Hearts" advertisements	931
Resolution providing for adjournment	888
Resolution providing for committee for the inauguration of the Governor and representation at inauguration of President of the United States	884
Resolution providing for joint session to attend commemora- tion of Lincoln's Birthday	891
Resolution providing for joint session to attend commemora- tion of Washington's Birthday	892
Resolution providing for joint session to hear the message of the Governor	833, 896, 901, 1060, 1098
Resolution providing for joint session to witness oath of office to Lieutenant Governor	889
Resolution relative to the death of Joseph Morris Harrington..	893
Resolution with reference to supplies needed by..	911, 912, 918, 921, 925

GENERAL INDEX

xxix

	Page
General Elections	
See Elections	
Georgetown	
Trustees of Wesley Methodist Church authorized to remove bodies from cemetery and sell ground	799
Goslee, J. Edward	
Director of Farmers Bank	877
Governor	
Appropriation	330
Appropriation—Blind and Deaf Wards of the State	351
Authorized to borrow on credit of State and issue bonds therefor	634-641
Increase in Salary of	762
May Call out National Guard on extraordinary occasions ...	731
Member of School Building Program Board	626, 1083
Proclamations of	933-1045, 1063-1068
To appoint Commission on Reorganization of State Govern- ment of which he is a member	907
To appoint Delaware Veterans' Military Pay Commission	1050
To Appoint Director of Delaware State Development Department	821
To appoint members of certain School Building Commission	1086
To appoint members of Delaware State Poultry Commission..	775
To appoint New Castle Tercentenary of Dutch Settlement Commission	802
To appoint Revised Code Commission	814
To select certified public accountants for Permanent Budget Commission	788
Salary of	330
Governor Bacon Health Center	
Appropriation	353
Grade Crossings	
See State Highway Department	
Grain or Hay	
Liens of owners of threshing machines, corn pickers or hay balers upon	765

	Page
Grand Army of the Republic	
See Memorial Day	
Greenwood	
Council to fix sum assessed on citizens	67
Greenwood School District No. 91	
Transfer of Funds to Maintenance Account	66
Guardians	
See Trustees	
Guests	
Owner's liability to, in boat, airplane or other vehicle	91
Guns	
See Fish, Oysters and Game	

-H-

Harness Racing	
See Delaware Harness Racing Commission	
Harrington	
Act relating to, repealed	156
Authorized to borrow money	156
Fee of Assessors	155
Increase in amount raised by taxes	155
Harrington, Joseph Morris	
Resolution of General Assembly relative to the death of	893
Harvey Road	
Baltimore and Ohio Railroad directed to increase capacity of bridge over tracks	656
Hawke, Leroy F.	
Appropriation for services as former member of Department of Elections, New Castle County	482

GENERAL INDEX

xxxi

	Page
Hay Balers	
Liens of owners of, on hay baled	765
Herring	
See Fish, Oysters and Game	
Historical Society of Delaware	
Appropriation	355
Hogs	
Appropriation for Control of diseases of	301
Home for Feebleminded at Stockley	
Transfer of certain cases to Delaware State Health and Wel- fare Center Authorized	307
Homicide	
Act relating to negligent homicide repealed	223
Act relating to negligent homicide by motor vehicle repealed	224
Hospitals	
Appropriation to, in State of Delaware	461
Houston	
Increase in amount raised by taxes	137
Huckster's, Peddler's and Auctioneer's	
Veterans exempt from license	124
Hughes, Julius	
Appropriation	817
Hunting and Fishing	
See Fish, Oysters and Game	
Husband and Wife	
See Curtesy	
See Desertion and Support	

-I-

Income Tax

See State Revenue

Indian River

See Delaware Commission of Shell Fisheries

Inheritance Tax

See State Revenue

Industrial Accident Board

Appropriation	343
Bonds of Insurance Carriers to be transferred to Insurance Commissioner	305

Inspector of Meats for Wilmington

Act relating to, repealed	579
---------------------------------	-----

Insurance

See Insurance Department	
Investment of funds of Insurance Companies	1095
Reinsurance of Risks in countries other than the United States	41

Insurance Commissioner

Appropriation	332
Bonds of Insurance carriers with Industrial Accident Board to be transferred to	305
Salary of	332

Insurance Department

Additional requirements for certificate of authority	833-835
Article 6 of Chapter 20 of the Revised Code of Delaware relating to Assessment and Fraternal Organizations repealed	808
Increasing requirement for certificate of authority	175
Investment of funds of insurance companies	1095

-J-

Joint Estates and Partition

See Curtesy

GENERAL INDEX

xxxlii

	Page
Joint Inaugural Committee	
Appropriation	876, 878
Jointly Owned Property	
See Registration of Wills	
See Settlement of Personal Estates	
See State Revenue	
Joseph, Clyde	
Payment of Claim of, directed	713
Judgments	
Judgments of Federal Courts become liens when	797
Judicial and Chancery Reports	
Deposited in State Library, Disposal of	152
Judicial Decisions, Equity; By whom reported	157
Payment for reports deposited with Secretary of State	157
Judiciary	
Appropriation	334
Salaries of	334, 414
Junk Dealers	
Account of Articles purchased required	573
Purchase of metal from minor unlawful	299
Reports to police	574
Jurors	
Fees of grand, petit or special	81
Justices of Peace	
Fees	594-596
Jurisdiction in cases arising out of violation of certificates issued to Poultry Breeders by State Board of Agriculture	784
Jurisdiction in cases arising out of vehicles entering an "Ex- press Highway" except at points designated	871
Juvenile Delinquents	
Remission of corporal punishment, when	222

	Page
-K-	
Kent and Sussex Fair, Inc.	
Appropriation for prizes	440
Kent County	
Establishment of basic plumbing principles in	382-388
Fees of Bailiffs	104
Levy Court—See Levy Court of Kent County	
Salary of Court Crier	393
Salary of Judge of Court of Common Pleas	335
Tax rate, increase authorized	468
Time that county offices shall be kept open	516
Kent County Volunteer Fireman's Association	
Levy Court of Kent County authorized to appropriate funds..	11
Knowles, Stella F.	
Appropriation	781
Kruse School	
Appropriation	354
Authorized to sell certain lands	844
-L-	
Labor Commission of Delaware	
Appropriation	341
Laurel	
Additional member of Council, and election thereof	112
Bonds authorized to redeem outstanding bonds	108
Consent of Council required for appointment of town officers	188
Relating to vote of council required to pass certain ordinances	111
Service charge authorized for use of sewers	394
Layton Home	
Appropriation	195, 642
Legal Holidays	
For Banks, optional	78
For County offices	516
For Officials of New Castle County and Wilmington	221
For State employees	514

GENERAL INDEX

xxxv

	Page
Legislative Journals	
See General Assembly	
Legislative Reference Bureau	
Appropriation	329
Levy Court Commissioners	
Duties respecting purchase by State Treasurer of certain high- way and State Aid Bonds	497
Duties respecting purchase by State Treasurer of past due coupons on certain highway and State Aid Bonds	500
Entitled to reimbursement by State Treasurer for costs of bonus referendum	688
To pay costs of bonus referendum	688
Levy Court of Kent County	
Appropriation for control of hog diseases	198
Appropriation for Kent County Volunteer Fireman's Association	11
Appropriation for Smyrna Ambulance	133
Authorized to borrow money	522
Authorized to pay costs of Recorder for obtaining chattel mortgage records	44
Directed to appropriate funds to clean tax ditches in county..	659
Method of payment of funds appropriated	660
Duties respecting purchase by State Treasurer of certain high- way and State Aid Bonds	497
Duties respecting purchase by State Treasurer of past due coupons on certain highway and State Aid Bonds	500
Tax rate, increase authorized	468
To appoint judgment commissioners	190
To pay costs of new seal for Register of Wills	415
Levy Court of New Castle County	
Appropriation for Free Library	128
Appropriation for Holloway Terrace Fire Company	123
Authorized to appoint additional police for New Castle Hundred	689
Duties of	689, 690
Authorized to pay employees on day preceding holiday	303
Authorized to refund certain overpayments of taxes	502, 503
Bonds for maintenance of airport	510
Costs of election of Trustees of Rose Hill - Minquadales School District to be paid by	298
County employees, salary increase made permanent	398

	Page
Levy Courts of New Castle County (Continued)	
Creation of Sanitary Districts	314-321
Directed to appropriate funds to clean tax ditches in county	657
Method of payment of funds appropriated.....	658
Duties respecting purchase by State Treasurer of certain highway and State Aid Bonds	497
Duties respecting purchase by State Treasurer of past due coupons on certain highway and State Aid Bonds	500
Increase in Tax rate authorized	142
Refund of certain over payment of taxes	25
Saturday Holiday for officials of New Castle County	221
Levy Court of Sussex County	
Appropriation for Bridgeville Fire Company	153
Appropriation for Delmar Fire Department	217
Appropriation for preventing of hog diseases	68
Appropriation for Rehoboth Beach Fire Company	120
Duties respecting purchase by State Treasurer of certain highway and State Aid Bonds	497
Duties respecting purchase by State Treasurer of past due coupons on certain highway and State Aid Bonds	500
To pay salary of manager of drainage projects to Board of Soil District Supervisors	466
Lewes	
Annual election and qualification of voters	135
Appropriation to protect beach from erosion	691
Bonds for municipal dock and roads	518
Bonds for water system	149
Increase in amount raised by taxes	154
Lewes Memorial Commission	
Appropriation	355
Appropriation for repairs to Zwaanendael Museum	743
Libraries	
Appropriation for certain District Library Commissions	649
Lingo and Donovan	
Levy Court of New Castle County to refund overpayment of taxes	502
Liens	
Judgments of Federal Courts become liens when	797
Liens of owners of threshing machines, corn pickers or hay balers upon grain or hay	765

GENERAL INDEX

xxxvii

	Page
Lions Club of Smyrna	
Certain lands of, exempt from assessment	129
Little Creek	
Boundaries extended	184
Increase in amount raised by taxes	186
Lord Baltimore School District No. 28	
Appropriated for construction of buildings	635
Bonds sold by, validated	122
-Mc-	
McCaulley's Millpond	
Appropriation for dam across	577
-M-	
Maltman, Wesley W. and Mary	
Levy Court of New Castle County to refund overpayment of taxes	503
Manahan, Frank R.	
Director of Farmers' Bank	877
Marines	
Appropriation for burial of indigent	10,521
Appropriation for education of children of	14
Marshall, Rosanna B.	
Proclaimed an Elector for the election of a President and Vice-President of the United States	1011
Maul, George Clifton, Sr.	
Proclaimed an Elector for the election of a President and Vice-President of the United States	1011
Mayor and Council of Wilmington	
See Wilmington	

	Page
Medical Council of Delaware	
Appropriation	337
Memorial Day	
Appropriation for Observation thereof	7
Millford	
Pension plan for city employees	148
Sewer Tax authorized	478
Millsboro	
Annexation of contiguous territories	177
Commissioners authorized to use money from sale of bonds for water works	178
Minors	
See Family Court of New Castle County	
Prohibited from entering taproom or package store	258
Remission of corporal punishment for	222
Signature of minor to bonds or other obligations	193
Misdemeanors	
See Crimes and Punishments	
See Motor Vehicles	
Mortgages	
Chattel and Crop Mortgages	
Assignment of	278
Authorized	273
Corporation Mortgages to secure bonds not within Act ..	281
Debts which may be secured	274
Default	276
Effect of removal of property	275
Effect of Sale of Property	276
Fees, Recorders	277
Formal Requirements	274
Manner and effect of filing	277
Penal provisions	280
Period of Lien	279
Priority of Lien	275
Property Mortgageable	274
Remedies on Default	279
Satisfaction of	279
Saving Clause	281
Separability of Act	281
Transfer of, from other States authorized	278

GENERAL INDEX

xxxix

	Page
Mosquito Control	
Appropriation	399
Motor Vehicles	
Coupled axles on semi-trailers	180
Cost of replacing number plates	189
Cranes—definition of	23
Lights not required on certain conditions	23
Registration fee for	23
Driving Motor Farm Trucks, prohibited when	539
License not to be revoked or suspended for overloading of motor vehicle	839
License tags for motor farm trucks	538
Limiting liability to guest in boat, airplane or other vehicle..	91
Maximum Gross Loads, Fee for Special Permits	741
Penalties for violations of Motor Vehicle Laws	710
Permits for excessive size and weight	99
Piling and Pole trailers, length of	204
Registration fee for semi-trailer earth moving scrapers or haulers	284
Registration fees for certain motor vehicles	539
Repeal of certain lines in 5574 Sec. 36	837
Revocation of license upon conviction of driving under the influence of intoxicating liquor or narcotic drugs	841
School busses, identification thereof and signs thereon	847
Duties of drivers of motor vehicles in relation thereto ..	848
Signs to be erected to make known duties of motor vehicle operators in regard thereto	848
Semi-trailer, definition of	203
Speed Regulations in School Zones	215
Taxicabs—Regulation of	101
To stop on signals from police	200
Tractors or Tractors Engines permitted to have farm vehicles attached thereto on highways	22
Trucks, Distance between when operated on highway	754
Unlawful to drive unregistered vehicle	576
Motor Vehicle Department	
See Motor Vehicles	
See State Highway Department	
Saturday a legal holiday for employees of, when	514
Muncy, Ernest	
Levy Court of New Castle County to refund overpayment of taxes	503

	Page
Municipal Court of Wilmington	
Jurisdiction in cases arising out of violation of certificates issued by Poultry Breeders by State Board of Agriculture	685
Probation and Suspension of Sentence	770
Conditions of	771
Investigation	771
Meaning of terms	770
Termination of, arrest subsequent disposition	771
To have jurisdiction of attempts	545
-N-	
Nanticoke Indian School	
Appropriation for improvements	607
Narcotic Drugs	
Duties performed by State Board of Health now performed by State Board of Pharmacy	805
Quantities of certain drugs which may be sold	806
National Guard	
See Public Arms and Defense	
Adjutant General directed to keep lists of units which have not reached their authorized strength	991
Appropriation	343, 474
Appropriation—uniforms for officers	467
National Guard Day	996
National Guard Week	933
Support of recruiting pledged	952
Newark	
Authorized to borrow money	95
Increase in amount raised by taxes	176
Newell, John F.	
Appropriation for services as former member of Department of Elections, New Castle County	482
Newport	
Alderman given power to impose larger fines	143
Hours of voting at annual elections	202
Power to borrow money for Waterworks	144
Reduction in Tax Collector's Bond	508
Reduction in Treasurer's Bond	509

GENERAL INDEX

xli

	Page
New Castle	
Bonds for erection of sewage plant	75
Bonds for erection of water tank	73
Sale of properties delinquent in payment of sewer assessments	147
Service charges a lien on properties	147
Sewer Commission to receive salary	146
New Castle County	
Engineer a member of Water Pollution Commission	718
Levy Court	
Airport, Bond issue	510
County employees—salary increases	398
Creation of Sanitary Districts	314-321
Increase in Tax Rate authorized	142
Employees may be paid on day preceding holiday	303
Refund of certain overpayments of taxes	25
Sanitary District, Bond issue	318
Times that County offices shall be kept open	516
Saturday a legal holiday for employees of	221
New Castle Hundred	
Additional Police Provided for	689
New Castle Special School District	
Administration of, vested in Board of Education	645
Board elected annually	645
Clerk of Peace, duties as to election	647
Election, how conducted	646-648
Number and terms of board	645, 646
Vacancies, how filled	648
New Castle Tercentenary of Dutch Settlement Commission	
Appropriation	802
-O-	
Occupational Licenses	
See State Revenue	
Officials	
Saturday a legal holiday for, in New Castle County	221

	Page
Old Age Welfare Commission	
Appropriation	416
Appropriation, for furnishing building	432
Appropriation, pension account	352
Opossum	
See Fish, Oysters and Game	
Optometry	
See State Board of Examiners in Optometry	
Orphans Court	
Duties and powers in relation to apportionment of Federal and State Estate Tax	867-869
Orphans Court—Sussex County	
New Seal authorized	294
Out of State Parole Supervision	
Appropriation	342
Oysters	
Broadkilk River	
Minimum size fixed on oysters caught therein	592
Use of tax on oysters caught therein	593
Tax on oysters caught, how payable	592
Lease of beds, certain bottoms only subject to	593
Oyster Revenue Collector, appropriation for	332

-P-

Palmer Home Incorporated

Appropriation	726
---------------------	-----

Pardons

 See Board of Pardons

Parl Mutuel

 See Delaware Harness Racing Commission

GENERAL INDEX

xliii

	Page
Parole	
See Board of Parole	
See Prisoners	
Parole Board	
Appropriation	341
Pawn Brokers	
Account of articles pawned or purchased required	573
Pledge article not to be disfigured	575
Reports to Police	574
Retention of pledged articles, time	575
Peddler's	
Veterans exempt from license	124
Peninsula Horticultural Society	
Appropriation	349
Pennington, William K.	
Appropriation for services as former member of Department of Elections, New Castle County	482
Pension Benefits	
See Pensions	
Pensions	
Addition to definition of "covered employment"	819
Appropriation—Delaware State Employees	343, 344
Benefits accrue to exchange teachers in another state or country	541
City of Milford Employees	148
Disabled employees of City of Wilmington—	
Minimum amount to, increased	543
Time required for, decreased	543
Employees of City of Wilmington, minimum increased	542
Period of Service for retirement on, in Wilmington reduced..	471
Proof of Age—Birth Certificate accepted	134
Retired and disabled teachers appropriation	504
State employees	82, 201, 610, 680
State employees, return to employment within one year, full term to be considered "covered employment"	862
State police, appropriation for	288
Wilmington Police	19

	Page
Permanent Budget Commission	
Appropriation	331, 789
Authorized to audit accounts of any Board, Commission or	
Department	788
Accounts to be audited yearly	789
Governor to select certified public accountant	788
Duties relating to bonds for School Building Programs	1074
Duties relating to operation of free Schools	793, 794
To transfer funds for needy children	85
Police Officers	
See Fire Companies	
See Pensions	
See State Highway Department	
See State Police	
Additional police for New Castle Hundred	689
Duties of	689, 690
Porter, John F.	
Director of Farmers Bank	877
Portrait Commission of Delaware	
Appropriation	345
Poultry	
See State Board of Agriculture	
Increase in tax on commercial poultry feed	777
Poultry Breeding	
Provisions for breeding of better poultry and functions of State	
Board of Agriculture in connection therewith	783-785
Revocation of Certificates—Penalties	784
Jurisdiction of Courts	784
Poultry Feed	
Tax on commercial feed increased	777
Poultry Processing	
See State Board of Health	
Poultry Vaccinators	
See State Board of Agriculture	

GENERAL INDEX

xlv

	Page
Prick, Michael and Eva	
Relating to title to certain lands in New Castle County	766
Printing for General Assembly	
See General Assembly	
Prisoners	
Parole thereof	164
Proclamations	
Air Force Day	999
Arbor and Bird Day	940, 973, 1036
Army Day	977, 1038
Baker, James W. W., Auditor of Accounts	1021
Boggs, James Caleb, U. S. Representative	1017
Boyce, Willard D., State Treasurer	1019
Charters Repealed	966, 1024
Constitution Day	997, 1064
Convening Senate for confirmation of appointment of Associate Judge in the State of Delaware	964
Convening General Assembly in Special Session	1066, 1107
Crusade for Children Week	984
Delaware Air Week	988
Delaware Day	963, 1023
Delaware Swedish Colonial Day	938, 975, 1034
Directing Adjutant General to maintain list of National Guard Units which have not reached their authorized strength..	991
Electors for the election of a President and Vice-President of the United States	1011
Fathers' Day	1045
Fire Prevention Week	954, 1001, 1102
Flag Week	950, 986, 1044
Frear, J. Allen Jr., United States Senator	1015
General Election, date for	1003
General Pulaski's Memorial Day	956, 1004, 1104
I Am An American Day	946, 982, 1041
June Dairy Month	948
Junior Red Cross Day	1108
Marine Corps Day	959, 1008
Mothers' Day	942, 980, 1040
Music Week	979
National Employ the Physically Handicapped Week	1067
National Farm Safety Week	990
National Guard Day	996
National Guard, support of recruiting pledged	952
National Guard Week	933

	Page
Proclamations (Continued)	
National Maritime Day	1042
National Vegetable Week	1063
Naval Reserve Week	944
Navy Day	957, 1006
Nurses National Memorial, urging support of	937
Red Cross Month	935
Selective Service Act, dates for registration under	993
Thanksgiving Day	961, 1009
United Nations Day	1105
Prothonotary	
Times that offices of, shall be kept open	516
Prothonotary, Kent County	
Directed to make judgment indices	190
Prothonotary, Sussex County	
Directed to make judgment indices	32
Public Archives Commission	
Appropriation	345
Appropriation for Delaware State Museum	617
Appropriation for Salaries	661
Certain records of General Assembly to be deposited with and preserved by	930
Public Arms and Defense	
Acting Adjutant General, Appointment of; Duties	730
Adjutant General, Appointment of; Duties and Salary	728
National Guard	
Appropriation to any Company or unit of	732
Enlisted man, discharge of	730
Fines and Forfeitures	730
Governor may call out on extraordinary occasions	731
Injured Officer or enlisted man; care of; compensation; pension rights of widow	732
Requisition for military force, neglect to respond	731
State Armory and Arsenals, use of, Right to Lease	734
Public Officers	
Fees of Bailiffs	104

GENERAL INDEX

xlvi

	Page
Public Service Commission	
Appeal from orders of	535, 536
Appointment, term and qualification of members	525
Appropriation for	537
Attorney General legal adviser to	526
Copies of official documents and orders of, shall be evidence in same manner as originals	536
Duties of public utility in relation to	530-532
Hearings on rates of public utilities	530, 531
May compel attendance of witnesses and production of books	532-534
May take depositions	534
Office of	526
Orders of Commission, method of service	534
Penalties	535
Power to make rules	526
Powers of	526-535
Powers of Board of Public Utility Commissioners for the City of Wilmington transferred to	537
Public Utilities permitted to issue passes	536
Public Utility defined	526
Salary of member	526
Traveling expenses of	526

Public Utilities

See Public Service Commission

-R-

Raccoons

See Fish, Oysters and Game

Railroads

Power to borrow money	103
-----------------------------	-----

Rape

See Crimes and Punishments

Recorder

Times that offices of, shall be kept open	516
---	-----

Recorder of Deeds, Kent County

Authorized to obtain chattel Mortgage Records	44
Such Records to be evidence in law	44

	Page
Refuse	
Deposit of, prohibited without permission	196
Register in Chancery	
Times that offices of, shall be kept open	516
Register in Chancery—Sussex County	
New Seal of office authorized	293
Register of Wills	
To index certificates of discharge of inheritance tax liability on jointly owned property	827
Times that offices of, shall be kept open	516
Register of Wills—Kent County	
Levy Court to pay for new seal of office	415
New Seal of Office authorized	415
Registrations and Elections	
Appropriations	329
Regulations Concerning Trade	
See Mortgages	
Regulators of Weights and Measures	
Appropriation	342
Rehoboth Bay	
See Delaware Commission of Shell Fisheries	
Rehoboth Beach	
Contributions to Volunteer Fire Companies	96
Funds may be set aside for machinery	151
Funds may be set aside for mosquito control	151
Increase in amount raised by taxes	151
State Highway Department directed to build jetties	742
Term of Mayor	97
Revised Code Commission	
Appropriation	815
Duties and qualifications of commission	814-816
Governor to appoint	814

GENERAL INDEX

xlix

	Page
Rose Hill - Minquadales School District	
Election of Board of Trustees	295-298
Transfer of certain funds	287
Trustee of, ceasing to be resident of district loses office	298

Ryan, Leon H.

Appropriation for services as former member of Department of Elections, New Castle County	482
--	-----

-S-

Sailors

Appropriation for burial of indigent	10, 521
Appropriation for education of children of	14

Sanitary Districts

See Levy Court of New Castle County

Saturday

Legal holiday for certain officials, when	221, 516
---	----------

Savings Societies

See Banks, Savings, Societies and Trust Companies

School Building Commission

See Education

School Building Program Board

See Education	
Act Repealed	1090
Appropriation to State Board of Education	622
Bonds Authorized, procedure for issuance of	622, 623
Certification of necessity by Board to State Treasurer, effect thereof	627
Consolidated School Districts, maximum total costs	627
Definition of Terms	621
Duties of Board	626, 627
Members of Board	626
Moneys to be deposited in separate fund and remain available State share available only if local share deposited with State Treasurer	626
Sums allocated to various schools	624, 625

	Page
School Districts	
Consolidation of, must be submitted to voters	809
Schools	
See Education	
See School Building Program Board	
See State Board of Education	
See sub-heading "School Districts" under "Appropriations" and look under name of school in question	
Referendum a prerequisite to additional	
School Taxes	665
May continue levy from year to year	666
School Board to fix rate of such taxes	666
School Teachers	
See Pensions	
See Teachers	
Schorr, Sigmund	
Appropriation for services as former member of Department of Elections, New Castle County	482
Scott, Fannie M.	
Appropriation	756
Seaford	
Council to establish reserve fund from gross receipts of municipal power and light plant	106
Increase in amount raised by taxes	105
Seal	
Register in Chancery—Sussex County—to procure new seal of office	293
Register of Wills—Kent County—to procure new seal of office	415
Secretary of State to procure new press and seal of office ...	116
Secretary of State	
Appropriation	330
Authorized to appoint assistant	323
Authorized to borrow on credit of State and issue bonds therefor	634-641
Authorized to procure new seal	116
Certificate relating to laws passed by General Assembly	1109
Certification of records	323
Member of School Building Program Board	626, 1083
Salary of	330

GENERAL INDEX

li

	Page
Selbyville	
Assessment of property and collection of taxes	27-29
Mayor & Council may borrow money for sewer system	45
Mayor & Council authorized to construct sewers with power of eminent domain	47
Poll Tax	27
Sewer Bonds authorized	45
Special Tax authorized for sinking fund	46
Referendum required before issuance of Sewer Bonds	49
 Selective Service Act	
Dates for registration under	993
 Settlement of Personal Estates	
Debts of which notice is presumed	182
Determination of inheritance tax on jointly owned property..	826
Letters of Administration, to whom granted	769
Repeal of provision requiring Executors and Administrators to provide perpetual care for cemetery lots	807
 Sewer Revenue Bond Act of 1949	
See Wilmington	
Bonds	
Authorization of Undertaking, Form and Contents of	548
Covenants in Resolution Authorizing Issuance of	549
Lien of Bonds	550
Not a general obligation of municipality	551
Termination of power to issue	553
Undertakings to be Self Supporting	551
Use of Revenue from Undertaking	551
Validity of	550
Consent of Another Municipality	552
Construction of Act	552
Declaration of Policy	547
Definition of Terms	546
Excision of Unconstitutional Parts of Act	553
Joint Action by Municipalities	552
Powers of Municipalities	547
Procedure for Referendum	553-556
Referendum a prerequisite	553
 Sewers	
See Sewer Revenue Bond Act of 1949	
See Wilmington Sewer Revenue Bond Act of 1949	

	Page
Sheriffs	
Fees	596-599
Time that offices of, shall be kept open	516
Shooting Preserves	
See Game and Fish Commission	
Silver Run Creek	
Appropriation for bridge over	580
Simmons, Benjamin F.	
Appointed Bill Clerk for Senate	913
Slaughter Beach	
Appropriation to prevent erosion of	709
Smyrna	
Certain lands of Lions Club exempt from assessment	129
Society for the Prevention of Cruelty to Animals	
Appropriation for Expenses of Operation	13
Soil Conservation Commission	
Appropriation	349
Appropriation for drainage of tax ditches in Kent County ...	659
Appropriation for drainage of tax ditches in New Castle County	657
Appropriation for drainage of tax ditches in Sussex County..	464
Appropriation for equipment	635
Appropriation for purchase of earth moving machinery	692
Commission to allocate sums to County Boards	692
Provisions for repayment	693
Duty to clean tax ditches in Kent County	659
Duty to clean tax ditches in New Castle County	657
Levy Court of Sussex County to make funds available to employ manager of draining project	466
Soldiers	
Appropriation for burial of indigent	10, 521
Appropriation for education of children of	14
Squirrels	
Open season for in New Castle County	306

GENERAL INDEX

lii

	Page
State Apple Commission	
See Delaware State Apple Commission	
State Armory and Arsenals	
See Public Arms and Defense	
State Athletic Commission	
Age of participants and Spectators at boxing or wrestling matches	214
Appropriation	340
Salary of Commissioners	340
State Bank Commissioner	
Appropriation	333
Deposit of Securities with	21
Salary of	333
State Board for Vocational Education	
Director of, to pass on eligibility of children of deceased veterans of World War I and II for educational aid	15
Director to approve vouchers for such aid	15
State Treasurer to pay expenses of such aid	15
State Board of Accountancy	
Appropriation	338
State Board of Agriculture	
Appropriation	348, 606
Appropriation for anti-hog cholera serum and virus	301
Appropriation for Bangs disease	300
Bangs disease and movement of cattle not vaccinated	774
Veterinarians, duties on making vaccinations for	774
Poultry—Regulations concerning purchase and sale of live poultry	603-606
Certain sections of Act amended	1093
Poultry Breeding—functions in connection therewith	783
Tax on Commercial Poultry Feed to be paid to	777
To cooperate with United States Department of Agriculture in administration of the National Poultry Improvement Plan or the National Turkey Improvement Plan	784
State Board of Dental Examiners	
Appropriation	338

	Page
State Board of Education	
See School Building Program Board	
Appropriations	359-361, 407, 480, 607, 622, 636, 671, 873, 875
Deficiency Appropriation	160, 271
Duties under State Supported Salary Schedule for Teachers ..	407, 408
Duties relating to funds for operation of free Schools	792, 793
Duty to aid and approve plans of School Building Commission	1086
President of, member of School Building Program Board	626, 1083
Secretary of, or person designated by him shall be Secretary of each School Building Commission except in City of Wilmington	1087
To improve school rooms of Nanticoke Indian School	607
To approve plans for School Building Programs	1070
To approve contracts for delayed repairs to schools	671
Two members of to be members of certain School Building Commissions	1086
State Board of Examiners and Registration of Architects	
Appropriation	340
State Board of Examiners for Barbers	
Appropriation	338
State Board of Examiners for Registered Nurses	
Appropriation	339
State Board of Examiners in Optometry	
Appropriation	339
Internship	168
Optometrist's Qualifications, Regulations of; Fees	166
Practice of Optometry; definition of	165
Revocation of Certificate; regranteeing thereof	167
Validity	168
State Board of Examiners in Undertaking	
Appropriation	339
Credit to be given for time served in "Graves Registration Service"	801
State Board of Health	
Administrative agent for Water Pollution Commission	719
Appropriation	348
Appropriation for crippled children	476

GENERAL INDEX

lv

	Page
State Board of Health (Continued)	
Appropriation for housing facilities at Brandywine Sanitarium	636
Establishment of Basic Plumbing principles in Kent County ..	382-388
Executive Secretary a member of Water Pollution Commission	718
May designate one of its representatives to be Secretary and executive officer of Water Pollution Commission	719
May designate two deputies to perform duties of Executive Secretary of State Board of Health and Director of Division of Sanitation of Water Pollution Commission ...	719
Poultry Processing	
Appeal by licensee of Board	750
Fee for license	748
License for, required from Board	748
License may be denied or revoked	749
Penalties	750
Relieved of certain duties relating to Narcotic Drugs	805
State Board of Pharmacy	
Appropriation	337
Duties in relation to Narcotic Drugs	805
State Board of Trustees of Delaware State Hospital	
See Delaware State Hospital	
State Board of Welfare	
Appropriation	352
State Board Schools	
Appropriation for maintenance and repairs	667-672
State Boards and Commissions	
See name of Board or Commission under heading "Appropriation"	
State Building and Grounds Commission	
Appropriation	344, 433, 635, 758
State Capital Improvement Bonds	
Authorized	634-641

	Page
State Emergency Fund	
Auditor of Accounts, duties as to	456
Availability of fund	445
Certificates of indebtedness to create	457
Creation of fund	445
Emergency defined	446-456
Proof of Emergency	446
State Employees	
Appropriation for salary increases	263
Basic salary defined	265
Duty of State Department heads to submit lists of employees to State Auditor	265
Employees entitled to increase in salary	264
Saturday a legal holiday for, when	514
Temporary increase in salaries of certain	263
State Employees, Pensions	
Benefits accrue to exchange teachers in another state or country	541
Eligibility; option	82
Manner of determining pension payments	610
Pension Benefits, computation	201
Time of Retirement of certain employees	680
State Forestry Department	
Appropriation	350
State Health and Welfare Center	
Admission of Handicapped and Crippled Adults	115
Transfer of certain cases from home for feeble-minded at Stockley authorized	307
Transfer of Persons to	119
State Highway Department	
Appropriation	346-348, 472
Appropriation Mosquito Control	399
Chief Engineer a member of Water Pollution Commission....	718
Directed to build jetties at Bethany Beach—Appropriation for	804
Directed to build jetties at Rehoboth Beach—Appropriation for	742
Directed to erect signs to make known to motor vehicle oper- ators their duties in regard to school busses	848

GENERAL INDEX

lvii

	Page
State Highway Department (Continued)	
Directed to protect beach at Lewes from erosion—Appropriation for	691
Directed to prevent erosion of Broadkilln Beach—Appropriation for	673
Directed to prevent erosion of Slaughter Beach—Appropriation for	709
Empowered to designate certain highways including approaches to The Delaware Memorial Bridge as "Express Highways"	870
Acquiring right of way for	870
Definition of terms	870
Penalties	871

State Highway Department (Continued)

Forbidden to sell or lease lands on which a State Park is established	630
Governor to fill vacancies in	619
Grade Crossing in Mill Creek Hundred	121
Motor fuel Tax Department to furnish a list of Gasoline Taxes paid by all bonded distributors	920
Police Officers—Classification of	3
Duties	3
Police Powers	3
State Highway Improvement Bonds authorized	417-423
State Highway Refunding Bonds authorized	424-431
Superintendent of State Police	
To hold rank of Colonel	3
To construct bridge over Silver Run Creek	580
To construct dam across McCaulley's Mill Pond	577
Unexpended Funds disposition of	98
Vacating roads superseded by improved highways	608

State Insurance Commissioner

Appropriation	332
Salary of	332

State Librarian

Appropriation	335
Disposal of Judicial and Chancery Reports	152
Salary of	335

State Library Commission

Appropriation	345
---------------------	-----

	Page
State Museum Commission	
Appropriation	346
State Old Age Welfare Commission	
See State Welfare Home	
State Park Commission	
Appropriation for beach erosion	630
Appropriation for creating State Parks in Sussex County	635
May maintain State Parks on public lands in Sussex County bordering Atlantic Ocean	630
State Highway Department not to lease or sell lands on which State Park is established	630
State Police	
See State Highway Department	
Pensions, appropriation for	288
State Revenue	
Cigar and Cigarette Tax	
Dealers entitled to refund, when	492, 493
Dealers to keep records	492
Dealers to affix stamps	490, 491
Definitions	486, 487
Payment of Tax	490
Penalties	493, 494
Permit may be suspended	489
Persons delivering must have invoices	493
Persons liable for tax	487
Stamps required	490
State Tax Department to administer Act	487
Tax Department to prepare and furnish stamps	491, 492
Unlawful to sell without a permit	488, 489
Cooperatives required to take out manufacturer's or mer- chant's license	828, 829
Estate Tax—provisions for apportionment thereof	866-869
Gasoline Tax increased	495
Income Tax	
Appropriation to commence operations	251
Administrative Expenses	250
Computation of tax	228-230, 241, 242
Deductions	244
Definitions	225-230
Determination of gain or loss	249
Exempted income	242-244

GENERAL INDEX

lix

	Page
State Revenue (Continued)	
Failure to file return	248
Penalty	250
Personal liability of withholding agent	250
Persons taxable	225, 226
Repeals	250
Returns to Tax Department and payment of tax	246-248
Tax to be withheld	229, 230
Trusts and Estates	245, 246
Unconstitutionality or invalidity	251
Withholding exemptions	241
Withholding tables	232-240
Inheritance Tax	
Certificates as proof of discharge of tax liability on jointly owned property to be issued by State Tax Department	827
Determination of, on jointly owned property	826
State Tax Commissioner	
Deputy's Salary	485
Salary of	485
Wholesale News Agency, occupational license for	753
State Revenue Collector	
Appropriation	331
State School Survey Commission	
Appropriation for printing of its report	899
Provision for printing of copies of its report	886
State Soil Conservation Commission	
See Soil Conservation Commission	
State Supported Salary Schedule for Teachers	
Appropriation	407, 408
Definitions	403, 404
Salary Schedule—Clerks	404
Salary Schedule—Principal	402, 403
Salary Schedule—Registered Nurses	405
Salary Schedule—School Custodians	405
Salary Schedule—Secretaries	404
Salary Schedule—Teachers	401, 402
State Board of Education, Duties	406-408
Title of Act	409

	Page
State Tax Commissioner	
Deputy's Salary	485
Salary	485
State Tax Department	
See State Revenue	
Appropriation	333
Appropriation to commence operations under Income Tax Act	251
Salary of Commissioner	333
To issue certificates as proof of discharge of inheritance tax liability on jointly owned property	827
State Treasurer	
Appropriation	330, 497, 500
Authority to issue certificates of indebtedness	378
Authorized to borrow on credit of State and issue bonds therefor	634-641
Authorized to pay maturities and interest on certain state bonds	523
Authorized to purchase certain highway improvement and State Aid Bonds	496-498
Authorized to purchase past due interest coupons on certain highway and State Aid Bonds	499-501
Expenses of education of children of deceased veterans of World War I & II to be paid by	15
Salary increase	513
Salary of	330
To reimburse Levy Courts for cost of bonus referendum	688
To transfer monies in Sinking Fund to General Fund	632
Transfer of certain balances to general fund	192
State Welfare Home	
Appropriation	352
Appropriation for furnishing building	636
Suburban Community Code	
Assessment on Real Property in Suburban Community	
Time, basis and purpose of	739
Election to Authorize Bond Issue, time of, notice of, and freeholders entitled to vote thereat	738
Notice of Election	738
Surveys to be made, by whom, what to be shown thereon	737
Support	
See Desertion and Support	

GENERAL INDEX

lxi

	Page
Supreme Court	
Appropriation for incidental expenses	181, 914
Salary of Clerk	396
Survivency of Actions	
Causes of actions which survive, how brought	825
Sussex County	
Clerk of the Orphans Court to procure new seal	294
Register in Chancery to procure new seal	293
Prothonotary to make judgment indices	32
Times that County offices shall be kept open	516
Sypherd, Isabel P.	
Appropriation for services to General Assembly	902, 910
-T-	
Taxation	
See State Revenue	
Increase in tax on Commercial Poultry Feed	777
Referendum a prerequisite to additional school taxes	665
Tax Ditches	
See Levy Courts of each County	
See Soil Conservation Commission	
Taxicabs	
Evidence of financial responsibility required in operation of ..	101
Registration—Fee for	102
Period of	102
Teachers	
Appropriation for pensions for retired or disabled	504
Procedure for termination of contracts of	779
State supported salary schedule for	401-409
Threshing Machines	
Liens of owners of on grain or hay threshed	765
Tortfeasors	
See Uniform Contribution among tortfeasors Act	259

	Page
Totalizator Pools	
See Delaware Harness Racing Commission	
Townsend, John G., Jr.	
Director of Farmers Bank	877
Tractors or Traction Engines	
Act relating to, repealed	22
Permitted to have farm vehicles attached thereto on highways	22
Trailers	
See motor vehicles	
Trolleys—Trackless	
Public Utility Commissioners of Wilmington have control	114
Trust Companies	
See Banks, Savings Societies and Trust Companies	
Trustees	
Meaning of legal or authorized investment	26
-U-	
Unemployment Compensation Commission	
Amount of benefit payments and duration thereof	389
Determination of rates for Employers delinquent in payment of contributions	838
Salaries of Members of	412
Uniform Contribution Among Tortfeasors Act	
Constitutionality of	261
Indemnity	260
Joint Tortfeasors defined	259
Judgment against one tortfeasor	259
Release; effect on injured person's claim	260
Release; effect on right of contribution	260
Right of contribution; accrual; pro rata share	259
Short title	261
Third party practice	260
Uniformity of interpretation	261

GENERAL INDEX

lxiii

	Page
Uniform Proof of Statutes Act	
Publications Covered by	292
Short Title	292
Uniformity of Interpretation	292

Uniform State Supported Salary Schedule

See State Supported Salary Schedule for Teachers

United Spanish War Veterans

Appropriation for Expenses of Operation	6
---	---

University of Delaware

Appropriations	356-358
Appropriation—Agricultural Experiment Station	267
Appropriation—Agricultural Extension Service	269
Appropriation—Buildings on University Farm	634
Appropriation—Course in Agriculture and Horticulture	289
Appropriation—Erection of buildings for School of Agriculture	611
Appropriation—For Scholarships	391, 571
Appropriation—Tuition free to persons in Agriculture	290

-V-

Veterans

See Disabled American Veterans of Delaware

See Veterans Military Pay Act

Burial of Indigent	10, 521
Children of, Education	14
Exempt from Huckster's, Peddler's and Auctioneer's License..	124
Vote to be had on payment of cash bonus to veterans of World War II	687

Veterans Military Pay Act

Amount of Benefits	1049
Application for Benefits, procedure	1051
Appropriation for	1053
Bond issue authorized to provide funds	1053
Procedure for issuance of bonds and terms and conditions thereof	1053-1056
Computation of benefits	1050
Definition of terms used	1047-1049
Delaware Veteran's Military Pay Commission Created	1050
Auditor of Accounts has vote in case of tie	1051
Compensation of Commission	1051

	Page
Veterans' Military Pay Act (Continued)	
Qualification, duties and powers of Commission	1051
Reports to Governor required	1057
Expenses of administration	1053
Payments non-taxable by State	1050
Payments not subject to attachment, levy or execution	1050
Penalties for false statements	1052
Persons entitled to benefit	1049
Right of review provided	1052
Time within which application for benefits must be made and date final payments authorized	1052
Veterans of Foreign Wars	
Appropriation for Expenses of Operation	9
Appropriation for services furnished to veterans	438
Veterinarian	
See State Board of Agriculture	
Vice Chancellor	
Increase in salary of	413
Office of, made a Constitutional office	308
Vocational Rehabilitation	
Benefits accrue to others than those wounded in World War II	43
Volunteer Fire Companies	
See Fire Companies	
-W-	
Water Pollution Commission	
Appropriation	723
Creation of	718, 719
Commission Meetings	719
Declaration of Policy	717
Definition of Terms	717
Duties of	720, 721
Executive Officer of	719
Penalties	723
Review of Orders of	722, 723
Statement of Purposes of	717
Visitorial Powers of	721

GENERAL INDEX

lxv

	Page
Weights and Measures	
Required to be in plain view	72
Wesley Methodist Church of Georgetown	
Trustees of, authorized to remove bodies from cemetery and sell ground	799
White, Elsie V.	
Appropriation	760
Wilde, Leland	
Appropriation for services as former member of Department of Elections, New Castle County	482
Wiley, Earle D.	
Appropriation for services to General Assembly	1100
Wilmington	
Act relating to Inspector of Meats for, repealed	579
Appropriation to Board of Public Instruction in	671
Classification of Real Estate for Taxation, Repealed	727
Department of Health created for	469
Board of Health abolished	470
Number, terms, and qualifications of members	469, 470
Salary of members	470
Disabled employees minimum monthly amount increased	543
Disabled employees time required for decreased	543
Municipal Court to have jurisdiction of attempts	545
Pensions for members of Police Force	19
Pensions, minimum monthly amount increased	542
Pensions, periods of service for voluntary retirement reduced	471
Police Department to furnish account books to pawnbrokers and junk dealers	573
Public Utility Commissioners for, given control of trackless trolleys and bus companies	114
Saturday, legal holiday for officials of	221
Sewer Revenue Bond Act of 1949	581-590
Bonds	
Authorization of Undertaking, form and contents of	584
Covenants in resolution authorizing Issuance of	584
Issued to finance undertaking	586
Lien of Bonds	585
Undertakings to be self-supporting	586
Use of Revenue from undertaking	587

	Page
Wilmington (Continued)	
Validity of	585
Construction of Act	589
Definition of terms	582, 583
Delegation of Authority	589
Excision of Unconstitutional parts of Act	589
Joint Action by Municipality	588
Rates Fees or Charges	588
Sinking Fund Commissioners, duties in relation to Bond issues	655
Wilmington Board of Education	
Appropriation	378
Authorized to acquire lands	1089
Costs of School Construction, duty to keep record of	1089
Funds for school buildings program, how obtained	1088
To have exclusive jurisdiction to carry out school buildings program in city	1088
Wilmington Sewer Revenue Bond Act of 1949	
See Wilmington	
Wilmington Water Department	
Chief Engineer, a member of Water Pollution Commission ...	718
Wilson, Henry V. P.	
Director of Farmers Bank	877
Witnesses and Evidence	
Includes party to the record	183
Woods Haven School for Girls	
Appropriation	443
Workman's Compensation	
See Industrial Accident Board	
Increase in payments of compensation	285, 286
Increasing provisions for payments thereunder	751, 752
Insurance carrier, penalty for delay in payment	286
Occupational Diseases, extending provisions for payments	591

GENERAL INDEX

lxvii

	Page
Wyoming	
Authorized to borrow money	140
Corporate limits extended	88
Increase in amount raised by taxes	138

-Z-

Zoning	
Proposed constitutional amendment relating thereto	716
Zwaanendael Museum	
Appropriation for Repairs	743

**END
OF
VOLUME**